

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0276/NCC 01.04.2019	Bryn Aggregates Ltd C/o Barton Willmore Mr J Ayoubkani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is at Gelliargwellt Uchaf Farm, which is to the south-west of Gelligaer and Penybryn.

Site description: This dairy farm now includes a mixture of other uses including a quarry, an anaerobic digestion facility (AD), and a materials recycling facility (MRF). Vehicular access is from Gelligaer Road (B4254).

Development: Condition 6 of planning permission 12/0570/FULL for the quarry extension limited activities to the following hours.

"Except in emergencies to maintain safe quarry working the winning and working and processing of stone and the tipping of inert waste shall not be carried out at the site except between the following times:-

07.00 to 19.00 hours Monday to Friday and
07.00 to 13/00 hours Saturdays.

b) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.

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c) No blasting shall take place except between the hours of 10.00 and 16.00 hours Monday to Friday."

It is now proposed to amend this condition by adding the following.

"The site may be open for the tipping of inert waste by utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month. Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the Local Planning Authority upon request . The register shall contain details of the date and hours of operation that have occurred outside of the stated hours."

This is to accommodate local authority and utility provider demand where essential or emergency infrastructure maintenance has taken place in the locality. Another application (19/0277/RET) has been submitted to provide an operating centre for such vehicles at the site. Utility companies' existing operating centres can be located significant distances away and the site will provide the opportunity for utility vehicles to be parked on-site (with CCTV and night security) and not on the highway or driveways of the operating centre's employees. The number of vehicles stored on-site is expected to fluctuate depending on contracts being carried out locally.

PLANNING HISTORY 2005 TO PRESENT

10/0429/RET - Retain and complete earthworks - Granted - 04.11.2010.

11/0200/FULL - Erect steel frame agricultural building joining onto the side and end of existing buildings, 22.8m long x 12.2m wide x 6.1m to eaves and 7.7m to ridge, for the purpose of storing sawdust for cattle - Granted - 10.05.2011.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 28.03.2013.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused - 28.03.2013.

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 - 08.12.2011

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12/0102/RET - Retain steel frame agricultural building designed to agricultural specification BS5502, joining on to the side and end of existing buildings for the purpose of storing sawdust for bedding for cattle - Granted - 08.06.2012.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 13.08.2013.

13/0393/FULL - Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations - Granted - 20.02.2014.

13/0697/FULL - Erect canopy to material storage bays of approved planning permission for material recycling facility (11/0226/FULL) - Granted - 19.11.2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14.07.2014.

14/0382/FULL - Erect additional 2 bay extensions onto 7 existing agricultural buildings to house cattle - Granted - 28.07.2014.

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 - 12.02.2015.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted - 27.05.2015.

15/0333/FULL - Erect an agricultural building to be used as a dry calving shed - Granted - 25.08.2015.

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 - 10.12.2015.

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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) - Granted - 25.04.2016.

16/0488/FULL - Erect a milking parlour, cattle shed and associated works - Granted - 04.08.2016.

17/0971/NCC - Vary condition 18 of planning permission 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to enable the variation of the approved restoration scheme details to reflect the positioned earth bund and landscaping - Pending.

17/0973/FULL - Retain and formation of a repositioned approved earth bund, landscaping and associated works - Pending.

18/0084/RET - Retain extension to material recycling facility to include biomass boiler and chimney flue - Refused - 13.02.2019.

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) - Granted - 12.09.2018.

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 - 19.04.2018.

18/0432/CLPU - Obtain a Lawful Development Certificate for a proposed building for the treatment, storage and removal of dust - Granted - 23.10.2018.

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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 - 06.12.2018.

18/1081/FULL - Carry out engineering works to provide surface water lagoon and associated works and infrastructure - Pending.

18/1082/FULL - Provide demountable building to be used for teaching and welfare facilities and associated works - Granted - 21.02.2019.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21.02.2019.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within a special landscape area (SLA) (policy NH1.3), and a sandstone safeguarding area.

Policies: SP6 (Place Making), CW2 (Amenity), and CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), and NH1 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (December 2018).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is not a material consideration in this case.

