

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0488/RET 11.08.2015	Bryn Power C/o Barton Willmore Mr B Stephenson Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf farm is a 500 head dairy farm located in countryside 1.5km north east of Nelson and 1km south west of Gelligaer. Access is via a track leading from the B4254 Nelson to Gelligaer road. As well as the working farm, Gelliargwellt Uchaf is also the operational base of the Bryn Group Ltd, which operates a sandstone quarry to the east of the farm complex, an in vessel composting facility (IVCF), a green waste facility and a materials recovery facility / waste transfer station (MRF).

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Site description: The farm complex contains an extensive range of modern cattle barns and other buildings and storage areas, in addition to two houses, one of which is a grade II listed building. The IVCF is located adjacent to the farm complex and processes green waste and food waste to produce compost. The MRF is located on a hard surfaced man-made plateau to the south of the application site and processes wood, plastics, construction and demolition waste and green waste within a large new building.

The farm complex, IVCF and MRF occupy a hillside position and collectively form a substantial element of development in the landscape, although perimeter bunds planted with trees soften the visual impact and the screening effect will increase as the trees mature. The site is within open countryside and within a Special Landscape Area. Penallta Country Park lies to the east of the farm.

Development: The proposal relates to the retention of development in connection with an anaerobic digestion facility (ADF) comprising four digestion tanks, two smaller buffer tanks, a flare, a feeder, a silage clamp and a dry digestate building. In addition, an existing covered farm slurry lagoon would be used to store liquid digestate from the process. An existing disused lagoon has been filled in. Approximately 1.3MW electricity would be produced annually.

A similar development was approved on appeal in 2013. The main differences between the approved and proposed schemes are that the previously approved waste reception building (measuring 33.2m by 22.1m) is omitted and the existing IVCF would be used to receive and sort both food waste and comingled green waste. The existing building would be upgraded with the addition of fast closing automatic doors and biofilters and two of the six existing IVC clamps would be reduced in size by approximately half. The digestion tanks are the same size as previously approved but have been repositioned slightly within the site due to geo-technical requirements. The tanks would also be positioned two metres lower than approved previously. A new building housing a solid digestate separator and drying unit is proposed, measuring 33m by 33m by 7.5m high.

Dimensions: Site area is 5.3ha. Total floorspace is 2,105m²

Materials: IVC building is as existing, AD tanks clad in dark green plastic coated metal sheets.

Ancillary development, e.g. parking: Circulation space on hard surfaced area around tanks and buildings.

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Planning application 15/0488/RET Continued

PLANNING HISTORY 2005 TO PRESENT

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

10/0429/RET - Retain and complete earthworks - Granted - 04.11.10.

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

13/0393/FULL - Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations - Granted - 20.02.14.

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.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted - 27.05.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement within a special landscape area (SLA), and with coal and sandstone safeguarding areas.

Policies: SP9 Waste management, SP10 and CW4 Natural Heritage protection, CW15 locational constraints, CW19 Rural diversification, CW2 amenity and CW3 highways.

NATIONAL POLICY EU Waste Framework Directive, Towards Zero Waste (2010), Planning Policy Wales (2015), Technical Advice Note 21: Waste (2014) TAN8 Renewable Energy.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicant has submitted a coal mining risk assessment and the Coal Authority has been consulted and has no objection subject to site investigations being carried out to establish the exact nature of the coal mining legacy issues.

CONSULTATION

Gelligaer Community Council - No objection.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection on the basis that the previous conditions still apply.

Senior Engineer (Land Drainage) - Prior to the commencement of any development on site the applicant must submit to the authority and receive written approval of comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood and Water Management Act 2010.

Countryside And Landscape Services - No objection to the proposal. The Landscaping Proposals shown on the "Detailed Planting Plan", Anthony Jellard Associates drawing No AJA/Revised AD/01 dated 25.06.2015, are acceptable.

Dwr Cymru/Welsh Water - No comments.

Natural Resources Wales - On the basis of the information provided the conditions on permission reference 11/0224/FULL are still valid and should remain. Advice is provided for the applicant on pollution prevention and waste management.

Merthyr Tydfil County Borough Council - No objection.

Glam/Gwent Archaeological Trust - It is unlikely that significant archaeological features will be disturbed by the proposed development. As the archaeological advisors to your council we have no objection to the application.

Blaenau Gwent County Borough Council - No objection.

Torfaen County Borough Council - No observations.

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Rights Of Way Officer - Footpaths 166 and 262 in the community of Gelligaer cross the site and must be protected at all times. Should the line of the path be affected by the development, a legal order must be sought and confirmed before any work affects the line of the path.

