

REFERENCE: P/20/553/FUL

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

LOCATION: Lock Complex, south east of South West Wood Products site,
Heol Llan, Coity CF35 6BU

PROPOSAL: Use of land for storage of end of life timber for a temporary period of 3 years

RECEIVED: 31 July 2020

SITE INSPECTED: 1 October 2020

UPDATE SINCE MEETING OF COMMITTEE ON 21 JANUARY

Before it could be considered, this application was deferred from the Development Control Committee on 21 January 2021 to allow for a virtual site visit to be undertaken. The Virtual Site visit will take place via Teams on Wednesday 3 March 2021 at 2pm in the form of drone footage with commentary from the Officer. The Speakers that would have commented on this application at the last meeting will be allowed to speak at the start of this meeting.

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 this particular application relates to the southernmost part of the site away from the Former Bryncethin Nursery area and is therefore far removed from the location of the private gas pipe. In addition, the applicant will not be able to access this area of Crown land until the consent has been issued and the NRW permit has been amended to include it.

As explained in the report, this application will define what operations are allowed to occur on this part of 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. In effect, the applicant cannot lawfully deal with the stockpiles without the temporary consent.

It is considered that there is no 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.

Reproduced below is a copy of the original report:-

APPLICATION/SITE DESCRIPTION

The application seeks Planning consent to regularise the use of this 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 waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.

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

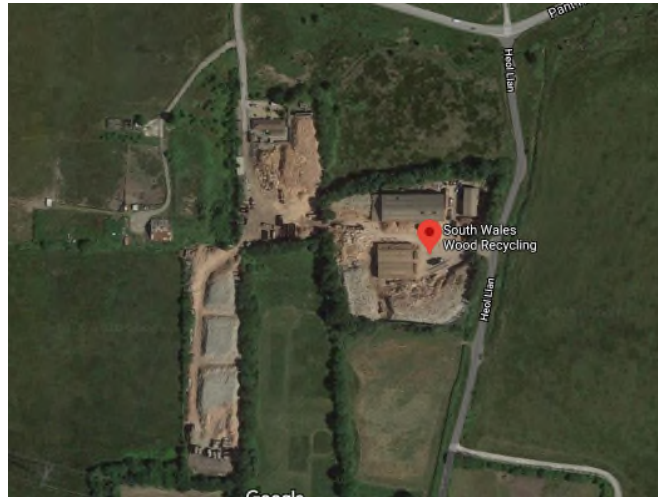


Fig. 1 – Aerial View of Site



Fig. 2 – Proposed Site Plan

The extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside. Lock's Yard (the front 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. Following a fire in 2016, the previous operator moved the unprocessed waste wood from Lock's Yard to this unauthorised site in order to save the wood and to stop the spread of the fire.

Planning permission is a pre-requisite for acquiring the Crown Land and to obtain a permit from NRW. NRW have confirmed that no new waste wood shall be deposited on this part of the site until an appropriate permit is in place and the historic wood has been removed from the site. This historic wood is currently having an impact on the adjacent water courses due to contaminated run-off similar to compost leachate.

NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with support from South Wales Fire & Rescue Service.

The applicant, South West Wood Products Ltd, has recently taken on the wider 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 and economic incentive to take on and store wood on-site.

