

**REFERENCE:** P/20/552/RLX

**APPLICANT:** South West Wood Products Limited,  
Clifton Moor, Clifton, Penrith CA10 2EY

**LOCATION:** South West Wood Products site, Heol Llan, Coity CF35 6BU

**PROPOSAL:** Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording

**RECEIVED:** 4 August 2020

**SITE INSPECTED:** 1 October 2020

#### **UPDATE SINCE MEETING OF COMMITTEE ON 21 JANUARY**

This application was deferred from the Development Control Committee on 21 January 2021 to allow for a virtual site visit to be undertaken. This will be carried out via Teams on Wednesday 3 March 2021 at 2pm and will take the form of drone footage with commentary from the Officer.

Since the last DC Committee meeting, National Planning policy has seen the publication of two new documents - Future Wales – the National Plan 2040 and Planning Policy Wales (Ed 11) on 24 February 2021. The application has been re-considered under these new policy documents and the recommendation remains as per the original report.

Also, since the last Committee an issue has arisen on the former Bryncethin Nursery part of the site relating to a suspected leak in the 4m deep private gas pipe that serves Mount Pleasant Bungalow. Wales and West Utilities have investigated the leak and whilst they have not been able to identify the source of the leak to date, they will carry on with their investigations and have confirmed that due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, they have no current safety concerns for the gas network located in the former Bryncethin Nursery part of the site. A copy of the Wales and West Utilities letter to Huw Irranca-Davies MS is attached as an Appendix to this report.

There have been calls for the application to be deferred again until this issue has been resolved. However, Members will note that there will be no wood storage or processing in the Former Bryncethin Nursery part of the site (just parking and storage of machinery) and the applicant will not be able to gain control of this area from the Crown until the consent has been issued and the NRW permit has been amended to include this area. Members will also note that if the application was to be deferred again, it would not prevent any activity taking place on the main Lock's Yard part of the site or the former Bryncethin Nurseries part of the site as they are both the subject of extant consents.

If Members feel that Wales and West Utilities' advice is not sufficient to minimise the risk of future potential gas pipe damage in this area, there is scope to add a condition restricting use of HGVs on the former nursery site until the location of the leak and the private gas pipe has been established and resolved.

As explained at the previous Committee meeting and in the report, the application is a means of regularising and controlling the use of the wider site through the Planning process. The applications will define what operations are allowed to occur throughout the site so that they can be more easily enforced and in order to allow the applicant to remove the old polluting legacy wood from the Crown land. The main site has a planning

permission to continue operating as a waste wood processing plant and the use can continue to operate regardless of the outcomes of these applications and, as such, it is not possible, at present, to stop this use through the Planning process.

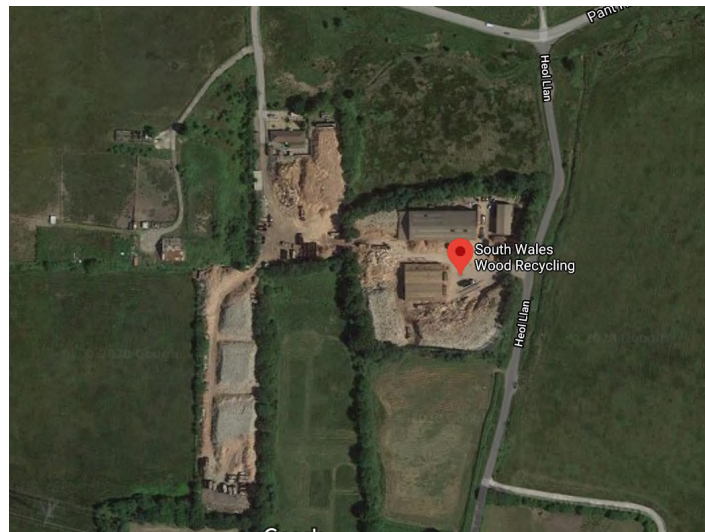
It is considered that there is no land use Planning benefit in deferring the application again as any further delay may prejudice the chances of achieving a satisfactory resolution to the issues on this site by stalling the removal of the historic waste wood from the Crown land. In addition, a deferral could also result in an appeal against non-determination. Furthermore, a delay could also prejudice any future enforcement action on these sites.

Reproduced below is the original report and recommendation:-

### **APPLICATION/SITE DESCRIPTION**

The application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

The consent to be varied was granted on 9 June 2017 and Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively.



**Fig. 1 - Aerial View of Site**

More specifically, condition 1 currently states:

*The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, 10914-000-E, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).*

It is proposed that the condition will now read:

*The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).*

Condition 5 currently states:

*The height of all external stock piles shall not exceed 5m at any time.*

It is proposed that the condition will now read:

*The height of all external unprocessed stock piles shall not exceed 7m at any time.*

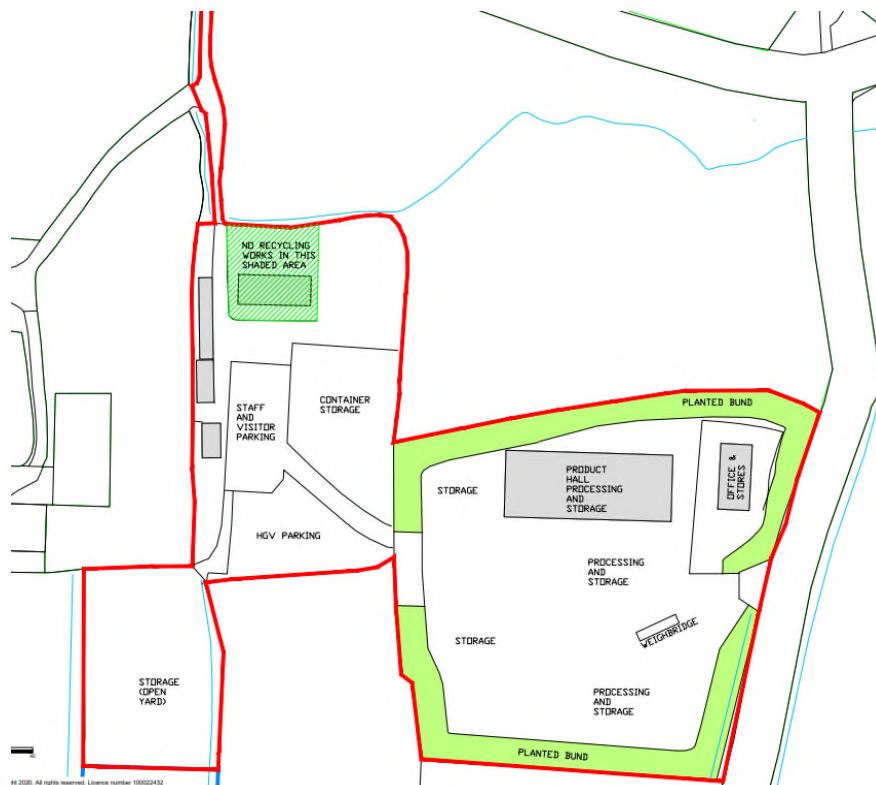
Condition 6 relates to the type of works that can be undertaken at the site and currently states:

