

Application Number: 22/0567/FULL

Date Received: 27.06.2022

Applicant: Bryn Recycling Ltd

Description and Location of Development: Conduct engineering works to provide site drainage, an enhanced landscape bund and areas of hardstanding along with landscaping and associated works for the more efficient storage of recyclable waste - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: Land to the west/south of Gelliargwellt Uchaf Farm which slopes down away from the existing built development.

Development: Conduct engineering works to provide site drainage, an enhanced landscape bund and areas of hardstanding along with landscaping and associated works for the more efficient storage of recyclable waste.

Dimensions:

The submitted sections show a maximum raising of ground level of 15.2m above natural ground level reducing along the length of the reprofiled slope.

Materials: Concrete to hard standing.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused 08.12.2011.

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.

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

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.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided 25.04.2016.

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 19.04.2018.

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.

18/0843/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.

18/1082/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.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent
14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused 12.09.2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent
19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided 09.04.2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided 09.04.2020.

20/0592/CLPU - Obtain a Lawful Development Certificate for proposed development to increase flue stack height on CHP units - Granted 15.09.2020.

20/0645/FULL - Erect extension of buildings to provide additional drying space and associated works to support increased recycling quality and recycling rates - Granted 21.01.2021.

20/0702/FULL - Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme - Refused 15.11.2021.

21/0476/NCC - Vary condition 3 and remove condition 12 of planning consent
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) to enable the continuation of hours of operation - Pending Consideration.

22/0175/NCC - Vary condition 02 of planning consent 19/0276/NCC (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) to extend the period of extraction and restoration works at the site for a further two years (in each case) so that extraction of minerals shall now cease by 31 December 2024 and restoration shall be completed by 31 December 2032 - Pending Consideration.

POLICY

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

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

Policies: CW2 (Amenity), CW4 (Natural Heritage Protection), CW6 (Tree, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW22 (Mineral Safeguarding Areas).

NATIONAL POLICY Planning Policy Wales 11 (PPW), Technical Advice Note 5: Nature Conservation and Planning, Technical Advice Note 6: Planning for Sustainable Communities, Technical Advice Note 21: Waste.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Senior Engineer (Drainage) - Sustainable Drainage Approval is required.

Ecologist - No comments.

Natural Resources Wales - We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: long term monitoring plan.

Condition 2: construction environmental management plan.

CADW - No comments received.

Transportation Engineering Manager - CCBC - No comments received.

Environmental Health Manager - - Environmental Health have no objections in principle to the above application recommend planning conditions on noise, dust and soil importation.

Heritage And Placemaking Officer – No comments received.

Rights Of Way Officer - No public rights of way are directly impacted and raise no objections to the development. Provide advisory notes for applicant.

Landscape Architect - CCBC - The site is located within the Local Development Plan designated Mynydd Eglwysilan Special Landscape Area (SLA) the impact on landscape character and visual amenity are therefore important considerations.

The proposed extension to the yard area adjacent to the operational material recycling facility, proposed storage yard would be located on an existing relatively level platform below the recently constructed retaining walls. As a result, changes in ground level will be increase in the region of 20m of fill which given the SLA context is a significant change in ground level. It's appreciated that native woodland mitigation planting is proposed as part of this application.

Having visited the locality, and reviewed the LVA, although the proposals will be acceptable in principle in terms of landscape and visual, the application and LVA both heavily rely on the proposed mitigation woodland. Unfortunately, little information other than this being native woodland and its intended footprint has been submitted, which is very limited and insufficient given the importance of this mitigation.

In addition, no mention is made of the existing tree groups, on site which I would consider highly likely to be worthy of retention, in that they provided important integration and screening of the part of the existing approved infrastructure on this extensive site.

Furthermore, no information on the intended construction programme - detailing construction periods has been given. This is a concern, as works are likely to take a several years until completion and resultant visual and landscape impact until the establishment of the woodland.

Therefore, due to this lack of detail, as outlined above, I would not advise approval from a landscape and visual perspective without further information being submitted.

