



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Kate Spence - Council Business Unit, Democratic Services (07747 485566)

A meeting of the **Planning and Development Committee** will be held **ON SITE** on **TUESDAY, 4TH JANUARY, 2022** as detailed hereunder.

**AGENDA**

**DECLARATION OF INTEREST** - To receive disclosures of personal interests from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest, they **must** notify the Chairman when they leave.

<b><u>TIME</u></b>	<b><u>VENUE</u></b>	<b><u>PURPOSE</u></b>
<b><u>11:00</u></b>	Field at Croft Yr Haidd, Castellau, Beddau, Pontyclun CF72 8LQ	<b>APPLICATION NO: 21/1102/10</b> Building to facilitate the relocation of fallen stock yard. (Odour Management Plan received 30th September 2021, Veterinary Statement and revised plans, reducing size of building and enhancing landscaping, received 18th October 2021).

## **Service Director of Democratic Services & Communication**

### **Circulation:-**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor G Caple  
respectively)

County Borough Councillors: Councillor J Bonetto, Councillor D Grehan,  
Councillor G Hughes, Councillor P Jarman, Councillor W Lewis, Councillor W Owen,  
Councillor J Williams, Councillor D Williams and Councillor S Powderhill

Service Director of Democratic Services & Communication  
Director of Prosperity & Development  
Head of Major Development and Investment  
Head of Planning  
Senior Engineer  
Environmental Health Officer

### **Site 1**

Non-Committee / Local Member - Councillor Dan Owen-Jones



## **PLANNING & DEVELOPMENT COMMITTEE**

**16 DECEMBER 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1102/10 (GH)  
**APPLICANT:** Fallen Stock Ltd  
**DEVELOPMENT:** Building to facilitate the relocation of fallen stock yard. (Odour Management Plan received 30th September 2021, Veterinary Statement and revised plans, reducing size of building and enhancing landscaping, received 18th October 2021)  
**LOCATION:** FIELD AT CROFT YR HAIDD, CASTELLAU, BEDDAU, PONTYCLUN, CF72 8LQ  
**DATE REGISTERED:** 06/08/2021  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW

**REASONS:** The proposed development is of an acceptable scale and appearance and its use as a fallen stock yard, would provide an essential service to the rural economy.

The specific purpose of the business means that its location in the open countryside and on agricultural land is an acceptable one, and the levels of vehicular traffic generated would not be harmful to highway safety.

Subject to conditions, particularly in respect of odour management, the application would not be considered to be harmful to the amenity of the closest neighbouring properties or to public health.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal constitutes major development that not covered by determination powers delegated to the Director of Prosperity & Development.

#### **APPLICATION DETAILS**

Full planning consent is sought for the construction of a new building, for the purposes of operating a fallen stock (knackers) yard, within a field at Croft Yr Haidd, Castellau, Beddau.

The proposal originally sought consent to erect a steel portal-framed structure with a depth of 30.48m, a width of 15.24m and an eaves height of 4.88m, rising to a ridge height of approximately 6.9m.

However, as a result of discussions with the Applicant's Agent during the consultation process, revised plans were received reducing the depth of the building to 24.4m. This would create a floorspace of approximately 371m<sup>2</sup>, rather than the 464m<sup>2</sup> of the first iteration of the scheme.

In terms of external finishes, the building would have a similar appearance to that of modern agricultural buildings, with elevations of olive green plastisol sheeting. The roof would be of grey fibre cement sheets, within which roof lights would be installed.

In addition, the south-western elevation of the building would benefit from a full-width lean to element, within which a woodchip biofilter system would be installed, for the purposes of filtering air and preventing odours from entering the outside environment. For maintenance and access reasons, its elevation would comprise detachable wood sleepers.

No other fenestration is proposed to the building other than a large roller shutter entrance door within the north-eastern elevation, which would allow vehicles collecting and delivering carcasses to wholly enter the building.