*The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.*

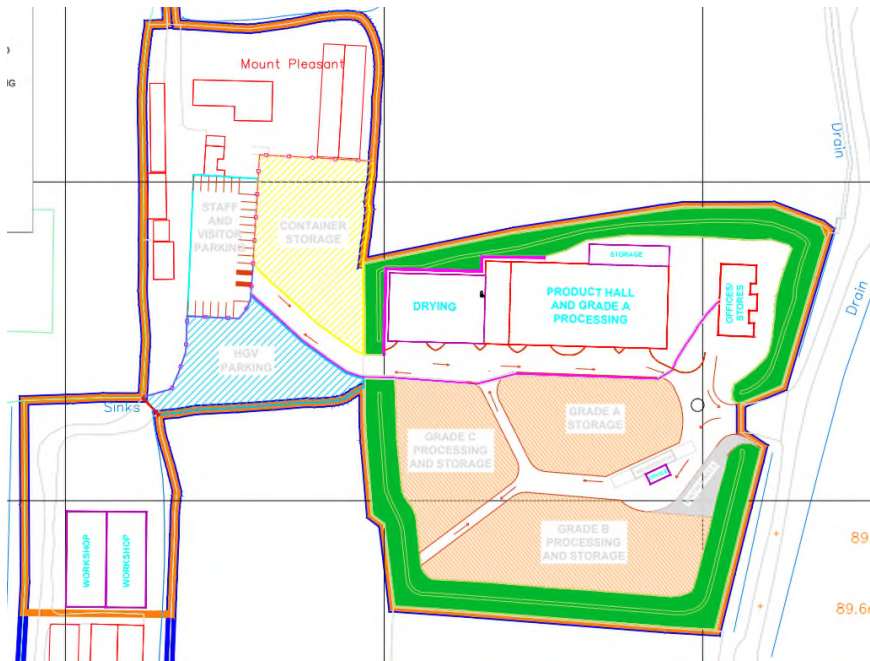
It is proposed to change the condition to include the seasonal preparation of domestic garden waste collected by BCBC/Kier so that the material can be shredded on site and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded as follows to regularise the Planning status of the works carried out on the site as follows:

*The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the **preparation of garden waste/plant to be transferred to another site for composting** and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.*

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.



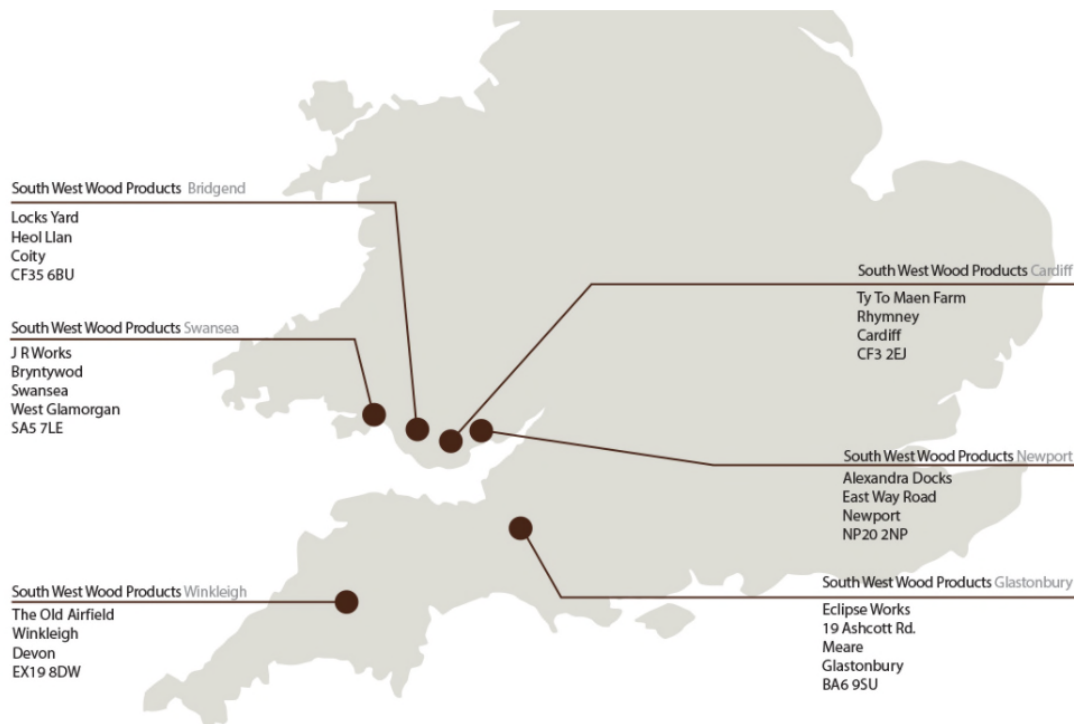
**Fig. 2 – Proposed Site Layout Plan**



**Fig. 3 – Previously Approved Site Layout Plan under P/16/659/RLX**

Lock's Yard (the front eastern part of the site) has operated as a wood recycling facility for a number of years and it was extended to include the adjacent former Bryncethin Nurseries site in 2014.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.



South West Wood Products Site Map

**Fig. 4 – South West Wood Products Locations**

There is a separate Planning application to regularise the use of additional land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality wood waste since a fire on the site in 2016 and it is intended to “blend” this wood with better quality wood to get it to a standard that can be accepted and used at Kronospan or Margam. Once a temporary consent is issued the applicant can formally apply for a permit from NRW to remove this historic end of life wood.

As it stands there is no requirement for the applicant to remove and process this end of life legacy timber as the company responsible for depositing the wood there has gone into administration and the land has reverted to the Crown.

### **RELEVANT HISTORY**

P/14/711/FUL - C/U former Nursery & Dwelling to Vehicle Storage, new buildings, access, wood fuelled boilers and wood drying facility - Approved with conds - 05/09/15

P/15/792/DOC - Discharge of Cond 14 - Drainage - Agreed 16/12/15

P/16/203/DOC - Discharge of Cond 12 - Not Agreed 04/05/16

P/16/276/DOC - Discharge of Conds 1 & 8 - Split Decision - 14/07/16

P/16/596/DOC - Discharge of Cond 8 - Agreed - 16/03/17

P/16/659/RLX - Relax condition 12 of P/14/711/FUL to extend the time period in which to submit the Noise Management Plan – Agreed – 09/06/17

P/17/706/DOC – Discharge of Conds 10 and 11 of P/16/659/RLX – Agreed – 23/08/17

P/20/553/FUL - Use of land for storage of end of life timber for a temporary period of 3 years – to be considered at DC Committee

### **PUBLICITY**

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent additional information. The period allowed for response to consultations/publicity has expired.

### **CONSULTATION RESPONSES**

**The Coal Authority** – No objection

**Public Protection** – No objection subject to conditions to preserve the residential amenities of the occupiers of Mount Pleasant Bungalow to the north of the site.

**Biodiversity/Ecologist** – no observations.

**St Brides Minor Community Council** - The Members of St Brides Minor Community Council wish to object to this application and make the following comments:

*Any expansion of wood deliveries and productivity in wood recycling at this site is harmful to the residents in the local environment and routes to and from the facility. With this in mind it would be appropriate that a Traffic Assessment and Environmental Impact Assessment is conducted to assess the impact upon the volume of traffic through Bryncethin along the A4061 to and from the M4 interchange at Sarn Services. In addition the impact upon the environment and local air quality as these vehicles are significantly*

larger than the normal heavy goods vehicle. We are also mindful that there was an incident in Pencoed where one such vehicle tipped over and it is concerning that these lorries will pass a Primary School in Bryncethin. See this link:

<https://www.walesonline.co.uk/news/wales-news/live-updates-road-closed-overtuned-14474149>

Over a 17 year period along the A4061 there has been a 18.9% increase in overall average daily traffic, with a 72.4% increase in Large Good Vehicles. A further increase of LGVs caused by an expanding wood recycling business will have an impact upon road safety, air quality and the general quality of life for people living alongside the road in Bryncethin and Bryncoch. Such tall and heavy vehicles should not be allowed to pass through residential areas.

