

Mr A Pyne
Caerphilly County Borough Council
Planning Division
Tredomen House
Tredomen Park
Ystrad Mynach
CF82 7WF

BY PLANNING PORTAL

Our Ref: 20636/A3/JA

30th April 2021

Dear Mr Pyne

**APPLICATION TO VARY CONDITION 3 AND REMOVE CONDITION 12 OF PLANNING
PERMISSION 18/0087/NCC
BRYN COMPOST LTD**

We write on behalf of Bryn Compost Ltd, to submit a Section 73 application to vary Condition 3 and remove Condition 12 of Planning Permission 18/0087/NCC in respect of the existing green waste facility at Gelliargwellt Uchaf Farm, Gelligaer, Caerphilly.

The green waste operations form part of a number of operations at the wider site centred on Gelliargwellt Uchaf Farm. The business is recognised as being of great importance to the economy and waste planning within Caerphilly CBC, and:

- Is a significant employer of local people;
- Delivers and secures through direct and indirect trade and utilising local contractors, significant local economic benefits to local businesses e.g. contractors and suppliers;
- Fulfil a number of important contracts for local authorities in enabling a sustainable approach to waste management – allowing increased waste levels to be diverted from landfill.

The continuation of hours is required to enable the Appellant to fulfil the requirements of the site operator's 20 year organic waste treatment services contract with Caerphilly CBC. The terms of the contract require the Appellant make best endeavours to secure the permitted operational hours on a permanent basis. The site is the only one which services the Council's waste needs in this respect and is therefore of significance in meeting the following key objectives of the LDP:

"6. Encourage waste management based on a hierarchy of reduce, reuse, recovery (including material recycling, energy recovery and composting) and safe disposal.

18. Provide and protect a diverse portfolio of employment land for a variety of employment uses, focusing in particular on higher value employment opportunities and sites to meet local need, including waste management facilities."

Condition 12 of Planning Permission 18/0087/NCC states:

The hours of operation hereby approved shall apply for a temporary period expiring on 30 April 2021 after which the permitted hours shall revert to those granted permission under consent reference P/04/1912:

08:00 – 18:00 Monday to Friday

07:00 – 13:00 Saturdays.

REASON: To allow the impact of extended hours of operation to be assessed.

Planning Permission 18/0087/NCC was preceded by planning permission 14/0422/NCC, which included condition 12 which stated:

The hours of operation hereby approved shall apply for a temporary period only expiring on 28 February 2018, after which the hours of operation shall revert to those granted permission by Caerphilly County Borough Council consent number P/04/1912.

REASON: To allow the impact of extended hours of operation to be assessed.

In recommending to impose the condition on permission 14/0422/NCC, the Officer's Report to Planning Committee (11th February 2015) advised that:

"A temporary permission would be a reasonable way of assessing whether odour and residential amenity problems would arise. A period of three years would be adequate to allow those matters to be properly assessed."

When planning application 18/0087/NCC (to which this application relates), was reported to planning committee, it was recommended by Officers that it be approved on a permanent basis (i.e. not including any temporary restriction on hours). Members subsequently approved the application at planning committee with Condition 12 included. In this respect, Circular (WGC 016/2014) states:

"it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan";

"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 reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area";

"These considerations will mean 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."

The hours of operation at the site have already been the subject of a 'trial run' (now of over six years) in order to assess the effect of the development in the area. There continued to be no objection from the Council's technical consultees when the previous application was reported to committee. For the reasons outlined within this letter, it has been demonstrated that over the now six year period, there have been no undue impacts in respect of odour and residential amenity and the permission should be granted on a permanent basis.

As you are aware, due to the increasing success and high recycling rates being achieved for foodwaste recycling by Caerphilly Council and other Local Authorities, the Councils and their contractors continue to collect foodwaste from households on Bank Holidays and Saturdays. Collecting the foodwaste on Bank Holidays and Saturdays ensures that the food waste is not present within peoples' properties for extended periods of time. Additionally, this foodwaste has to be received and processed on the day of collection as it cannot be stored within the collection vehicles on Bank Holidays or Saturdays as this would breach licence requirements.

Accordingly the foodwaste has to be delivered to processing facilities such as that at Bryn Compost on Bank Holidays and Saturday afternoons. This is far preferable than leaving the waste in the collection vehicles, because the food waste will then be within a controlled, sealed and air tight environment at Bryn Compost where it will be treated.

The need for the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past five to six years) accordingly still exists, and we therefore seek to remove condition 12. This would enable the authorised operations to continue and be restricted by Condition 3, which would be varied to allow the current hours to continue, as follows:

Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:

07.30 to 18.00 Monday to Friday

07.30 to 13.00 Saturday

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

The site may be open for receipt of waste from a local authority or its contractors between the following hours:

07.00 to 18.00 Monday to Friday

07.00 to 16.00 Saturday and

07.00 to 13.00 on Bank Holidays or Public Holidays

REASON: To protect the amenity interests of local residents.

