

**Application Number:** 20/0806/NCC

**Date Received:** 29.09.2020

**Applicant:** Hazrem Environmental Ltd

**Description and Location of Development:** Vary condition 1 of planning permission 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend time to commence development - Land At Grid Ref 319235 191320 Nine Mile Point Industrial Estate Cwmfelinfach

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

### SITE AND DEVELOPMENT

Location: The application site is located within Nine Mile Point Industrial Estate. The industrial estate was built in the 1970s by the Welsh Development Agency, and provides some 35 industrial units ranging in size, supporting a variety of activities including manufacturing, workshops, administration offices and distribution warehouses.

Site description: The site is a vacant parcel of undeveloped land that measures 1.11 hectares in area. The western edge is raised upon a bank, and the remainder of the site is relatively flat with small undulations. The site is bordered by an industrial unit to the east and roads to the south and west. Across the road to the west there are a number of industrial units and an area used for car parking. To the north and south of the site, across the adjacent road, is an area of woodland. The Sirhowy River runs parallel to the southern edge of the site beyond the woodland.

The closest residential property to the proposed site is approximately 460 metres to the west in the village of Cwmfelinfach.

Access to the site is via Greenmeadow Road off New Road, Cwmfelinfach (B4251) and has been positioned to the south of the site away from the adjacent factory entrances. There are no public rights of way, access routes to or across the application site.

Development: Planning permission is sought to vary condition 01 of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend the period of time within which development can commence by one additional year.

Dimensions: The main building measures 80 metres in length by 45 metres in width with a maximum height measuring 14 metres.

The external machinery has a footprint measuring approximately 65 metres in length by 15 metres in width with a maximum height measuring 15 metres and is situated to the west of the main building including the Drier Stack, which is 1.2 metres in diameter and 19 metres in height.

The bale storage bay measures 28.5 metres in length by 11.4 metres in width with a maximum height measuring 3 metres (height) and is positioned to the north of the building.

The administrative office building measures 10.0 metres in length by 6.0 metres in width and 4.0 metres in height.

Materials: The external finishes of the building comprise of steel cladding sheets for the roof and elevations. Vehicle access doors will be galvanised roller shutters and personnel access doors and windows will be coated aluminium. However, no details of the preferred RAL colours to be used have been provided.

The boundary enclosure indicates a steel palisade fence.

Ancillary development, e.g. parking: The submitted details indicate 18 off car parking spaces including 2 disabled spaces.

### PLANNING HISTORY 2010 TO PRESENT

15/0601/FULL- Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility - Granted - 10.12.2015.

20/0725/COND - Discharge condition 14 (surface water and land drainage scheme) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

20/0726/COND - Discharge conditions 10 (Parking Layout), 19 (Hard and Soft Landscaping), 22 (Arboricultural Impact Assessment), 23 (Tree Protection), 25 (Landscaping and Management Scheme), 26 (Light Mitigation Strategy), 27 (Light Mitigation Strategy) and 28 (Bird Nesting Provision) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

20/0796/COND - Discharge conditions 08 (Contamination) and 15 (Site Investigation) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits and is also designated as a Secondary Employment Site EM2.28 (Nine Mile Point, Cwmfelinfach).

Policies: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP9 (Waste Management), SP10

(Conservation of Natural Heritage), SP16 (Managing Employment Growth), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW13 (Use Class Restrictions - Business and Industry) and CW15 (General locational Constraints).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018), Technical Advice Note 12: Design (March 2018), Technical Advice Note 18: Design (March 2007) and Technical Advice Note 21: Waste (February 2017).

Paragraph 5.13.4 of Planning Policy Wales states:-

"The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning Authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible."

Paragraph 5.13.10 of Planning Policy Wales states:-

"Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration."

Paragraph 5.13.12 of Planning Policy Wales states:-

"For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined."

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk development referral area. There is a mine shaft present on site which has been completely filled in and capped. The development has been designed to ensure that there are no buildings or roads within 15 metres of the centre of the mine shaft.

## CONSULTATION

Head Of Public Protection - This department has no adverse comments to make in respect of the above application to vary condition 1 of the previous consent on the basis that the conditions proposed by the department previously are attached to any subsequent planning consent

Transportation Engineering Manager - No objection subject to the previous comments and conditions relating to 15/0601/FULL being carried forward.

Senior Engineer (Land Drainage) - No comments received at the time of writing the report.

Public Health Wales - Comments are provided collaboratively with Anuerin Bevan University Health Board Comments.

There are no grounds for objection based upon public health considerations contained in the application. However, their comments remain regarding the previous concerns about the potential impact on local air quality and the local health of people and has previously recommended that a robust air monitoring regime be undertaken to validate predicted emission upon local air quality.