**Coychurch Higher Community Council** – Members of Coychurch Higher Community are gravely concerned about this Planning application not least with the previous history from this site. Conditions have not been adhered to and the stacks are considered too high as it. Additionally, the dust this will create during the warm weather will be a hazard to both people and livestock. Members of Coychurch Higher object to this application in the strongest possible terms and comment:-

*Whilst this Planning Application lies outside the boundary of Coychurch Higher, because of its' close proximity to Heol-y-Cyw, any problems which may arise impact on the village of Heol-y-Cyw and its residents.*

*There have been serious problems in the past which is why Members of Coychurch Higher Community Council wish to make representation against the proposed variation. Assurances were given in March 2019 by the current operator that the fire damaged tree line and screens that surround the yard would be replaced to improve security and reduce the visual eyesore to neighbouring properties. This hasn't been done.*

*As recently as September 3rd 2020, NRW were in attendance following complaints of pollution from Locks Yard to Heol Llan and the local waterways. Members feel this matter needs to be considered as a matter of urgency and appropriate drainage installed at the site as well as increased dust level management. To date, debris continues to spill into the waterways adjacent to the main gates and onto surrounding agricultural land.*

*The volume and size of the lorries that service this site is totally unsuited to this rural area. There are several very dangerous "pinch points" that are causing huge safety concerns including the T-junction at the Heol y Cyw end of Panthirwaun, as well as the two cattle grids. The 40 mile per hour speed limit along this stretch of the B4280 is already considered to be inappropriate, but added to it the sheer enormity of these lorries, it is considered be a serious health and safety hazard. Also, despite assurances that all lorries are sheeted securely, there is a considerable amount of wood waste along the B4280 and the roads and pavements along Panthirwaun.*

*Members also feel clarification is needed regarding the access of "non-wood" vehicles to the nursery site via the driveway to Mount Pleasant bungalow. Previous instructions stated that the nursery land would be returned to grass, which was relevant at the time of purchase. This is a private residence which would be hugely affected by the use of this unfinished access onto Crown land. SWWP have previously stated that they would continue to assist with the clearing of the nursery site, but to date, this hasn't taken place.*

*Members feel strongly that, before any Planning Application is even considered, the*

*strictest safe-guards need to be in place, with particular emphasis on health and safety, to ensure that there are no more detrimental effects on the residents of Heol-y-Cyw and Coychurch Higher in general. The issues at this site have been ongoing for many years without resolve which is why Members of CHCC object to the application in the strongest possible way.*

*In response to additional information received from the agent the following comments were received:*

## **REPRESENTATIONS RECEIVED**

The following representations have been received in specific regard to this particular application:

**Cllr Alex Williams – Ward Member for Penprysg** – Objects to the development as follows:

*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.*

*I'm grateful for the opportunity to contribute my own views and that of my constituents.*

**Coity Wallia Common Conservators** – the comments can be summarised as follows:

- Errors in the supporting planning statement – the site is surrounded by common land and there is only one approved access point to the site – the one from Heol Llan. There is no agreement to allow the applicant to use the access to the B4280.
- The second access only serves the bungalow and is on land owned by Dunraven Estates and controlled by Coity Wallia Board of Conservators and no permission has been granted to the applicant to use the land as a secondary access.
- Object to storage at the site – there is no commitment to the sort of waste wood being brought to and stored on site – will it be classified as hazardous or non-hazardous or treated or untreated or graded into one of four categories?
- Will there be a quarantine area for wood deemed unacceptable?
- What is the pre-contract specification agreement?
- Over the last 5 years surface water has flowed off the main yard over a cattle grid and onto Heol Llan and into a tributary of the Nant Crymlyn.
- More concerning is a heavy dark liquid flowing from the site into another watercourse close to the B4280 across common land affecting the Nant Crymlyn and brown trout, sea trout and salmon – a criminal offence under the Salmon and Freshwater Fisheries Act 1975.
- From 31<sup>st</sup> January 2021 new regulations in England and Wales will classify waste wood as unassessed or hazardous so any planning application should be considered with this in mind.
- Object to BCBC considering this application as the Council is a customer/supplier to this facility. Does this place Bridgend Council in a compromised position and unable to act independently??
- The whole wood recycling premises has an adverse impact on the locality.
- Whilst there are no public rights of way through the site it is surrounded by public access common land and areas of common land that have been subject of two major environmental projects over the last 10 years.
- The commoners association were not been directly consulted on the applications.
- The recycling plant dependent on the wind, deposits wood dust in parts of the highway and common.
- The large vehicles are too large for the road system, some have tipped and there is not always enough room for them to pass.

In addition to the Commoners' comments, their agent, Cooke and Arkwright, has provided the following advice:

*The plans attached to the application show the access in the case of application 553 as being within the control of the applicant and in application 552RLX as being the applicant's boundary. This is incorrect. The entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate (myself and Mr Stephen Walsh) and forms part of Coity Wallia common. There is no legal right of way over the land for the proposed purpose and no right will be granted. In this connection I would draw your attention to the Court of Appeal decision in Jones v Secretary of State for Wales and Ogwr Borough Council (5 June 1990). Notwithstanding my objection to the unauthorized use of the property on behalf of the Trustees I wish to object to the application and I am also authorized to object on behalf of the Coity Wallia Board of Conservators, the statutory regulators of the common on the following grounds –*

1. *The access track is incapable of use for the proposed purpose without significant*

*improvement. The applicant has no authority to use the access for the purpose and to use common land for unauthorized vehicular access is contrary to Highways Acts.*

- 2. There have been several incidents where lorries have overturned onto my clients property in the vicinity of the plant, the latest occasion being within the last month. There is clearly a highways problem. Details of the latest incident can be provided. There is little attempt to properly reinstate the damage caused to the common.*
- 3. The "Dust Report" in support of the application makes light of the problems. A cursory visit to the common opposite the main entrance to the site from Heol Llan demonstrates the presence of sawdust on the grassland which is not only any area open to grazing stock but is also an area of statutory public access.*
- 4. The proposal is identified as "temporary" but my clients are concerned at the sporadic extension of industrialisation created by the proposed development in what is essentially an agricultural area.*

**The occupier of Heol y Llan, Heol Llan** objects to the proposal as follows:

"The site is not fit for purpose/size of operation, no dust management, never has been, stack heights are never adhered to, just another excuse to take in more rubbish that they can't get rid of and stockpile until it catches fire or they move on and leave it for someone else to sort out at tax payers expense, no more heavy traffic is needed in our rural area, area used as dumping ground, fences damaged, debris all over roads, working hours never adhered to, same issues with new contractors as with previous contractors, how can local authority support any application by this outfit of cowboys, history of site should tell you enough and nothing has changed, roads cannot handle vehicles using site, they are blocking lanes, reversing out onto main highway until someone is killed or seriously hurt, nothing will be done about it, total shambles."

**The occupier of 90 Pant Hirwaun** objects to the proposal as follows:

"Further development will impact on my health and welfare, extra noise pollution, extra air pollution, at present the traffic is beyond putting up with, the highway infrastructure is not able to sustain the traffic, the constant droning from the sight is 24/7, dust and dirt are an issue, windows and doors cannot be left open, the fire risk at the sight still relevant height of mountains of wood!!!"

