

REFERENCE: P/24/80/FUL

APPLICANT: Nolan Recycling Limited c/o Technia Environment and Planning Limited, Unit 1 Foxes Lane, Oakdale Business Park, Blackwood, NP12 4AB

LOCATION: Land adjacent to Old Stormy Down Quarry Heol-y-Splot Stormy Down CF33 4RS

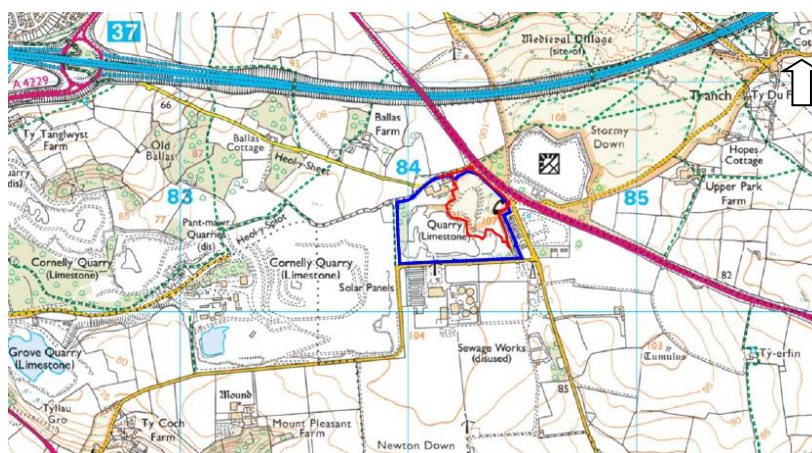
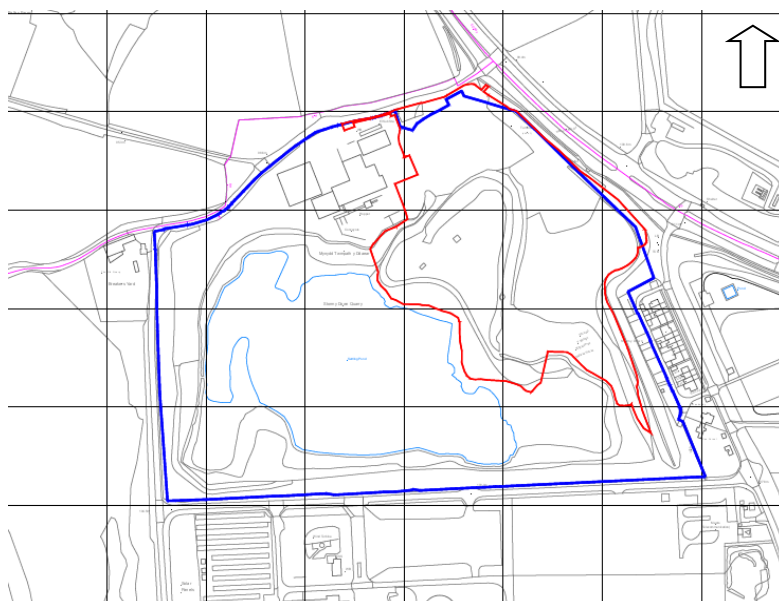
PROPOSAL: Engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping (part-retrospective)

RECEIVED: 9 February 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

The Applicant, Nolan Recycling Limited, is seeking consent to permit the development of an Aggregates Recycling Facility at the company's site at Old Stormy Down Quarry, Heol-y-Splot, Pyle.

Figure 1 – Site Location Plan(s)



The proposed development is specifically described as: 'Engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of

aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping (part-retrospective)'.

More specifically, the scheme seeks consent for:

- The construction of three acoustic bunds to mitigate operational noise:
 - a) A 4 m high bund to the northeast along the site boundary.
 - b) A 5 m high bund centrally located within the development.
 - c) A 5 m high L-shaped bund along the site boundary with dwellings on Stormy Lane. (This bund has been partially constructed under the extant planning consent at the site (P/14/830/FUL refers)).
- The demolition of two small, derelict former quarry buildings in the base of the infill area;
- The infill and restoration of a central area of previously quarried land to create a readily accessible, level plateau on which to locate an Aggregates Recycling Plant, and also aggregate storage and loading areas;
- Erection of an Aggregates Recycling Plant including concrete pads on which the equipment will be located, an access ramp and acoustic screen;
- Construction of a self-contained weighbridge office;
- The regrading of the surrounding site surface to produce level working areas for crushing, shredding and screening, to facilitate drainage of surface;
- Construction of drainage infrastructure; and
- Ancillary works, acoustic barriers and landscaping.

The site is located in an historic limestone quarry and includes an area of land consented as a Waste Transfer Station/Recycling Facility operated by Nolan Recycling Limited.

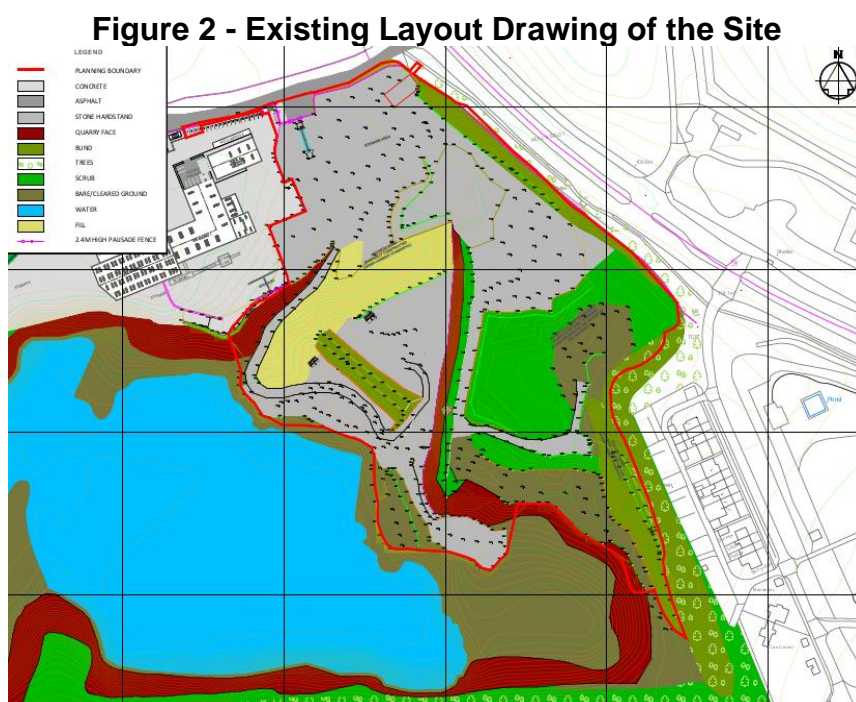
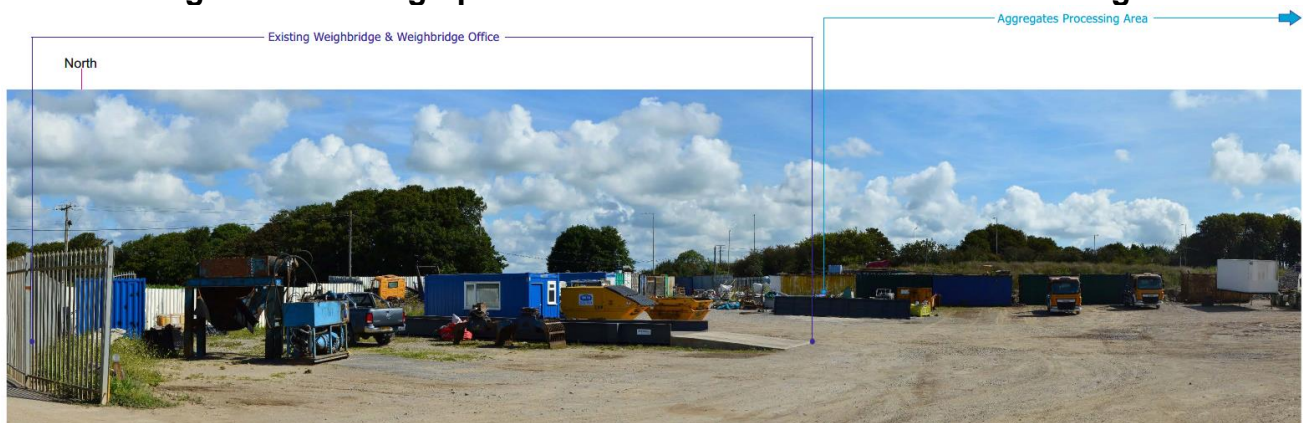


Figure 3 – Proposed Layout Drawing of the Site



The submission highlights that the eastern part of the site received planning consents in the mid-1970s for spoil tipping (ref. 75/721 and 76/0576 refer). This area was used for the deposit of excess excavated soil and stone waste associated with the construction of the M4 motorway. The northern section of the site is predominantly surfaced with compacted stone and used for the storage of plant and equipment associated with the wider waste transfer station.