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CONSULTATION

Transportation Engineering Manager - No objection

Head Of Public Protection - No objection

Gelligaer Community Council - Strongly object to the application on the grounds that extending operating hours and the change of use to a utility centre will disturb the peace and quiet of local residents, who have a basic right to peace and quiet on weekends, bank holidays and evenings

ADVERTISEMENT

Extent of advertisement: The application was publicised by fifty-two neighbouring property consultations, site notices posted in four locations, and a press advertisement.

Response: 544 letters and a petition bearing 25 signatures have been received raising the following concerns

Summary of observations:

- this site is becoming an industrial estate within close proximity to the villages,
- the extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents,
- detrimental to health,
- detrimental to residential amenity,
- contrary Local Development Plan policies,
- detrimental to pedestrian safety,
- an unquantifiable number of vehicles will visit the site on a 24-hour basis,
- utility companies have their own operating centres with material stockpiles - there is no need for this facility,
- consultation letters provide very little information,
- there are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking ,
- heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis,
- loss of habitat,
- concerns are expressed about the quarry.

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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?
This issue does not have significant weight in respect of the current application.

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: Policy SP6 (Place Making) requires development to contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features and sets out a number of criteria including an appropriate mix of uses that reflect the role and function of settlements, and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy CW2 requires amongst other things that development should not have an unacceptable impact on the amenity of neighbouring properties or land. Policy CW3 requires development to have regard for the safe, effective and efficient use of the transportation network.

The proposal seeks to extend the operating hours at the site to accommodate 40 utility vehicles per calendar month consisting of 26- and 44-tonne lorries, skip lorries and HIAB lorries. At present, some 31 articulated vehicle and 159 rigid vehicle movements occur at the site each day. The proposal would add another 3 daily movements, and increase of 1.6%. Therefore the impact on the highway network is minimal, and the Transportation Engineering Manager has raised no objections.

The activities associated with the MRF are currently limited in general terms to daytime hours. The proposal would have no such limits. Therefore, whilst in terms of movements to and from the site, the proposed increase would be very small, they could occur at all times of the night when ambient noise levels are lower, and local residents are more likely to be disturbed. Therefore, although the nearest housing areas are some 450 metres away, the recommendation is to grant planning permission but subject to a temporary period to allow the impact to be monitored. The Head of Public Protection has not raised any objections.

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There will be no impact on the SLA as this is an application for an extension of hours at an existing facility.

As this is a variation of a condition on a previous approval, all the conditions imposed on that consent are reproduced.

Comments from Consultees: Those of the Transportation Engineering Manager and the Head of Public Protection are considered above. The concerns of the Community Council have been taken into account in coming to the recommendation set out above.

Comments from public:

The comments of the public have been taken into account in coming to the recommendation set out above.

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

This permission is subject to the following condition(s)

- 01) This consent is granted for a temporary period expiring on 31st July 2020, after which the hours of operation shall revert to those approved in accordance with Caerphilly County Borough Council planning permission 12/0570/FULL.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) Extraction of minerals shall cease by 31 December 2022 and restoration shall be completed by 31 December 2030.
REASON: The permission relates to temporary development and to ensure that the site is restored in a timely manner.