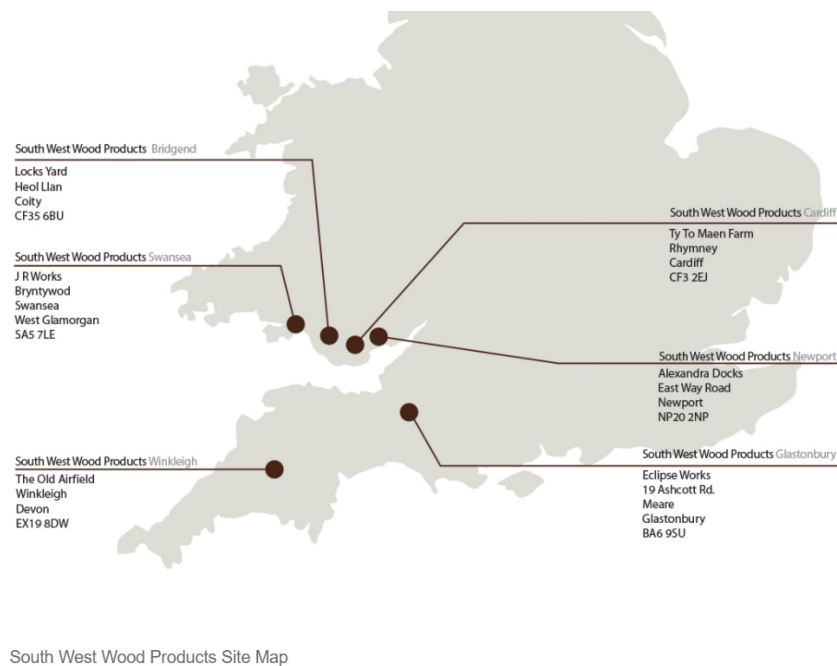


Fig. 3 – South West Wood Products Locations

There is a separate Planning application to vary conditions 1, 5 and 6 of P/16/659/RLX (P/20/552/RLX refers) for the consented part of the site covering the former Bryncethin Nursery and Lock's Yard.

RELEVANT HISTORY

Whilst this particular part of the wider site has not benefitted from Planning permission or been the subject of any applications in the past, the following Planning history is of relevance:

P/14/711/FUL – Change of use 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/20/552/RLX - 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 – 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

Public Protection – No objection subject to conditions to preserve the residential amenities of neighbouring properties.

Principal Officer Highways Development Control – No objections subject to conditions that will ensure highway safety in and around the site.

Natural Resources Wales – We have no objection to the proposed development and provide the following advice.

The activity on site is regulated under an Environmental Permit under The Environmental Permitting (England and Wales) Regulations 2016. We are satisfied any changes on site will be dealt with by the permit:

1. Any proposed changes to increase/vary operational areas will require a variation of the Environmental Permit for the site.
2. Any proposed changes to activities undertaken on site that are related to the storage and treatment of waste, will require a variation of the Environmental Permit.
3. Areas incorporated into the Environmental Permit, where storage/treatment of waste is proposed, must comply with the infrastructure requirements detailed in the Environmental Permit.
4. Waste cannot be accepted and/or treated in any area that does not benefit from an Environmental Permit.
5. Any proposed changes to waste storage practices (height of proposed waste stacks etc.) will need to be in line with current Fire Prevention and Mitigation Plan Guidance, and the Environmental Permit, unless otherwise agreed in writing by Natural Resources Wales.
6. Waste generated from any works undertaken on site, such as landscaping and demolishing of buildings, will need to be taken to an authorised facility by a registered waste carrier.

Dwr Cymru/Welsh Water – No objections subject to an informative note

The Coal Authority – No objections subject to an informative note.

Land Drainage Section – No objections subject to conditions and informatives.

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.

Coychurch Higher Community Council - 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.

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.

REPRESENTATIONS RECEIVED

Cllr Gary Thomas – Ward Member for Bryncethin – Comments that he wishes to speak at the Committee meeting and advises as follows:

There are some conditions I wish to make in relation to south wales wood planning P/20/553/ful, I make the requests and observations as a ward member for Bryncethin. I am aware that a number of my constituents have concerns over this planning application. Storage is a huge concern for me on this site, your documents refer to raw wood storage on the sealed surface and away from watercourses. This does not work on the site. More concerning, a heavy dark brown discharge is leaving the site, entering a watercourse that flows over common land to the north close to the b4280.

An area of boundary fence between SWW and 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.

There have been several incidents where lorries have overturned on the common land, there is clearly a highways problem, and frequent flouting of the permitted hours of opening and operation.

I would ask the committee members to give support to my conditions listed below:-

- 1. To ensure all processed waste wood is cleared from the crown site before raw waste wood can be stored.*
- 2. To ensure the operator takes responsibility for checking cleanliness of the watercourses*
- 3. To grant planning for a period of 1(one) year with a review of progress at end of this time.*

Cllr Alex Williams – Ward Member for Penprysg – Objects to this particular application 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. I would also like to request an opportunity to speak at the Committee.

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

Residents are also concerned about the potential increase in rodents as a result of storing end of life timber alongside common land. I would be grateful for an environmental impact assessment on the increased storage of end of life timber and the increase of stack heights.