Figure 4 – Photograph of northern section of the site as existing



A significant area of the site benefits from an extant planning consent (Ref. P/14/830/FUL refers) granted on 28th January 2016 for a waste transfer station and demolition/construction waste recycling facility with associated groundworks and landscaping. The existing consent permits the receipt and processing of 45,000 tonnes per annum of inert and non-hazardous waste; comprising 40,000 tonnes per annum of construction and demolition aggregate and 5,000 tonnes per annum of waste wood (from commercial and industrial sources). Acoustic bunds, located to the southeast of the site along the boundary with properties on Stormy Down/Lane and centrally within the site have been partially constructed in accordance with this consent. The Applicant/agent has confirmed that as the bunds are not complete, there has been no waste received, crushing of waste, or waste wood shredding undertaken on site in respect of the earlier approved consent.

(although pre-commencement conditions have been discharged and it is considered the permission Ref. No. P/14/830/FUL remains extant).

Figure 5 – Proposed layout of the site consented under planning Application P/14/830/FUL



The proposed development is for the treatment/recycling of waste (aggregates recycling facility). The facility will receive and process inert waste and soils (non-hazardous), sourced from off-site excavation, construction and demolition activities within the locality of Bridgend and neighbouring areas. The site would potentially receive and process up to 205,000 tonnes per annum of inert construction and demolition waste. This includes the 5,000 tonnes per annum of waste wood and 40,000 tonnes of aggregate and inert construction and demolition waste permitted to be received under the existing extant consent (P/14/830/FUL refers).

Up to 50% of the received construction and demolition aggregate waste is expected to comprise larger pieces of concrete, brick, stone and asphalt, and would require crushing. The crushing activity previously approved under planning permission P/14/830/FUL would be relocated from the northeastern corner of the site to a location around 55m to the southeast. The crushed and uncrushed aggregate feedstock would be loaded into the feed hopper of the Aggregates Recycling Plant. From here it would be transferred by conveyor into a series of wet separation stages to produce high-quality sized aggregates. The sized aggregates, ranging from a fine sand to larger single-sized stone, would be transferred by conveyors into storage bays adjacent to the recycling plant.

In addition to aggregates, the facility would also receive 5,000 tonnes of waste wood. This recycling of waste wood was also approved under the extant planning consent P/14/830/FUL. This would be shredded to facilitate transport off-site to board mills and similar recycling facilities. The shredding activity will also be relocated from the northeastern corner of the site to a location around 45 m southeast.

The waste would be received from predominantly construction and demolition, and commercial and industrial sources. No hazardous waste, sludges or fine wastes including

dusts, powders or fibrous materials will be accepted by the facility, and no treatment of hazardous waste will be undertaken at the facility.

Inert waste will be processed according to the *Aggregates Quality Protocol* and, following processing, will be tested to comply with appropriate standards. A series of products would be produced that comply with the specifications set by the Specification for the Highways Works (**SHW**), for example, pipe bedding, earthworks materials, single sized aggregates, drainage media and general fills. These products would be supplied to highways, construction and utility contractors for use in a variety of construction or reinstatement projects as a replacement for quarried aggregates. Manufactured soils would also be supplied to highways, construction and utility contractors for use in a variety of construction, reinstatement or landscaping projects. Segregated untreated and treated wood waste would be processed to produce material suitable for use in the manufacture of panel board, mulch, animal bedding or fuel. The facility would be operationally viable at around 100,000 tonnes per annum of incoming waste.

The proposal includes the infill of a central area of previously quarried land to create a readily accessible, level plateau on which to locate the aggregates recycling plant and loading/storage areas. The submission details the site has been designed to achieve as close to a cut/fill balance as possible. It is proposed to use the inert wastes from the spoil tipping area to the east of the site to complete the development and reduce the import of fill materials to complete the engineering works to approximately 164,761m³ (280,100 tonnes) of engineering fill. The imported material would be brought from off-site in 20 tonnes and 29.7 tonnes loads (average 24.7 tonnes per load). This equates to approximately 11,340 loads. The additional engineering fill would comprise secondary aggregates and soils recovered from waste, and/or aggregate and soil wastes that cannot be reused or recycled other than as basic engineering fill.

The Applicant's supporting information highlights a diligent approach has been taken to deliver a safe, sustainable, efficient and essential supply of construction minerals to businesses located in and around the surrounding area and contribute positively to Welsh Government and Local Waste Policies; the proposal contributing towards the provision of an adequate network of waste management facilities.

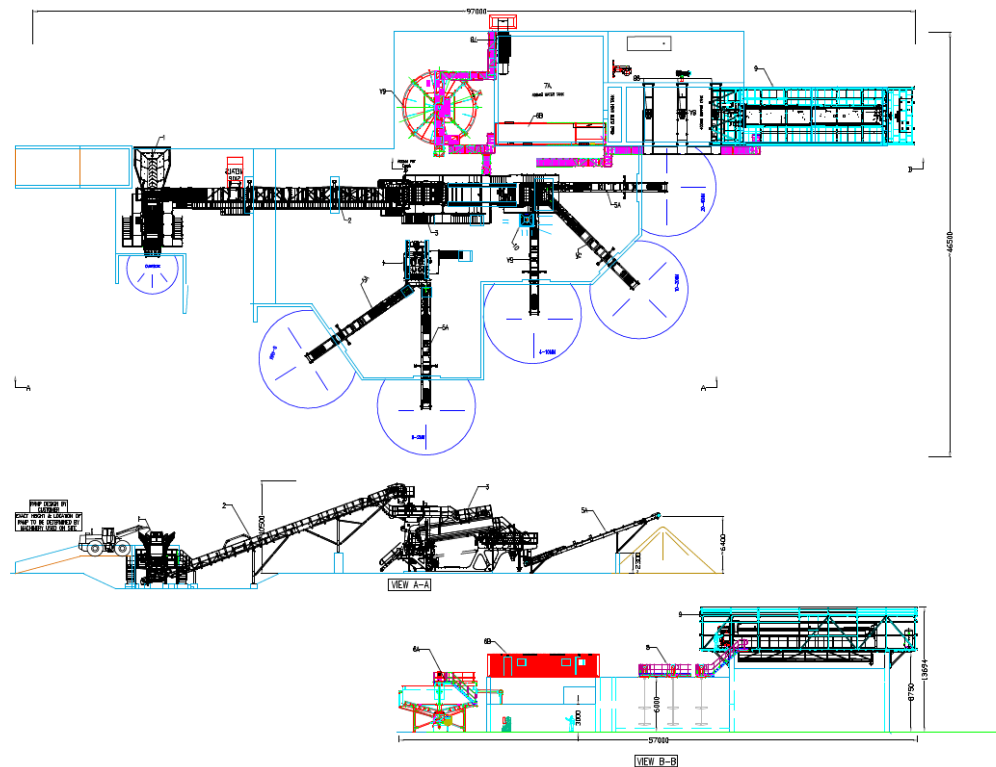
The development would support policy objectives relating to increasing recycling rates for construction and demolition waste, conserving valuable mineral resources, and promoting alternatives to primary won aggregates. It would also enable the Applicant's business to adapt to changing market requirements and waste streams by adopting new technology to enable the recycling of inert waste from construction, demolition and excavation works.

The development would facilitate an improvement in recycling rates for waste arising within the County Borough and, once operational, would create 10 additional full time employment opportunities.