However, should you be minded to approve the application, I would strongly recommend that detailed robust conditions are included to ensure that the woodland mix is appropriate, establishes and matures as intended, as well as on site trees

retained and protected in accordance with Supplementary Planning Guidance note LDP4 and BS5837:2012.

The Coal Authority - The Coal Authority's Planning & Development Team considers that the Coal Mining Risk Assessment report and the professional opinions contained therein are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Dwr Cymru - We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Chief Fire Officer - Provide comments in relation to climate change, flood risk and wildfires. Advises that a fire strategy should be provided.

Glamorgan-Gwent Archaeological Trust - Raise no objections to the positive determination of this application. The [archaeological] record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Llanbradach & Pwllpant Community Council - No comments received.

Merthyr Tydfil County Borough Council - No objections.

Welsh Government Network Management Division Welsh Government - I refer to your consultation of 20/04/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Gelligaer Community Council - Gelligaer Community Council unanimously object to the proposed planning on the grounds of:

(i) No suitable drainage plan - NRW are concerned with discharging surface water into the water course, which will dangerously pollute the water course. Silt from the storage unit will block up water courses.

(ii) Intensification of the use of the Bryn Quarry site will have a detrimental effect on the residents of Penybryn and Gelligaer with increased heavy traffic through the villages.

(iii) Environmental Impact - the proposed site is in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINC's present within a 2m radius so that any detrimental effects could be felt over a wide area.

ADVERTISEMENT

Extent of advertisement: The application was advertised via site notice, press notice and neighbour notification letters were sent.

Response: 114 representations have been received in respect of the application.

Summary of observations:

100 Negative comments received are summarised as:

- Intensification of activity on site leading to detrimental effects on the lives and health of residents of Gelligaer and Penybryn who have been subject to a great deal of odours, noise, vermin and dust nuisance over a number of years. Impacts on residents (particularly on the old and young) including people's physical and mental health. Unable to use gardens due to smells and dust.
- Contamination of the surrounding fields.
- Welsh government's objectives to be carbon neutral by 2030 will not be achieved.
- A risk to public health which goes against your well-being objectives as a local authority.
- Reduced Proximity to residents.
- Impact on the environment and sustainability including peat.
- Incremental planning applications on site.
- Can it be guaranteed that there will be no increase in the site processing materials.
- Drainage issues including impacts on water table increasing risk of land and water pollution, surface water run-off will enter a stream at the western boundary of the site, albeit that it will first enter an attenuation lagoon. No water from industrial processes should be allowed to enter water-courses where it could cause considerable damage to wildlife.
- It is premature to consider granting planning permission before SAB approval is obtained.
- The site is situated in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINCS present within a 2m radius so that any detrimental effects could be felt over a wide area. The ecological report has been commissioned by the applicant and is not therefore independent. It has the potential of being biased in the applicant's favour, raise concerns over timing of report. Caerphilly County Borough Council should commission its own report into the possible effects on woodland, plant growth and wildlife.
- Loss of trees.
- Adverse visual impact of the increased size and height of the bund.
- Site is an unwelcome eyesore.
- Loss of view.
- Impact on highway network, traffic delays and adverse impact of HGV's. Debris/litter all over the road. This has resulted in puncture to a car tyre.
- Damage to bridge in Nelson.
- Impact on air quality.
- Health and Safety for existing workers on site and walking to work.

- Work already undertaken.
- Previous conduct of Bryn Group, complaints regarding the planning, enforcement and appeals system and enforcement action of NRW.
- Provide recycling services to local Council's.
- Impact on Penallta Park and its green flag status.
- Property devaluation.
- Impacts from Quarrying.
- Impact on wildlife, biodiversity and habitats.
- Risk from Coal Mining and ground stability/subsidence.
- Increase in flooding and contamination.
- Wildfire risk.
- Visual impact on right of way.
- Impact on Conservation area.

1 Neutral comment received are summarised as:

- Positive role in recycling waste.