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

The **Cats Protection Centre** has objected as follows:

Cats Protection object to the proposal as the increased storage area will increase the risk to our centre. The increased area will mean more wood being stored at the facility, and therefore increase the fire risk and further effects from fire such as smoke damage and smoke inhalation.

We appreciate the company in control of the facility now are different to the company who were in control during the fire in 2016, but the storage of wooden materials always means a risk of further incidents occurring, and more wood means more risk.

Another factor of the increased site area will be more heavy lorries on the roads. There are relatively narrow roads around the local area and large heavy lorries cause issues.

Our facility is located only a short distance from the subject premises, and we have cats who are housed in external pens. The centre has a fire alarm and sprinkler system that we installed at our own expense, but another fire incident could have catastrophic consequences.

We therefore object to the planning application on the grounds of increased fire and smoke risk, due to the extension of the storage area.

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

- The whole wood recycling premises has an adverse impact on the locality.
- The commoners association were not been directly consulted on the applications.

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

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 on the following grounds:

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:

- From a legal point of view 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 but overseen by the Crown.
- Stockpiling on Crown Land not under control of the applicant.
 - They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
 - 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.
 - 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 the application as follows:

- The site has outgrown its original footprint and this application according to the maps shows that it intends to spread into the land which is in escheat to the Crown, however this area is already being used by the applicant presumably without permission.
- I understand that during the fire they were advised to move smouldering piles to elevate further hazards, but since that time they have continued to use the nursery site, the stacks are already 5 meters if not even higher, there are no fire breaks.
- I have previously stated that this is an environmental mine field, a disaster waiting to happen.
- 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 the animals and wildlife found thereabouts.
- The rivers and waterways are polluted when we have heavy rain, this is clearly visible the 'end of life timber' has had numerous chemical treatments and this is washed into the waterways, as I've said this is an environmental hazard for sure.

The occupiers of **Mount Pleasant Bungalow** object to the development on the following grounds:

- 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.
- South West Wood Products (SWWP) have previously promised to clear the site as a gesture of good will however they are still dumping and tipping daily which I believe constitutes fly tipping.

The occupiers of **1 and 2 Pant Cottages** object to the development as follows:

We do not feel that this company should be given access to the land for 3 years to store wood, the bungalow [Mount Pleasant] formally owned by SWWR is now privately owned, that was purchased on the understanding that the site would be cleared as a gesture of good will. As this is now a privately-owned residence - would it not be correct to say that the proposed "industrial" site would now be too close to a privately owned residence? Also, at the time when the site was approved it was for use as a car park / lorry park which is less detrimental than a wood storage area. I also understand this was one of the reasons for rejecting a planning application made by T Morris when he made an application to demolish a fire damaged dwelling and construct a new detached dwelling – south side of Pant Hirwaun, Bryncethin, CF32 9UJ. [P/16/69/FUL].

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

Occupier of **Ty Du** - I ask that BCBC Planning Dept take aerial and ground photographs to enable accurate measurement of the "progress towards clearance of historic waste" as

described in the Condition imposed.

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 breaking out on Lock's Yard. The majority of the matters raised above are addressed in the Appraisal section of the report.

However, it is worth reiterating that the permit for the wider site allows a maximum production of 120,000 tonnes per annum and the processing of this end of life timber will form part of that and will not result in any expansion in terms of production.

In response to other matters raised by the local Ward Members and local occupiers, the applicant has confirmed that they will accept a condition requiring an annual review and report on the progress in removing the old wood from this site. The temporary period of 3 years is considered to be reasonable bearing in mind the amount of waste wood on this site and the need to blend it with better quality wood to achieve the standards required by the customers for this processed wood (mainly Kronospan and Margam).

They will also create a gap/access route between the old wood and the watercourses to limit contamination until the end of life timber has been removed from this site.

With regard to the pollution of nearby waterways, this issue is being mainly perpetuated by this old historic wood. A condition will be attached to the recommendation requiring the submission of the drainage scheme that has been agreed with NRW for this part of the site to minimise the environmental impact of this end of life waste wood.

With regard to the boundaries of this site, the applicant has committed to enhancing the level of screening through additional tree planting in order to improve the visual amenities of the site and surrounding area. This will be secured by a suitably worded condition.