Notwithstanding the above the application seeks permission to extend the time for which to commence development by 1 year and therefore there is no change to the public health risk assessment.

Dwr Cymru - No objection to the Variation of Conditions and we ask that any drainage Conditions on the original consent are brought forward.

The Coal Authority - The application site is within the defined Development High Risk Area. However, the application type is listed as exempt from Version 5, 2019 of the Coal Authority's Resources for Local Planning Authorities.

Accordingly, there is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Natural Resources Wales - No objection to the application as submitted to vary condition 1 of planning permission 15/0601/FULL but caveats that the existing Environmental permit will soon be varied and that the permit associated with the Environmental Permitting (England and Wales) Regulations 2016 (EPR) does not take into account matters related to traffic volumes or traffic-associated air pollution effects arising from proposed development, as well as the location of the facility.

Informative advice is also provided to be conveyed to the developer.

Head Of Public Services - No comments received at the time of writing the report.

Police Architectural Liaison Officer - No objection.

Senior Arboricultural Officer (Trees) - No comments received at the time of writing the report.

Western Power Distribution - Provides informative advice to the developer.

Landscape Architect - No comments received at the time of writing the report.

## ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and three neighbouring businesses were notified by way of letter.

Response: Fifteen letters of representation were received objecting to the proposed development of which five representations were further representations submitted.

Summary of observations: The representations received have been summarised into the following categories:-

## FIVE YEAR COMMENCEMENT DATE

- The length of time to implement the consent was suffice in that no attempt was made to implement the consent during the first three years of the consent unlike a three year commencement time limit that would have been imposed in England.

## COVID 19 PANDEMIC

- Covid 19 is not a reasonable excuse to extend the period of time.
- The applicant has commenced work on a site in a neighbouring authority during the pandemic and so there is no reason why this could not be the case in Caerphilly.
- Most contractors during Covid times would have relished the opportunity of outdoor employment during the pandemic.

- Welsh Government has encouraged the construction industry to continue to work throughout the pandemic.
- Plant and machinery have been working on site during the past 6 months. The present corona virus epidemic is responsible for their delay is therefore untrue as they have remained free to operate as normal.

## EMERGING LEGISLATION AND THE REQUIREMENT FOR THE DEVELOPER TO COMPLY

- The Environment Act 2016 came into effect in August 2020.
- The Well-being of Future Generations (Wales) Act 2015 came into effect in April 2016.
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations came into force in April 2017.
- The JRC Reference Report on Monitoring of Emissions to Air and water from IED Installations was published in July 2018.
- The Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council was made. In particular, this development now falls under Schedule 1 of the 2017 EIA regulations as follows:  
 "10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day."  
 D9 of Annex IIA includes treatment by drying  
 "D9 Physio-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12 (e.g. evaporation, drying, calcination, etc.)" and the compounds or mixtures are discarded by means of D10  
 "D10 Incineration on land"

Therefore an Environmental Impact Assessment would be required for a similar development seeking planning permission today.

- Further development of the kind planned would now require an Environmental Impact Assessment as was applied to a company's comparable plant in Swindon. Extension of the original permission would exempt the development from such scrutiny.

## HIGHWAY SAFETY

- Highway safety and parking were not considered to be material planning considerations in 2015.
- The proposal will exacerbate existing parking and congestion issues on the estate and in particular around the sole entrance to the estate.

- A further 88 HGV movements will impose further congestion and traffic which poses a safety risk in an area that has already experienced a number of accidents.
- No indication has been given as to how the staffing levels compare with other facilities of the same type and capacity.
- No apparent allowance is made in the car parking capacity for shift changeovers.
- The site will displace existing on street parking for other businesses within the industrial estate.

## COAL MINING LEGACY ISSUES

- The facility is being built on an old mine shaft.

## SURVEY WORK PREVIOUSLY SUBMITTED

- The surveys and site investigations that were conducted to support the initial application are now 5 years old and should not be relied upon.

## THE TECHNOLOGICAL PROCESSES OF THE DEVELOPMENT

- The applicant's technology and processes is far more polluting than the technological advancements available.

## ENVIRONMENTAL IMPLICATIONS

- Additional light and vibration from the development will impact upon local ecology such as bats, owls, adders and slow worms.
- There is a study being undertaken on the mountain opposite, a similar study should be undertaken on the site.
- There is no evidence to indicate that a full environmental/ nature report has been undertaken.
- Hazrem should be given the opportunity to explain to the council how they will comply with the requirement that prevent 15,000 to 35,000 tonnes a year of liquid waste to the local sewer which at present discharges to UK rivers and protect fish stocks from the frequent wipe-outs seen in Welsh rivers.
- The factory will release 15,000 to 20,000 tons of carbon dioxide into the local air every year, the result of burning natural gas to dry the waste. More heat will be used to dry the waste than will be produced by burning it and therefore increase global warming levels.
- The proliferation of energy from waste or incinerator adversely affects recycling efforts as local authorities and businesses find it easier to send materials for destruction rather than to sustainably recycle them.

