

DEVELOPMENT CONTROL COMMITTEE 21 JANUARY 2021

AMENDMENT SHEET

The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.

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7 and 8	13 and 43	P/20/552/RLX and P/20/553/FUL

Cllr. Alex Williams has confirmed that his original comments received by the LPA were inaccurate and in fact he does not own a field in the vicinity of the site.

His original comments were as follows:

"I owe a field adjacent to the river that runs down steam of this facility. It is often polluted with run off from the wood yard with dead aquatic life and foaming chemicals. Increasing the storage at the yard would increase chemicals in the ground water. Which is currently unmonitored. In addition the air pollution is inappropriately monitored with inadequate dust suppression and no evidence of filters to protect neighbours."

In addition, Cllr. Alex Williams has made the following comments:

"In both papers, please can you ensure that the following representations are replicated in full and unedited and that all Members receive an amended pack of papers and that the online versions are changed as some Members and the public may wrongly feel that I am objecting on the basis of having an interest in land and that this is a conflict of interest.

Many thanks and could you ensure that I also receive an amended copy of the papers.

Kind regards

Alex

Cllr. Alex Williams (Penprysg)

I am writing in response to the planning applications submitted by South West Wood Products (SWWP) - P/20/552/RLX – to vary its conditions and stack heights, and P/20/553/FUL on use of land for storage of end of life timber for a temporary period of 3 years.

My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.

I kindly request that these applications are considered by the full Planning Committee on the following material planning grounds:-

- *Site History*
- *Overlooking/loss of privacy*
- *Highway safety*
- *Access/Traffic*
- *Government Policy (Glastir)*
- *Potential implications of the Development Plan*
- *Previous planning decisions/enforcement*
- *Nature conservation*

- *Noise/Light/Visual Amenity*

I would also like to request an opportunity to speak at the Committee.

While this site is located in the ward represented by Cllr. Gary Thomas, it is in close proximity to the community of Heol-y-Cyw which I represent. In this response, I am making representations on behalf of my constituents, and also offer my own observations as County Borough Councillor for Penprysg.

I attended a site visit on 1st October 2020, in the company of Cllr. Gary Thomas and BCBC Planning Officers, during which the applicant proceeded to say that unless this application was approved, they would cancel the contract which Bridgend County Borough Council and Kier currently have with them.

The applicant's agent has also previously said in writing: "On securing appropriate planning and permitting amendments, SWWP are prepared to take on the liabilities left on the site by the previous operator. Otherwise, as things currently stand, these costs and liabilities will be for the crown/taxpayer to pay."

I believe that combined, these statements are tantamount to blackmail and I have informed the Leader of the Council of my concerns. As a result, I do not believe that the applicant is fit and proper to operate this site under the planning conditions which it seeks in such close proximity to residential properties.

I would encourage all members of the committee to insist upon the opportunity to undertake a site visit before coming to a decision on these applications.

Compliance History

The site has a long history of non-compliance and the previous operators of the site were to be prosecuted for several incidences of non-compliance, maladministration and negligence, all of which have been averted due to going into administration.

However, in spite of assurances to the contrary from the applicant and current operators of the site, South West Wood Products, there has been no effort to comply with current planning restrictions and NRW regulations since SWWP started managing the site since February 2019. They have been responsible for many of the breaches of current conditions and enforcement notices issued by NRW and BCBC. It is simply not acceptable that the restrictions are changed because they are unable to comply with them.

The applicant's assertion that the site has had a challenging compliance history is somewhat of an understatement. There has been a flagrant disregard for planning control, environmental permits and (as a result of the number of fire incidents which have occurred), there is a great deal of scepticism within the public domain about the management of the site. The applicant has been managing the site for some time, during which there have been a number of breaches of the conditions. The applicant has provided insufficient assurances that these breaches will not continue under its operational management and, in my view, is simply trying to relax the conditions to ensure future compliance.

Both BCBC planning enforcement and Natural Resources Wales (NRW) have previously written to me to say that "when a site is non-compliant, we work to bring them back into compliance." In the case of the South West Wood Products site, it would appear that compliance is achieved by increasing their permit conditions rather than enforcing current conditions.

For example, their permitted tonnage has been increased from 25,000 tonnes per annum of Grade B/C/D wood to 125,000 tonnes per annum because they were found to be in non-compliance as they had been accepting well in excess of their permitted limits. This increase had no relationship whatsoever to the new site area and was only done due to their infringement.

The way of bringing operators back into compliance would appear to be to amend their permits so that they no longer have a problem.