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 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
Policy ENV16 Commercial and Industrial Waste

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development

SPG19: Biodiversity and Development: A Green Infrastructure Report

As stated above, the extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside.

Policy ENV1 (Development in the Countryside) states:

Development in the countryside of the County Borough will be strictly controlled. Development may be acceptable where it is necessary for:

- 1) Agriculture and/or forestry purposes;*
- 2) The winning and working of minerals;*
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;*
- 4) The implementation of an appropriate rural enterprise/ farm diversification project;*
- 5) Land reclamation purposes;*
- 6) Transportation and/or utilities infrastructure;*
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;*
- 8) The direct replacement of an existing dwelling;*
- 9) Outdoor recreational and sporting activities; or*
- 10) The provision of Gypsy Traveller accommodation.*

Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

The supporting text to this Policy advises that:

4.1.9 Development in the countryside should benefit the rural economy whilst maintaining or enhancing the environment. Therefore, new building in the countryside outside defined settlements or areas allocated for development in the LDP will be strictly controlled.

4.1.11 It is accepted that certain developments may be appropriate in the countryside provided that they will encourage rural enterprise and bring wider community benefits to the County Borough or region. Examples are mineral extraction or improvements to transportation or essential utility service infrastructure where these developments could not be located in neighbouring designated settlements. However these developments will still need to meet other policies in the Plan particularly those in relation to nature and environmental protection.

4.1.12 Policy ENV1 therefore represents the starting point for the assessment of all future development proposals for development in 'the countryside' of the County Borough. The Policy will not be set aside lightly, in the interests of maintaining the integrity of the countryside.

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 Planning authorities, other relevant Local Authority departments and Natural Resources Wales 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).

Technical Advice Note (TAN) 21 provides guidance on sustainable waste management and resource efficiency. Paragraph 4.2 of TAN 21 states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. The Waste Planning Assessment submitted in support of this application is broadly in accordance with Annex B of TAN 21.

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 temporary development.

APPRAISAL

The application is referred to the Development Control Committee due to the number of objections received from local residents/businesses and the Coity Wallia Commoners, objections from and a call in request by local Ward Members and objections from St. Brides Minor and Coychurch Higher Community Councils. The application is also closely related to another application on this wider site that is also referred to Members.

As indicated in the description of development, the application seeks to regularise the use of this 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 waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.

The site is located outside of any settlement boundaries and is therefore, located in the countryside where Policy ENV1 Development in the Countryside of the LDP ensures that development is strictly controlled.

The proposed development is not located within and does not form part of a specified employment allocation however, the proposed development seeks an extension for the storage of waste wood which will form part of an existing wood recycling facility and which is considered a long established industrial use. The development will also help meet the objectives of national policy in respect of Zero Waste, the waste hierarchy, meet targets to reduce the amount of waste disposed of by landfill and increase the amount of waste recovered, composted and recycled.

Whilst the site is located within a 'Primary Coal Resource Safeguarding Area', the proposed development will be temporary in nature and Policy ENV9 states that development proposals within mineral safeguarding areas must demonstrate that the mineral can be extracted prior to the development and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. In this case, the form, scale and location of the development would be unlikely to have a significant impact on the possible working of the resource. Therefore, it is considered that the development will have no adverse impacts upon the Resource Safeguarding Area.

Section 72(1)(b) of the 1990 Act gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. Welsh Government Circular 016/2014 on The Use of Planning Conditions Temporary for Development Management advises that in deciding whether conditions on a temporary permission are appropriate, the following should be taken into account:

- it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the Development Plan;
- it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent, and
- the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one.

The Circular goes on to state that a temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area. Where a proposal related to a use which the applicant is expected to retain or continue only for a limited period whether because they have specifically volunteered that intention or because it is expected that the Planning circumstances will change in a particular way at the end of that period then a temporary permission may be justified.

In this instance, the temporary period is required to remove the end of life timber from this part of the site in order to take ownership of the site from the Crown and to allow NRW to issue an extended Permit to cover this previously unauthorised area of land.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause a new or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to

- 1) Air pollution;
- 2) Noise pollution;
- 3) Light pollution;
- 4) Contamination (including invasive species);
- 5) Land instability;
- 6) Water (including groundwater) pollution; and
- 7) Any other identified risk to public health or safety.

