

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0422/NCC 24.07.2014	Mr A Price C/o Barton Willmore Mr M Roberts Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Development without complying with conditions

SITE AND DEVELOPMENT

Location: The application site is an in-vessel composting facility at Gelliargwellt Uchaf Farm, Gelligaer. The farm is a dairy farm with land between Trelewis, Gelligaer and Nelson but waste management facilities have also been developed, including a materials recovery facility (MRF) and waste transfer station (WTS), open windrow composting as well as the in-vessel composting facility (IVF). A small quarry has also been developed with permission for restoration by infilling with inert waste, and permission exists for an anaerobic digestion (AD) facility which has yet to be built.

Site description: The site lies to the north west of the farm buildings on a flat platform adjacent to the MRF. The land rises to the east of the building and falls to the west. A wooded valley lies to the south, separating the IVC facility site from the MRF site, which lies on higher, made ground to the south.

The IVC facility has a dedicated access running alongside the farm access. The process takes place within a large steel framed building. Food waste and green waste are delivered to the site and deposited in the reception area within the building, from where it is loaded into one of 6 clamps. The compost is left to mature within the clamps and is eventually used as a soil improver on the farm or is blended with recycled soils from the MRF. The compost product has Publicly Available Specification (PAS100) accreditation.

Development: This is an application under section 73 of the 1990 Act to vary a condition attached to a planning permission for an in vessel composting operation at the above location. Condition 6 of permission reference P/04/1912 states:

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"Operations authorised by this permission, including vehicles entering or leaving the site shall take place solely between the hours of:- 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturday.

No operations shall take place on Sunday, Bank or Public Holidays except in exceptional circumstances with the prior written agreement of the Local Planning Authority."

The application seeks to amend the hours of operation to allow food waste to be delivered to the facility on Saturday afternoons and bank holidays in addition to the permitted hours. The applicant states that municipal food waste collections are now taking place on Saturdays and bank holidays. Food waste is delivered to the site from municipal collections and cannot be stored in the refuse collection vehicles (RCVs) as it would breach the licence requirements and because it needs to be stored in a controlled environment.

The applicant seeks to substitute the following condition:-

"Operations authorised by this permission, including vehicles entering or leaving the site, shall take place solely between the hours of:- 0730 to 1800 hours Monday to Friday, 0730 to 1600 hours Saturday and 0730 to 1300 hours on Bank Holidays.

No operations shall take place on Sunday, except in exceptional circumstances with the prior written agreement of the Local Planning Authority."

PLANNING HISTORY

5/5/95/0362 - Improve agricultural land by means of landfilling of inert waste - Granted 19.10.1995.

5/5/96/0044 - Amend condition (e) of planning consent 5/5/95/0362 - Granted 19.03.1996.

P/97/1033 - Improve agricultural land by means of landscaping inert waste - Granted 27.02.1998.

P/99/0549 - Amend operations at and extend area of transfer station - Granted 23.09.1999.

P/00/0383 - Develop green composting facility - Granted 05.10.2000.

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P/01/0234 - Continue use of land as and extension to transfer station - Granted 02.08.2001.

P/00/0771 - Develop horse riding facility on land that is principally reclaimed landfill - Granted 28.02.2002.

P/03/1555 - Amend Condition (1) of planning permission P/00/0383 from 5 years to 25 years for the green composting facility - Granted 04.03.2004.

P/03/1567 - Develop in-vessel composting facility incl. a waste reception building, closed vessels, open window area and drainage controls and access - Granted 30.04.2004.

P/04/1256 - Retain picking belt to improve recycling - Granted 07.10.2004.

P/04/1912 - Develop an invessel composting facility, including waste reception building and closed vessel canopy, open wind row areas, drainage controls and access - Granted 11.03.2005.

P/05/1038 - Vary conditions 4, 8 and 16 of planning consent P/01/0234 - Granted 06.10.2005.

P/05/1103 - Vary Condition (4) opening hours, Condition (3) operation of shredder and Condition (5) height of wind rows on Planning Application P/03/1555 - Granted 13.10.2005.