## PUBLIC HEALTH CONCERNS

- The origin of the waste to be used is unknown and the applicant should be required to inform the Council of where it will be obtaining its waste from.
- The proposal will cause further harm to the health of local residents and their children.
- The local primary is in close proximity with prevailing south westerly winds.
- The proposal will represent a major health risk to existing employees and businesses operating within Nine Mile Point Industrial Estate.
- The Aneurin Bevan Health Board state that the gas emissions from the factory will be inadequately monitored (only 2 hours/month), and will result in a minimum 3 years delay in taking any necessary remedial action when emissions limits are exceeded. The valley is one of Wales' most deprived health areas\* and should be protected from this threat.

#### COMMUNITY BENEFIT

- There is no benefit to the local community.

#### THE USE OF THE BUILDING ITS LOCATION

- The use of building is not in line with other businesses on the estate.
- The proposal is considered to be inappropriate in the context of this small well regarded local industrial estate and the surrounding countryside
- Appropriate consideration should be given to presence of existing Energy from Waste (EfW) / incinerator facilities, and others now proposed, including a very large facility at Newport and another in east Cardiff, the alleged need for this operation at Nine Mile Point is increasingly doubtful.

#### AIR MONITORING CONCERNS

- Requests for more information from the applicant regarding the proposed air monitoring regime and then re-consult Aneurin Bevan Health Board University and Public Health Wales.
- CCBC did not previously consider the impact of increase in traffic flow, particularly HGV movements and their associated pollution that would result from impact on air quality.
- The Inspector at the enquiry with NRW made it clear that NRW could not consider truck movements as part of the Appeal and only consider the operations within the site itself. Extension of the planning permission would allow this serious anomaly. The opportunity to correct this inadvertent oversight arises.
- The air monitoring regime proposed takes into account 1% of operational time and a comparable plant in Swindon has exceeded Nitrogen Oxide emissions to date on 6 recorded occasions. Therefore the superficiality and inadequacy of the testing regime could not ensure effective monitoring of harmful emissions.

#### PUBLIC OPPOSITION



- References to the previous permissions and objection letters together with the support of various groups together with support from present and past MPs have been referred to.

## 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?

There are no specific crime and disorder implications material to the determination of this application.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposal seeks to extend the time period to commence development, ecology matters have previously been considered and addressed as part of planning consent 15/0601/FULL.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the proposed use of the building falls within a B2 use class whereby the rate is charged at £0 per square metre for new commercial development, as such no CIL will be collected.

## ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance and local plan policies.

Planning permission is sought to vary condition 01 of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend the period of time within which development can commence by one additional year.

For reference in respect of the extant consent, members of Planning Committee resolved to grant planning permission on 10 December 2015 to construct a building within Nine Mile Point Industrial Estate to develop an up to 100,000 tonnes per annum Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility.

SRF is a quality alternative to fossil fuel produced from waste including paper, card, wood, textiles and plastic. It has a moisture content of less than 15% and therefore SRF has a high calorific value and can be used in facilities such as cement kilns.

RDF is made of waste which includes biodegradable material as well as plastics. It has a lower calorific value than SRF and is used in combined heat and power facilities.

In terms of the facility itself the SRF/RDF production plant would sort, shred and dry non-hazardous commercial, industrial and household waste to produce SRF/RDF bales. The resulting bales would be wrapped and stored before being transported off site to facilities which would utilise the product to generate energy. The waste material itself would be delivered to the site off Greenmeadow Road, via the 'in' weighbridge and tipped into the tipping bay within the fully enclosed building. Vehicles will drive up the eastern edge of the site and over the weighbridge close to the northern exit.

All vehicles must be weighed when they enter and exit the site. Therefore the weighbridge has been positioned to allow for this and to ensure HGV's do not have to wait on the external roads. Spaces have been incorporated in to the site for HGVs to wait. A dedicated vehicle entrance/exit for staff has also been provided to the south of the site to ensure staff safety.

Vehicles are required to enter the main building in order to tip waste and collect materials. However, due to space constraints vehicles are not able to drive through the building. Therefore vehicles have sufficient space to manoeuvre and reverse into the building and then drive back out and around the perimeter. Sufficient space has been incorporated into the design to allow safe manoeuvring of 25 tonne vehicles.