Construction work is expected to last around 30 months in total. The provisional schedule is:

- Weeks 1-26: Construction of acoustic bunds
- Weeks 27-104: Infill of the section of quarry void, earthworks to construct the level plateau and regrading of surrounding land. Construction of phased drainage system
- Weeks 105-113: Completion of the operational phase site drainage system;
- Weeks 105-109: Construction of concrete pads and ramp for the Aggregates Recycling Plant; and
- Weeks 110-118: Installation of Aggregates Recycling Plant, erection of acoustic screen and construction of storage bays.

Figure 6 – Proposed Aggregates Recycling Plant Details



SITE DESCRIPTION

The Application site is situated outside of any settlement boundary as defined by Policy SF1 of the adopted Local Development Plan (2018-2033) and is therefore located in a countryside location.

The site forms part of the former Stormy Down Quarry, located on land to the immediate south of Heol-y-Splot and to the west of the A48 highway. The site lies directly adjacent to, and forms part of the existing Waste Transfer Station, operated by Nolan Recycling Limited. The site is accessed via the existing entrance into the Nolan Recycling site, from Heol-y-Splot, on the northern boundary of the site. Some boundary planting/treatments and acoustic style bunds screen the Application site from wider viewpoints.

Figure 7 – Photograph of the existing site



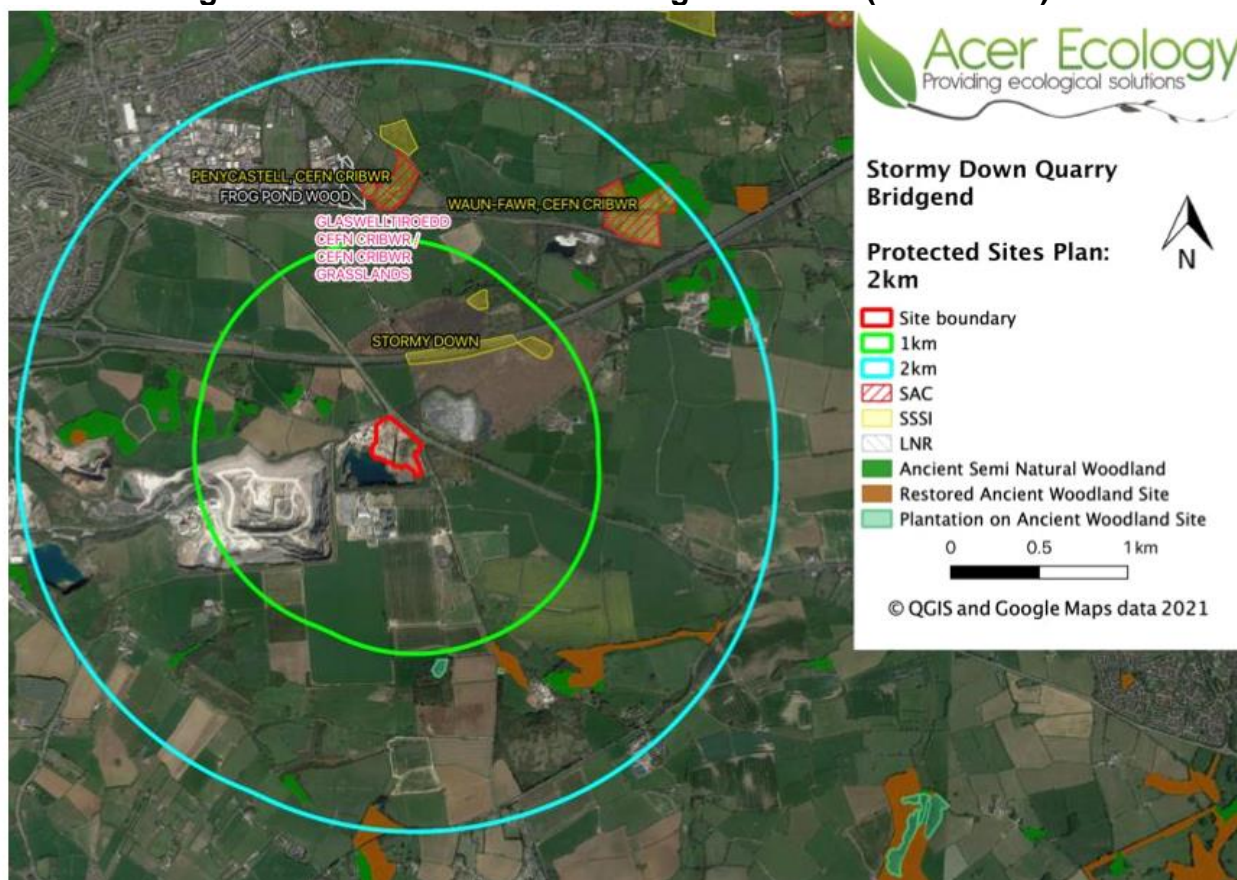
The site proposed for development measures approximately 5.5 ha, and mainly comprises bare ground, quarried land, cliff faces, and areas of scrub (including the existing facility). The eastern border comprises a line of broadleaved trees that are ecologically connected to hedgerows to the north and south of the site. Beyond the trees is the A48 dual carriageway linking Pyle/Cornelly with the settlements to the west of Bridgend. Beyond the carriageway to the east is largely open countryside and a large solar farm. Towards the

southeast boundary of the site is a row of residential properties located on 'Stormy Down/Lane'

To the immediate west of the development area is a flooded quarry void, a remnant of the abandoned quarry. Cornelly Limestone Quarry is further west. The wider landscape of the site (further to the north and south) comprises agricultural grassland, with the Cenin Renewables site situated further to the southwest of the Application site.

There are a number of designated sites within 2km of the Application site including Stormy Down Site of Special Scientific Interest (**SSSI**), which is positioned 0.32m to the northeast of the site. Penycastell, Cefn Cribwr **SSSI** contiguous with Cefn Cribwr Grasslands Special Area of Conservation (**SAC**) is positioned 1.2km north from the site. Waun-Fawr, Cefn Cribwr **SSSI**, contiguous with Cefn Cribwr Grasslands SAC is positioned 1.6km northeast from the site. Stormy Down Site of Importance for Nature Conservation (**SINC**) is 0.2km east from the site. Old Ballas Wood **SINC** is 0.58km west from the site and Cornelly Quarry **SINC** is 0.66km west from the site.

Figure 8 – Site Location and designated sites (2km buffer).



In addition to the submitted plans and Application forms, the planning Application is supported by a comprehensive level of information, including the following documents:

- Waste Planning Statement;
- Preliminary Ecological Appraisal;
- Landscaping Scheme and Schedule of Landscape Maintenance;
- Bat and Nesting Bird Survey;
- Great Crested Newt Report;
- Reptile Survey;
- Green Infrastructure Statement;
- Noise Impact Assessment;

- Transport Statement;
- Drainage Strategy; and,
- Pre-Application Consultation Report.

PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (**PAC**) was carried out by the Applicant.

The consultation exercise took place between 24th August and 20th September 2022. The consultation involved notifying residents within the surrounding area, the erection of site notices (3 in total), together with notifications to Ward Members and specialist consultees.

In addition to the specialist and community consultees, two responses from local residents were raised in respect of the proposal at that stage (raising concerns with the development). The objections raised at the **PAC** stage are summarised as follows:

- Devalued property prices
- Crushing machine would be an eyesore
- Noise and dust disturbance
- Compensation would be sought if this goes ahead.

It is also noted that Merthyr Mawr Community Council also advised they could not support the development at the **PAC** stage, primarily because of increased noise and disruption to local residents.

These issues have been addressed within the **PAC** report, however, they are generally relevant and have also been considered later within this report, although de-valued property prices (and likely compensation claims), are not deemed justified or material planning considerations.

