Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-314634-D0X9
Eich cyf/Your ref: P/2026/0075

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 04 August 2026

Annwyl Syr/Madam/Dear Sir/Madam,

Bwriad/Proposal: Installation of in-vessel composting (IVC) facility and associated development

Lleoliad/Location: Befesa, Fenn's Bank, Whitchurch, SY13 3PA

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) with additional about the above, which we received on 23 July 2026.

We continue to have **concerns** with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding **protected sites.** If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a **condition** regarding **protected sites** should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Protected Sites

Special Area of Conservation and Ramsar Site

The application site is within 185m of the following protected sites:

- Midland Meres & Mosses Phase 2 (Wales) Ramsar - 185m
- Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) - 185m

We have concerns that harm from the proposed development on the SAC and Ramsar site cannot be ruled out. Whilst the applicant has provided additional information which addresses a number of our previous technical concerns, we remain unable to rule out harm to the SAC and Ramsar site because uncertainty remains regarding the identification

and assessment of areas capable of supporting qualifying habitat and the conclusions of the Habitats Regulations Assessment.

We have reviewed the updated documents listed below:

- Fichtner Consulting Engineers Ltd (2026), Shropshire In-Vessel Composting Facility: Air Quality Assessment - Addendum for Revised Emission Limit, Ref. UF00174-0030-0006SMN, Rev.1, dated 13 July 2026.
- Honour, K.B. (2026), Veolia Fenn's Bank IVC Facility: Ecological Interpretation of Air Quality Assessment, Version 3.0, Ref. K25-003, dated 15 July 2026.
- Honour, K.B. (2026), Veolia Fenn's Bank IVC Facility: Information to Inform Habitats Regulations Assessment, Version 2.0, Ref. K26-001, dated 14 July 2026.
- Waterco Ltd (2026), Former Befesa Salt Slag Site: Drainage Strategy, Version 06, dated 21 July 2026.
- Axis Ltd (2026), Letter to Wrexham County Borough Council in Response to Consultation Comments, Ref. 5039-PSL1-01, dated 23 July 2026

Aerial Emissions

As per section 5.1.2 of the Air Quality Assessment (AQA) - 'The Air Emissions Guidance' which states that to screen out impacts as 'insignificant' at European and UK statutory designated sites "…the long-term PC (process contributions) must be less than 1% of the long-term environmental standard (i.e., the Critical Level or Load)".

The applicant has submitted a revised Air Quality Assessment which no longer relies on seasonally varying ammonia emissions. The updated assessment applies a constant ammonia emission limit value (ELV) of 2 mg/Nm³ and incorporates assumed operational availability of the air extraction system in the dispersion modelling.

Classification of receptors

We previously advised that receptors E10, E12, E13 and E14 should be treated as statutory designated site receptors rather than local nature site receptors. We acknowledge that the updated Air Quality Assessment has applied the assessment criteria relevant to European and UK designated sites at these receptor locations and presents revised modelling results accordingly. The updated assessment predicts process contributions below the relevant 1% screening threshold at receptors E10, E12, E13 and E14.

Stack height and ammonia emissions

We acknowledge that the applicant has submitted revised dispersion modelling which no longer relies on seasonally varying emissions and instead applies a constant ammonia emission limit value (ELV) of 2 mg/Nm³. The revised modelling also includes an additional receptor (E18), intended to represent the closest area of the SAC considered capable of supporting qualifying habitat, and predicts ammonia process contributions below the 1% screening threshold at this location.

We note that this revised assessment relies upon the applicant's interpretation of the extent of peat soils and the areas considered capable of supporting qualifying SAC features. The supporting evidence, including the ecological interpretation and HRA documentation, has provided further justification for this approach.

However, the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and supporting SSSI remain in unfavourable condition and background ammonia concentrations continue to exceed the relevant Critical Level across parts of the site. We therefore consider that careful scrutiny is required in determining whether the assessment has appropriately characterised all areas capable of supporting qualifying habitat and whether the conclusions reached are sufficiently robust to support a finding of no adverse effect on site integrity.

In-Combination Assessment

We previously advised that consideration should be given to other potential sources of ammonia emissions, including permitted installations and agricultural activities, as part of the in-combination assessment. We note that the applicant has undertaken additional searches of planning and permitting records and concludes that no potentially significant recent or proposed sources of ammonia emissions or nitrogen deposition requiring inclusion within an in-combination assessment have been identified.

We acknowledge the additional information provided in response to our previous comments. However, the competent authority should be satisfied that the scope of the in-combination assessment is sufficient to support the conclusions of the Habitats Regulations Assessment and that all relevant plans and projects have been appropriately considered.

Abatement / Mitigation

We acknowledge the revised emissions control strategy, including the adoption of a 2 mg/Nm³ ammonia ELV and retention of the 27 m stack. The revised assessment predicts process contributions below the relevant screening thresholds at the applicant's selected receptor locations. The competent authority should be satisfied that the mitigation measures and assumptions used provide a sufficiently robust basis for their HRA.