**The occupier of Ty Du Farm, Pant Hirwaun** objects to the application as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL).
- The current applicant has abused the appearance, scale and use of the site.
- Our residence is impacted by both noise, traffic coming and going and wood waste along the entire length of our boundary.
- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists and motor bikes.
- Original planning was granted to SWWR, now in receivership, and in 2019 the land originally known as Yeomans Nursery was repossessed by Lloyd's Bank PLC and apart from Mount Pleasant which was auctioned as a private dwelling, then became Crown Escheat.
- Challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership but overseen by the Crown.
- The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted.
- Why does SWWP accept greenery? Do they have a separate licence for storing

- green waste and if so why has it not been mentioned in this application?
- The volume of heavy vehicles that currently use the B4280, and any increased waste wood throughput would create unacceptably high risk of traffic accidents, on a bus-route and, for the majority of its length, without any pavement for pedestrians.
  - Only vehicle storage, staff car parking and container storage is allowed on the former nursery site.
  - 7m high stacks will prevent light and visual amenity to the Mount Pleasant Bungalow.
  - Stockpiling on Crown Land not under control of the applicant.
  - Proposed buildings should not be constructed - the entire site is not under control of applicant.
  - An out-of-date dust management plan cannot be accepted because the new operator will be utilising different machinery and therefore new dust management and noise management plans need to be provided.
  - Both processed and unprocessed wood piles should not exceed the current approved height for the site of 5m.
  - They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
  - Throughputs are too vague.
  - Will the applicant undertake to replace the trees that were killed by stockpiling far too close to the perimeter resulting in ripped meshing and tree collapse?
  - Has the applicant taken notice of the Gas Main which runs across the proposed area?
  - Can it be that excavators, loading shovels and 360 degree movement machinery will be allowed to operate within inches of the private dwelling Mount Pleasant?? Would that be allowed within inches of your home or mine??
  - I have provided BCBC with images of bedding, upholstered chairs and also green waste entering and being accepted by this operator which completely rubbishes the claims made by the applicant. Which are you going to believe??
  - There are other wood processors and hauliers in Bridgend area and waste is being brought by SWWP from Dyfed in west and parts of England.
  - The throughput cannot be allowed to exceed the current 120,000 tons per annum. This amount already causes excessive traffic and transportation menace.
  - Confirmation is needed from the operator that no processed wood will be stored on the central area.
  - This site should be closed (or used for lorry storage only) and a larger area of brownfield site away from rural villages offered to SWWP instead.
  - What plans does the applicant have to store and quarantine wood rejected by Margam?
  - When will this FPM Plan be submitted and why hasn't it presented to the local authority for scrutiny?
  - The operator SWWP has had 18 months to achieve this 'blending' of historic waste, moved to the Nursery to manage fire outbreak Sept 2016. This has not happened and the waste wood onsite has increased under this management.
  - Heavy Goods Vehicles and other vehicles enter and leaving the site on Bank Holidays.
  - Site drainage does not comply with the recommendations set out in application P/16/659/RLX. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal.
  - Loads are crammed to the top and spillages are common even from sheeted lorries as can be evidenced anywhere along the B4280.
  - The applicant needs to seek permission for access to the Northern part of the site from the Board of Conservators overseeing the Dunraven Estate.
  - The Noise Management Plan is out of date, and since different machinery will be

employed by this operator a relevant NMP will be required and clarification of how the applicant will meet the conditions.

- Dust Management Plan is out of date and the operator has had 18 months to assess the needs of this site.
- I urge the Council to insist that a Traffic Management Plan is submitted for consideration by BCBC Highways Dept.
- Processing is currently taking place within 20m of the boundary
- The dust suppression netting has long since disintegrated through piling of waste wood against it. Will this be replaced by the applicant?
- How will applicant restrict loading to Locks Yard when the storage is in central area (Nursery)?
- The site is NOT remote from residences.
- The area has planning permission for vehicle storage but not wood
- The applicant needs to provide details of a 'Complaints Procedure' for transparency
- The new Bridgend Development Plan is due September 2020, please can the application wait until a new plan can incorporate a suitable venue (e.g. Stormy Down, nearer Margam), which will save Planning & Enforcement a huge amount of time and stress into the future.
- The details of the Well Being Act referred to are not being implemented in this application and therefore, it should be rejected.
- Waste development should minimise adverse environmental impacts, protect designated landscapes and nature conservation sites and protect the amenity of residents, land uses and users affected by waste development. The Marsh Harriers which enjoyed the immediate surrounding area, are now absent, but I'm given to understand, could return if lights and activity are reduced. The impact on residents cannot be over-stated.
- The Margam plant will continue to provide Green energy without this development
- The scheme is contrary to policies contained within the LDP,
- This application constitutes new development on a green nursery site which only had planning permission for vehicle storage. Whilst the principal of wood recycling is accepted, the contravention of all controls and conditions is not. There is sufficient proof that the applicant does not regard Conditions with respect, and these can be produced if appeal processes are triggered.
- Both SWWR and IWR have tried to make this a viable waste wood business, and failed. Over 12 years this site has lurched from over £2,500,000.00 bankruptcy to having serious fires and numerous Enforcement Notices for breaches of Conditions.
- It is not a suitable venue, a dockside or Industrial Estate would ensure the sustainability for SWWP.
- The site is not on 'previously developed land' since removable Polytunnels and plants hardly constitute development in any real sense.
- This site under Locks Enterprise had 'light engineering' status not Heavy Goods Vehicles and Articulated lorries of the size and frequency now impacting the site.
- There is no screen between the residential bungalow and the proposed wood storage area.
- Litter has been an issue for this site being blown across neighbouring gardens and on the roads leading to the site.
- NRW is currently investigating not only water course pollution but the re-directing of water courses by blockages which threatened the nearby bungalow during 2020.

**The occupier of Perrington Bungalow** objects to this application and their comments are summarised as follows:

- This application was to turn the nursery site into vehicle storage, wood dryer and boiler non of these have ever been built.
- This application was only for more time for noise management to be put in place, at

- the time this application was made by TEP.
- This application does not make clear the separate planning on Locks Yard and the former Bryncethin nursery, eg stock pile height refers to Locks yard only as NO WOOD was permitted in the former nursery site.
  - The most recent application shows no clear or accountable complaints procedure, this needs to be addressed.
  - The noise management plan is absent and the fire prevention and mitigation plan are also absent.
  - There seems to be a major communication problem within the planning approval and PC16658/ RLX it is worded in such a way that it's been abused in the most recent application made by SWWP.
  - I have previously stated that this is an environmental mine field, a disaster waiting to happen.
  - This / these companies pay no heed to rules and regulations.
  - We have evidence of vehicles arriving on site without being sheeted, this explains why the highways are littered with debris, some of these pieces of wood are large enough to cause damage to innocent motorists causing damage to their vehicle, if this should happen to a cyclist or even a pedestrian it could cause a fatal injury.
  - As I have stated previously the piles are too high there are insufficient fire breaks, the weather will exacerbate this situation and there will be another fire on this site, causing damage to the close community, not to mention the animals and wildlife found thereabouts.
  - The many LGV vehicles fully loaded or empty are unable to pass each other without toppling over as was the case on 23/9/20, the edge of the road is being destroyed and the verges are soft hence the toppling , causing chaos on this busy road whilst the fallen vehicle is rited, whilst on the subject of LGV's the road is not suitable for queuing vehicles, on one occasion an artic lorry was seen to be reversing onto the main road from the site entrance on HEOL LLAN.
  - I should stress that SWWP have been operating on this site for almost two years and clearly have done little to adhere to the rules and regulations, so giving them permission to expand their practices is detrimental and dangerous.
  - They pay no heed to rules/regulations.
  - The rivers and waterways are polluted, when we have heavy rain this is clearly visible, the wood that they have stacked has had numerous chemical treatments for whatever it's original use was and this is washed into the waterways, as I say this s an environmental hazard for sure.
  - The many LGV vehicles spill lumps of timber and debris on the highway
  - Basically the site has already outgrown itself, the highway is not suitable for the traffic, the operators past and present care not for rules and regulations, they care not a jot for the environment or those living nearby.