It should be noted that significant environmental benefits are to be gained in the removal of this end of life wood (pollution control, reduced fire risk, visual amenity etc.) and if the applicant does not obtain the necessary agreements from the Local Planning Authority, NRW and the Crown to do so then it would more than likely be left to public bodies to remove it.

A period of 3 years is required due to the sheer volume of waste wood on this part of the wider site and the need to blend it with better quality wood to achieve the relevant standards set by the customers of the enterprise. It is considered that this is a reasonable approach bearing in mind the Circular advises that the period should be set so that it is sufficient to achieve the intention of the application and to allow reinstatement of the land when the permission expires.

NRW has confirmed that no new waste wood shall be deposited on the site until an appropriate Permit is in place and the historic wood has been removed from site. This historic wood is currently having an impact on the adjacent water course due to contaminated run-off similar to compost leachate. NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with support from South Wales Fire & Rescue Service.

In order to ensure that good progress is being achieved in reducing the amount of end of life timber on this site, no new waste wood will be allowed to be deposited in this area and a condition will require the submission of a progress plan/annual review and report.

The operation of re-structuring this wood into stock piles (in compliance with the FPMP) and then moving it from that area to the processing side will inevitably emit noise and there is a residential bungalow located to the north of the site. Therefore, a Noise Assessment (combined with the updated Noise Management Plan for the authorised part of the site as required under P/20/552/RLX) will be required to determine whether additional mitigation is needed due to the close proximity of the existing bungalow to this new site.

The Public Protection Officer has no objection to the proposal provided that only unprocessed wood waste is stored in this area, there is a restriction as to the height of the stock piles, no additional storage should take place until all processed wood which is currently on the site is removed and dealt with appropriately and an updated Noise Survey is undertaken to determine whether additional mitigation is required for the extension site and a Noise Management Plan submitted. These requirements will be secured through the application of conditions.

In terms of the highway impacts of this specific part of the wider site, it is noted that it lies adjacent to current operations and the timber is already on site. It is acknowledged that this timber could potentially remain on the site as the applicant does not have any legal requirement to remove it without the benefit of Planning permission, a transfer from the Crown and a Permit via NRW. The way in which the material is removed has different implications for the transport network. The removal of the quantity of material which has been deposited over a short timeframe has the potential to generate highway concerns in respect of significant intensification of large heavy vehicles along the B4280.

Whilst such an increase would only be for a temporary short period it is noted that concerns have been raised in respect of HGVs meeting on the B4280 and incidents of vehicles rolling over onto the adjacent common. It should be clarified that the B4280 serving the site is a classified highway which does not have any restrictions in vehicle sizes or weights and whilst these representations are noted and understood these vehicles are legally able to access the site.

The operators are limited in the quantity of material that can be produced on site. The proposed method of removal of the material from this site is over a more prolonged period (3 years) as it will have to be blended with existing product. It is therefore considered that this would result in a lower quantum of material needing to be imported to the wider operation to generate the same output whilst the output from the site will be limited in any event. If however, the material is not removed in a progressive way the result would be that the removal of the material in the proposed timescale may not be achievable. Accordingly, the proposal is considered to be reasonable and acceptable from a transportation perspective.

The OS database identifies watercourses draining within the proposed site area and therefore the applicant will be required to provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses.

The historic wood deposit is understood to be causing pollution to local watercourse due to the deterioration of material over time. The proposal will remove this waste and by so doing will remove the root cause of the pollution from the site. The supporting information advises that the site is subject to an Environmental Permit from the NRW which includes preventing pollution to the adjacent watercourses. As well as this, the applicant will be required to provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained. The applicant has liaised with NRW to seek agreement for a variation to the existing Environmental Permit based on the current application and this will include measures to stop pollution from entering the watercourses.

As the temporary timber storage will be located on existing ground (with no formal hardstanding) a sustainable drainage application will not be required in this instance.

Having considered the objections to this particular application, the particular characteristics of the site, the pressing need to remove this legacy wood from the site, the advice from consultees and having assessed this application against relevant Planning policies, it is considered that there are no overriding reasons to refuse the application for a temporary permission of 3 years, subject to conditions.

