

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0011/FULL 04.01.2019	Bryn Power Ltd C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Provide additional fire prevention measures including structures, storage tanks, engineering and associated works Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf is a dairy farm with lands between Gelligaer, Nelson and Trelewis. A small quarry was established to the south-east of the farmhouse in the early 1990s and a materials recycling facility and waste transfer station was developed to the west of the farmhouse following an appeal in 2013. An Anaerobic Digestion facility has also been developed to the north-west of the farmhouse, following the same appeal. The application site comprises some 0.8hectares of land within the wider farm site.

Site description: The site includes land within the operational area of the existing materials recycling facility (MRF) and anaerobic digestion (AD) facility.

Development: The new development proposed consists of a series of reinforced concrete walls forming materials storage bays located mainly around the edge of the site at the foot of the screen bunds. The proposal would allow all material to be stored on the site in line with NRW guidance. The walls would separate waste materials, provide fire breaks between different materials, aid the proper management of various waste materials and would prevent water used in firefighting from entering ground or surface water near the site.

Underground storage tanks are also proposed to serve the stockpile storage area and kerbs would be provided along sections of the concrete pad.

No change to throughput or operations at the site is proposed but the new structures would improve efficiency and safety at the existing site.

Dimensions: The walls would measure five metres in height and a typical bay would measure 30 metres.

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Materials: Reinforced concrete, precast concrete block.

Ancillary development, e.g. parking: Not applicable.

PLANNING HISTORY 2005 TO PRESENT

09/0228/NCC - Delete Condition 16 and amend Condition 15 of previous consent 07/0063/NCC in respect of hours to receive waste, hours of operation and type of materials to be received - Granted 25.03.10.

09/0968/FULL - Erect building to incorporate anaerobic digestion facility with associated engineering and landscaping works - Refused 02.11.10.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.11. Approved on Appeal.

11/0226/FULL Provide permanent operation of materials recycling facility and erection of new building - Refused 07.12.2011. Allowed on Appeal 28.03.13.

11/0227/NCC Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted 08.12.11.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.14.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted 12.02.15.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility - Granted 10.12.15.

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16/0069/COND- Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided 25.04.16.

18/0085/NCC - Vary condition 08 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Granted 19.04.18. Allowed on Appeal 12.09.18.

18/0087/NCC - Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted 19.04.18.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted 06.12.18.

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POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is not allocated for any purpose in the adopted LDP.

Policies: The following policies are relevant to the determination of this application: CW15 General Locational Constraints, CW2 Amenity, CW4 Natural Heritage Protection, CW22 Mineral Safeguarding Areas and CW23 Minerals site buffer zones.

NATIONAL POLICY Planning Policy Wales 10, December 2018 (PPW), Technical Advice Note 21: Waste (TAN21).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the coalfield and the Coal Authority has been consulted.

CONSULTATION

Gelligaer Community Council - No objection is raised.

Ecologist - There are no ecological issues with the proposed location but bat roosting provision within the existing tree belt should be provided as a biodiversity enhancement. A condition to secure this is recommended.

Chief Fire Officer - No objection in principle. The developer should consider the need for adequate water supplies for firefighting purposes and access for firefighting appliances.

Natural Resources Wales - No objection is raised. The application is for the provision of fire protection measures in line with the current permit for the site.

Senior Engineer (Land Drainage) - Recommends a condition to ensure that the method of drainage is acceptable.

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The Coal Authority - Records indicate the presence of a coal outcrop crossing the application site which may have been subject to unrecorded working at shallow depth and two mine entries lie within 20m of the site boundary. Coal has also been extracted by surface methods near the site.

The Coal Authority does not object to the application considering the scale and nature of the works proposed, which do not involve substantial earthworks or foundations. However an informative note is recommended should permission be granted.

Landscape Architect - No objection in principle as the works are screened by maturing planting. However, a tree survey is required detailing root protection areas for the existing woodland.

Senior Arboricultural Officer (Trees) - Supports the request for a tree survey detailing tree protection areas.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of notices posted in five locations in Gelligaer, Penybryn and Nelson and by letters posted to one neighbouring property.