13 Supportive comments received are summarised as:

- Benefits of Bryn Group to local job creation and support community projects and local sports clubs.
- Recycling our waste to avoid landfill.
- Drainage updating is a good thing.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application seeks planning permission to increase the area of storage to enable improvements to the way in which recycled material is stored which will increase the quality and recovery rate of sorted and recovered recycling materials. A landscaping bund is included within the application to provide screening for the area and has been designed to tie into existing established planting near the existing Material Recycling Facilities building. Drainage is incorporated within the scheme of works.

The covering letter supplied with the application advises that proposals do not result in the processing of more material than presently received at the site as regulated by the relevant Environmental Permits, but rather enables it to be sorted, recycled and reused more efficiently. It states that there will be no increase in vehicle movements and this application does not seek any extension to the hours of operation.

Principal of the development

The application site is located outside of any defined settlement boundaries, and within the open countryside but notably partially within and immediately adjacent to the existing operations at Gelliargwellt Uchaf Farm. The proposed development is considered to be associated with and will support the operation of the consented recycling/waste management facilities at the site and therefore conforms to Criterion C(iv) of Policy CW15 (General Locational Constraints) being an acceptable use under this policy. It is however noted that the majority of the site area will be dedicated to woodland landscaping (on reprofiled land) together with at the bottom of the regraded slope, three water lagoons which are required to ensure water quality is acceptable prior to leaving the site.

The site area is partly comprised of land within the existing Bryn Group area along with sloping land broadly to the south and west which is either classified as very poor quality, poor quality or moderate quality agricultural land. The application site therefore does not include any agricultural land classified within grades 1, 2 or 3a (considered in Technical Advice Note 6: Planning for Sustainable Rural Communities, as the best and most versatile land or flexible, productive and efficient agricultural land). Therefore having considered the quality of the agricultural land involved it is not considered that the development would have a material impact on the best quality agricultural land in the area.

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

The site is within sandstone and coal safeguarding areas and is close to the existing Quarry. Since the Local Development Plan was adopted there has been a change in national policy in Planning Policy Wales in that local planning authorities are no longer required to safeguard coal resources. In Planning Policy Wales it specifically states that proposals for opencast, deep-mine development or colliery spoil disposal should not be

permitted (PPW, paragraph 5.10.14). National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case.

In relation to the sandstone safeguarding area, future development of the resource is already constrained in this area due to existing built development associated with recycling and anaerobic digestion operations. Furthermore separate proposals to expand the quarrying activities of the existing quarry have been refused planning permission and are currently subject to a planning appeal. The proposed development is not considered to add any additional material constraint and there is considered to be no conflict with policy CW22.

Visual Impact

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area. A Landscape and Visual Assessment was submitted with the application and following comments from the Council's Landscape Architect was updated by the applicant. The Council's Landscape Architect has advised that whilst there are some differences of opinion in relation to the assessment their overall conclusion is that whilst local impacts on topography will be significant, once completed and native woodland is established and matures, the development should sit acceptable and adequately assimilate into the wider landscape. The Landscape Architect further advises that robust planning conditions in relation to the landscaping details would be attached to any decision if approving the application.

It is noted that at present works undertaken ahead of the consideration of this application have negatively impacted the visual appearance of the site particularly from the south and west which is considered to be unfortunate. Whilst it is noted that the proposals would resolve this current situation, members however are advised that the proposal has been considered from a point of view of the baseline prior to those unauthorised works being undertaken.

In respect of the proposal it is noted that it would introduce a significant amount of tree screening to the western portion of the site having an anticipated tree planting area of over 200m in length which would effectively wrap around a significant portion of the existing site. At the south-eastern corner it would (from many vantage points) visually link to the existing established planting surrounding the Materials Recycling Facility, providing, in time, an improved degree of screening to the new development proposed within this application and as the new woodland matures improve the screening to much of the existing built development (buildings, walls etc..) within the existing operation.