The materials would pass through a series of shredders, screens, and magnets. Inert materials, recyclable plastics and metals would be extracted as appropriate leaving a mix of mainly non-recyclable paper, card, wood, textiles and plastics. For SRF output, the material would pass through a rotating drum drier to reduce the moisture content, thereby increasing the materials calorific value. There will be an option in the process to produce output material loosely, however, if this is a requirement, the finished product would be held within the building prior to collection. The resulting bales would be transported by fork lift trucks to the bale storage building onto roll on/roll off vehicles and bulkers to off-site facilities which would utilise the product to generate energy.

The majority of the facility would be enclosed within an industrial building, and the delivery of waste would take place within the enclosed building and the recyclable skips are within the enclosed building. Roller shutter doors will be located at either end of the building. Once baled and wrapped, the bales would be stored within a covered bay within the site. A drier stack and other machinery associated with the process would be situated to the east outside of the main building.

The proposed development would include the following components situated on sealed, concrete hardstanding: -

The main building including a tipping bay, recycling bays and the SRF/RDF line;

- External machinery;
- Bale storage area;
- Admin office;
- 2 weighbridges;

- Staff/visitor parking.

The development will provide eighteen jobs. The SRF facility is proposed to operate over two 12 hour shifts, with 4 operational staff per shift. The facility will be operating 24 hours per day, 7 days per week, although direct waste deliveries to the building will be restricted to Monday to Friday 07:30 to 18:00 and Saturday 07:30 - 13:00 and no vehicle movements on Sundays or Bank Holidays.

Import of materials would be via refuse collection vehicles with a bulk load of 10 tonnes or bulk container transport from waste transfer stations but it is reasonable to assume that the greatest proportion of material would be delivered to the site by large bulk HGVs with a bulk load of 25 tonnes from a number of source locations.

The export of materials from the facility is seen to consist of three components; firstly the manufactured RDF/SRF bales which largely destined for Newport Docks; secondly the recyclable material, which would be transported to the appropriate recycling plant for each type of material; and thirdly the residue, which will be sent to landfill. The average tonnage per vehicle leaving the site is 25 tonnes. Whilst the transfer of material off-site in terms of residues or RDF/SRF bales will largely be transported into shipping containers on 44 tonne articulated vehicles.

The Welsh Government Development Management Manual confirms that Sections 73(2) and (4) of the Town and Country Planning 1990 Act restricts the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed. In that respect the site lies within the settlement boundary identified within the Council's Adopted Local Development Plan (LDP) up to 2021. Policy SP5 (Settlement Boundaries) states that the boundaries are defined in order to define the area within which development would normally be allowed, to promote the effective use of urban land and to prevent fragmented development and inappropriate development in the countryside. The proposed development is considered to comply with Policy SP5.

In tandem with Policy SP5, Policy CW15 (General Locational Constraints) states that development proposals must not constrain the development of any adjacent site for its allocated land use and that within settlement boundaries they accord with the role and function of the settlement. In that regard this application relates to a previously approved industrial unit within an identified employment site that would not prejudice the implementation of wider comprehensive redevelopment of Nine Mile Point Industrial Estate, Cwmfelinfach (EM2.28).

Policy CW13 relates to new development on identified industrial estates. Nine Mile Point Industrial Estate is identified as a Secondary Employment Site in the LDP. Policy CW13 states that development proposals on industrial estates will be subject to the following restrictions:

On sites allocated or identified as Secondary Employment Sites, development will only be permitted if it is:

- Within use classes B1 (light industrial), B2 (General industrial) or B8 (Storage or Distribution);
- An appropriate sui generis use;
- To provide an ancillary facility or service to the primary employment use;
- An acceptable commercial service unrelated to class B uses.

The proposed development will fall within use class B2 and it should also be noted that planning approval has previously been granted in respect of the development of the site for B1, B2 and B8 as referred to above. Therefore the proposal accords with this policy.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development is considered to accord with this policy as the proposed building is considered to be acceptable in terms of its siting, massing, materials and design, and will integrate with the existing, industrial/commercial setting. The building has been appropriately sited within the site, and adequate provision has been made for parking and vehicular movements within the site so as not to represent over-development. Furthermore, given the site's industrial estate location, the proposed use is compatible with the surrounding land uses and would not result in any significant harm in terms of visual amenity of the surrounding area or residential amenity.

Policy CW3 considers highway safety. In that regard adequate provision has been made for parking and vehicular movements within the site. Subject to the imposition of the same conditions imposed to the original consent, it is not considered that the proposal will have no detrimental impact on the safe, effective and efficient use of the transportation network. Policy CW3 is therefore complied with.