**The occupiers of Mount Pleasant Bungalow** object to the development and their comments can be summarised as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL) NEVER for wood storage (legally).
- The current application is not suitable due to the size and scale of the site.
- The local main road, the B480, is totally unsuitable for the existing amount of traffic.
- The roads are narrow and the edges of the tarmac are being destroyed by the heavy wide lorries.
- On several occasions SWWP lorries have left the main road and have toppled onto the common in front of our bungalow.
- There are no pavements between Heol Y Cyw and Bryncethin.
- Our residence is impacted daily by both noise, traffic coming and going and wood



- waste along the entire length of our boundary.
- The constant noise and dust is insufferable.
  - We have spent considerable money to purchase our home and would not have done so if we thought there was any chance of a planning application being submitted to use the old nursery site behind us to continue to run recycling business with lorries in and out at all hours of the morning and evening.
  - The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists.
  - There have been two wood chipping machines left to rot at the back of our driveway - oil has leaked out of these and other machinery flowing directly in to our garden and the stream at the front of the bungalow thus polluting the waterway and garden.
  - I would challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership and is actually owned and overseen by the Crown. Furthermore the planning that is in place was granted to a now insolvent company. Surely the planning does not pass to anyone who then moves onto the land?
  - The original planning consent allowed vehicles to park behind our bungalow with the actual bungalow being used as a canteen for drivers. Neither of these uses actually took place – no visitors ever parked behind and we moved in to the property in March 2016 so we know that this was never used as a canteen.
  - Surely this planning application should be refused on the grounds that it is too near our existing residential property.
  - The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted before any industrial usage of that driveway can be authorised. I have been advised that they have not been contacted regarding this planning application.
  - The driveway which passes our boundary wall is only 8 feet from our bedroom and lorries and other vehicles would have a direct view meaning that we would have no privacy!
  - It is obvious that the agents have never visited the site: there are in excess more than twelve mounds of waste wood within feet of our home with only a six foot high fence between us.
  - This fence has been damaged by machinery.
  - There is no fire break and some of this is already higher than the regulatory height of 5 metres.
  - Over the years the southern boundaries have been affected adversely by stockpiling wood products without appropriate distances being left unused. Subsequently a number of trees that formed part of a natural boundary have been damaged.
  - The central area currently has thousands of tonnes of wood and has not been used to store vehicles for more than three years.
  - Why do the current licence holders, SWWP accept green waste and mattresses?
  - Whilst 2 environmental permits were granted historically, one for 120K tpa and a second for 75K tpa, the latter was rescinded at a later date. This is mentioned in Section 2.12 of the application and although the statement in this section is technically correct that at one time “environmental permitting has allowed up to 195Ktpa throughput at the site” only one permit is current, ie 120Ktpa. The applicant’s statement that “...it does not propose to exceed historic levels of production” is therefore ambiguous and needs to be amended.
  - To say that the site is “relatively remote from residential properties” does not reflect the true siting of the operation - in fact there are 7 properties within 400 metres of the current facility and many more are directly affected by the activities of this

business.

- the application has no credibility and should therefore be rejected by the BCBC planning committee without further consideration.

**The occupier of 41 Heol y Groes, Pencoed** has objected to the application as follows: "I write regarding the above application as a concerned resident of Pencoed. Sometime ago there was a fire at this company and thus tied up a vital service i.e. South Wales fire Service. The smoke caused problems for residents of the various communities surrounding them. I feel that this would be a mistake to allow this application to be granted. In strange and unprecedented times where people are already afraid and concerned i think that BCBC should not add to these concerns. So i am asking you to decline this application on those grounds."

**The occupier of Glyntawel** objects to the development on the following grounds: "We object to the proposed variation of conditions due to a direct contravention to protect and enhance the local environment including sites of SSI, wildlife habitat, trees , Common Land/waterways and the impact on wildlife corridor. The variations will add to the existing affect on the local community; the constant dust clouds/air pollution having a damaging affect on human (& animal) wellbeing; add to existing on going problems or severe and increased traffic pollution including heavy loaded vehicles leaving/tipping over the Highway; constant threat of fire, water pollution / flooding ; regular costs to motorists with regard to tyre punctures and constant danger to cyclists, horse riders, Pedestrians and livestock using roads and pavements. The Infrastructure problems are not solvable due to ongoing total disregard and lack of respect towards the community and environment. The proposed variation of conditions will only compound and add to existing problems we as a community face every day. Not working with the community and all of the above reasons have, contributed to a negative affect on our environment and community, culminating in an opposing objection and non support of SWWR. The Occurrence of these problems impose detrimental effects upon our environment and living standards. It should be the councils responsibility to protect our ever decreasing rural areas for the future generation."

**The occupiers of Nos 1 and 2 Pant Cottages** object to the development and their comments can be summarised as follows:

- The operator has not been true to word and cleared the area of wood chip. How can we trust them moving forward? The additional space makes them greedy not work cleaner or more efficient. Whilst the operation was contained within Locks yard the size of the yard governed throughput, throughput governed lorry movements on the B4280. The management of the site was problematic however was more acceptable to the local residences and there was less impact on the environment. The main issue at the time was farmers collecting wood chip and transporting it in uncovered trailers littering the roads and verges.
- We have been told that the Margam Biomass unit requires 6000 tonnes per week, if this were to be supplied from this site, wood would be sourced from all across south wales, increasing traffic on the already inferior infrastructure. The B4280 is not sufficient for the size and numbers of these vehicles that are used to transport the wood to and from site.
- There have been two occasions recently where one of their lorries has veered off onto a soft verge and been stuck.
- There are no pavements between Bryncethin and Heol-y-Cyw this makes it really dangerous for walkers, joggers and cyclists.
- Us local residences feel if these large vehicles are to continue then the B4280 ought to be widened with pavements and reduced to 40mph
- We feel particularly uneasy with SWWP taking over as through the company

secretary Patricia Elsie Watson they have direct links with 6 other recycling/logistics companies from across the UK.

- The B4280 is littered with wood chip, evidence is being reported to the council on a regular basis. This is collected every couple of weeks from the couple of meters of pavement outside 1 and 2 Pant Cottages.
- We have an issue with rodents in this area, this is to be expected living alongside common land but we feel that this problem will increase with the storage of waste timber.

In response to additional information received from the agent the following supplementary comments were received:

### **The Occupier of Mount Pleasant Bungalow -**

“As you may remember we are the closest and most immediate neighbours and our property adjoins the land relating to the planning applications. The point they raise about not using the access across the common, and immediately passed our property, the access road is less than 10 feet away from our bedroom window, is very vague and we believe will be misused by visitors, deliveries etc. The owner / management company for the owner of the land has denied all access across the common, except to us as a family to get to our home. It is not ever to be used for business use or for visitors and vehicle to visit the site. Unfortunately, the previous owner used it without permission and we only bought the property on the understanding that Dunraven Estates would never grant permission for a business or their visitors to have access to this driveway. In fact we were told that the land behind us on the site of the former Yeomans nursery would be returned to grass and that no business would be permitted to work there as the land belongs to the Crown. Lorries and machinery have damaged our fence and gates and this damage has never been fixed. Additionally our fence is only 7 foot high and the wood piles currently at the back of our property are in places in excess of 20 feet. We are constantly worried and, before Christmas, we along with neighbours, witnessed smoking piles of wood adjacent to our property. A machine had been hired to move and rotate all of the chipped wood to cool it and reduce the internal temperature of these smouldering wood piles which consist of thousands of tonnes of rotting wood. The smoke was very worrying and the internal temperature was extremely high. SWWP obviously realised the potential catastrophe with the wood being adjacent to our wooden fence so took some preventative measures. South West Products, since using the land after South Wales Wood Products went into liquidation, have continued to flout laws and rules put in place by BCBC. They work outside of hours and we have camera footage to prove this. They were allowing green waste in to the yard PRIOR to being given a temporary permit. Again we have evidence. If planning is granted they will not stick to the rules imposed.”

**Occupier of Ty Du** – “I believe Point 4 regarding access across the Common Land needs to change, it is currently too vague and might be abused by visitors or non-HGV traffic. As I’m sure you are aware, Commons Law states that access across its land ‘can only be for agricultural purpose or by virtue of residential access’ required, i.e. to get to your home. I suggest the wording of the application acknowledges that the applicant cannot use the access at all since clearly the only permissible criteria do not apply.”