Subject to the imposition of conditions based on the advice of the Landscape Officer it is considered that the long term visual impact of the development within the Special Landscape Area would be acceptable in accordance with adopted Local Development Plan policies CW4 (Natural Heritage Protection), SP6 (Placemaking) and NH1 (Special

Landscape Areas). On this basis the development is considered to be acceptable in terms of its visual impact subject to the imposition of the aforementioned conditions.

Neighbour Amenity

The nearest residential properties unconnected to the Bryn Group operation would be at least 150m away from the nearest part of the application site with other dwellings in excess of 500m from the development. It is considered, therefore, that there would be no unacceptable impact on neighbour amenity and the development would accord with adopted Local Development Plan Policy CW2 (Amenity).

Listed Buildings

The development would be screened from the existing Listed Buildings (Farmhouse and Beeholes) by the existing large buildings such as the Materials Recycling Facility building and as a result it is considered that there would be no material impacts on the Listed Buildings or their setting.

Environment and Drainage matters

The proposed works are approximately 500m from Nelson Bog Site of Special Scientific Interest (SSSI), and as advised by Natural Resources Wales it appears that there is hydrological connectivity between the site and the SSSI. Following extensive consultations with Natural Resources Wales the applicant has provided additional details and revised the proposal to include measures to prevent micro plastics entering watercourses and on the specialist advice from Natural Resources Wales a condition for a long term monitoring plan for water quality is recommended, should Members be minded to grant permission. It is noted that Natural Resources Wales have also advised that should water quality not be maintained then it would require a Water Discharge consent from Natural Resources Wales. It is therefore considered that the requirement for details to be provided on water quality by planning condition, with any contingency and/or remedial actions to address any issues regarding water quality discharge from the proposed final lagoon, along with separate regulation from Natural Resources Wales will provide adequate mechanisms to have independent oversight of the applicant's activities in this respect. The applicant will also be advised by way of an informative note of the requirement to obtain separate Sustainable Drainage (SAB approval) for the development.

Comments from Consultees:

It is noted that the Chief Fire Officer has advised that a Fire Strategy should be provided along with details of means of the escape of persons from building. However, noting the scale of the existing operation and that the proposed development does not include new enclosed buildings it is considered appropriate to provide the comments of the Fire Officer to the applicant within an informative note recommending they review their existing on site fire strategies against the advice provided from the Chief Fire Officer.

Comments from public:

- Intensification of activity on site leading to detrimental effects on the lives and health of residents of Gelligaer and Penybryn who have been subject to a great deal of odours, noise, vermin and dust nuisance over a number of years. Impacts on residents (particularly on the old and young) including people's physical and mental health. Unable to use gardens due to smells and dust.
- Welsh Government's objectives to be carbon neutral by 2030 will not be achieved.
- A risk to public health which goes against your well-being objectives as a local authority.
- Reduced Proximity to residents.
- Impact on highway network, traffic delays and adverse impact of HGV's. Debris/litter all over the road. This has resulted in puncture to a car tyre.
- Damage to bridge in Nelson.
- Impact on air quality.
- Health and safety for existing workers on site and walking to work.

In respect of this application the majority of the proposal is landscaping/drainage works and the area of additional hard standing has been described as supporting the existing recycling operation rather than an increase in intensity of work at the site. There are no proposed changes to hours or operation or vehicular movements. The site area and position of the development is sufficiently separated from existing residential receptors to avoid any unacceptable impacts on amenity. In planning terms the application is considered acceptable.

- Contamination of the surrounding fields.
- Increase in flooding and contamination.
- Impact on the environment and sustainability including peat.

Amendments to the scheme have been made following advice from Natural Resources Wales and water quality monitoring is required under the proposed planning conditions. The site is outside of any designated flood risk areas (as defined within Technical Advice Note 15: Flood Risk and Development), is well separated from any sensitive receptors (residential properties) and Natural Resources Wales have raised no concerns from a flood risk perspective.

- Incremental planning applications on site.

This is a matter for the applicant, the Local Planning Authority is duty bound to consider all applications lodged with them and applications for the site are regularly reported to Planning Committee where requested by Members.