Importantly there will be no change in the tonnages received at the site and the overall level of vehicles using under the current regime. On Bank Holidays and Saturdays the level of vehicles using the site for foodwaste will be limited to circa 28 two way trips on each day. On Bank Holidays deliveries would likely take place between 0700 and would be completed by 1300 hours. Deliveries will also potentially take place on Saturday afternoons up to 1600 hours. The overall quantum of material treated at the site will not increase, and this will continue to be regulated by Natural Resources Wales Licences.

In line with the Welsh Government's Development Management Manual (Section 7 Annex: Planning Applications – Lists of Validation Requirements List 4), the following documents have been submitted via the Planning Portal (Ref: PP-08843249) to enable the validation and determination of the application.

- Application Form and Certificates;
- Waste Planning Statement; and
- Coal Mining Risk Assessment Report by JPCE.

The fee made payable to Caerphilly County Borough Council for £230 has been paid under separate cover.

As confirmed previously, it is not necessary to resubmit the previously approved planning application documents given that no changes proposed to the existing development and the Council will cross refer to these as needed.

Key Planning Issues

This application arises from the operational requirements of the waste authorities and their contractors that collect food waste from residential properties and businesses on Saturdays and Bank Holidays.

The recycling of foodwaste is a key requirement of European and United Kingdom and Welsh Government Regulations and Policies. These proposals will deliver the recycling and reuse of waste in accordance with the waste hierarchy, proximity and self sufficiency principles. The site is a critical facility for dealing with the foodwaste of Caerphilly County Borough Council and other surrounding Councils. There is no other comparable facility within the Caerphilly Council area or within a 20 minute drive time of the site which provides such a waste facility; accordingly it is necessary for the foodwaste of the local area to be treated at this location.

Planning Policy Wales emphasises the need to deliver sustainable waste management systems and the proposed variation of hours will allow the continued operation of the existing facility for foodwaste processing.

The continuation of restricted hours of operation related to the existing facility and will not result in any new development or increases in the levels of material treated at the site. Accordingly, the requirements of Policies: CW15 General Locational Constraints; SP9 Waste Management; SP10 Conservation of Natural Heritage; and CW22 Locational Constraints Minerals do not apply.

Accordingly the key planning issue relate to general amenity which is, covered by Policy CW2 Amenity (i.e. air quality, noise and vehicle movements).

Air Quality

An Air Quality Impact Assessment was conducted by The Airshed in respect of the previously approved Anaerobic Digestion development (LPA Ref 11/224/FULL). That assessment also took account of the previously operational IVC. The report used dispersion models to predict odour concentrations emitted at a steady rate over 24 hours a day and 365 days per year, with no diurnal or seasonal variation in emission rates. Having reviewed these proposals the statement by The Airshed submitted for 14/0422/NCC confirmed that the hours of operation would not result in any changes that would adversely affect residential amenity. Importantly, Caerphilly CC Head of Public Protection considered the supplementary report and did not raise any objection to the application or to the permission which this application relates.

Vehicle Movements

In respect of vehicle traffic to the site, the report by Corun submitted in respect of application 14/0422/NCC considered the movement of vehicle traffic to and from the site for the proposed extended hours on Saturdays and Bank Holidays.

With regard to the movement of the foodwaste vehicles to the site, it is important to recognise that there will continue to be no increase in overall vehicle traffic as the proposed extended hours will not increase the overall level of waste received at the site. Accordingly, as per current arrangements, removing the condition will simply enable the level of traffic to be distributed over a greater number of days. Furthermore as the vehicle traffic will be from Council refuse vehicles and their contractors, these vehicles will already be operating on the highway network.

The Corun report submitted in respect of application 14/0422/NCC demonstrates that in highway capacity terms, the proposed operational hours would not have a material impact on highway operation or safety, either during the extended Saturday hours, or Bank Holiday operation. Moreover, and importantly, Caerphilly CC Transportation Engineering Manager did not raise any objection to the application, nor to the permission which this application relates.

Noise

The potential noise arising from operational hours on Saturdays and Bank Holidays has been previously assessed within a report by Hunter Acoustics submitted in respect of application 14/0422/NCC. This assessed potential noise impacts arising from the site on the nearest sensitive noise receptors to the site.

The main potential noise source comprises HGV movements to and from the site on the local highway network. Based on the flow data from the applicant's consultant Highway Engineer, the Acoustic Assessment previously submitted assessed the noise levels associated with the movement of vehicles during the proposed extended hours.

Based on this information, the acoustic assessment demonstrated that the additional HGV movements on the public highway will have a negligible impact on existing highway noise levels during the proposed extended hours of operation. Additionally, as per vehicle movements, it is relevant to note that during the proposed hours of operation, refuse vehicles operated by the Local Authority and their contractors will already be on the local and wider highway network collecting foodwaste in any event.

Conclusions

In light of the above it is considered that the removal of condition to enable the continued operation as per the current regime is acceptable. This is based on the technical evidence submitted in support of application 14/0422/NCC, the lack of technical objection from Council consultees or Officers in respect of the previous application, and the operation of the facilities over the six years having no undue impact on residential amenity and highway safety

I trust that the above and enclosed are sufficient to enable registration of the application. If you have any queries please do not hesitate to call.

Yours sincerely

JOE AYOUBKHANI
Planning Associate

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