EIA Screening

The Applicant submitted an **EIA** screening Application (Environmental Impact Assessment), P/24/134/SOR refers, and it was deemed the proposal did not constitute **EIA** development, as outlined within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

RELEVANT SITE HISTORY

75/721 – Spoil Dump – Granted

76/0576 – Spoil Tip – Granted 03/06/1976

P/08/441/FUL - Materials Recycling Facility, Plant and Dismantling Workshop Units - Granted 22/08/2008

P/09/452/FUL - Replacement Workshops and Staff Offices to Serve Waste Transfer Facility - Granted 28/08/2009

P/14/830/FUL - Change of use to waste transfer station and demolish/construct waste recycling facility with associated groundworks and landscaping - Granted 28/01/2016

P/16/343/DOC - Approval of details for condition 10 of P/14/830/FUL - Agreed 28/01/2016

P/16/825/DOC - Approval of details for condition 12 of P/14/830/FUL - Agreed 12/12/2016

P/16/849/DOC – Approval of details for conditions 5 & 14 of P/14/830/FUL - Agreed 08/12/2016

P/16/940/DOC - Approval of details for condition 11 of P/14/830/FUL - Agreed 16/11/2017

P/24/134/SOR - Land adjacent to Old Stormy Down Quarry, Heol-y-Splot

Pyle - **EIA** screening request for proposed engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping – **EIA** Not Required 11/04/2024.

NEGOTIATIONS

The scheme has been subject to a level of negotiation and discussion, with the Applicant being requested to submit updated plans for the landscaping and planting schemes associated with the development proposal and to revise highways arrangements in and around the site (revised plans received 26 March 2025).

The Application and associated noise and amenity impacts have also been discussed at length between the Applicant/agent and Shared Regulatory Services (Public Protection) Officers.

PUBLICITY

The Application has been advertised on site and by press notice.

Neighbours were notified on the receipt of the original Application and have been invited to provide observations on the latest, set of amended plans received 26 March 2025. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Merthyr Mawr Community Council – Objections and concerns are raised by Members of Merthyr Mawr Community Council in respect of:

- No extension to working hours should be granted to allow local residents periods of respite from the noise
- It is understood that a member of staff working at the facility has recently gained an explosives licence. Members are concerned about how this will be used.
- Members are concerned about the volume of traffic at the junction of the A48 and Heol y Splott
- Approx 80% of the trees forming the acoustic bunds will need to be felled due to ash dieback.

In addition, and as earlier highlighted, during the pre-planning consultation, the following objections were also raised

- This development will be an additional noise nuisance to local residents who are already subjected to high levels of noise from Nolan Recycling's existing business
- The extension to working hours from 16:30 hrs to 19:00 hrs, would extend the noise nuisance that the local community is already subjected to
- There does not appear to be any plans to plant trees or shrubs that would create a buffer zone to reduce the level of noise, be aesthetically pleasing and also beneficial to the environment.

Highways Officer - No objection subject to conditions.

Countryside Management Officer (Ecologist) - No objection subject to conditions.

Natural Resources Wales (NRW) - No objection subject to conditions.

Land Drainage Officer - No objection subject to conditions.

Dwr Cymru Welsh Water - No objection.

SRS Environment Team (Land Quality) - No objection subject to conditions.

SRS Environment Team (Noise) - No objection subject to condition.

Fire Service - No objection, with general comments raised.

REPRESENTATIONS RECEIVED

The owners/occupiers of four nearby residential properties have raised objections against the scheme, the objections raised are summarised as follows:

- Increased noise levels from the site.
- High levels of dust affecting properties, people and parked vehicles.
- The number and size of the lorries going to and from the site would pose a serious risk to traffic safety along with the lorries connected with other facilities in the area which must use this road junction.
- The amount of traffic at the junction of Heol-y-Splot would increase.
- There should under no circumstances be an extension to the permitted operating hours. The Applicant seems to have the belief that permitted hours for his recycling operations are only a 'Guide'. They regularly work after 5 p.m. Weekdays, Saturday afternoons and sometimes on a Sunday.
- Residents should be granted some peace with the row of houses along Stormy Lane being there before the businesses.
- The Applicant has constructed a bund causing a nuisance while he was doing it and killing a lot of trees at the same time.
- The Applicant has a recycling business and there should be no excavating /quarrying for soil and stone to feed the trommel.

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents align with the main issues to be considered in the determination of the Application and are addressed in the appraisal section of this report.

It should be noted however that the Council's Shared Regulatory Service Officers, Highway Officer, and both the Countryside Management Officer (Ecologist) and Natural Resources Wales have raised no objections against the revised planning Application (subject to the imposition of conditions).

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *'Development management is the positive and*

proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning Applications.”

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.” (Paragraph 2.2 of PPW refers) Para 2.3 states “The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Para 2.7, it states “Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”

PPW states at paragraphs 2.22 and 2.23 that the Planning system should “ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”

PPW at para 5.13.1 highlights: ‘The planning system has an important role to play in; facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses’.

PPW at para 5.13.2, continues: ‘The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning Application is acceptable. If adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.’

PPW at para 5.13.12 further highlights: ‘For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which Applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework’.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes (**TAN**). The following are of relevance:

- Technical Advice Note 5 - Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 - Transport (2007).
- Technical Advice Note 21 - Waste (2017).

Well-being of Future Generations (Wales) Act 2015

The Well-being 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 comprising 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.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

Local Policies

The Development Plan for the area comprises of the Replacement Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP13: Decarbonisation and Renewable Energy
- Policy SP14: Sustainable Development of Mineral Resources
- Policy SP15: Sustainable Waste Management
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP1: Development in the Countryside
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health
- Policy ENT 12: Development in Mineral Safeguarding Zones
- Policy ENT 13: Development in Mineral Buffer Zones
- Policy ENT14: Inert Waste
- Policy ENT15: Waste Movement in New Development

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

The Application is referred to the Development Control Committee in view of the number of

objections raised by local residents/members of the public, and the Community Council.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, visual impact, the impact on the amenities of neighbouring residents, highway safety, biodiversity, and the drainage implications of the scheme.

Principle of the Development

The Application site is situated outside of any settlement boundary as defined by Policy *SF1: Settlement Hierarchy and Urban Management* of the Replacement Local Development Plan (**RLDP**) adopted in 2024 and, therefore, located in the countryside where Policy DNP1: Development in the Countryside of the LDP sets a presumption against development in the countryside, except where it is 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) The expansion of an existing business (subject to other relevant policies in the plan);
- 6) Land reclamation purposes;
- 7) Transportation and/or utilities infrastructure to enable implementation of LDP allocations;
- 8) Renewable energy projects;
- 9) Affordable housing to meet locally identified need in accordance with COM5;
- 10) 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;
- 11) The direct replacement of an existing dwelling;
- 12) Outdoor recreational and sporting activities;
- 13) The provision of Gypsy, Traveller and Show person sites in accordance with COM8;
- or
- 14) Education provision where a need has been identified by the Local Education Authority.

Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area.

Where development is acceptable in principle in the countryside it must, in the first instance and where possible, utilise existing buildings and previously developed land.

The proposal relates to the working (recycling) of minerals and aggregates, and is therefore acceptable in this countryside location in principle, subject to the satisfaction of other relevant policies in the **RLDP**. Additionally, the Application site comprises previously developed land that was used for mineral extraction and lies adjacent/forms part of an existing waste transfer station and waste recycling facility and is situated in close proximity to the former Stormy Down Airfield.

The proposal is also located within the Local Search Area (**LSA**): Newton Down Limestone Plateau Local Search Area (Suitable for Solar Energy)) as defined by Policy SP13: Renewable and Low Carbon Energy Development (2) of the **RLDP**. This policy states that proposals for development other than for solar energy within these areas will only be permitted where they can demonstrate that they would not unacceptably prejudice the renewable energy generation potential of the **LSA** and the Future Wales Pre-assessed Areas for Wind Energy. As the development does not relate to the generation of solar

energy, consideration must be given to this policy although it is deemed that given the existing characteristics of the site and the existing use as a waste transfer station, that is well established, the further development and expansion of the site in the manner proposed is unlikely to adversely prejudice the wider or future renewable energy potential of the Local Search Area.

The Application site is located within the boundary of Stormy Down Quarry (Policy SP14) and within a mineral safeguarding zone and mineral buffer zone where Policies ENT12: Development in Mineral Safeguarding Zones and ENT13: Development in Mineral Buffer Zones of the **RLDP** apply. As the proposed development does not relate to the extraction of mineral resources, the criteria as per Policy SP14 does not apply.

Policy ENT12 states that proposals for permanent development within mineral safeguarding zones must be able to 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. If temporary development, it must be demonstrated that it can be implemented and the site restored within the timescale the mineral is likely to be required.