- Can it be guaranteed that there will be no increase in the site processing materials?
- Drainage issues including impacts on water table increasing risk of land and water pollution, surface water run-off will enter a stream at the western boundary of the site,

albeit that it will first enter an attenuation lagoon. No water from industrial processes should be allowed to enter water-courses where it could cause considerable damage to wildlife.

Water Quality monitoring is required under condition in accordance with advice received from Natural Resources Wales.

- It is premature to consider granting planning permission before SAB approval is obtained.

Sustainable Drainage Approval (SAB) is a separate regulatory process and it is proposed to advise the applicant of the need for this via the imposition of an informative note.

- The site is situated in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINCs present within a 2m radius so that any detrimental effects could be felt over a wide area. The ecological report has been commissioned by the applicant and is not therefore independent. It has the potential of being biased in the applicant's favour, raise concerns over timing of report. Caerphilly County Borough Council should commission its own report into the possible effects on woodland, plant growth and wildlife.

- Loss of trees.
- Impact on wildlife, biodiversity and habitats.

The Council's Ecologist has offered no objection to the proposals having considered the reports submitted. Planning conditions are imposed requiring details to safeguard the SINC and woodland areas. The proposals include significant new woodland planting with no significant loss of trees.

- Adverse visual impact of the increased size and height of the bund.
- Site is an unwelcome eyesore.
- Loss of view.

It is noted that a previous application for reprofiling and a new lagoon was approved by Members in an adjacent area to this application which will also benefit from additional screening within this application. The proposed changes to slope profile and associated works have been assessed and with the proposed woodland planting the overall visual impact is considered acceptable and will over time provide a degree of additional screening to the existing buildings on site. The loss of view is not a material consideration and general outlook will not be unacceptably impacted by the works.

- Work already undertaken.

This is addressed in the report and the proposed development will regularise the existing unconsented works in the application site area.

- Previous conduct of Bryn Group, complaints regarding the planning, enforcement and appeals system and enforcement action of NRW.
- Provide recycling services to local Council's.

The Planning and Enforcement Section have liaised with Natural Resources Wales and the operator where specific issues have been raised and continue to do so where necessary. The provision of services to local councils (including Caerphilly County Borough Council) is not in itself a material consideration for this application.

- Impact on Penallta Park and its green flag status.

Penallta Park is not considered to be materially impacted by the development proposed.

- Property devaluation.

This is not a material planning consideration.

- Impacts from Quarrying.
- Risk from Coal Mining and ground stability/subsidence.
- Wildfire risk.

The wildfire risk is not considered to be materially increased through the proposed development when considered against the lawful operations at the site. The comments of the Fire Officer are to be highlighted to the applicant along with an informative note advising these comments to be considered by the applicant and update existing fire strategies accordingly.

- Visual impact on right of way.

The Rights of Way Officer has been consulted and has confirmed no public rights of way are directly impacted by the development. The impact on a footpath in the vicinity (Footpath 166 Gelligaer) has been considered by the Rights of Way Officer who advises that the visual amenity is not of high quality at present and raises no objection to the development. The application will result in additional planting in the area and no unacceptable impacts on the right of way will occur as a result of the development.

- Impact on Conservation Area.

The site is sufficiently separated from the Conservation Area to avoid any direct impacts on it.

- Positive role in recycling waste.
- Benefits of Bryn Group to local job creation and support community projects and local sports clubs.
- Recycling our waste to avoid landfill.
- Drainage updating is a good thing.

This are the opinions of the respondents.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
Proposed Plan, drawing reference BRL-MRFYD-2023-011RevA, Revision A dated 07.06.2023;
Proposed sections, drawing reference BRL-MRFYD-2021-004REVD;
Microplastic Management at Bryn Recycling, document reference v1, dated 17.07.2023.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Prior to the operation of the development (either the concrete surface yard being brought into use or any offsite discharge from the Lagoons whichever is the earlier) a long term monitoring plan for water quality shall have first been submitted to and approved in writing by the Local Planning Authority. The long term monitoring plan should include:
 - 1) Details of the methods and triggers for action to be undertaken including water quality sampling parameters.
 - 2) Timescales for the long term monitoring.
 - 3) Timescales for submission of monitoring reports to the Local Planning Authority (e.g. annually).