### **The Coity Wallia Commoners –**

1. I object to any green waste being treated or stored at the plant unless this is done totally within permit conditions.
2. Storage of vehicles and machinery at the old nurseries site unless the area has a sealed surface and a drainage plan to contain any oil or fuel spillage or loss within this area.
3. Any access for vehicles over common land – not just vehicles being used for wood recycling operations. There is no agreed access to the site over common land.

4. The southern boundary is not the only boundary that allows waste materials to pour off the site causing fencing to collapse and allowing livestock to enter the site. All boundaries need to be maintained and rebuilt before any further activities are agreed on site.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

It is acknowledged that a number of the objections are a result of the recent history of the site by way of poor management, breaching conditions, the fact that the previous operator has gone into administration and incidents such as a fire. The majority of the matters raised above are addressed in the Appraisal section of the report however, it is worth reiterating that the Planning consent will stipulate that the site cannot produce more than 120,000 tonnes per annum (in line with the permit from NRW), there will be no wood storage or processing in the central part of the Former Nurseries part of the site (just parking and storage of machinery) and there will be no requirement to use the access to the north of the site via common land.

In response to other matters raised by the Ward Member for Penprysg, local residents and the Commoners Association, the grading/quality of the wood being brought to site is not a Planning matter and is controlled via other legislation and the permit issued by NRW. As stated in the Planning Statement that accompanied the application, the waste wood is sourced from the construction, demolition, commercial, industrial and municipal waste sectors and all suppliers are given pre-contract stipulations to specify the types of wood that will be accepted so only preselected wood is accepted on this site. Therefore, any waste wood that fails to meet this set criteria is 'rejected' and will not be accepted at this site. This avoids any contaminated wood or general waste being deposited at the site.

The issue of wood fragments being deposited on the surrounding highway network is a result of delivery vehicles not being sheeted or covered. The Planning process can only control what the applicant does and the processed wood is transported from the site in enclosed containers in compliance with the wording of condition 2 of the consent. Whilst the operator does undertake periodic sweeps of the adjoining highways, any incidents of this nature are beyond the control of the Local Planning Authority as it is on the public highway and covered by separate legislation through the Driver and Vehicle Standards Agency (formerly VOSA).

With regard to the pollution of nearby waterways, this is being perpetuated by the old historic wood on the Crown Land (which is the subject of a separate application P/20/553/FUL). Specifically related to this application as part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. A condition will be attached to the recommendation requiring the submission of the agreed drainage scheme for the Lock's Yard part of the site to minimise the environmental impact of the site.

The Dust Management Plan as approved under P/16/659/RLX will still need to be adhered to by the current occupiers, including the monitoring of dust emissions, throughout the duration of the operation of the site as a wood recycling facility. The applicant has committed to replacing/repairing the mesh fencing to the south of the Lock's Yard part of the site and to planting additional trees around the boundary of the site to soften the visual impact of the site and these will be the subject of Planning conditions.

The site is not crossed by a Gas Main – the Gas Main is approximately 1.3km to the west of the site.

The suggestion that all traffic to and from the site should be diverted to avoid Heol y Cyw is not feasible as the delivery vehicles come from all parts of South Wales and it is

considered that any impact should be shared between Junctions 35 and 36 of the M4 and the conurbations of Pencoed/Heol-y-Cyw and Bryncethin respectively.

Whilst it has been an historic issue with this site, the applicant cannot stop delivery drivers from waiting on the highway along Heol Llan until the site opens at 8.00am (Monday to Saturday) and it would not be possible to enforce however, the applicant will promote the use of Sarn Services as a parking venue for suppliers to avoid a long line of lorries on Heol Llan and potential blockages.

One objector suggests that BCBC should not be considering this application as the Council is a customer/supplier to this facility. The Local Planning Authority acts independently and impartially when this scenario arises and will consider each application on its own merits.

Officers accept that the entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate and forms part of Coity Wallia Common and it has been confirmed that this access will not be used by the Operator.

A pre-requisite for acquiring the Crown Land is Planning permission and the Local Planning Authority can consider this application under S73 of the Town and Country Planning Act 1990 as any consent runs with the land not the operator.

The removal of wood deposited on common land as a result of a lorry overturning recently is not a material Planning consideration and is civil matter for the relevant parties.

The fact that the bungalow has now been purchased by the occupier via an auction (despite the fact that it should have been used as a canteen/staff welfare unit for the employees on the site) has been considered by the Local Planning Authority and Shared Regulatory Services in the determination of this application.

Whilst the two Community Councils have lodged strong objections to the application, there is no requirement for a Traffic Assessment or an Environmental Impact Assessment as this application seeks to vary conditions on a consented site and the permitted throughput/productivity will not increase beyond existing levels (120,000 tonnes per annum) i.e. there is no expansion. Likewise, whilst it is regrettable that there have been incidents of lorries overturning on the surrounding roads, these are the result of driver error and cannot be resolved through Planning controls.

With regard to the boundaries of the site, the applicant has committed to enhancing the level of screening and dust suppression through additional tree planting and repairs to the mesh fencing. This will be secured by suitably worded conditions attached to the recommendation.

In terms of the pollution of watercourses, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway and beyond. An updated Fire Prevention and Mitigation Plan is also being prepared with NRW and the Fire Service.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021 which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

Strategic Policy SP2 Design and Sustainable Place Making

Policy ENV1 Development in the Open Countryside  
Policy ENV7 Natural Resource Protection and Public Health  
Policy ENV9 Development in Mineral Safeguarding Areas

### **National Planning Policy and Guidance**

National Planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application. It states that the Planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly (Paragraph 2.3 of PPW refers).

For Planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to Planning policy (Paragraphs 5.4.1 and 5.4.2 refer).

In terms of sustainable waste management facilities such as this one, PPW advises that Local Planning Authorities, other relevant Local Authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to Planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for Local Planning Authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the Local Planning Authority in establishing this position through the provision of appropriate advice. The parallel tracking of Planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (paragraph 5.13.3 refers).

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner, which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives because of the proposed changes to the relevant conditions.

### **APPRAISAL**

The application is referred to the Development Control Committee due to the number of objections received from local residents and the Coity Wallia Commoners, a call in request by a local Ward Member and objections from St. Brides Minor and Coychurch Higher Community Councils.

As indicated in the description of development, the application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively. The remainder of the conditions will still remain in force.

Under the provisions of Section 73 of the Act, the Local Planning Authority when considering applications to develop land without complying with conditions previously imposed on a Planning permission, can grant such permission unconditionally or subject to different or amended conditions or they can refuse the application if it is considered that the original condition should continue. The original Planning permission will continue to subsist whatever the outcome of this application under Section 73 although this application is necessary to acquire the relevant land from the Crown and to ensure a satisfactory form of development.

Section 73A of the Act provides for retrospective Planning permission to be granted in respect of development which has already been carried out without Planning permission or without having complied with one or more of the Planning conditions to which it was subject. Special consideration may need to be given to conditions imposed on Planning permissions granted under Section 73A so that standard time limiting conditions would not be appropriate where development has begun before consent has been granted.

The site layout has been reconfigured from the original consent as a result of the need to concentrate the processing and storage operations around the Lock's Yard part of the site, away from the bungalow which originally formed part of the wider site but is now in private ownership. It is also proposed to maintain an open yard for the storage of wood without the erection of the workshop buildings on the western part of the site.

In terms of the stack heights, whilst the current consent allows all external stock piles up to 5m there is a requirement to increase this to 7m as the current height restriction limits the scope for the business to accommodate seasonal fluctuations of unprocessed wood which leads to breaches of Planning control.