Public Health Wales - Based on the information within the application, they have no significant concerns regarding risk to physical health of the local population providing the applicant takes appropriate measures to control and prevent pollution in line with best practice.

The Coal Authority - The application site falls within the defined Development High Risk Area and the application is supported by a Coal Mining Risk Assessment report informed by an appropriate range of information sources. The proposed mitigation strategy recommends a site investigation programme to establish the ground conditions. It is recommended that a condition be imposed to secure site investigation works prior to the development taking place.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a press notice, a site notice posted in five locations in the local area and letters to 51 houses near the site.

Response: Approximately 71 pro forma letters of objection have been received.

Summary of observations:

The grounds for objection can be summarised as follows:

- 1 Odour, including not being able to open windows throughout the summer and washing having to be re-washed;
- 2 Dust on windows and cars;
- 3 General health is worse since the plant opened;
- 4 Flies;
- 5 Any expansion of the site would have physical and mental effects on local residents;
- 6 Residents should be permitted to express their worries, concerns and personal stories of how the site has affected their lives.

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? Crime and disorder are not significant issues in this case.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, the new development comprises more than 100m² of floorspace but is charged at £0.

ANALYSIS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination, the decision must be made in accordance with the plan unless there are material planning considerations that indicate otherwise. Such considerations may include current circumstances, policies in an emerging development plan and policies of the Welsh government and the UK government.

The appeal decision in 2013 established that the AD facility is acceptable in principle. The main issues in this case are the environmental and amenity impacts of the proposed revised scheme compared to the approved scheme and taking into account any new policies or guidance issued since the appeal decision.

Policies:

EU Waste Framework Directive and Towards Zero Waste

The revised Waste Framework Directive marks a shift in thinking about waste as a valued resource rather than a burden. This is supported in Wales by the overarching waste strategy document "Towards Zero Waste" which sets out a long term framework for resource efficiency and waste management. National waste policy in this document and Planning Policy Wales encourage a more sustainable approach to waste seeking to move it up through the waste hierarchy and minimising the waste sent to landfill or other forms of final disposal. The 2015 progress report states that Wales leads the UK in recycling municipal waste and is in fourth place in terms of EU member state performance.

The proposed development is consistent with EU and national policy in that it treats waste in a process that provides renewable energy as well as a liquid digestate for use on the farm unit and PAS110 accredited soil improver.

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Planning Policy Wales and TAN 21:Waste

TAN 21 revised in 2014 sets out the Welsh Government's land use policies in relation to waste management and provides advice on the siting and need for infrastructure. Anaerobic Digestion is the Welsh Government's preferred technology for treating food waste. The facility would treat up to 20,000 tonnes a year of food waste, 7,500 tonnes a year of farm slurry and between 2,000t/yr and 8,000t/yr of silage crops grown on the farm. The resulting digestate would be PAS 110 standard and can be considered a product rather than a waste. Therefore the development would contribute to moving waste up the waste hierarchy and to meeting targets for reduction of waste sent to landfill.

TAN 8: Renewable Energy

TAN 8 Renewable Energy supports the development of infrastructure, including anaerobic digestion, for renewable energy. The proposed development is consistent with this policy and would contribute towards meeting the government's targets for renewable and low carbon energy. The facility would have the capacity to generate circa 1.4 megawatts of electricity each year, which would be used on site and exported to the national grid. In addition, excess heat would be used in space heating on site.

Local Development Plan

SP 9 Waste Management designates all allocated and protected class B2 industrial sites as potentially suitable locations for new in building waste management facilities. CW15 Locational Constraints seeks to restrict development outside settlement boundaries to certain types of development including waste development that cannot reasonably be located elsewhere. These policies were taken into account in the 2013 appeal when the inspector decided that the proposed AD facility could not reasonably be located elsewhere on industrial land.

SP10 and CW4 state that development proposals in locally designated heritage sites, including SLAs should conserve and, where appropriate, enhance the distinctive features of the SLA. No objection has been received in terms of the effect on the SLA. Furthermore, the previous scheme was allowed on appeal in the SLA and this proposal does have a more significant layout.

CW 19 supports rural diversification schemes that are of an appropriate scale and are complementary to the existing business. The proposed development does not conflict with this policy.

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Comments from Consultees: No adverse comments received.

Comments from public:

1. The anaerobic digestion process, the subject of this application, has not yet commenced although building work has commenced on the structures. The AD process takes place within sealed tanks and waste would be received and prepared within an existing building under negative pressure and with fast action automatic doors and new air filters fitted. The process is different to the In Vessel Composting that has taken place at the site to date which treats co-mingled food and green waste. It is proposed that the ADF would treat the "pure" food waste received at the site, together with farm slurry and silage crops, while the IVCF would process a reduced amount (14,000 tonnes a year) of commingled green waste.