Whilst the exact location of the remaining mineral reserves at Stormy Down Quarry is not clear based on the information available, these contribute very little to the overall landbank for Bridgend County Borough (approximately 150,000 tonnes of limestone out of a total supply of 48,663,000 tonnes), therefore the potential sterilisation of this reserve as a consequence of this development is not considered a significant issue, on balance.

Policy ENT13 of the **RLDP** states that development within mineral buffer zones must demonstrate that the proposal will not be adversely affected to an unacceptable degree by mineral operations. Due to the nature of the development, the proposal is unlikely to be adversely affected by mineral operations.

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.

As the proposal relates to the recycling of waste, Policy SP15: Sustainable Waste Management of the **RLDP** applies. It states that the sustainable management of waste will be facilitated by:

- 1) Securing opportunities to minimise the production of waste in all development and ensuring the sustainable management of waste once it has been produced;
- 2) Supporting proposals for waste management which move the management of waste up the waste hierarchy (identified in National policy);
- 3) Supporting proposals which reduce the impacts of existing waste management on communities and the environment;
- 4) In order to manage waste within the County Borough in a sustainable manner, the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel comprising or energy recovery from waste, will be permitted within the following areas:
 - Land at Heol-y-Splott, South Cornelly;
 - Brynmenyn Industrial Estate, Brynmenyn;
 - Village Farm Industrial Estate, Pyle;

- Brackla/Litchard Industrial Estate, Bridgend;
- Waterton Industrial Estate, Bridgend; and
- Parc Stormy.

Other waste management facilities may be permitted at appropriate locations primarily within allocated employment sites with specified B2 employment use class allocations, providing they are supported with an agreed programme of site management for the duration of the development and they do not have a detrimental impact upon:

- a) Adjoining land uses;
- b) Amenity of neighbouring land uses or individual properties, including the effects of traffic movement and the generation of noise, dust, fumes, vibration and odour;
- c) The highway network;
- d) Visual impact;
- e) Natural heritage, cultural and historic environment;
- f) The type, quality and source of waste;
- g) Controlled waters, including water quantity and quality;
- h) Air Quality; and
- i) Public health and well-being.

Development of sustainable waste management facilities in appropriate rural locations, including composting and anaerobic digestion, may also be supported subject to the above criteria.

The development would facilitate the sustainable collection and recycling of waste. The development would help meet the objectives of National policy in respect of Zero Waste, the waste hierarchy; and meet targets to reduce the amount of waste disposed of by predominately construction, demolition, commercial and industrial sources which would increase the amount of waste recovered, composted and recycled. Whilst the proposed site is not located on an existing B2 employment site, it is considered that given the existing uses in the surrounding area, the site represents a suitable location for such a use in principle subject to fully meeting the above criteria which is further discussed in the report below.

Visual Impact

Policy SP3 of the adopted Replacement Local Development Plan (**RLDP**) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

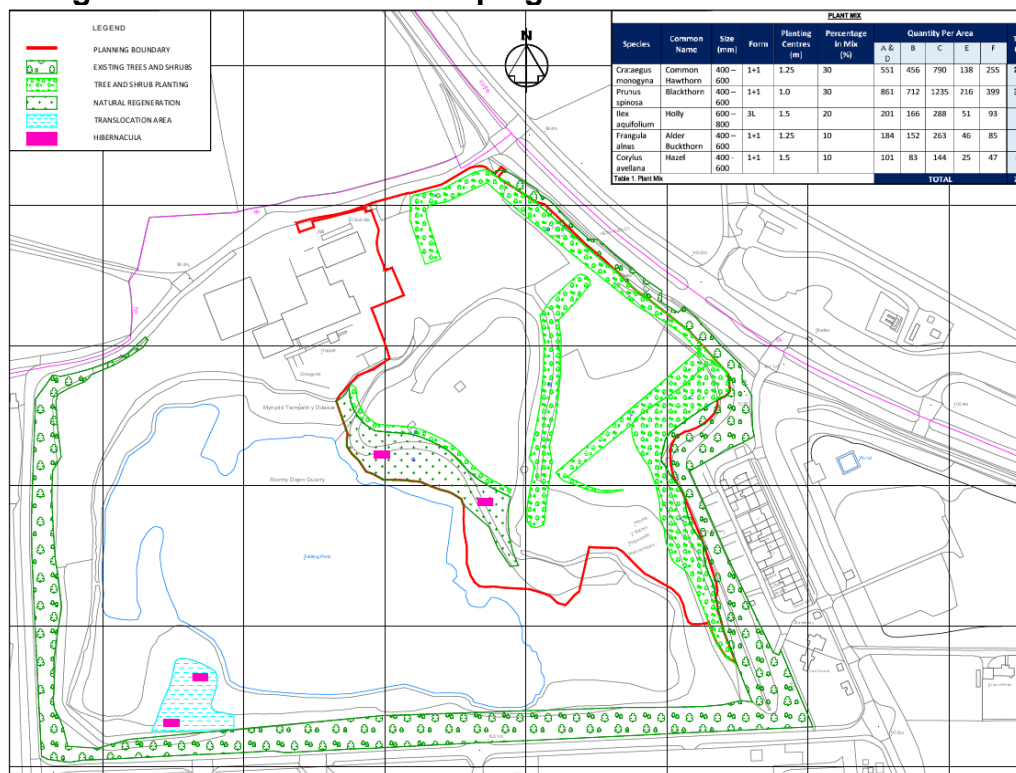
As detailed, the Application proposal seeks consent for an aggregates recycling plant, engineering works and associated works including the construction of acoustic bunds and visual screening at this historic limestone quarry and includes an area of land consented as a waste transfer station/recycling facility operated by Nolan Recycling Limited. The northern section of the site is predominantly surfaced with compacted stone and used for the storage of plant and equipment associated with the wider waste transfer station. To the northwest of the site is existing storage and processing buildings.

A significant area of the site benefits from an extant planning consent (P/14/830/FUL refers) for a waste transfer station and demolition/construction waste recycling facility with associated groundworks and landscaping. The existing consent permits the receipt and processing of 45,000 tonnes per annum of waste although the agents have confirmed that whilst the acoustic bunds permitted by this development have been partially constructed (and conditions associated with the consent formally discharged), there has actually been no waste received, crushing of waste or waste wood shredding undertaken on site, in line with this permitted consent.

Given the historic planning history of the site along with the existing characteristics of the site that have a commercial/industrial like feel in the main, coupled with its historic use and surrounding land uses, it is unlikely that the proposed use and development of the site in the manner and nature proposed would raise serious or adverse visual amenity concerns.

The boundaries of the site are largely screened by existing mature planting and high boundary treatments, particularly along the southeastern and eastern boundaries of the site where mature planting buffers the site from the nearest residential properties located along Stormy Down/Lane. As detailed by the proposed landscaping plan (**Figure 9 below**), the scheme includes the provision of more landscaping and vegetation planting along with additional and enhanced visual/acoustic bunds that would significantly and further buffer the site, and the on-site machinery and associated operations, from wider public viewpoints. The infilling of part of the former quarry and the subsequent levelling of the land to accommodate the new/enhanced facility is a significant operation but on balance would not raise such harmful visual amenity concerns in this locality to warrant the refusal of the planning Application.

Figure 9 – Details of landscaping to screen and buffer the site.



In summary, with due regard to the planning history and existing characteristics of the site, coupled with the general character and nature of surrounding land uses, and given the significant screening and planting to the boundaries of the site that would be enhanced as part of the works, the proposals are considered to be acceptable in terms of their size, scale and design in accord with Policy SP3 of the Replacement Local Development Plan

(2024). As such, it is considered that the proposed development would not have any unacceptable impact in relation to visual amenity.

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that: *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.

Criterion (k) of Policy SP3 of the Replacement Local Development Plan (2024), seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Policy DNP9: Natural Resource Protection and Public Health. Policy DNP9 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) *Water pollution;*
- 5) *Contamination (including invasive species);*
- 6) *Land instability;*
- 7) *Sustainable development of mineral resources;*
- 8) *Sustainable waste management;*
- 9) *Any other identified risk to public health or safety.*

Development in areas currently subject to the above will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level. The use of construction phase *Pollution Provision Plans* are encouraged, where appropriate, to demonstrate how proposals can prevent development water run-off from causing pollution of the water environment.