08/0675/NCC - Delete Condition 16 of planning permission ref. P/01/0234 to operate waste transfer station on a permanent basis - Refused 24.04.2009.

09/0228/NCC - Delete Condition 16 and amend Condition 15 of previous consent 07/0063/NCC in respect of hours to receive waste, hours of operation and type of materials to be received - Granted 25.03.2010.

09/0968/FULL - Erect building to incorporate anaerobic digestion facility with associated engineering and landscaping works - Withdrawn 02.11.2010.

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

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

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

11/0227/NCC - Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted 08.12.2011.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted 08.08.2013.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within a special landscape area, and a coal and a sandstone safeguarding zone.

Policies: CW2 Amenity, NH1.2 SLA, MN 2.6 Coal Safeguarding, CW4 Natural Heritage, CW22 Locational Constraints Minerals, CW3 Highways.

NATIONAL POLICY Towards Zero Waste - One Wales One Planet 2012, Planning Policy Wales (2014), TAN 21 Waste.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the site is within a referral area but the proposal is not for built development and no coal mining risk assessment is required.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Gelligaer Community Council - No comment.

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ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a site notice and letters to 67 local addresses.

Response: None received.

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 the proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The application relates to a variation of condition on an existing consent.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: National planning policy is generally supportive of proposals for more sustainable waste management subject to consideration of the impacts on amenity, landscape, traffic and ecology. The proposal relates to an existing facility which recycles food waste to give an accredited fertiliser for use on the host farm and for sale. It is, therefore, consistent with the principle of moving waste up the waste hierarchy and reducing the amount of waste sent to landfill. The proposal does not seek to increase the throughput at the facility so it would not provide additional waste management capacity but it would overcome an obstacle to the management of the existing facility that could not have been foreseen when permission was granted in 2005.

The proposal does not involve any additional built development and, therefore, does not conflict with these policies MN 2.6 Coal Safeguarding, CW4 Natural Heritage, CW22 Locational constraints Minerals, NH1.2 SLA.

It is not intended to increase the throughput of the IVC facility and the Council's Transportation Engineering Manager has raised no objection.

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Policy CW2 (Amenity) requires that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A. There is no unacceptable impact on the amenity of adjacent properties or land;
- B. The proposal will not result in overdevelopment of the site and / or its surroundings;
- C. The proposed use is compatible with surrounding land uses and would not constrain the development of neighbouring sites for their identified land use;
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

The main issue in this case is whether the extended hours would have an adverse impact on the amenity of local residents. Permission was granted in 2013 for an anaerobic digestion facility (ADF) on land adjoining the IVCF. The permitted hours for the ADF do not include delivery and export of waste on Saturday afternoons or Bank/Public holidays. At the same time permission was granted for a materials recycling facility (MRF) to the south of the application site. Deliveries of waste to the MRF from civic amenity sites only was allowed on Saturday afternoons, Sundays and Bank Holidays. The justification for this was that the civic amenity sites were most used at weekends and bank holidays and, therefore, the ability to empty the containers at those times supported sustainable waste management objectives by allowing people to recycle more. The hours were in line with earlier temporary permissions for the MRF.

Although no objections have been received to this application specifically, local residents have raised concern on a number of occasions about odour at the IVCF. This has been addressed through a number of measures and a liaison committee has been established to facilitate discussion of the issues. At the inquiry into the refusal of permission for the ADF the applicant stated that the company intended to receive "pure" food waste to the ADF and for the IVCF to deal with a greater proportion of green waste. However, the ADF has not yet been built. The proposal would not change the type or the amount of material received at the site in accordance with the existing permission. The air quality impact assessment carried out for the ADF application and appeal, which took account of the IVCF, has been reviewed by the authors, who concluded that the extension of hours would not result in changes that would adversely affect residential amenity.

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The model used in the air quality assessment assumed continuous steady state emissions over a 24 hour day, 365 days a year. The predicted odour impacts, would not, therefore, be affected by the changes to waste reception. Head of Public Protection has considered the supplementary report and has not raised any objection.