Farm slurry would also be treated in the ADF instead of being stored in the slurry lagoon and spread on the fields and this would remove an existing source of odour. The digestate fertiliser is a better fertiliser with a lower odour signature. The digestate lagoon is covered and sealed, although the digestate does not have a significant odour after being treated in the AD process.

The process requires an environmental permit containing conditions on odour and NRW has raised no objection subject to the re-imposition of the previous conditions.

2. The AD process itself is not one that would cause dust and vehicle unloading would take place within the existing IVC building. The site area is hard surfaced. However, dust may be raised by vehicles travelling along the unsurfaced access track to the site. This can be controlled by good site management and any consent granted should include a condition requiring the implementation of the mitigation measures proposed in the applicant's dust management scheme.

3. Public Health Wales, the statutory advisor in this matter, has advised that it has no significant concerns regarding the risk to health providing the appropriate precautionary measures are taken.

4. This is a matter for the environmental permit.

5. No expansion of the site is proposed. The built development would not be significantly greater than the approved scheme. Throughput of waste would remain within the existing capacity limit.

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6. The application has been advertised widely as evidenced by the number of letters received. In addition, the liaison committee for the site meets regularly and members of the public are represented on the committee.

Other material considerations: If the proposed development is not permitted, the fall back position is that the consent granted on appeal in 2013 is still valid. However, the development that has taken place already has not been carried out in accordance with that permission and it may no longer be possible to implement the consent. However, the principle of the development was considered at the inquiry and the inspector, having considered the alternative sites assessment submitted by the applicant and the council's preference for waste management facilities to be located on B2 industrial sites, concluded that the ADF could not reasonably be located elsewhere and that the proposal was in accord with the locational requirements of LDP policy CW15.

The inspector also found that there were benefits in terms of efficiency in the operational interrelationships between the ADF, the MRF, the quarry, green composting facility, IVCF and agricultural activities at the site and that, given his conclusion with regard to sites on industrial estates, it would be inconsistent to regard the ADF as being inappropriate development in the countryside in terms of policies SP5 and CW15.

At the appeal, the council advanced the argument that the proposed development of the ADF and MRF was unacceptable because of the scale of development and its impact on the rural character of the area. However, the inspector's view was that the visual presence of the ADF could be satisfactorily mitigated by a peripheral bund and tree/hedgerow planting, which would screen the development. He concluded that there was no evidence that the distinctive or characteristic features of the SLA would be harmed and that the proposal was acceptable in the context of policies CW4 and CW19.

Conclusions

The AD process proposed in this application is the same as permitted previously. It involves treating organic waste in sealed tanks and is the Welsh Government's favoured waste treatment method for organic waste. The process is "tried and tested" having been used for many years to treat waste water in the UK and it has the benefit of producing a soil improver and a liquid fertiliser, which is classed as a product when it meets the appropriate protocol. Renewable energy is also generated by the process.

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The capacity of the proposed development is no greater than the approved scheme and the scale of the built development is similar. The environmental and amenity impacts would be no greater than the approved scheme. The main potential impacts are noise from the mechanical processes involved in the reception and treatment of wastes, odour arising at the pre treatment stage and from venting of biogas from stored digestate, bioaerosols release at reception of waste, access and transport of waste. The application is accompanied by a noise assessment and an odour assessment, which have been independently assessed and found to be robust. Mechanical processes will take place within the reception building and the dedicated reception area will be maintained under negative pressure with air vented via filters. The potential for bioaerosols can be controlled by the receipt of waste within a building and the access and manoeuvring space is considered to be adequate.

Since the appeal decision TAN 21 has been revised, but the main thrust of the guidance is the same, emphasising the need to treat waste in a more sustainable manner. A best practice guidance document has also been issued. The new guidance does not affect the conclusions reached previously in respect of the principle of the development or the consideration of the potential impacts of the development.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development to which this application relates shall be begun not later than 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 approved shall be carried out in accordance with the following plans: BPL-AD-RPA-2015-003 Rev A, 004 Rev A, 005 Rev A, 006 Rev A, 008, 009 Rev A, 010, 011, 012, and AJA/Revised AD/01.
REASON: To define the extent of this consent.
- 03) The site shall be used as an anaerobic digestion facility and In Vessel composting facility and for no other purpose whatsoever.
REASON: To adequately control the development at the site.
- 04) The sorting, screening and shredding of waste material on the site shall take place solely within the IVC/AD waste reception building.
REASON: On the interests of the amenity of the area.