In particular, consideration should be given to whether all areas capable of supporting qualifying SAC features have been appropriately represented within the assessment and whether the conclusions reached are supported by the available evidence.

Overall, we acknowledge that the additional information submitted addresses a number of our previous technical concerns. However, the competent authority should be satisfied that habitat interpretation, receptor selection and consideration of in-combination effects provide a sufficient basis for the Habitats Regulations Assessment. Until it can be concluded beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the SAC and associated Ramsar site, harm cannot be ruled out.

Pollution prevention

We acknowledge the additional information provided regarding drainage, surface water management and pollution prevention measures. Notwithstanding this, given the proximity of the proposal to the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC, Ramsar site and SSSI, and the importance of ensuring that construction activities do not give rise to impacts on these designated sites, we advise that the condition set out below should be attached to any planning permission granted for the development.

Condition 1: Construction Environmental Management Plan

No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General site management: details of the construction programme including phasing of development, timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil management: details of topsoil strip, storage and amelioration for re-use.
- CEMP masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic management: details of site deliveries, plant on site, wheel wash facilities
- Pollution prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Details of the landscape or ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Please see below land contamination and pollution of controlled waters sections for further details.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the Local Planning Authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. The Authority must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as is specified. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/Ramsar site.

Site of Special Scientific Interest

The application site is within 185m of Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI.

We consider the proposals have the potential to impact upon the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Nutrient Sensitive Special Area of Conservation

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation, under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

However, recognising the specific nature of the proposal, which provides a replacement private sewage treatment system serving a reduced number of employees, and noting that it meets the screening criteria set out in our Advice, we are satisfied that the development is unlikely to result in an additional source of nutrients. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

The operation and discharge from the private sewage treatment plant would remain subject to regulation under the Environmental Permitting regime.

Land Contamination

Having reviewed the information submitted, we consider adequate investigations in relation to land contamination have been conducted. Under normal circumstances we would recommend the full suite of contaminated land conditions and improvements in line with Section 6.9 of Planning Policy Wales. However, this site and the adjacent landfill site have a complex history of potentially polluting activities. We note that the applicant and their consultants continue to identify the adjacent landfill as the primary source of soil, groundwater and surface water contamination at and in the vicinity of the site; however, we do not agree with this conclusion. It remains our view that contamination within the site drainage system, lagoon and shallow groundwater is likely to be attributable, at least in part, to the former operations of Befesa Salt Slags Ltd.

Due to the complexity of the site and the nature of the contamination present, remediation of contaminated soils and superficial deposits is likely to be impractical. However, we continue to advise the removal and/or treatment of contaminated waters and the implementation of appropriate measures to control contaminated water leaving the site via the drainage system and adjacent ditches. We acknowledge the additional information provided within the revised Drainage Strategy, including confirmation that the existing lagoon is proposed to be decommissioned and removed, together with revisions to the site drainage design. These measures should be secured and implemented as proposed. The drainage strategy should conform with SuDS requirements and be considered by the

SuDS Approval Body (SAB). Please see our comments under Pollution of Controlled Waters below.

NRW Environmental Permits may be required to ensure compliance with discharge and water quality standards and to protect the wider environment. NRW has also installed a number of groundwater monitoring boreholes on the site. These must be protected and retained to facilitate any future groundwater monitoring requirements.

Pollution of Controlled Waters

Surface Water Drainage

As noted previously, the existing site benefits from a complex drainage system associated with the former Befesa operation. The site is characterised by high groundwater levels and a history of flooding, with existing drainage infrastructure including deep drains connected to the access road and adjacent land.

We have reviewed the revised Drainage Strategy and the additional information submitted in response to our previous consultation comments. We note that the applicant has provided further clarification regarding the management of contaminated groundwater pathways, the contribution of flows from the deep drainage system, the proposed use of sealed underground attenuation tanks in place of the previously proposed attenuation pond, the management of surface water contaminants and the future removal of the existing lagoon.

We also note the applicant's commitment that the drainage system will be fully sealed, that attenuation calculations include relevant contributing flows, and that measures are proposed to prevent contaminated groundwater entering the surface water drainage network. The applicant has further confirmed that the existing lagoon is intended to be decommissioned and removed as part of the development proposals.

Ground infiltration remains unsuitable due to shallow groundwater conditions, the presence of existing contamination and the underlying geological conditions. Accordingly, the drainage hierarchy should continue to exclude infiltration-based drainage solutions. Any final drainage proposals should comply with SuDS requirements and be considered by the SuDS Approval Body (SAB).

Contaminated water entering the drainage system

We previously raised concerns regarding the potential for contaminated groundwater to enter the proposed drainage system, particularly in relation to the historic deep drainage network associated with the access road and adjacent triangular field, and the potential for pollution to be mobilised to controlled waters including the unnamed watercourse and Red Brook.