The planning Application has been carefully considered in respect of amenity and public health impact with due regard to the representations received from local residents and the Community Council comments. However, on balance, and subject to the imposition of conditions, the scheme is considered acceptable in general amenity impact terms.

Careful regard must be given to the levels of amenity enjoyed by the nearest residential properties situated closest to the Application site, particularly residents along Stormy Down/Lane to the southeast of the site and Ballas Farm further to the north of the site. As such, the scheme has been carefully considered and assessed by the Council's Public Protection Officers/ Shared Regulatory Services (**SRS**) and Natural Resources Wales (**NRW**), who have both raised no objections to the scheme.

The Council's **SRS (Noise)** Officer has negotiated significantly with the Applicant/agent to achieve a scheme and permitted hours of operation that, on balance, are unlikely to result in adverse impacts to the residential amenities of nearby properties or any neighbouring commercial uses.

The Application is supported by a comprehensive noise assessment/survey and relevant supporting information to illustrate the scheme has carefully considered the impact on neighbouring residential uses. The assessment concludes that with the proposed acoustic

barriers, controls on operating hours and the concurrent operation of plant, it is *“unlikely that the proposed development will result in adverse noise impacts at the nearest and most exposed Noise Sensitive Receptors”*.

The Application originally sought hours of operation effectively from 07:00hrs to 19:00 hrs on weekdays and 07:00 to 13:00 hours on a Saturday. However, following discussion and negotiation with SRS Officers, it is now proposed to more strictly control the hours of operation of the use, which is considered more reasonable and acceptable, and effectively only represents an additional hour each day of the week (Monday to Friday), in comparison to the consented operating times under the extant consent P/14/830/FUL, refers.

The proposed hours of operation for waste processing operations, crushing, shredding and screening activities and the aggregates recycling plant, as controlled by a recommended condition by **SRS** Officers, would only occur between 09:00 – 18.00 hours Monday to Friday with no processing or plant operations being undertaken on Saturdays, Sundays, Bank Holidays or Public Holidays (this is also comparable to the main operating times of the existing waste recycling facility at the site, which is consented to operate between 08:00 hrs and 18:00 hrs on weekdays – and on Saturday Mornings, P/08/441/FUL refers).

Deliveries to the site shall be restricted to the northern aspect of the site (indicated tipping area), and would be restricted between 07.00 - 18.00 hours Monday to Friday and 08:00 - 13.00 hours on a Saturday morning. These delivery times fall broadly in line with the main use of the existing facility, as permitted under planning consent P/08/441/ FUL.

The Applicant is also seeking additional delivery times on certain, restricted occasions when emergency highway works are undertaken although these would require notification and agreement with the Local Planning Authority in advance of such deliveries, as controlled by a recommended condition as suggested by **SRS** Officers.

As detailed, noise barriers would be constructed as part of the landscaping works in order to minimise noise nuisance and act as positive screening to the surrounding area including the nearby residential properties, although the majority of the site is not surrounded by sensitive receptors.

The noise barriers would consist of the following:

- A 4m high bund at the northern boundary of the site;
- A 5m high bund to mitigate sound from the Aggregate Recycling Plant;
- A 5m high bund to provide additional screening for properties on Stormy Lane;
- A 5m high barrier to mitigate sound from the Crusher; and,
- An acoustic barrier behind, or on top of the back wall of the wood storage bays with a total height of 5m to mitigate any sound from the wheeled loader movements.

In terms of dust suppression, although the facility would utilise a wet separation process that significantly reduces the amount of dust produced during the recycling of aggregates, dust may be produced during unloading, tipping, crushing, storage, loading or dispatch.

This would be controlled through the following measures:

- Loads would be secured and vehicles checked prior to transport to the facility;
- All loaded vehicles arriving or departing the facility would be sheeted;
- Internal haul roads would be surfaced in asphalt or concrete;
- Dust suppression equipment (water sprays, covers, etc.) would be installed and

- used on all processing equipment;
- Water sprays will be located in appropriate locations around the site to reduce the generation of dust on haul roads during dry periods; and,
- Activities that could give rise to dust would not be carried out during windy conditions that would increase off-site transport of particulates.

The site would also be surfaced in compacted stone hardstand with concrete, asphalt or stone access roads between the site and the highway. This would result in limited opportunity for mud generation.

Natural Resources Wales have also advised that the Application site overlies a principal aquifer and an historic landfill. The site is therefore considered to be highly sensitive in respect of controlled waters and there is potential for historic contamination to be present at the site.

A number of conditions are therefore advised (which the Applicant has accepted as set out in page 12 of the Pre-Application Consultation Report), to ensure the risks associated with contamination at the site are fully considered prior to commencement of development and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

In summary, and whilst acknowledging the comments and concerns of residents and the Community Council, subject to the imposition of conditions and with due regard to the comments of the Council's Shared Regulatory Services Officers and Natural Resources Wales, the scheme on balance, is deemed acceptable in terms of general amenity impact. Accordingly, the proposal, on balance, complies with criterion (12) of Policy SP3 and the aims of Policy DNP9: Natural Resource Protection and Public Health of the Replacement Local Development Plan (2024).

Highway Safety

A key objective of Planning Policy Wales – Edition 12 is to ensure that new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity and realising the goals of the Well-being of Future Generations (Wales) Act 2015. Paragraph 4.1.10 of PPW confirms that the planning system has a key role to play by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and,
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Policy PLA11 of the adopted Replacement Local Development Plan (2024), stipulates that all development must be served by appropriate levels of parking in accordance with the adopted **SPG** on parking standards.

It should be noted that the Council has been working with the Applicant/agent to resolve a number of initial concerns with the site layout and access arrangements through revisions of the plans and supporting information. The Highway Authority have carefully considered the revised submission and advised the latest proposals are now deemed acceptable.

It is commented by the Council's Highway Officer that the Highway Authority (**HA**), have been involved in lengthy discussions with the developer and their agents over a number of months to ensure that the data contained within the transport assessment and the access to the adopted highway is appropriate for the size of the development.

In considering the Application it is noted that there would be an increase in vehicle movements both from the site and vehicles using the Heol y Splott / A48 priority junction. The Applicant has provided a robust transport assessment which undertook actual junction counts and calculated that the proposal would generate an additional 22 two-way per day trips through a junction which currently supports 1294 trips a day. Therefore, this proposal would generate an additional 1.7% trips on the network which is significantly below the threshold for a material impact of 5%. This has been robustly tested and is considered acceptable. Furthermore, the priority junction of Heol y Splott/ A48 has been designed to accommodate high volumes of traffic with visibility splays and a junction layout which all meet highway standards and as a result it is considered the proposed traffic generated by the development is acceptable.

However, the concerns of local residents are noted and to ensure that vehicles associated with this development do not use the Tythegston Road or the junction opposite Stormy Cottages, a planning condition has been suggested for the submission of a traffic management plan which would detail the routes taken by the proposal and would form a condition of any approved consent which can be enforced in the future, if necessary.

With regards to the access into the site, the historic and current access is arranged parallel to Heol Y Splott which makes for a tortuous movement into the site. Due to the increase in vehicle numbers entering the site it was considered that the current access arrangement would result in vehicles waiting on the live carriageway to enter the site on Heol Y Splott. Therefore, the Applicant has completely redesigned the access so that it is at 90 degrees to the highway. In addition, the weigh station will be relocated within the site, to provide better queuing capacity within the site and ensuring no vehicles are waiting on the live carriageway affecting the flow of traffic. This is considered a betterment in highway safety terms.

Finally, it is understood that this proposal is situated within an environment which does not readily promote walking and cycling in an around the site due to heavy plant and health and safety and in any event, the site is not open to the public. However, for the increase in staff that this proposal would bring it is important that staff are offered the opportunity to use public transport, walk or cycle opportunities to the site. As a result, the Applicant would provide a pedestrian access to the existing footway on the A48 which connects the existing bus stop to the site. The access would be located away from the main vehicular entrance which should further remove any barrier to those wanting to use the train, bus, walk or cycle to work opportunities as per local and National legislation.

As a result of the above, the Highway Authority has '*No Objection*' to the proposal subject to the imposition of conditions (to ensure the above).

As such, the proposed development is considered to be compliant with Policy SP3 and PLA11 of the Replacement Local Development Plan (2024), and is acceptable from a highway and pedestrian safety perspective.