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- 05) The waste types deposited, stored and treated at the site shall be limited to wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing.
REASON: Waste materials other than those specified raise environmental and amenity issues that would require consideration afresh.
- 06) Any material not included within the description in condition 5 above received at the site or any material otherwise unsuitable for treatment shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.
REASON: To safeguard the amenity interests of the local area.
- 07) No waste material shall be stored outside the buildings and the tanks.
REASON: To safeguard the amenity interests of the area.
- 08) No delivery of waste to the site and export of digestate from the site shall take place outside the hours of 07.30 to 18.00 Monday to Friday, 07.30 to 13.00 Saturday and no such deliveries or exports shall take place on Sundays, Bank Holidays or Public holidays.
REASON: To safeguard the amenity interests of local residents.
- 09) The development shall be carried out in full accordance with the provisions contained in the JPCE dust management scheme document reference BQAD-2013-DMS.
REASON: In the interests of safeguarding the amenity of local residents and the local area.
- 10) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed 46 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.
REASON: In the interests of safeguarding residential amenity.
- 11) Between the hours of 19.00 and 07.00 the noise levels arising from the development shall not exceed 33 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.
REASON: In the interests of safeguarding residential amenity.

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- 12) Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining property and highways), shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the provision of external lighting at the site shall be solely in accordance with the approved details.
REASON: In the interests of the amenity of the local area.
- 13) A scheme indicating the facilities and or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the scheme shall be implemented throughout the duration of the development.
REASON: In the interests of highway safety and the amenity of the local area.
- 14) The AD facility hereby approved shall not be beneficially operated until a scheme for the management of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to first use of the development and the development shall thereafter be operated in accordance with the approved scheme.
REASON: To ensure satisfactory surface water management for the development.
- 15) The ADF shall not be beneficially operated until details of the construction of the slurry pipeline have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure satisfactory drainage.
- 16) The AD facility shall not be beneficially operated until full details of the bunding and soft landscape works carried out and proposed at the site have been submitted to and approved by the local planning authority. Any remaining works shall be carried out as approved. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.
REASON: To safeguard amenity interests.

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- 17) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which ,within five years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
REASON: In the interests of the amenity of the local area.
- 18) Prior to the commencement of development a working method statement to cover all construction works shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of amenity.
- 19) Measures shall be taken in carrying out the development for the protection of trees and hedgerows from damage including measures to prevent disturbance to soil levels within the root spread of the tree or hedgerow and protective fencing around the trunk. The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed within any area protected and ground levels shall not be altered within these areas.
REASON: To safeguard amenity interests.
- 20) The AD facility hereby approved shall not be beneficially operated until an odour management strategy incorporating good housekeeping measures to prevent odour emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia:-
-a closed door management strategy within the waste reception building. Fast closing doors shall be installed and interlocked so that both doors cannot open at the same time;
-the building shall be completely sealed and smoke and pressure tests shall be carried out prior to its use to ensure adequate containment;
-the facility shall be operated in a manner that prevents the build up of debris in gullies, drainage channels and under equipment;
-all odours generated within the building shall be captured and treated in the odour treatment system and the building shall be maintained under negative pressure to prevent the fugitive release of odours. This system shall be monitored by means of static pressure sensors;

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-the anaerobic digester plant shall incorporate a two stage chemical scrubber with secondary treatment using a covered bio-filter with a stack, - the bio-filtration system shall be maintained to ensure adequate and equal air distribution, material shall only be transferred between the anaerobic digester facility and the in vessel composting facility using enclosed containers or conveyors;

-the buildings shall have adequate arrangements to prevent birds and small mammals from entering the reception area.

Thereafter, the development shall be operated in accordance with the approved management scheme.

REASON: In the interests of residential amenity in the local area.

- 21) Prior to the first beneficial operation of the AD facility, the applicant shall submit to the Local Planning Authority, and receive written approval of, comprehensive proposals showing how surface water, foul and land drainage flows from the site will be dealt with. The approved proposals shall be carried out in full prior to the first beneficial operation of the anaerobic digester hereby approved.

REASON: To ensure satisfactory drainage.

- 22) Prior to the first beneficial operation of the AD facility hereby approved the AD tanks and external pipework shall be painted dark green and the reflective external steel pipework on the In Vessel Composting building shall be painted in a colour to be first agreed in writing with the local planning authority.

REASON: In the interests of the visual amenity of the area.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: CW2 and CW3.