There is also a requirement to separate the stock piles to form fire breaks as required by the Fire Prevention and Mitigation Plan (FPMP). Higher arisings naturally happen during the Spring and Summer months. Storage capacity is required to accommodate the Spring/Summer peak ensuring there is sufficient material available for processing during the Autumn and Winter months. This translates into a storage peak in the Summer with the converse in the Winter.

There is no requirement to increase the stack heights of processed wood as there is a high turnover of processed wood with only limited amounts being stored on site at any one time. As processed wood can deteriorate quickly due to moisture levels it will be stored in the refurbished product hall building at Locks Yard.

Waste wood storage is strictly controlled by environmental permitting which requires a Fire Prevention and Mitigation Plan (FPMP) to detail storage arrangements to prevent fire incidents and a revised FPMP will be submitted to NRW and the Fire Service. As this is controlled by separate legislation as part of the permit, there is no requirement to condition the submission of this document as part of the Planning process.

With regard to the range of works that can be undertaken at the site, it is proposed to formalise the seasonal preparation of domestic garden waste as part of a contract with BCBC/Kier. The material is shredded on site using the same equipment and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded to regularise the Planning status of the works carried out on the site.

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.

The site has the benefit of historic Planning consents and permits from NRW but there have been numerous incidents and failures to comply with conditions since then. However, it should be noted that the consent runs with the land and any other wood recycling company could operate from this site even if the current company stops operating from here.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.

The current operator is processing wood more efficiently than the previous company as there is now more demand for processed wood particularly from Kronospan in Chirk (a company that manufactures and distributes wood-based panels) and Margam Green Energy Plant in Port Talbot (a 40 MW Biomass Power Station) and there is less pressure or any economic incentive to take on and store wood on-site without having to process it for onward transmission.

The applicant has secured the transfer of the environmental permit from NRW for the Lock's Yard part of the site and they are also aiming to acquire the former nursery part of the site from the Crown in order to use the 'middle yard' behind the bungalow for parking vehicles, containers, plant and as a quarantine area for fire (as required by the NRW permit to keep an open area of ground clear at all times available in the event of fire). There will be no wood storage or processing in this central area.

As part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. This will be subject to a condition requiring the submission of the drainage scheme as well as a timetable for its implementation.

In response to the objections raised by various parties, the applicant has confirmed that:

- the domestic garden waste is processed with the same mobile plant so there are no new or additional impacts and the overall volume of the green waste is very small,
- the maximum production from this site is 120,000 tonnes per annum (as controlled by the NRW permit),
- there will be no wood storage or processing in the Former Nurseries central part of the site (just parking and storage of machinery),
- there will be no use of the second access onto the common, and
- they will seek to replace the damaged netting and bolster the boundaries with additional planting.



Having regard to the above, conditions will be attached to the consent to secure an orderly form of development by way of dust suppression netting and a landscaping scheme to screen the site and to improve the visual amenities of the area. Conditions will also be added to the recommendation to ensure that the access to the north will not be utilised by the operator and that the central part of the site behind the bungalow will not be used to store or process wood.

The Noise Management Plan as agreed and discharged under P/17/706/DOC will be updated to take into account the different layout of the site, any new/modern machinery to be used on the site and the proximity of the bungalow which is now in separate ownership. Condition 10 will be reworded to secure the submission of an updated Noise Management Plan.

The conditions relating to the Dust Management Plan will be updated to clarify what is expected of the operator in terms of the measures to control and monitor dust pollution from the site as well as the adoption of the agreed complaints procedures.

In this instance and for the reasons outlined above, it is considered reasonable to vary the wording of the conditions, to attach additional conditions and to re-word existing conditions to control the operation of this site.

For the avoidance of doubt and in compliance with the above mentioned provisions under Section 73 of the Act, the recommendation will re-impose, add to and update all of the conditions attached to the original Planning permission. In reviewing this site, it is also appropriate to amend the wording of some conditions, namely conditions 2 and 8 relating to the sheeting of lorries leaving the site and the timing of vehicles entering and leaving the site respectively, in order to respond to the situation on site and to meet the tests as laid out in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (October, 2014).

In light of the foregoing and the particular characteristics of the site and business, it is considered that there are no overriding reasons to refuse the variation of conditions 1, 5 and 6.

Additionally, it is appropriate to revise conditions 2, 3, 4, 8 and 10 in the manner suggested above in the interests of clarity, precision and enforceability and to add conditions relating to landscaping/additional boundary treatments, dust suppression netting and surface water drainage scheme at the front of the site and to preclude the use of the access across common land and the processing or storage of wood in the central area of the site, as shown on the approved plan.

## **CONCLUSION**

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having due regard to the above, weighing up of all material considerations and objections/representations relevant to this application, in Planning terms, supported by the terms of the permit issued by NRW, it is considered that the proposed changes to the wording of the conditions to allow a reconfigured site, flexibility in stack heights and clarification on the range of operations able to be carried out at the site together with the application of updated and additional conditions, is acceptable in this instance in the interests of achieving a satisfactory and appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, noise and air quality.

Consideration has also been given to the Planning fall back position for this site and the requirement to safeguard existing jobs. As the site will be operated on the same basis as what is currently allowed under the permit from NRW (maximum of 120,000 tonnes produced per annum) any additional impact on the adjoining highway network will be limited.

The application is therefore recommended for approval subject to the following conditions and informative notes.

### **RECOMMENDATION**

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18 March 2015).

Reason: For the avoidance and confusion as to the nature and extent of the approved development.

2. All vehicles including trailers which are carrying any woodchip, processed garden waste or wood dust processed on the site away from the site shall be securely sheeted prior to leaving the premises.

Reason: In the interests of safeguarding the environment, preventing pollution and highway safety.

3. All works which form part of the Dust Management Plan (dated 18 March 2015) as approved under P/16/659/RLX shall be maintained and undertaken in accordance with the approved details.

Reason: In the interests of safeguarding the environment and preventing pollution.

4. Apart from the measures identified in Condition 3 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015) including the complaints procedures (Section 4.1.4) which are in place to control and monitor dust shall be maintained in accordance with that Plan throughout the duration of the operation of the site as a wood recycling facility.

Reason: In the interests of safeguarding the environment and the prevention of pollution.

5. The height of all external unprocessed stock piles shall not exceed 7m at any time and the height of all external processed stock piles (where relevant) shall not exceed 5m at any time.

Reason: In the interests of visual amenity and the prevention of pollution.

6. The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the preparation of garden waste/plant to be transferred to another site for composting and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Statutory Instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain in perpetuity ancillary to the main use of the premises as defined within this condition.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site in the interests of general amenity.

7. No more than two external shredders shall be operated at the site at any one time.

Reason: In the interests of preventing noise nuisance and safeguarding the amenities of neighbouring occupiers.

8. The arrival and departure of lorries and vehicles with trailers entering and leaving the site shall only be permitted between the following times:

0800 hours and 1800 hours Mondays to Saturdays  
and not at all on Sundays, Bank and Public Holidays

nor shall there be loading/unloading of HGVs outside the above mentioned times.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the premises.

9. Shredding operations and processing of waste shall only be carried out between the following times:-

0800 hours - 1800 hours Mondays to Fridays;  
0800 hours - 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the shredders in the interests of safeguarding the amenity of neighbouring occupiers.

10. Within 6 months of the date of this consent, an updated Noise Management Plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations including the use of the shredders and investigation of complaints shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include the following:-
- \* A scheme of work to reduce the noise from the shipping/shredding and screening operations and all plant associated with the movement, loading and stockpiling of materials;
  - \* If barriers are to be used as a form of noise mitigation, the design/height and construction of the barriers together with the noise reduction it is intended to achieve. Stockpiles shall not be used as suitable mitigation measures as the height and location of these will vary depending on the inputs and outputs of the site;

- \* For permanent bunds that are being used as a barrier, the location, height and materials used for the bund. It is understood from the last Noise Management Plan that the height of the bund has been increased but it is not stated to what height or what noise reduction this has achieved;
- \* A complaints investigation procedure and the action that will be taken if complaints are found to be justified e.g. details of the current noise being emitted from this plant when it is operating inside the building and outside in the yard, the predicted or measured noise levels at the nearest residential receptor and the expected noise reduction that is expected from any mitigation measures.