The Applicant's Design and Access Statement (DAS) advises that the purpose of the development is to replace an existing fallen stock yard in an adjacent field. The Applicant's fallen stock business currently operates from premises at Pen Y Garn Farm where his tenancy is due to end in 2022.

The DAS also explains that the business offers a permitted collection service where animal carcasses are collected from farms, road accidents and other animal fatality incidents and brought back to the yard to be stored in cable-tied bags and placed in palletised containers, prior to a weekly collection.

No processing or dissection of carcasses takes place on site and both the bags and containers are large enough for animals such as a large horse or cow. The business has to be licensed and is regulated and inspected by the Animal and Plant Health Agency (APHA) and the new building would have to be designed to comply with The Animal By-Products (Enforcement) (Wales) Regulations 2014.

The existing buildings which presently accommodate the business on the neighbouring site are proposed to be removed once relocation has taken place. The DAS notes, as per the submitted plans, that tree and hedge planting would help to screen the site, even though it is at a lower elevation than the current site.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Preliminary Ecological Appraisal
- Design and Access Statement
- Coal Mining Risk Assessment

- Pre-Application Consultation Report

As a result of comments and queries received during the consultation process an Odour Management Plan and Veterinary Statement were received. In addition, as noted above, a revised plan was submitted reducing the scale and footprint of the building by one 6m bay.

Lastly, it should be noted that this proposal was first submitted and publicised as application no. 20/1086/10. However, as 'waste development' the application constitutes major development, for which the Planning (Wales) Act 2015 requires developers to undertake statutory Pre-Application Consultation (PAC).

This had not been done at the time of the first submission, so on the advice of the Local Planning Authority, the application was withdrawn and resubmitted once the necessary PAC process had been completed.

## **SITE APPRAISAL**

The application property is an undeveloped field, which is located in the open countryside approximately 1.3km to the west of Penycodcae and around 3km to the east of Tonyrefail.

The site is outside the settlement boundary and within the Mynydd y Glyn & Nant Muchudd basin Special Landscape Area. In addition, the site is within a Sandstone Safeguarding Area and includes areas where development would be at high risk from former coal mining works.

Comprising a surface area of approximately 0.1 hectares, the field has been used for the grazing of livestock and is enclosed by a combination of hedgerow and stockproof fencing on three sides. There is a fall in level towards the south-west and a line of mature trees alongside the north-western boundary, which separates the site from the adjacent field from where the business currently operates.

A private lane crosses past the south-eastern part of the site which leads from the adopted highway to the property known as Croft Yr Haidd. However, as noted above, the access to the application site is proposed to be from the existing junction to the north which serves the current business premises.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

- 20/1086/10:** Building to facilitate the relocation of fallen stock yard. (Coal Mining Risk Assessment received 23/11/2020) (updated Planning Statement received 18/12/2020) (drainage details received 27/01/2021). Decision: 06/08/2021, withdrawn by applicant.
- 20/5042/41:** Pre-application Enquiry. Decision: 03/06/2020, raise objections.

## **PUBLICITY**

Both the current and withdrawn applications were advertised by direct notification to 30 neighbouring properties and notices were displayed on site.

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 26<sup>th</sup> August 2021 identifying that the resubmitted application constituted major development.

The initial consultation attracted 37 letters of objection, together with a petition opposing the application containing approximately 200 signatures. In response to the second consultation, letters of objection were received from 28 households.

The concerns raised can be summarised as follows:

#### Highways

- Increased traffic levels from larger vehicles will create more pollution/dust and greater risks of accidents or respiratory issues.
- Already large volumes of traffic passing through Penycoedcae.
- Not enough room on local roads for vehicles to pass each other, or for cyclists, horse riders and ramblers.
- Walls have been knocked through in Penycoedcae village by large lorries.
- During peak periods there are two collections per week.