Biodiversity

In assessing a planning Application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Local Development Plan (2024) (**RLDP**) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 of the RLDP states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 of the RLDP states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 of the RLDP requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

The Application has been accompanied by a number of ecological surveys/reports and supporting documentation, including:

- Preliminary Ecological Appraisal (**PEA**), Acer Ecology
- Bat and Nesting Bird Survey Report, Acer Ecology
- eDNA Survey for Great Crested Newt, Acer Ecology
- Reptile Survey, Acer Ecology
- Green Infrastructure Statement, TEPL
- Landscaping Scheme and Schedule of Landscaping Maintenance, TEPL

- Landscaping and Biodiversity Management and Enhancement Plan, TEPL

The **PEA** concludes that '*at this stage the site's ecological value is not considered to represent a fundamental in-principle constraint to the proposed development*'

The reports and information submitted has been verified and carefully considered by the Council's Countryside Management Officer/Ecologist and Natural Resources Wales who have raised no objections against the scheme. Conditions are suggested to ensure the recommendations, mitigation and enhancement measures prescribed by the supporting ecology information are appropriately undertaken at the site. It is also advised there is invasive non-native species present at the site, namely Japanese knotweed and Himalayan balsam. An invasive species management plan detailing treatment and management methods for the control of these species at the site is therefore required as they are listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981) which makes it an offence to deliberately cause (Invasive Species listed under Part II of Schedule 9) to grow in the wild. It is also highlighted the bat survey report concluded that bats are roosting in two buildings present on site and therefore, a bat development licence is required from Natural Resources Wales.

The Great Crested Newt (**GCN**) report concluded that there is a likely absence of GCN from the part of the quarry sampled and the development is, therefore, unlikely to have a negative impact on **GCN**.

The Reptile Survey concluded there are low populations of slow worm and common lizard present on site and recommends a translocation of these species to another area of the site, before any clearance works takes place, along with enhancements to the translocation area. Section 6, *Recommendations*, of this report should therefore be included in the conditions of approval. All reptile enhancement and translocation work should take place before any clearance work commences and should be undertaken within the presence of a suitably qualified ecologist.

The *Green Infrastructure Plan* details the approach taken by the developer to ensure the stepwise approach has been followed and the *Landscaping Scheme and Schedule of Landscaping Maintenance and Landscaping and Biodiversity Management and Enhancement Plan* detail the proposed landscaping measures for the site that are deemed acceptable.

Natural Resources Wales specifically comment in respect of protected species that the Application site is within 300m of Stormy Down Site of Special Scientific Interest (**SSSI**). The submitted **PEA** states that despite the proximity to Stormy Down SSSI, it is not anticipated that there will be any direct adverse impacts because the impact of the proposals are to be confined to the development footprint. Based on this information, it is considered the proposed development is not likely to damage the features for which Stormy Down **SSSI** is of special interest. It is also noted that the Bat and Nesting Bird survey report submitted with the Application (prepared by Acer Ecology, dated November 2023) has identified bats are present at the Application site. Based on the findings of the survey report it is considered that bat use is of a lower risk. And **NRW** support that the revised *Landscaping and Biodiversity Management and Enhancement Plan* submitted with the proposal should be conditioned/implemented as part of any approved consent accordingly.

On balance, and in view of the above detailed comments, the proposed development is considered to be compliant with Policies SP3, DNP6, 7 and 8 of the Replacement Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Drainage

The Council's Land Drainage Officer has advised that a review of the **OS** database notes the development is not located within a flood risk zone and does not propose to increase flood risk. The site is located within 20 meters of stormy down settling pond. The Application form states no foul connection would be required.

The development is likely to generate surface water runoff during the construction phase. The Applicant should therefore provide a construction environmental management plan (**CEMP**), outlining how surface water runoff and sediment/pollution prevention control measures will be managed on site during the construction phase.

As the development site is over 100m², a **SAB** Application is required. Maintenance of any proposed sustainable drainage features serving this site will remain the responsibility of the landowner and the Applicant is advised to contact **NRW** and seek advice to ensure that infiltration here will not negatively impact or pollute the ground water supply.

In view of the above and the level of information submitted, no objections are raised against the scheme providing conditions are imposed to ensure the comprehensive and integrated drainage of the site takes place and a construction environmental management plan (**CEMP**) outlining how surface water runoff and sediment/pollution runoff will be managed during the construction phase is provided.

It is also acknowledged that Welsh Water/Dwr Cymru have raised no objection against the scheme.

Subject to the agreement of the above conditions, it is considered the site can be properly drained and in a manner that will protect the environment and local residents.

Other Matters

Shared Regulatory Services (**SRS**) Environment Team (similar to **NRW** observations) have advised that part of the site, including the proposed earthworks area, includes a former landfill with the potential for contamination. Site "won" material will need to be assessed for contaminants and any associated risks to human health and the environment. Should there be any importation of soils or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. There may also be a risk of gas emissions associated with infill material which needs to be considered in relation to the temporary accommodation (weighbridge office). Conditions and advisory notes are therefore suggested accordingly.

Heneb, the trust for Welsh Archaeology, has confirmed that the proposal requires archaeological mitigation (through the provision of a recommended, standard planning condition).

Furthermore, the Application site is not directly crossed by any identified Public Rights of Ways and does not host any Tree Preservation Orders. The site is also not situated in a conservation area.

CONCLUSION

The decision to recommend that Planning permission be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a Planning Application, the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan comprises Future Wales - the National Plan 2040 and the Replacement Local Development Plan (2024).

This Application is recommended for approval because the development is in accord with the policies of the Replacement Local Development Plan 2024 and will deliver and contribute a positive waste management facility in line with Local and National Policies and provide an essential supply of reused and recycled construction minerals to businesses located in and around the surrounding area.

The effect of the proposal on the character and amenities of the area, specifically, those enjoyed by existing residents, has been carefully considered and, subject to control being imposed through the grant of planning permission, the impacts on the living conditions should not be so adverse as to warrant refusing planning permission, as also advised by the Council's Shared Regulatory Services Officer.

The scheme would not adversely impact the general character of the area and biodiversity impacts would be modest and at a local level and mitigation and enhancement works, as recommended by the Applicant's supporting ecology information, would be secured through the consent.

The representations received have been duly considered and addressed, however, on balance, it is considered that they do not outweigh the merits of the development.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following conditions: -

1. The development shall be carried out in accordance with the following approved plans (received 26/03/2025) and documents:

- 11087 000 A (rev B) Location Plan
- 11087 000 B (rev B) Site And Surrounding Area
- 11087 000 D (rev C) Site Plan (proposed)
- 11087 000 E (rev B) Sections I
- 11087 000 F (rev B) Sections II
- 11087 000 G (rev B) Sections III
- 11087 000 H (rev B) Sections IV
- 11087 000 I (rev B) Drainage Plan
- 11087 000 K (rev C) Landscaping And Biodiversity Management And Enhancement Plan
- 11087 000 L (rev A) Lighting Plan
- 11087 000 M (rev B) Plant Sections I
- 11087 000 N (rev B) Plant Sections II
- 11087 000 O (rev A) Proposed Entrance And Parking Arrangements
- 11087 000 P (rev A) Active Travel Provisions

Green Infrastructure Statement, TEPL (Feb 2024)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding Condition 1, the recommendations, mitigation measures and enhancement measures of the following reports shall be implemented in full at the site:

- Preliminary Ecological Appraisal (PEA), Acer Ecology (July 2022) - Section 4 Recommendations and Conclusions
- Bat and Nesting Bird Survey Report, Acer Ecology (Nov 2023) - Section 6
- eDNA Survey for Great Crested Newt, Acer Ecology (Sept 2023) - Section 5 Recommendations
- Reptile Survey, Acer Ecology (July 2024) - Section 6 Recommendations
- Landscaping Scheme and Schedule of Landscape Maintenance (received 31/10/2024)

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12, February 2024) and Policies SP17, DNP6 and DNP9 of the Replacement Local Development Plan, 2024.

3. Notwithstanding the requirements of condition one and two, the approved Landscaping Scheme and implemented acoustic bund planting shall be continuously managed and maintained in accordance with a scheme and maintenance plan that has first been submitted to and agreed in writing by the Local Planning Authority (prior to beneficial use). The approved Landscaping Scheme shall be implemented for as long as the use hereby permitted continues.