Policy CW5 explains that development proposals will only be permitted where they do not have an unacceptable adverse impact upon the water environment and where they would not pose an unacceptable risk to the quality of controlled waters (including ground water and surface water). In that respect from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Consequently a change in legislation does impact upon the proposed development in that the extension of time to commence the development would require the developer to comply with Schedule 3 of the Flood and Water Management Act 2010. However, Sustainable Drainage Approval is a technical approval independent of the need to obtain planning permission and the proposal scheme will need to demonstrate that there will be no adverse impacts to existing drainage systems and watercourses.

Finally, it should be noted that the developer has submitted details to the Local Planning Authority to discharge all of the pre-commencement conditions associated with planning consent 15/0601/FULL. Those details have subsequently been agreed in writing and the conditions have now been discharged. In that respect the developer can now commence development works on site lawfully in compliance with the extant consent that will expire on 10th December 2020 if time and resources permits them to do so.

Whilst the proposal would continue to comply with local planning policies, it should be noted that various pieces of new legislation have come into effect since the original consent was granted on 10th December 2015 and the developer would be required to comply with any separate legislation that falls outside of the planning system. Whilst national planning policy has adopted a waste hierarchy, it still recognises that at present this is aspirational and there will be residual waste which cannot be dealt with higher up the waste hierarchy. Consequently, there is still a demand for the type of development proposed in order to prevent waste from being sent directly to landfill.

In conclusion having regard to the above observations, by extending the time to commence the development by one year the proposal would still accord with policies CW2, CW3 and CW13 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and Planning Policy Wales Edition 10 (December 2018).

Comments from Consultees: Whilst Dwr Cymru/Welsh Water have raised no objection to the application, they have requested that the original conditions imposed to the consent are imposed for the Sustainable Drainage reasons that have been addressed in the report.

Comments from public: Responses to the representations received are as follows:-

#### FIVE YEAR COMMENCEMENT DATE

- The length of time to implement the consent was suffice in that no attempt was made to implement the consent during the first three years of the consent unlike a three year commencement time limit that would have been imposed in England.

In response to the above, the circumstances and reasoning for imposing a different implementation period to commence a particular development are unknown. Furthermore, the Local Planning Authority can only consider Welsh Planning legislation.

There are many occasions where developers apply for an extension of time and this application has to be determined in the same manner accordingly.

## COVID 19 PANDEMIC

- Covid 19 is not a reasonable excuse to extend the period of time.
- The applicant has commenced work on a site in a neighbouring authority during the pandemic and so there is no reason why this could not be the case in Caerphilly.
- Most contractors during Covid times would have relished the opportunity of outdoor employment during the pandemic.
- Welsh Government has encouraged the construction industry to continue to work throughout the pandemic.
- Plant and machinery have been working on site during the past 6 months. The present corona virus epidemic is responsible for their delay is therefore untrue as they have remained free to operate as normal.

In response to the above the developer is seeking a one year extension of time to implement the consent. This is not an unreasonable request in that significant time delays (two years) were incurred as a result of the need to acquire an environmental permit from Natural Resources Wales.

Whilst reference has been made to another development that has commenced by the developer during the Covid 19 pandemic, such matters cannot be considered by the Local Planning Authority. However, it should be noted that development sites do not all have the same conditions imposed to planning consents and will differ on a site by site basis.

Furthermore, whilst there has been a strong commitment by Welsh Government to ensure where possible that construction work can continue safely, this can only be undertaken once the necessary pre-commencement work and the associated details to support conditions discharge applications have been submitted and agreed in writing with the Local Planning Authority. The Local Planning Authority cannot comment on the circumstances of individual companies and their availability to perform such requirements equally so Welsh Government have also stressed the importance of those being able to work from home, should do so. There are many steps and processes involved to discharge planning conditions and the developer has throughout the Covid 19 pandemic sought to discharge the appropriate pre-commencement conditions for which have now been agreed in writing. Any works that have taken place on site to date have been exploratory works associated with discharging necessary pre-commencement conditions.

## EMERGING LEGISLATION AND THE REQUIREMENT FOR THE DEVELOPER TO COMPLY

- The Environment Act 2016 came into effect in August 2020.

- The Well-being of Future Generations (Wales) Act 2015 came into effect in April 2016.
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations came into force in April 2017.
- The JRC Reference Report on Monitoring of Emissions to Air and water from IED Installations was published in July 2018.
- The Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council was made. In particular, this development now falls under Schedule 1 of the 2017 EIA regulations as follows:

"10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day."

D9 of Annex IIA includes treatment by drying

"D9 Physio-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12 (e.g. evaporation, drying, calcination, etc.)" and the compounds or mixtures are discarded by means of D10

"D10 Incineration on land"

Therefore an Environmental Impact Assessment would be required for a similar development seeking planning permission today.

- Further development of the kind planned would now require an Environmental Impact Assessment as was applied to a company's comparable plant in Swindon. Extension of the original permission would exempt the development from such scrutiny.