We acknowledge the additional information provided within the revised Drainage Strategy and supporting correspondence. In particular, the applicant has confirmed that:

- the proposed drainage system will be fully sealed to prevent ingress of contaminated groundwater;

- flows associated with the existing deep drainage network have been considered within the drainage design and attenuation calculations;
- sealed underground attenuation tanks are proposed in place of the previously proposed attenuation pond; and
- measures are proposed to prevent contaminated flows entering the surface water drainage system.

These clarifications address a number of the concerns raised in our previous consultation response. However, the final drainage design should demonstrate that the proposed measures, including any bunding, containment and seepage prevention measures, can be implemented and maintained effectively for the lifetime of the development and that no unacceptable risk to controlled waters or nearby designated sites would arise.

Attenuation and groundwater ingress

We previously raised concerns regarding the proposed attenuation pond and advised that further information was required to demonstrate that the drainage system would remain effective during periods of elevated groundwater and would prevent ingress of contaminated groundwater.

We acknowledge that the revised Drainage Strategy has amended the proposal and now incorporates sealed underground attenuation tanks in place of the previously proposed attenuation pond. The applicant has advised that these tanks will form a sealed system and will therefore not be susceptible to ingress of contaminated groundwater. We also note the additional information provided regarding flood resilience and the management of groundwater pathways.

The final drainage design should demonstrate that the proposed attenuation infrastructure can be implemented and maintained effectively throughout the lifetime of the development and that there would be no unacceptable risk to controlled waters arising from groundwater ingress, flooding or drainage system failure.

Surface water contaminants

We previously noted that the drainage strategy identified treatment measures for total suspended solids, metals and hydrocarbons, but did not clearly explain how other contaminants known to be present on the site, including ammonium, nitrite, nitrate, chloride and phosphate, would be managed.

We acknowledge the additional information provided by the applicant, which states that the proposed surface water management system has been designed to prevent contaminated groundwater entering the drainage network and that pollutants associated with the historic site activities will not be mobilised into the sealed drainage system. The applicant has advised that contaminants requiring management within the surface water system will be limited to suspended solids, metals and hydrocarbons, with treatment incorporated into the SuDS design.

The competent authority should be satisfied that the proposed drainage and treatment measures are capable of preventing contamination of controlled waters and that any assumptions regarding contaminant pathways are robustly demonstrated within the final drainage design and any associated permitting process. Particular consideration should be

given to contaminants known to be present on the site, including ammoniacal nitrogen, nitrate, nitrite, chloride and phosphate, and how these will be managed to prevent impacts on receiving waters. We advise that any proposed discharge from the site may require an Environmental Permit, and permit requirements should be taken into account when considering the adequacy of the proposed drainage strategy.

Existing lagoon

We previously advised that further information was required regarding the future use of the existing lagoon and noted that landfill gas is known to accumulate beneath the lagoon liner.

We acknowledge the additional information provided by the applicant, which confirms that the existing lagoon will be decommissioned, removed and the site reinstated as part of the development proposals. We also note that the ecological pond previously proposed within the lagoon area is now intended to be provided elsewhere on the site.

Any works associated with the removal of the lagoon should be undertaken with due regard to potential contamination and landfill gas risks, and any necessary controls or mitigation measures should be incorporated into the final design and construction methodology.

Protected Species

We note that the information submitted in support of the above application (Preliminary Ecological Appraisal and Green Infrastructure Statement, Former Befesa Salt Slags Site, Fenn's Bank, Wrexham, Sambrook Associates ltd., 02 October 2025) has identified that protected species are unlikely to be using the application site. We therefore have no comments to make on the application as submitted in respect of protected species.

We recommend that you discuss the need to secure further measures/ avoidance measures with your internal authority's ecological advisor.

Permits

NRW Environmental Permits may be required to ensure compliance with discharge and water quality standards and to protect the wider environment. In particular, any proposed discharge of surface water from the site to the receiving watercourse may require an Environmental Permit to regulate water quality and contaminant loading. We note the applicant's confirmation that the existing surface water lagoon will be decommissioned and removed as part of the proposed development. Any existing permits and associated liabilities should be addressed appropriately before any new environmental permit application is considered.

Dewatering

Dewatering from excavations during construction may require an abstraction licence and a discharge permit Natural Resources Wales / Find out if you need a water abstraction or impoundment licence

If dewatering to a watercourse, it may require the registration of an exemption Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK or as it is unlikely that it will meet the requirements in RPS 261, it may require a permit.

If dewatering to land, the discharge itself may qualify for an exclusion from requiring an environmental permit, only if it meets certain criteria: Groundwater activity exclusions from environmental permits - GOV.UK

Waste

Any excavation and removal of material offsite would need to consider the potential issues with land and GW contamination requirements and ensure compliance with waste duty of care and hazardous waste legislation. For further advice can be found here: Natural Resources Wales / Pre application advice for environmental permits.

Foul Drainage

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Other matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Sara Thomas

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.