Site Boundaries & Surroundings

The site boundaries are not well defined at present. Processing has taken place within 20m of the boundary and the dust suppression netting has long since disintegrated through the stockpiling of waste wood against it.

The boundary has been breached by waste wood and is clearly visible from Heol Llan. One area of the boundary fence between the Locks Yard Complex and the common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.

Additional landscaping and tree planting is required. The site is not well screened for a stack height of 5m not alone 7m. This boundary is not well enough landscaped and if stack heights are to increase, there is an additional need to improve the long term screening. There ought to be commitment that the boundary to the site will be repaired and maintained.

As far as I am aware, the applicant has not consulted Coity Wallia Board of Conservators and Coity Wallia Commoners Association on the proposals. Both organisations have an interest in the land to the North and East of the site and should be formally consulted.

It would also be prudent to check with the current owners of the site that they have negotiated and agreed access to the site from the B4280. It is my understanding that no access has been granted.

Proximity to Residential Premises – Overlooking/Privacy

I would dispute the applicant's assertion that there are few residential properties in the immediate vicinity which are affected by the operations at the site. Given the traffic movements through the village of Heol-y-Cyw, the opinions of residents of Mount Pleasant and other residents in the vicinity should be a material consideration.

The 7 metre high (over 21ft) wood piles will completely overwhelm the bungalow, Mount Pleasant, preventing light and visual amenity as well as causing noise and dust pollution. I would kindly suggest that a new and up to date dust and noise management plan should be provided and that the Health & Safety Executive should be consulted.

Throughput, Height of Stacks & Storage of Waste Wood

Given the applicant's assurance that there will be no increase in throughput at the site, I question why the applicant is seeking to change the height of the stockpiles from 5m to 7m and seeking to increase the site area for stockpiling of unprocessed wood.

This increase in height should be accompanied by a new Fire Prevention and Mitigation Plan.

There is currently inadequate information in the planning statement as to why additional storage capacity is necessary or why the increase in height of stacks is justified. Furthermore, there is inadequate information about how the proposed amendment will meet the previous reason for the condition i.e. visual amenity and the prevention of pollution.

The applicant indicates that pre-selected wood would be brought to site for storage. I believe that it is essential that conditions are placed on the applicant which prevents any grade C or D hazardous wood to be processed at the site.

It is also my view that any unassessed wood should be stored in a dedicated quarantined area for the storage of waste wood deemed to be unacceptable.

The applicant states that site throughput is not limited by planning restrictions but that environmental permitting has allowed up to 195k tpa. My understanding was that the original throughput of 25k tpa was amended to 120k tpa and agreed by Natural Resources Wales.

The applicant should clarify its understanding regarding permitted throughput; provide the documentation to support this; and make a statement about what is the current annual throughput at the site.

If the applicant does not intend to increase historic levels of production at the site, will the applicant voluntarily set a condition on annual throughput at its current level?

If waste wood deteriorates over time, will the applicant voluntarily set a condition on planning consent; within its environmental permit; and fire prevention and mitigation plan on the length of time that waste wood will be stored to prevent a repeat of the storage issues which have occurred historically at the site.

NRW's own guidance 'Fire Prevention and mitigation plan guidance – Waste' states that "this guidance document represents the minimum appropriate measures required to be put in place by waste operators to ensure that fires are prevented." The first line of the Summary section states: "You must follow this guidance if you are storing combustible waste at permitted sites." This guidance clearly states that unprocessed wood should be stored at a maximum height of 5m and processed wood at a maximum of 3m (page 10).

Transport/Highways

There have been a number of occasions whereby vehicles have left the highway and vehicles continue to regularly deposit woodchip on the highway causing a risk to damaging vehicles and risk seriously injuring pedestrians.

This raises questions about the suitability of the highway for such HGVs. This was previously raised following the successful planning application from Rockwool to expand its site. It is therefore a moot point about whether or not traffic is "accommodated" on the local highway network.

The applicant notes that there is no need to undertake a Transport Plan because the operation of the site will not be materially altering but by definition, the extra storage allowed by the increased stack height to meet the varying demands from Margam power station through the year implies a change to the pattern of operation of the site which would impact on the movement of vehicles. This, coupled with an intention to amend the NRW permit, should surely require a revisit of the Transport Plan.

Furthermore, if the applicant has no intention to "increase traffic movements over and above that generated by the existing operations, will it voluntarily submit to a traffic monitoring assessment and commit to an agreed level of traffic flow which can be inserted as a condition of planning approval?