In respect of the above the developer will be required to comply with any separate legislation that falls outside of the planning system.

Planning Policy Wales Edition 10 (December 18) (PPW) fully takes into account the requirements of the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 and development accords with relevant policy objectives PPW in this respect.

The proposed development falls within Schedule 2 Part 10 Infrastructure Projects (a) Industrial estate development projects of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. This was the case in 2015 and still remains the case now. The Schedule 2 industrial estate threshold was raised to 5 hectares on the 6th April 2015 and the development proposed equates to 1.11 hectares of new industrial estate development, significantly below the 5 hectares threshold.

When considering whether a Schedule 2 project requires an Environmental Impact Assessment (EIA), the Local Planning Authority (LPA) should consider whether the proposal is likely to have significant effects on the environment, and whether the proposal is in a sensitive area. This involves considering the characteristics of development, the location of the development, and characteristics of potential impacts. A screening opinion was previously provided confirming that the Local Planning Authority did not consider that an EIA was required. Notwithstanding the above, the application has been screened and it is not considered that an EIA is required for this application as the previous permission approved an industrial estate development project falling below the 5 hectares threshold and would not generate any significant effects on the environment by extending the time period for compliance by one year.

## HIGHWAY SAFETY

- Highway safety and parking were not considered to be material planning considerations in 2015.
- The proposal will exacerbate existing parking and congestion issues on the estate and in particular around the sole entrance to the estate.
- A further 88 HGV movements will impose further congestion and traffic which poses a safety risk in an area that has already experienced a number of accidents.
- No indication has been given as to how the staffing levels compare with other facilities of the same type and capacity.
- No apparent allowance is made in the car parking capacity for shift changeovers.
- The site will displace existing on street parking for other businesses within the industrial estate.

Highway safety matters are a material planning consideration and were appropriately considered as part of application 15/0601/FULL together with being accompanied by a Transport Statement. This application does not seek to revisit the merits of the proposal as these have previously been considered. Furthermore, the requirements of condition 10 imposed to consent 15/0601/FULL, that required revised parking details indicating a minimum of 18 off-street parking spaces within the curtilage of the site, have been submitted to and agreed by the Local Planning Authority.

## COAL MINING LEGACY ISSUES

- The facility is being built on an old mine shaft.

Coal mining legacy implications have previously been considered by The Coal Authority and conditions were imposed to consent 15/0601/FULL i.e. conditions (15) and (16). Those pre commencement conditions have been submitted for consideration and have been agreed in writing by the Local Planning Authority.

## SURVEY WORK PREVIOUSLY SUBMITTED



- The surveys and site investigations that were conducted to support the initial application are now 5 years old and should not be relied upon.

In that the surveys to support application 15/0601/FULL provided a five year time limit to implement the consent, it is not considered that extension of time sought would have a significant impact upon the survey work. Notwithstanding the above, the developer is required to undertake further survey work in accordance with condition 25 of 15/0601/FULL. However it should be noted that there is no requirement to submit that information for consideration to the Local Planning Authority.

Conversely it could be argued that if a new Transport Statement was submitted, then the present traffic data would be considerably lower than the levels previously recorded as a result of individuals working remotely during the Covid 19 pandemic with an emerging trend that many organisations are likely to continue in the same vein for at least some of a working week post Covid 19.

Furthermore, given the advancement of technology and regulation of emission standards for HGV and private motor vehicles in respect of engine improvements and improved management of CO2 and pollutants, vehicle emissions on the road are reducing and improving with emerging technologies.

#### THE TECHNOLOGICAL PROCESSES OF THE DEVELOPMENT

- The applicant's technology and processes is far more polluting than the technological advancements available.

The merits of the proposal have previously been considered, the Local Planning Authority can only consider whether the one year extension of time to extend the life span of consent 15/0601/FULL is acceptable. In addition the developer would still be required to comply with legislation covered by the operating permit issued by NRW.

#### ENVIRONMENTAL IMPLICATIONS

- Additional light and vibration from the development will impact upon local ecology such as bats, owl's adders and slow worms.
- There is a study being undertaken on the mountain opposite, a similar study should be undertaken on the site.
- There is no evidence to indicate that a full environmental/ nature report has been undertaken.
- Hazrem should be given the opportunity to explain to the council how they will comply with the requirement that prevent 15,000 to 35,000 tonnes a year of liquid waste to the local sewer which at present discharges to UK rivers and protect fish stocks from the frequent wipe-outs seen in Welsh rivers.
- The factory will release 15,000 to 20,000 tons of carbon dioxide into the local air every year, the result of burning natural gas to dry the waste. More heat will be

used to dry the waste than will be produced by burning it and therefore increase global warming levels.