A number of complaints have previously been received about traffic movements to and from the site, particularly at weekends and holidays. The additional hours proposed for delivery of food waste include three hours on Saturday afternoons throughout the year, and 5.5 hours on a maximum of eight bank holidays. The applicant estimates that there would be 14 HGV trips (28 vehicle movements) on a typical Bank Holiday, and no more than 2 trips (4 movements) per hour. The site has direct access to the main highway network and the proposal would not increase the number of permitted vehicle movements, although it would increase the spread of vehicle movements across the week, which may have implications for the amenity of residents on the routes to the site. A transport statement has been prepared on behalf of the applicant which considers the impact of the proposed additional hours. The report concludes that in highway capacity terms there would be no material impact on highway operation or safety either for Saturday afternoons or Bank Holidays. The council's Transportation Engineering Manager has raised no objection.

In terms of noise generation, deliveries, shredding of waste and loading of the vessels take place within the building. The main source of noise is from the vehicles entering and leaving the site and travelling on the public highway. However, the vehicles associated with the proposal would form only a very small proportion of the vehicles on the road and the property most affected by additional highway noise is in the ownership of the company. An environmental noise assessment carried out by the applicant identified four noise sensitive properties, Top Hill Farm, Green Acres, Claerwen estate and Llancaiach Isaf Farm. Ambient noise levels were monitored on a Sunday and compared with the predicted increase as a result of the proposal which was generated from traffic flow data for Gelligaer Road and noisemap modelling. The impact was found to be negligible. The decibel increase on Gelligaer Road from an hourly increase of 4 HGV movements was found to be a maximum of 0.1.

Comments from Consultees: No objections or comments have been received.

Comments from public: No objections or comments have been received.

Other material considerations: None.

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Conclusion

The proposed variation to the hours for delivery of food waste would facilitate the treatment and recycling of food waste locally in accordance with national policy guidance. Information has been provided on the likely impact of the proposed development on noise, traffic, and odour and no objection has been received in response to consultation.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of section 91 of the Town and Country Planning Act 1990.
- 02) Nothing other than botanical, catering and kitchen wastes shall be deposited and treated at the site for use in the composting process hereby approved.
REASON: To define the extent of this consent and because other waste types may raise environmental and amenity issues that would require fresh consideration.
- 03) Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:

07.30 to 18.00 Monday to Friday

07.30 to 13.00 Saturday

No operations shall take place on Sundays or Bank Holidays or Public Holidays other than as indicated below:

The site may be open for the receipt of waste from local authority food waste collections between the following hours:

07.30 to 18.00 Monday to Friday

07.30 to 16.00 Saturday and

07.30 to 13.00 on Bank Holidays or Public Holidays

REASON: To protect the amenity interests of local residents.

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- 04) No waste shall be stored or shredded outside the reception building and the vessels and waste shall not be stored within the reception building for longer than 24 hours. Any waste materials not suitable for the composting process shall be stored in a designated covered container prior to being removed from the site.
REASON: To protect the amenity interests of local residents.
- 05) Commercial vehicles shall not enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
REASON: In the interests of amenity and highway safety.
- 06) The landscaping scheme approved in accordance with condition 12 of consent reference P/04/1912 shall be maintained for the duration of the development.
REASON: In the interests of visual amenity.
- 07) The development shall be carried out in accordance with the approved noise monitoring scheme. Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour) freefield at any noise sensitive property.
REASON: To protect the amenity interests of local residents.
- 08) Between the hours of 19.00 and 07.00 the noise levels arising from the development shall not exceed 42 dB (LAeq) (1 hour) freefield at any noise sensitive property.
REASON: To protect the amenity interests of local residents.
- 09) The development shall be carried out at all times in accordance with the approved dust suppression scheme.
REASON: To protect the amenity interests of local residents.
- 10) Any facilities for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, in the case of multiple tanks, the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.
REASON: To protect the amenity of local residents.

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- 11) Within three months of the permanent cessation of composting operations a scheme detailing measures to be taken to restore the site to agricultural use shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented in full within twelve months of its approval.
REASON: To ensure the satisfactory restoration of the site once operations are completed.

Advisory Note(s)

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