Reason: In the interests of safeguard the amenities of neighbouring occupiers.

11. The Noise Management Plan referred to in Condition 10 above shall include a programme and time scale for the implementation of mitigation works which shall be agreed in writing by the Local Planning Authority. All mitigation works which form part of the agreed Noise Management Plan shall be completed in accordance with the agreed programme and time scale and thereafter maintained in accordance with the agreed details.

Reason: To ensure the timely provision of the noise management plan's mitigation measures in the interests of safeguarding neighbouring occupiers.

12. Prior to installation, a lighting design strategy for biodiversity for the site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-

- \* Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- \* Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding or resting places.

All external lighting shall be installed in accordance with the agreed specification and locations set out in the agreed strategy and thereafter maintained in accordance with the strategy. No other external lighting shall be operated without the prior written consent of the Local Planning Authority.

Reason: In the interests of safeguarding a European Protected Species, the environment and the amenities of neighbouring occupiers.

13. No construction works shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the development, these remedial works shall be undertaken prior to the development being brought into beneficial use.

Reason: In the interests of safety and to mitigate potential adverse impacts from any coal mining legacy present on the site.

14. Only unprocessed wood waste shall be stored on the new extension area named 'Storage Open Yard' on the submitted layout plan LMM/039/02 Rev A on the former Bryncethin Nursery Site. No unprocessed wood waste shall be stored on the

extension area named 'Storage Open Yard' on the new layout plan LMM/039/02 Rev A until all processed wood waste has been removed from this extension area and the former Bryncethin Nursery Site. Thereafter, no processed wood shall be stored anywhere on the former Bryncethin Nursery Site.

Reason: To ensure a satisfactory form of development and to preserve the amenities of neighbouring residential properties.

15. No wood processing operations (other than the movement of unprocessed wood to and from the 'Storage Open Yard' area marked on layout plan LMM/039/02 Rev A) shall be carried out anywhere on the former Bryncethin Nursery site at the rear of Mount Pleasant Bungalow.

Reason: For the avoidance of doubt as to the extent of this permission and to preserve the residential amenities of the occupiers of that property.

16. The depositing or movement of unprocessed wood through the former Bryncethin Nursery site and the movement of any vehicles within the former Bryncethin Nursery Site are only permitted between the times:

0800 hours – 1800 hours Mondays to Fridays;  
0800 hours – 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operations in this area in the interests of safeguarding the residential amenities of the neighbouring occupier.

17. Within 3 months of the date of this consent, a surface water drainage scheme for the Lock's Yard part of the site, designed in conjunction with Natural Resources Wales, showing how site water will be dealt with including future maintenance requirements shall be submitted to the Local Planning Authority. The approved scheme shall be implemented within 6 months of the date of this consent.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to avoid potentially contaminated water from leaving the site and entering the highway and watercourses.

18. Notwithstanding the approved plans, within 3 months of the date of this consent, details of supplemental and replacement boundary landscaping/screening by way of infill tree planting and dust suppression netting shall be submitted to the Local Planning Authority. The scheme shall include an indication of identified gaps in the natural boundary features of the site, the proposed areas of planting, the species to be planted and the extent and finish of the netting to be erected around the site.

Reason: To ensure a satisfactory form of development and to preserve the residential and visual amenities of the surrounding area.

19. All planting, seeding or turfing comprised in the approved boundary landscaping scheme as well as the replacement netting shall be carried out in the first planting and seeding seasons following approval. Any trees, plants and netting which within a period of 5 years are removed or become damaged or diseased shall be replaced in the next planting season as per the approved details.

Reason: To ensure an orderly form of development.

20. All vehicles associated with the site shall access and egress the site via the existing site access at Locks Yard onto Heol Llan to the west of the site only - the former second access to the north of the site over common land shall not be used at all in any circumstances.

Reason: To ensure a satisfactory form of development in the interests of neighbouring residential amenities and highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- a. This application is recommended for approval because the development complies with Council policy. When assessing the application against the relevant national Planning policy advice, there are no reasons why the Planning conditions cannot be varied in the manner indicated in the preceding Appraisal Section of the Report.
- b. The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981.
- c. Foul and surface water discharges shall be drained separately from the site.
- d. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.
- e. Land drainage run off shall not be permitted to discharge either directly or indirectly into the sewerage system.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

Huw Irranca-Davies MS  
[Andrea.Algar@senedd.wales](mailto:Andrea.Algar@senedd.wales)

|                    |                    |
|--------------------|--------------------|
| Wales & West House | Tŷ Wales & West    |
| Spooner Close      | Spooner Close      |
| Celtic Springs     | Celtic Springs     |
| Coedkernew         | Coedcernyw         |
| Newport NP10 8FZ   | Casnewydd NP10 8FZ |

Telephone/Ffôn: **0800 912 29 99**  
Fax/Ffacs: **0870 1450076**  
Email/Ebost: [enquiries@wwutilities.co.uk](mailto:enquiries@wwutilities.co.uk)  
[www.wwutilities.co.uk](http://www.wwutilities.co.uk)

18 February 2021

**Our reference: 8180412814**

Dear Andrea

Thank you for your email received on 17 February 2021, for the attention of our Chief Executive. Graham Edwards has requested that I investigate and respond to you as the Engineering Manager responsible for Wales.

This morning, our local area managers, Gareth Thomas, Sarah Burgess, and Philip Whitear, attended Heol-y-Cyw/Bryncethin to investigate this matter in more detail.

The gas main in question was previously a high pressure gas main supplying gas to all of south Wales. It is approximately 4m deep and is made of 2 inch thick steel. This gas main has since been down graded to low pressure and is only responsible for supplying gas to a handful of properties in the area.

An escape of gas was reported in the area on 7 February 2021 however no escape of gas has been found on this main. A monitoring station has been setup in the neighboring field. Due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, we have no current safety concerns for the gas network located in the former Bryncethin Nursery.

A camera survey has taken place inside of the gas main and individual service pipes, where no water has been found. It is completely dry. Due to the currently high water table, this would indicate there are no fractures letting gas out or water in. The water found in the gas meter at the bungalow could be residual from many years ago when work was undertaken to isolate a section of the main. However, we will return to site on Tuesday 23 February 2021 to reassess the area and will continue to do so on a fortnightly basis until the weather is drier. When the weather is drier, we will also arrange a survey along the route of the gas main with sensitive gas detectors to check for any possible signs of escapes.

It is important to stress that if any gas is smelt in the area that it is reported to the gas emergency line immediately on 0800 111 999.

Smell gas? Call us!  
Arogli nwy? Ffoniwch ni!

**0800 111 999**

All calls will be recorded and may be monitored  
Bydd yr holl alwadau'n cael eu cofnodi ac  
fe allant gael eu monitro



Wales & West Utilities Limited  
Registered Office:  
Wales & West House, Spooner Close, Celtic Springs,  
Coedkernew, Newport NP10 8FZ  
Registered in England and Wales number 5046791

If you have any further questions, please do not hesitate to contact my colleague, James Sharrem, directly on 07976 562 901, or by email at [James.Sharrem@wwutilities.co.uk](mailto:James.Sharrem@wwutilities.co.uk), where I will be happy to help you.

Yours sincerely

Andrew Gwilym  
**Area Engineering Manager**

**Smell gas? Call us!**  
**Aroglï nwy? Ffoniwch ni!**

**0800 111 999**

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