Response: No response has been received at the time of writing.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
The proposed development will not have a significant impact on crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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ANALYSIS

Policies: Planning applications must be determined in accordance with national policy and the policies in the development plan unless material considerations indicate otherwise. The main considerations in this case are the principle of the development, the impact on amenity of the surrounding area, the visual impact, including impact on the Special Landscape Area and any impact on the mineral safeguarding area and mineral site buffer zone.

Principle of the development (CW15)

The site is outside settlement boundaries but it is entirely within an existing waste management facility and there is no conflict with policy CW15.

Amenity (CW2)

Policy CW2 states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land and that the use is compatible with surrounding land uses. The proposal should not result in over-development of the site and should not compromise the viability of existing neighbouring land uses.

The application proposes minor development within the existing waste management facility. The new storage bays would be screened by the existing bund and maturing tree planting. Therefore it is compatible with the surrounding land uses and is in accordance with policy CW2.

Visual Impact (CW4)

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

The storage bays would be seen in the context of the existing large-scale MRF buildings, stockpiles, plant and machinery. Views into the site are limited from publicly accessible areas and it is considered that the proposed development would not have a significant additional impact on visual amenity or on the SLA.

Mineral Safeguarding Area (CW22)

Development proposals that may impact mineral safeguarding areas will be considered against the criteria set out in policy CW22 to ensure that the minerals that society may need in the future are not unnecessarily sterilised.

The site is within sandstone and coal safeguarding areas. Since the LDP was adopted there has been a change in national policy in PPW10 in that local planning authorities are no longer required to safeguard coal resources. National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case.

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As regards the sandstone safeguarding area, future development of the resource is already constrained within the application site due to existing built development. The proposed development would not add any additional constraint and there is no conflict with policy CW22.

Mineral Site Buffer Zone (CW23)

The site is within the buffer zone for Bryn quarry, which is also under the control of the applicant company. Within buffer zones neither new sensitive development nor mineral development will generally be permitted to prevent conflict between the two uses. In this case the proposed development is not for the winning and working of minerals and cannot be classed as sensitive development. The proposal would not, therefore, increase conflict between land uses within the buffer zone.

National policy and Guidance (PPW, TAN21)

National policy is generally supportive of proposals to increase recycling rates and avoid waste being sent to landfill, provided that there are no unacceptable amenity or environmental effects. The proposed development would improve the safe and efficient working of an existing permitted waste management facility by allowing it to comply with new NRW guidelines. The amenity impacts are discussed above and have been found to be acceptable. No significant environmental impacts would arise from the proposed minor development, based on the responses from consultees.

Comments from Consultees: The comments are set out above. Given the scale of the development the conditions proposed by the council's ecologist would fail the circular WGC 016/2014 tests of being reasonable and necessary to allow the development to proceed. The council's landscape architect and tree officer requested that details of materials to be sorted within the bays be submitted for approval. However, there is an extant permission for waste storage and processing and the application does not propose to alter the waste types accepted at the site.

Comments from public: Not applicable.

Other material considerations: The scale of this development is such that its impact on prosperity, resilience, health, equality, the community, Welsh culture, and the need to be globally responsible will be very limited.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
Drawing number BRL-MRF-FPMP-2019-001-rev1 Site location plan received 4 January 2019;
Drawing number BRL-MRF-FPMP-2019-002-Site layout plan received 4 January 2019;
Drawing number BRL-MRF-FPMP-2019-003-elevations and schematic sections received 4 January 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing with the local planning authority. The agreed scheme shall be carried out in full before the development is brought into beneficial use.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) Prior to the commencement of the development a Tree Protection Plan informed by a tree survey shall be submitted to and approved by the local planning authority detailing root protection areas for the existing trees within and immediately adjacent to the site. The plan shall show the line of tree protection in accordance with supplementary planning guidance in LDP4 Trees and Development and BS5837: 2012.
REASON: To protect the trees in the interests of the amenity of the local area.

Advisory Note(s)

Please find attached the comments of South Wales Fire and Rescue Service and of Dwr Cymru Welsh Water; that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW4, CW15, CW22, CW23.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