In the interests of safeguarding visual and residential amenities.

4. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

5. Notwithstanding Condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how hardstanding water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved drainage scheme must be implemented prior to beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

6. No development shall commence until a Construction Environmental Management Plan (CEMP) detailing how surface water runoff and sediment/pollution prevention control measures will be managed on site during the construction phase has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure the appropriate disposal and control of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted.

7. No development shall take place until the Applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the Applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

8. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

9. Prior to the occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy required under Conditions 8 and 10 to this permission and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation. To prevent unacceptable risks to controlled waters and ecological systems.

10. If, during development, contamination not previously identified is found to be present at

the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination, and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

11. No development shall commence until details of any piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

12. No infiltration of surface water drainage into the ground site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

13. Any topsoil [natural or manufactured], or subsoil, to be imported (as part of the construction of the development) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure potential risks to human health and the environment are not prejudiced.

14. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported (as part of the construction of the development) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure potential risks to human health and the environment are not prejudiced.

15. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure potential risks to human health and the environment are not prejudiced.

16. Prior to beneficial use, appropriate ground gas protection measures to ensure the safe and inoffensive dispersal or management of gases shall be implemented.

Reason: To prevent the build-up of landfill gas and to ensure that the safety of future occupiers/users are not prejudiced.

17. The rating level of noise from deliveries when assessed in accordance with BS4142:2014 at any residential premises shall not exceed 35dBA at Ballas Farm (location M1) and 38dBA at 1 Stormy Lane RAF houses (location M2), locations as specified in the acoustic report by Noise Consultants entitled 'Noise Assessment: Aggregate Recycling Facility, Stormy Down, Bridgend' December 2023, Job Number-13013B-20. Where a complaint of noise is received that is not at Ballas Farm or 1 Stormy Lane, the nearest representative rating level to their respective M1 and M2 locations shall be used. If a complaint of noise is received regarding any deliveries (including emergency work deliveries), the Applicant shall engage a qualified noise consultant within 28 days of being notified of the complaint to assess the noise in accordance with BS4142: 2014 to demonstrate that the rating levels are being complied with and shall submit the noise report to the Local Planning Authority with 56 days of being engaged by the Applicant. Should these rating levels be exceeded, further mitigation shall be proposed, and the proposals shall be submitted to and approved by the Local Planning Authority, including time scales for completion of the work. Any further mitigation shall be implemented in full and retained for as long as the site is operational.

Reason: In the interest of safeguarding residential amenities.

18. Deliveries to the site shall only take place in the area indicated on the plan entitled '11087 - 000 - D Site Plan - tipping area highlighted ' (received 14/05/2025) which is circled in blue within the acoustic bunded area to the north east of the proposed weighbridge between the hours of 07.00 -18.00 hours Monday to Friday, 08.00 - 13.00 hours Saturdays with no deliveries on Sundays, Bank Holidays or Public Holidays with the exception of deliveries as a result of emergency highway works.

Reason: In the interest of safeguarding residential amenities.

19. Deliveries due to emergency highway works only shall be restricted to 07.00 - 21.00 hours Monday to Friday, 08.00 - 17.00 hours on Saturdays and Sundays with no deliveries on Public or Bank Holidays. All emergency highway work deliveries shall be notified to the Local Planning Authority prior to the deliveries taking place and no

emergency deliveries shall take place until prior approval has been granted in writing by the Local Planning Authority. Should justified complaints of noise be received by the Local Planning Authority regarding emergency deliveries (regardless of whether they comply with the rating levels specified in condition 17) due to either the frequency of these events or due to the L_Amax/peak noise levels, they shall revert back to the regular delivery times of 07.00-18.00 hours Monday to Friday, 08.00-13.00 hours Saturdays with no deliveries on Sundays, Bank Holidays or Public Holidays.

Reason: In the interest of safeguarding residential amenities.

20. Plant maintenance work that is audible outside the site boundary shall not take place outside the hours of 08.00-18.00 hours Monday - Friday and 08.00 - 13:00 hours on Saturdays with no plant maintenance that is audible outside the site boundary on Sundays or Bank Holidays.

Reason: In the interest of safeguarding residential amenities.

21. Hours of operation for waste processing operations, crushing, shredding and screening activities and aggregates recycling plant shall only occur between 09.00 - 18.00 hours Monday - Friday, with no processing or operations of this plant being undertaken on Saturdays, Sundays, Bank Holidays or Public Holidays. Wood processing permitted under the extant permission shall be limited to 7 days/month.

Reason: In the interest of safeguarding residential amenities.

22. Only one of the following 3 separate processing activities shall be carried out at any one time during the consented operating hours and shall only be undertaken in their designated areas:

- Crushing and Screening of incoming construction and demolition inert aggregate waste
- Wood Shredding
- Recycling of aggregate in the Aggregate Recycling Plant.

Reason: In the interest of safeguarding residential amenities.

23. Prior to the development being brought into beneficial use, the following acoustic barriers/ screening bunds shall be installed at the locations shown on Figure 3, (page 13) of the noise report by Noise Consultants entitled 'Noise Assessment: Aggregate Recycling Facility, Stormy Down, Bridgend December 2023' Revision Report: 13013B-20-R01-01-F

- 4m high bund at the northern / northeastern boundary of the site;
- 5m high bund to mitigate sound from the aggregate recycling plant;
- 5m high bund to provide additional screening for properties on Stormy Lane;
- A 5m high barrier to mitigate sound from the crusher, power screen and wood shredder;
- An acoustic barrier behind, or on top of the back wall of the wood storage bays with a total height of 5m to mitigate sound from the wheeled loader movements;

The construction of the acoustic barriers shall ensure that there are no gaps between the barriers or at the junction of the barrier with the ground and shall achieve a surface density of $\geq 10 \text{ kg/m}^2$. The acoustic barriers shall remain in place for as long as the use hereby continues and shall be maintained to ensure that the acoustic integrity of the barriers is not compromised. Where defects in the barriers occur, the defects shall be

repaired as a matter of urgency to maintain its acoustic properties.

Reason: In the interest of safeguarding residential amenities.

24. The height of the stockpiles shall not exceed the height of the relative acoustic bunds in the designated storage areas for each process.

Reason: In the interest of safeguarding visual and general amenities.

25. Dust, mud and debris shall be controlled in accordance with paragraphs 5142, 5144 and 5145 of the submitted Waste Planning Statement.

Reason: In the interest of safeguarding residential amenities.

26. Notwithstanding the requirements of condition 1, prior to the installation of any lighting, the details of the lighting scheme, together with an isolux diagram predicting the lighting levels (in lux) at the nearest residential receptors shall be submitted to and agreed in writing with the Local Planning Authority. The detailed design scheme shall demonstrate compliance with the recommended lighting levels and upward spill ratio in accordance with GN01:2021 – Guidance Notes for the Reduction of Obtrusive Light published by the Institute of Lighting Professionals. The scheme shall be implemented as agreed.

Reason: In the interest of safeguarding residential amenities.

27. The new vehicular and pedestrian access facility shall be completed in permanent materials in accordance with the approved details prior to the development being brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

28. No development shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the site shall be made in accordance with the approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

29. The Application site shall be limited to no more vehicle movements than those identified in the Transportation Assessment unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

30. No structure, erection, or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the site frontage at any time.

Reason: In the interests of highway safety.

31. Before beginning any development at the site, the developer/Applicant must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country

Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason: To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

32. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This Application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities, highway safety, biodiversity or land drainage as to warrant refusal.

b. The activity proposed in this planning Application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found on NRW's website. Please contact NRW for advice regarding an Environment Permit Application on 0300 065 3000.

Undertaking the proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays

c. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the Application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

d. In addition to planning permission, it is the Applicant's responsibility to ensure they secure all other permits/consents/licences relevant to their development.

e. It is noted the bat survey report concluded that bats are roosting in two buildings present on site and therefore, a bat development licence is likely to be required from Natural Resources Wales in this case.

f. The Applicant/developer is advised to review the comments of all statutory consultees, including South Wales Fire & Rescue Service in respect of the development proposals that are published in full on the planning pages of the Council's Website under the planning Application reference number.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.