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 all material considerations and the objections/ representations relevant to this application in Planning terms, supported by guidance contained within WG Circular 016/2014 and the terms of the Permit to be issued by NRW, it is considered that the proposed temporary consent to regularise the use of this site for waste wood storage and to allow the operator to dispose of this end of life wood from this site over the next 3 years together with the application of detailed conditions is acceptable in this instance in the interests of achieving an appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, pollution, noise and air quality. As this part of the site will be operated in conjunction with the existing business with no expansion to the amount of processed wood produced at the site (maximum of 120,000 tonnes per annum) any 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

(R11) 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 and LMM/040/01 and LMM/040/02 (received on 31 July 2020).

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

2. Notwithstanding the plans as hereby approved, within 3 months of the date of this consent a detailed site layout plan shall be submitted to the Local Planning Authority which identifies the exact location of the timber storage stock piles and the location of the watercourses together with the proposed access to this land. The scheme shall be implemented as approved.

Reason: To ensure a satisfactory form of development and to minimise the risk of pollution.

3. No wood processing operations shall be undertaken on the area outlined in red on plan LMM/040/02 and the use shall be discontinued and the associated end of life waste wood shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 31 January 2024.

Reason: For the avoidance of doubt as to the extent of this permission and to ensure a satisfactory reinstatement of the land.

4. 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 for this part of the wider site.

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

5. Apart from the measures identified in Condition 4 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 wider site as a wood recycling facility.

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

6. The height of the stock piles on this site shall not exceed 5m at any time.

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

7. 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 shall be submitted to and agreed in writing by the Local Planning Authority. The updated Noise Management Plan shall include:

- the rating noise level from the operation of the extension area being used for the storage of unprocessed wood to determine the noise impact on the closest residential receptors (including the residential bungalow at the entrance of the former Bryncethin Nursery Site) in accordance with the assessment methodology in BS4142:2014. This assessment shall include the noise arising from the movement of vehicles entering and leaving into this part of the site, tipping of the unprocessed wood, profiling the stock piles and movement of the wood back into the processing area and any necessary mitigation measures that are required to reduce the noise to below an adverse impact. The Noise Management Plan shall also include details of how the rating level was obtained.

Any necessary agreed mitigation measures that are identified in the noise assessment and Noise Management Plan shall be implemented in full within one month of the updated Noise Management Plan being agreed with the Local Planning Authority and shall be retained for the lifetime of the development.

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

8. The Noise Management Plan referred to in Condition 7 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.

9. The movement of unprocessed wood from this site through the former Bryncethin Nursery site to the processing area and the movement of any vehicles within the former Bryncethin Nursery Site is only permitted between the times:

0800 hours and 1800 hours Mondays to Fridays;

0800 hours and 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.

10. Within 3 months of the date of this consent a surface water drainage scheme for this site designed in conjunction with Natural Resources Wales showing how the polluted 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 adjacent watercourses.

11. 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 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 and the species to be planted.

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

12. All planting, seeding or turfing comprised in the approved boundary landscaping scheme, shall be carried out in the first planting and seeding seasons following approval. Any trees and plants 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 a satisfactory form of development and to preserve the residential and visual amenities of the area.

13. 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.

14. Within three months of the date of this consent, a Waste Wood Removal Plan shall be submitted to the local Planning Authority. The Plan shall include a programme, measures and initiatives relating to the removal of the end of life material from the site. The progress shall be monitored on an annual basis and the Plan shall be reviewed every year to include details such as site visits notes, photographs and estimates of how much waste wood remains on site at the end of each year. Annual reports shall be prepared by the operator and submitted to the Local Planning Authority in accordance with the approved Waste Wood Removal Plan.

Reason: To ensure a satisfactory and timely form of development and in the interests of 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 temporary planning permission cannot be issued 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) No surface water is allowed to discharge to the public highway.
- (d) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- (e) To satisfy condition 2, the applicant must:
- Provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses;
 - Provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained;
 - Provide an agreement in principle from NRW for the revised environmental permit;
 - Submit an ordinary watercourse consent application associated with works to the existing watercourses, if required.
- (f) The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- (g) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future particularly as a result of development taking place.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

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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:
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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, 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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