- The proliferation of energy from waste or incinerator adversely affects recycling efforts as local authorities and businesses find it easier to send materials for destruction rather than to sustainably recycle them.

In response to ecology implications, these are matters that cannot be revisited but the developer is required to satisfy themselves with the recommendations made in Section 4 of the Preliminary Ecological Report dated July 2015, prepared by Enzygo and submitted to accompany the original application.

With regards to the concerns relating to compliance with other legislation, these are not matters that The Local Planning Authority can become embroiled in. Such are matters covered by separate legislative and for which the developer will need to demonstrate compliance with.

In response to the concerns around carbon dioxide emissions and global warming levels, whilst not the preferred method it is a method available that reduces the need for landfill and any permit will seek to control those emissions.

Finally Caerphilly County Borough Council is committed to recycling and composting as much waste as possible and the Authority has developed a service that meets the needs of all stakeholders and is crucially achieving the key objective of continuous increases in the amount of materials diverted from landfill.

## PUBLIC HEALTH CONCERNS

- The origin of the waste to be used is unknown and the applicant should be required to inform the Council of where it will be obtaining its waste from.
- The proposal will cause further harm to the health of local residents and their children.
- The local primary is in close proximity with prevailing south westerly winds.
- The proposal will represent a major health risk to existing employees and businesses operating within Nine Mile Point Industrial Estate.
- The Aneurin Bevan Health Board state that the gas emissions from the factory will be inadequately monitored (only 2 hours/month), and will result in a minimum 3 years delay in taking any necessary remedial action when emissions limits are exceeded. The valley is one of Wales' most deprived health areas\* and should be protected from this threat.

These matters have previously been considered as part of the original consent. The application was supported by an Odour and Air Quality Assessment, which describes the potential for air quality and odour impacts associated with the operation of the proposed SRF/RDF facility. The report was considered by this Council's Head of Public Protection together with Aneurin Bevan University Health Board (ABUHB) and Public Health Wales (PHW) previously and it is noted that ABUHB and PHW

recommended a robust air monitoring regime to be undertaken to validate predicted emissions upon local air quality. It should be noted that NRW have granted permit in accordance with the provisions of Environmental Permitting (England and Wales) Regulations 2010 and covers issues such as emissions. Consequently ABUHB and PHW recognise that the application solely seeks to extend the period to commence the development and other matters would be addressed under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the Permit will be carried out by Natural Resources Wales and will cover issues such as emissions.

## COMMUNITY BENEFIT

- There is no benefit to the local community.

Whilst there may not be any direct community benefit associated with the development, the development is located on an industrial estate and will provide employment opportunities and therefore increased expenditure within the local towns and villages. It should also be noted that not all development proposals will provide community benefits in a physical form.

## THE USE OF THE BUILDING ITS LOCATION

- The use of building is not in line with other businesses on the estate.
- The proposal is considered to be inappropriate in the context of this small well regarded local industrial estate and the surrounding countryside
- Appropriate consideration should be given to presence of existing Energy from Waste (EfW) / incinerator facilities, and others now proposed, including a very large facility at Newport and another in east Cardiff, the alleged need for this operation at Nine Mile Point is increasingly doubtful.

Policy SP9 seeks to minimise the production of waste and its impact on the environment by reducing the land take-up for waste facilities. To assist in this regard the policy indicates that all allocated and protected B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities, which provides substantial choice in meeting the estimated land requirement of up to 10.4 ha. Notwithstanding that the site's suitability has previously been considered, it still remains the case that all allocated and protected class B2 industrial sites are designated as potentially suitable locations for new-in building waste management facilities.

## AIR MONITORING CONCERNS

- Requests for more information from the applicant regarding the proposed air monitoring regime and then re-consult Aneurin Bevan Health Board University and Public Health Wales.

- CCBC did not previously consider the impact of increase in traffic flow, particularly HGV movements and their associated pollution that would result from impact on air quality.
- The Inspector at the enquiry with NRW made it clear that NRW could not consider truck movements as part of the Appeal and only consider the operations within the site itself. Extension of the planning permission would allow this serious anomaly. The opportunity to correct this inadvertent oversight arises.
- The air monitoring regime proposed takes into account 1% of operational time and a comparable plant in Swindon has exceeded Nitrogen Oxide emissions to date on 6 recorded occasions. Therefore the superficiality and inadequacy of the testing regime could not ensure effective monitoring of harmful emissions.

Concerns relating to air monitoring have previously been addressed. The application is not seeking to establish whether the principle of development is acceptable, they are seeking to extend the time to commence development by one year and the Local Planning Authority has to consider whether there are any material change in circumstances that would prevent granting the requested extension.

In respect of vehicle emissions and truck movements, these are matters that have been considered by The Head of Public Protection previously.

