

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0087/NCC 31.01.2018	Bryn Compost Ltd C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: The site is located at Gelliargwellt Uchaf, a working dairy farm with land between Trelewis, Gelligaer and Nelson. The farmhouse is located approximately 1.2 kilometres south-west of Gelligaer.

Site description: The application site is the in-vessel composting facility adjacent to the anaerobic digestion facility to the north-west of the farm house.

Development: The application seeks to vary condition 6 of planning permission reference 14/0422/NCC to enable the continuation of restricted Saturday and Bank Holiday hours which have been operated for the last three years.

Condition 12 states:

"The hours of operation hereby approved shall apply for a temporary period only, expiring on 28 February 2018 after which the hours of operation shall revert to those granted permission by Caerphilly County Borough Council consent number P/04/1912"  
REASON: To allow the impact of extended hours of operation to be assessed.

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PLANNING HISTORY 2005 TO PRESENT

P/05/1103 - Vary Condition (4) opening hours, Condition (3) operation of shredder and Condition (5) height of windrows on Planning Application P/03/1555 - Granted 13.10.05.

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.

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.

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.

14/0488/FULL - Convert existing garage and workshop into ancillary living accommodation (including porch and garden room extension) and erect a detached double garage and hobby room - Granted 08.09.14.

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.

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 8 of planning consent 15/0488/RET to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Not yet determined.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside settlement boundaries.

Policies: The following policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the determination of this application: CW2, CW4, CW15.

NATIONAL POLICY Planning Policy Wales November 2016, TAN 21 2014.

### 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 in a development high risk area. However, this application does not involve new built development.

### CONSULTATION

Gelligaer Community Council - Objection on the grounds of unreasonable hours.

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Rights Of Way Officer - There are five Public Rights of Way: FP166, FP262, FP261, FP180, FP160 in the Parish of Gelligaer in the area of the proposed. These are shown on the attached extract of the Definitive Map (18-0087-NCC-PROW.pdf) and the attached plan which incorporates past public path orders (18-0087-NCC-OS-PROW.pdf).

The proposed has no direct affect upon the public rights of way but an advisory note should be attached to ensure footpaths are not obstructed.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No adverse comments to make.

Ecologist - Requests the provision of biodiversity enhancements in the form of a condition requiring the provision of artificial nest boxes for breeding birds.

Landscape Architect - No comments to make in regard to this application.

CADW - No comments to make on the application.

The Coal Authority - No specific comments to make as the application proposes changes to hours of operation.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of notices posted in the local area, a press notice and letters to 67 neighbouring properties.

Response: One letter of objection has been received.

Summary of observations: The grounds for objection are increase in heavy traffic through Nelson, Trelewis, Gelligaer. Penybryn and Penallta. The applicant is not a responsible operator.

### 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 change to the hours of operation is unlikely to have a significant impact on crime and disorder in the local area.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Decisions on planning applications must have regard to the provisions of the development 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.

National policy.

National waste planning policy is generally supportive of proposals to drive waste up the waste hierarchy and to divert it from landfill. While the proposal does not propose additional waste management capacity it seeks to accommodate changes to municipal food waste collections that have arisen since the IVCF was first approved. In addition, it seeks to accommodate the receipt of green waste from civic amenity sites where there is a need to empty containers on some weekends and bank holidays, particularly through the summer months, when the civic amenity sites are most used. The longer opening hours support sustainable waste management objectives by allowing people to recycle more waste and to treat more waste sustainably through the ADF and IVCF.

Principle of the development.

The site is an established waste management facility and the principle of the waste management use has been established by previous permissions for the in-vessel compost facility (IVCF) and the anaerobic digestion facility (ADF).

Amenity.

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.

Supporting information submitted with the application in 2014 indicated that the impacts in terms of traffic movements, noise, air quality, odour and noise indicated that the additional hours for receipt of waste only would not lead to an unacceptable impact on local amenity.

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The main source of noise is from vehicles entering and leaving the site since unloading takes place within the building and no processing of waste is permitted outside the core hours. Vehicle movements would not increase since no increase in throughput is proposed but they would be spread across 7 days instead of 5.5 days. Approximately 14 vehicle trips would take place on a typical Bank Holiday and the noise assessment found that the decibel increase on Gelligaer Road amounted to a maximum of 0.1 decibels.