4) Details of any necessary contingency and remedial actions and timescales for actions.

5) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

REASON: To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected sites "Nelson Bog" SSSI, habitats and water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

03) Prior to any works (including inter alia excavations, construction activities, storage of materials) occurring within 10 metres of the root protection areas of any existing tree (either on or off site) a Tree Protection Plan shall have first been submitted to and approved in writing by 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,
- r) details of site supervision undertaken by a Project Arborist from start to completion of the development,

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.

- 04) Notwithstanding the submitted details, prior to any further development commencing or within three months of the date of this decision (whichever is the earlier) a revised Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include the following:

Dust Mitigation scheme to address any dust arising from the construction works;
Noise Mitigation scheme to address any noise arising from the construction works;

Measures to address NRW comments (response dated 17.08.23) in respect of appropriate measures to remove plastics from the surface water flow at source.

REASON: In the interests of the amenity of the area and to manage any potential adverse impacts as a result of development on protected sites "Nelson Bog" SSSI, habitats and water quality in accordance with policies CW2 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

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

06) Notwithstanding the submitted details, prior to either the development being brought into beneficial use (for the avoidance of doubt this is the area annotated as "concrete surface yard" on the approved site plan) or landscaping works being undertaken (whichever is the earlier) details for planting and management of the woodland area shall be submitted and approved in writing by the Local Planning Authority.

These details shall include:

Programme detailing construction periods, including sub soil and topsoil laying, seeding and planting operations, 5 years maintenance and defects.

Suitably scaled detailed planting plans, soft landscape specification and sections, detailing all proposed soft landscaping including:

a) The proposed native woodland mix species, sizes, cultivation and tree pits, amelioration, mulch materials, watering, and protection, guards and stockproof fencing.

b) Attenuation lagoons, native species rich grass mix, sowing rates and establishment maintenance details.

c) Attenuation lagoons native marginal mixes, sizes, numbers / density proposed for the lagoon edges.

d) BS 3882: 2015 Specification for Topsoil Test results submitted for soils intended to be used for the woodland planting, to ensure soils comply with BS soil testing results for general purpose soils. Including detail topsoil plans and confirming suitability of soils for planting, detail on subsoil and topsoil depth.

e) Detail submitting on 5 year maintenance operations and maintenance schedule for approval.

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.

07) Within 5 years of the date of this decision or within 5 years of the date of the discharge of condition 6 of this permission (whichever is the later) a Woodland Management plan shall be submitted for the written approval of the Local Planning Authority:

The Woodland Management Plan shall include:

A management survey of the approved woodland area undertaken by a qualified Arboriculturalist at year 5.

Extended maintenance details of the woodland for a further 5 years taking into account the aforementioned survey.

The Woodland Management Plan shall thereafter be implemented in accordance with the approved details.

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.

- 08) Notwithstanding the submitted details prior to the construction of the Lagoons (at the toe of the bank hereby approved) full details of their location and constructional details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the lagoons are sited, screened and designed appropriately in the interests of visual amenity, protection of the adjacent SINC and woodland and impact on drainage in accordance with policies CW2, CW4, CW5 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The applicant is advised that Natural Resources Wales have confirmed that in the event a pollution incident occurs to the receiving watercourse, a water discharge consent will be required.

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 100m² 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

Website: www.caerphilly.gov.uk/sab

Please find attached the comments of Natural Resources Wales, Senior Engineer (Drainage), Rights of Way Officer, Chief Fire Officer and Glamorgan Gwent Archaeological Trust. that are brought to the applicant's attention.

The applicant is advised to consider the comments of the Chief Fire Officer and update your existing fire strategies as appropriate.