#### Public Health and Site Management

- The odour affects enjoyment of my garden and local outdoor spaces.
- At times it is impossible to open windows, sit outside or invite visitors due to terrible odours.
- Risk of contamination from diseased animal carcasses and carriage of hazardous materials, including Anthrax, Foot and Mouth, Alabama Rot, BSE, TB, Blue Tongue and Covid.
- The proposed building and yard site would have a great impact on the environment, and we have noticed that the present operation is creating its major problems.
- The Applicant does not disinfect on and off site and the tarpaulin on his lorry is rarely in place. We often pick up sheep tags off the fields from various holdings and there is always effluent.
- The vehicles used to transport the fallen stock waste are not sealed, they will be carrying rotting animals that may have died from hazardous and unknown causes.
- The dead stock is unrefrigerated so carcasses putrefy.
- There has been a trail of fluid all along the road from the Knackers Yard to the Queens Head Pub.
- We have witnessed blood and fluids draining out of the collection lorry, the stench is extreme.
- To our knowledge one dog has died, and another had been seriously ill as a consequence of the decomposing carcass fluid leaking.

- All local farms have their own water supply via boreholes, where will this site get water from or drain to?
- Concerns about water supply for hygiene purposes and that contaminated waste is being discharged via a soakaway.
- The current practice of bagging dead animals is recent, prior to objections to the first planning application, decomposing animals were piled up festering in the building until collection.
- Some large stock would be too large to bag without dissection.
- Prior to the planning applications we witnessed whole animals being lifted outside of the building on a forklift truck and dumped into the top of the lorry.

#### Scale, Appearance and Amenity

- The new building would be much bigger than the current one which would allow the business to grow and intensify problems.
- The development would permanently change the character of the agricultural land and have an adverse impact on the visual amenity of neighbouring properties.
- The proposed external finishes of the building would be an eyesore and its size would make it conspicuous.

#### Other matters

- The Applicant does not have the benefit of a lawful existing use at the current site so the application should not be considered as if it were a replacement for such.
- The building would be located within a coal mining high risk area and there were four collieries in the area surrounding the site. Part of Croft yr Haidd house was rebuilt by the NCB due to subsidence.
- The planning application was not openly publicised.
- The plan to commercialise the business smacks of making money.
- The access and part of the site and surrounding land can be subject to surface water flooding.

Conversely, 301 letters of support have been received, which includes those from the Farmer's Union of Wales (FUW) and South Wales Farm Vets.

The majority of these letters are of a proforma type, where the supporter has filled in their own details and made additional comments. Whilst many are from local farms and businesses, a high percentage are from the wider South Wales area.

These letters of support reference the Applicant's professionalism and the necessity of the service provided. With particular relevance to the latter, it is clarified that legislation prevents farmers/landowners from burying dead stock or burning on site.

## **CONSULTATION**

### Highways and Transportation

No objection, subject to a condition requiring the access and off-street parking provision to be carried out in accordance with the submitted details.

### Flood Risk Management

The site location plan provided identifies that the existing site is agricultural land. The Applicant has provided a general site layout and elevation of the proposed site but has not included any details in relation to the sites surface water flood risk or the proposals to drain the proposed developments surface water, other than to mention a soakaway.

Natural Resources Wales Surface Water Flood Risk Maps have been used to review the sites current risk of flooding. The summary of the review has identified low surface water flood risk on the proposed site and the developer must take this into consideration when developing the site.

The Applicant will be required to evidence the sites surface water discharge destination and principally the rate of discharge and demonstrate the pre and post catchment discharge rates for comparison. For a green field site, the Applicant will be required to provide like for like discharge rate for the inherent surface water flood risk within the area.

Based on the size of the construction works being greater than 100m<sup>2</sup> the applicant will be required under Schedule 3 of the Flood and Water Management Act 2010 to submit an application for SuDS approval prior to works taking place; alongside this requirement the Applicant is required to comply with Part H of the Building Regulations which sets out the design requirements associated to the use of infiltration drainage.

No objection or recommendation for condition in relation to surface water flood risk is recommended for this application since it will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

With regard to construction, conditions are recommended in respect of noise, dust, waste, demolition, and hours of operation. However, given the scope of existing Public Health powers, it is considered that such issues are best addressed by an informative note to any planning consent.