Whilst data has been provided in respect of a comparable plant in England, this does not specifically relate to the proposed development and therefore cannot be considered.

## PUBLIC OPPOSITION

- References to the previous permissions and objection letters together with the support of various groups together with support from present and past MPs have been referred to.

Whilst previous representations have been made the Local Planning Authority can only comment on the representations received to date in respect of this application for consideration and those representations received have been noted and addressed.

Other material considerations: Condition 14 of consent 15/0601/FULL relates to a scheme for the disposal of surface water and land drainage within the site. In that new legislation in respect of Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales on 07.01.2010 requiring all new developments of more than one dwelling to implement sustainable drainage to manage on-site surface water, it is no longer considered necessary to impose the same condition to any subsequent consent in that the Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission.

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

- 01) The development hereby permitted shall be begun before the expiration of one year 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 shall be carried out in accordance with the following approved plans and documents:  
Dwg No.CRM.083.001.P.D.001 Site Location Plan dated May 2015;  
Dwg No. CRM.083.001.P.D.003.B Proposed Site Layout Plan dated September2013; and Dwg No. CRM.083.001.P.D.005.B Site Elevations dated September 2015.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.  
REASON: To ensure the stability of the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in Condition 03, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme in perpetuity).  
REASON: To ensure the stability of the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to

be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Notwithstanding the submitted plans no works shall commence on site until after revised parking details have been submitted to and approved in writing by the Local Planning Authority, which indicate a minimum of 18 off-street parking spaces within the curtilage of the site. Such provision shall be laid out and constructed in accordance with the approved plan prior to beneficial occupation of the buildings hereby approved first commencing and maintained free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of works, details of the walkover surveys as stated in the recommendations of Section 4 of the Preliminary Ecological Report dated July 2015, prepared by Enzygo shall be submitted for consideration to the Local Planning Authority and agreed in writing. The measures shall be complied with as agreed.  
REASON: To ensure adequate protection for protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the proposed building, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the unit hereby approved is first occupied.  
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 10) Prior to the commencement of the development a scheme depicting hard and soft landscaping 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 occupation 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 policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five 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. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.  
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
  - a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

- f) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) The timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) The plans and particulars submitted in accordance with Condition 12a shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to in Condition 12 until they are established.



REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health in accordance in policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Details of the colours of the external finishes of the main building, external machinery and administrative office shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Notwithstanding the submitted plans, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation of the buildings hereby approved.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to beneficial occupation of the buildings hereby approved first commencing a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. Deliveries to and from the site shall accord with the agreed strategy at all times.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Prior to the use of the buildings and plant hereby approved commencing, a scheme for Pest Control for the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be adhered to thereafter.  
REASON: To prevent pests being attracted to the area in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) The proposed entrance and exit points onto Greenmeadow Road shall provide for visibility splays of 2.4m x 43m in both directions which shall be provided prior to the commencement of the use of the access. No obstruction or planting above 900mm shall be placed or allowed to grow in the required visibility splays.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) The proposed site gates shall be located clear of the highway as indicated on the approved plan.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) There shall be no Heavy Goods Vehicle deliveries to or from the site outside the following times: 07:30 - 18:00hrs Monday to Friday, 07:30 - 13:00hrs Saturdays; and no such deliveries on Sunday or Bank Holidays.  
REASON: To protect the local residential amenity from traffic noise in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Commercial vehicles carrying waste entering or leaving the site hereby approved, must be either fully enclosed or be provided with sheets to cover loads.  
REASON: To prevent any contamination leaving the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) Storage of non-conforming waste shall be in suitable covered impervious containers prior to removal, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.  
REASON: To prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) All odours generated in the SRF/RDF building hereby approved, shall be captured and maintained under negative pressure and treated in the odour treatment system (RTO), all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved. This system must be monitored to ensure the fugitive release of odours from the building is prevented.  
REASON: In the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) There shall be no external preparation, mixing and screening of waste at the site.  
REASON: To prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) Good housekeeping practices and a closed door management strategy shall be maintained on the SRF/RDF buildings; hereby approved at all times including

fast closing access doors, which shall be interlocked to ensure two doors cannot open at once during operation, all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.

REASON: Prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

### 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, CW3 and CW13.

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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:

<https://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](http://www.groundstability.com) or a similar service provider.

If any of the 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](http://www.gov.uk/government/organisations/the-coal-authority).

Please find attached the comments of Aneurin Bevan University Health Board/ Public Health Wales, Dwr Cymru/ Welsh Water, Natural Resources Wales and Western Power Distribution, that are brought to the applicant's attention.

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

(a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;

(b) Legible and easily visible to the public without having to enter the site; and

(c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.