The model used in the air quality assessment assumed continuous steady state emissions over a 24 hour day, 365 days a year. The predicted odour impacts, would not, therefore, be affected by the changes to waste reception. Head of Public Protection has not objected and conditions are proposed to control noise, dust and odour. In addition, the facility operates under the terms of a permit which regulates processes carried out at the site.

Since the additional hours were approved on a trial basis in 2015, complaints have been received about the activities at the site generally, including complaints about mud on the road, odour and traffic movements. These have been investigated and appropriate action taken. Other than the odour complaints, the complaints appear not to relate to the IVCF or ADF specifically.

### Highways and traffic.

No increase in throughput and therefore HGV movements is proposed. The Transportation Engineering Manager has raised no objection and the highway impact of the IVCF facility itself has previously been found to be acceptable. A condition is proposed to secure a scheme of measures to ensure the public highway is kept clean.

### Natural Heritage Protection.

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. No additional built development is proposed and no intensification of activities at the site in terms of throughput is proposed. The proposed hours would lead to limited additional activity at the site during weekends and holidays when the footpaths and public areas around the site may be used for recreation and enjoyment of the countryside. This needs to be balanced against the benefits of the proposal in terms of managing waste more sustainably.

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## CONCLUSION

The proposal would support waste management objectives in national and local policy by allowing people to recycle more waste and to cater for changes in local authority waste collections. Civic amenity sites tend to be busiest at weekends and bank holidays and the ability to empty containers at those times supports waste management objectives.

This has to be balanced against the potential impact on the amenity of those living in, working in or visiting the local area. In this case the impact on amenity can be regulated satisfactorily through planning conditions and through the permit.

Comments from Consultees: Gelligaer Community Council objects on the grounds that the hours proposed are unreasonable. Nelson Community Council objects on the grounds of traffic and in-combination impacts.

The Council's Ecologist asks for a condition to secure artificial nest boxes as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

Comments from public: Comments include concerns about, an increase in heavy traffic through Nelson, Trelewis, Gelligaer. Penybryn and Penallta and the view is expressed that the applicant is not a responsible operator. The comments are addressed in the report as far as they relate to material planning considerations.

Other material considerations: 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.

RECOMMENDATION that Permission be GRANTED

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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:  
Application and supporting documents received on 26 January 2018.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Nothing other than botanical, catering and kitchen wastes shall be deposited and treated at the site for use in the composting process hereby approved.  
REASON: To define the extent of this consent and because other waste types may raise environmental and amenity issues that would require fresh consideration.
- 04) Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:  
07.30 to 18.00 Monday to Friday.  
07.30 to 13.00 Saturday.  
No operations shall take place on Sundays or Bank Holidays or Public Holidays other than as indicated below:  
The site may receive waste from local authority or its contractors between the following hours:  
13.00 to 16.00 Saturday and  
07.30 to 13.00 on Bank Holidays or Public Holidays.  
REASON: To protect the amenity interests of local residents.
- 05) No waste shall be stored or shredded outside the reception building and the vessels and waste shall not be stored within the reception building for longer than 24 hours. Any waste materials not suitable for the composting process shall be stored in a designated covered container prior to being removed from the site.  
REASON: To protect the amenity interests of local residents.

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- 06) A scheme indicating the facilities or methods to be put in place to ensure mud, debris or other 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 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 in full for the duration of the development.  
REASON: To safeguard the amenity of local residents and in the interests of highway safety.
- 07) The landscaping scheme approved in accordance with condition 12 of consent reference P/04/1912 shall be maintained for the duration of the development.  
REASON: In the interests of visual amenity.
- 08) The development shall be carried out in accordance with the approved noise monitoring scheme. Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour) free field at any noise sensitive property.  
REASON: To protect the amenity interests of local residents.
- 09) The development shall be carried out at all times in accordance with the approved dust suppression scheme.  
REASON: To protect the amenity interests of local residents.
- 10) Any facilities for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, in the case of multiple tanks, the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.  
REASON: To protect the amenity of local residents.
- 11) Within three months of the permanent cessation of composting operations a scheme detailing measures to be taken to restore the site to agricultural use shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented in full within twelve months of its approval.  
REASON: To ensure the satisfactory restoration of the site once operations are completed.

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Advisory Note(s)

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.

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