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- 03) The maximum volume of stone exported from the site shall not exceed 400 tonnes a day. Records of the volume of stone exported from the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The maximum volume of waste material for fill imported to the site shall not exceed 200 tonnes a day. Records of the volume of fill imported to the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority upon request.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Nothing other than clean, dry, non putrescible waste material shall be deposited at the site.
REASON: To ensure the effective restoration of the site to the proposed aftercare in accordance with Policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Except in emergencies to maintain safe quarry working the winning and working and processing of stone and the tipping of inert waste shall not be carried out at the site except between the following times:-
07.00 to 19.00 hours Monday to Friday and
07.00 to 13.00 hours Saturdays.
b) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.
c) No blasting shall take place except between the hours of 10.00 and 16.00 hours Monday to Friday.
The site may be open for the tipping of inert waste by utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month, including those occurrences permitted by Caerphilly County Borough Council planning permission 19/0275/NCC. Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the local planning authority upon request. The register shall contain details of the date and hours of operation that have occurred outside of the stated hours.
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 07) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.
REASON: In the interests of highway safety and to prevent mud being deposited on the highway in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) A maximum of three vehicles laden with minerals extracted under this permission shall leave the site and enter onto the B4254 during each of the following time periods during school term time:-
08.10 - 09.10 hours, 11.55 - 12.55 hours, and 15.15 - 16.00 hours.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Blasting shall be designed so that the ground vibration measured as peak particle velocity (PPV) in any one of three orthogonal planes shall not exceed 4mm per second in 95% of all blasts carried out over any six month period and no individual blast shall exceed a PPV of 8mm per second as measured at any sensitive receptor.
REASON: To safeguard amenity interests in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No blasting shall take place except in accordance with a scheme specifying monitoring locations, the monitoring equipment to be used and the presentation of results which shall be submitted to and approved by the Local Planning Authority before the development commences. The results of such monitoring shall be held at the quarry and be made available for inspection by the Local Planning Authority at reasonable times with copies being supplied to the Local Planning Authority upon request.
REASON: To enable the effects of the development to be effectively monitored for the duration of the development in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) No quarrying operations shall take place until a scheme and programme for the suppression of dust has been submitted to and approved by the Local Planning Authority. The scheme shall include:-
a) the suppression of dust caused by the moving and storage of soil, overburden, stone and other materials within the site,
b) dust suppression on haul roads,
c) dust arising from blasting.
The scheme shall be implemented and complied with at all times once approved.
REASON: In the interests of amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 12) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed the proposed environmental noise limits (background noise level plus 10dB(A)) stated for any of the noise sensitive properties identified in the Environmental Noise Impact Assessment report 2612/T2 dated 5 July 2012.
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) The development hereby permitted shall not be commenced until such time as a scheme for monitoring of groundwater over a 12 month period has been submitted to and approved by the Local Planning Authority. The scheme shall be supported by detailed calculations and it shall include a maintenance programme and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or as may be agreed in writing with the Local Planning Authority.
REASON: To obtain a full 12 months of groundwater level monitoring results which should be used to gain an understanding of the seasonal variation of the groundwater levels and the likely volume of dewatered water from the quarry for the design of the surface water treatment and settlement lagoons in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) The development hereby permitted shall not be commenced until such time as a scheme to agree details of the surface water treatment and settlement lagoon has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To ensure that the new surface water treatment and settlement lagoons are able to cope with the additional volumes of water from the dewatering of the quarry extension area in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 15) The development hereby approved shall not be commenced until such time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
REASON: The Severn River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition the impact could cause deterioration of a quality element to a lower status class and or prevent the recovery of and or cause the deterioration of a protected area namely the Nelson Bog which is considered a SSSI in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority prior to their removal/felling/clearing to ensure that breeding birds are not adversely affected.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of bat roosts and nesting provision for birds shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the removal of trees and shrubs from the site.
REASON: To provide additional roosting for bats and nesting provision for birds as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) The site shall be restored in accordance with the details set out in the application subject of this approval within 12 months of the completion of tipping operations to final contours or their earlier permanent cessation.
REASON: To ensure the satisfactory restoration of the site in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 19) Within three months of the completion of operations or their earlier permanent cessation, an aftercare scheme detailing such steps as may be required to bring the land to a condition suitable for the proposed agricultural after use shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of
- a. tree planting,
 - b. cultivation, seeding and management of grassland in accordance with the rules of good husbandry,
 - c. fertiliser and lime application based on soil analysis,
 - d. grazing management,
 - e. field water supplies,
 - f. ditch, water course and piped ditch systems to control surface run-off and prevent erosion,
 - g. provision for an annual formal review to consider the operations that have taken place during the preceding 12 months and the programme of management for the next 12 months. The parties to this review shall include the mineral operator, the site owner, the Local Planning Authority and the Welsh Government Agriculture Department,
 - h. at least four weeks before the date of each review the operator shall provide the Local Planning Authority with a record of the management and operations covered by the review.
- REASON: To ensure satisfactory aftercare takes place in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Aftercare shall be carried out in accordance with the scheme approved under Condition 19) above for a minimum period of five years.
REASON: To provide for satisfactory aftercare in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the commencement of the development a landscaping scheme, including planting details, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the commencement of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 22) Within three months of the commencement of the development hereby approved, a Landscape Management Plan shall be submitted for the approval of the Local Planning Authority. The Landscape Management Plan shall set out details of:
- a) long term design objectives,
 - b) management responsibilities, and
 - c) maintenance schedules.

The approved Landscape Management Plan shall be implemented throughout the development.

REASON: To ensure the satisfactory maintenance of the phased and final restored landscape in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