Pollution of Waterways/Conservation

Natural Resources for Wales has recently attributed the pollution of the waterways to the site at the Locks Yard Complex. A heavy, dark brown discharge, has entered the waterways which flows directly into the Nant Crymlyn, a tributary of the Ewenny river. The Ewenny river and its tributaries have populations of brown trout and sea trout, both of which spawn in the headwaters during winter months. In March, tiny fry hatch and rely on clean water and insect life to survive for 12 to 14 months, before they migrate downstream to continue their respective life cycles.

I have received representations which suggest that no insect or fry have survived along approximately 2 miles of the Nant Crymlyn this year due to the pollution which can be directly attributed to the Locks Yard Complex.

Furthermore, the common land to the East and North of the Locks Yard Complex has, for the last 5 years, been subject to a Welsh Government Environmental scheme (Glastir Advanced) with an emphasis of promoting biodiversity by mechanical means and careful management with grazing livestock. Several graziers were advised during this period by NRW to remove livestock, in particular sheep and cattle suckling young from this area of common land.

While this may not be the direct responsibility of the applicant, it does not suggest that the application to increase capacity for the storage of waste wood will improve the risk of further pollution to our local waterways and to our livestock. This is not a potential pollution, it is actual pollution occurring right now, and is a criminal offence.

The applicant fails to address all of these environmental concerns so it is requested that the applicant present a drainage plan as a condition of planning consent to prevent a reoccurrence of this pollution and minimise the environmental impact by isolating the source of leachate.

Site drainage does not currently comply with the recommendations set out in application P/16/659/RLX Para 14 d) e) and f) regarding foul and surface water drainage. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal. The applicants should be required to produce detailed plans to mitigate pollution as the current measures are insufficient.

Health & Safety

I have received representations from constituents who suffer from respiratory and other health conditions which are exacerbated by the dust from the Locks Yard Complex. I would welcome the applicant's assurance that it will further review the monitoring findings, but the applicant should also confirm that dust suppression will take place at this site as there is some scepticism about whether this is actually occurring at present with regular complaints of dust on vehicles along Pant Hirwaun.

Has the applicant taken notice of the gas main which runs across the proposed area? Please ask for confirmation as a Civil Engineer has advised against any HGV passage.

Hours of Operation

Previous operators of the site have failed to comply with the hours of operation. There are numerous recent examples which have shown that the operator of the site (the applicant) is continuing to flout these operating conditions.

The applicant states that it does "not anticipate a fundamental change to throughputs that would generate any significant changes to traffic generation." The applicant should be obliged to provide more detail on what it considers as "significant changes" and it should provide more detail on what changes (if any) it foresees in traffic movement including the frequency of lorries travelling on the B4280 through Heol-y-Cyw.

Residents and I would contend that "loads" are not always fully enclosed. This results in waste wood, some of which have metallic debris, deposited on Pant Hirwaun and the B4280. This has caused damage on numerous occasions to people's tyres and vehicles and is also a potential hazard to pedestrians, many of whom are elderly or children. There should be an assurance from the applicant that it will seek to address this and the applicant should commit to sweeping

the street on a regular basis, something which hasn't occurred as regularly as was previously promised.

The applicant should consider diverting all site traffic so that articulated trailers do not travel through Heol-y-Cyw at all. I understand that a similar voluntary arrangement is in place with Rockwool avoiding any traffic movement through the village of Heol-y-Cyw. This would be a welcome development.

The applicant should be obliged to resolve the issue of stationary traffic on the highway at Heol Llan. Lorries wait to access the site before hours of operation. This has caused numerous road blockages in recent times.

Local Development Plan

The applicant has not adequately considered the replacement Bridgend Local Development Plan which must be nearing deposit and which surely must be referenced.

P/20/553/FUL on use of land for storage of end of life timber for a temporary period of 3 years

I see no reason why the applicant is seeking temporary planning permission for a period of three years. Temporary planning permission should be granted for one year to demonstrate operational compliance and acceptability before seeking a longer extension.

Residents are also concerned about the potential increase in rodents as a result of storing end of life timber alongside common land. I would be grateful for an environmental impact assessment on the increased storage of end of life timber and the increase of stack heights. I'm grateful for the opportunity to contribute my own views and that of my constituents.

Kind regards

Alex

Cllr. Alex Williams (Penprysg)"

Members will note that these comments are included in full on Agenda item 7 (P/20/552/RLX) and the relevant elements to Application No. P/20/553/FUL are included in Agenda Item 8.

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P/20/346/FUL

The following additional condition should be added to the report:

12. No construction works shall take place outside the following times:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:30 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Reason: In the interests of safeguarding the amenities of the occupiers of the nearest residential properties.

JONATHAN PARSONS
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21 JANUARY 2021