However, in terms of the operation of the site, the Public Health and Protection section noted that the Applicant currently operates a premises of this nature in the next field, and that as a result of odour complaints received, a Section 80 Abatement Notice was served on the existing premises on 2nd August 2021.

Following receipt of the Odour Management Plan as requested, the Section has advised that it has no objection to the proposal providing that a condition is imposed on any consent such that the procedures and measures required by the Plan are implemented before the use of the premises commences and then shall operate as such in perpetuity.

### Natural Resources Wales



NRW has confirmed they have no objection to the proposed development as submitted.

In relation to foul drainage NRW advises that the Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with them. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with the NRW Permitting Team at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

NRW highlights that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

#### Dwr Cymru Welsh Water

Since the proposal intends utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and or the Local Authority Building Control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

#### Countryside – Ecologist

The ecology impacts are mitigable, and conditions are recommended for:

- Details of stone wall/hedgerow translocation and new hedgerow provision (to include only hawthorn and hazel in its composition), including details of how protected species will be appropriately considered in these works.
- Details of all habitat and species mitigation as set out in Section 4 and 5 of the BE Ecological September 2020 Preliminary Ecological Assessment.

#### The Coal Authority

The Coal Authority's information indicates that a coal seam is conjectured to outcrop across the footprint of the proposed building. The supporting Coal Mining Risk Assessment report has not satisfactorily demonstrated that seam has not been worked and does not pose a risk to the proposed development.

In the absence of a revised report, The Coal Authority considers that further site investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, a condition is recommended for the undertaking of a scheme of intrusive investigations and for any necessary remediation or mitigation measures to be implemented and validated.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.

#### Animal and Plant Health Agency

APHA's responsibility is limited to the assessment of the registration request which begins on receipt of the application from the operator.

#### Tonyrefail Community Council

The Community Council advises that it was involved in the pre-planning consultation of this application, and due to its complex nature did not feel that it was in a position to provide a fully informed response.

The Community Council understands that this application will be determined by the Planning and Development Committee and as such would request notification once the Committee Report has been prepared so it can be fully informed and make a late comment if required.

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

#### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the open countryside to the west of Penycoedcae

**Policy CS2** – emphasises sustainable growth in the Southern Strategy Area (SSA) that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

**Policy AW2** - supports development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

**Policy AW5** – identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, pollution and noise.

**Policy SSA23** - identifies Special Landscape Areas where new development is expected to be of a high design standard.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Nature Conservation

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 5 – Supporting the Rural Economy

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

PPW Technical Advice Note 21: Waste

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the construction of a knackers yard and the creation of a new planning unit at Croft Yr Haidd. The role of a knacker is to dispatch sick or injured animals on farms and collect those that have died naturally, which may have been due to injury, disease or old age. Such work may also deal with animals killed or injured on the highway, or from equestrian businesses and activities. In many instances, as is the case with this application, the yard is used as a point of transfer to an incinerator, and no processing would occur on site.

A knacker's yard is classified as a B2 industrial use and would therefore normally need to meet the criteria of LDP Policy AW2, which defines whether a site can be considered a sustainable location and acceptable in principle. In this case, the development is clearly outside the settlement boundary and for a use that would mainly rely on vehicle transport movement, as is the case for the existing unauthorised facility at its current site in the neighbouring field.

However, whilst there would normally be an objection in principle to a B2 use in this location, the nature of the business is not one that should result in any noise creating practices, create commuting by employees to a place of work, attract visitors, or require frequent servicing by delivery vehicles. It's specialist nature also means that the client base is bound to be a wide one with ad-hoc demand and where no particular locational need can be established.

Consequently, whilst the development does not accord with all the criteria within Policy AW2, due to the type of use, it is accepted that it would be best accommodated in a rural location such as this rather than in a built up area within the settlement boundary.

In terms of national planning policy, PPW TAN21 (Waste) was referenced. However, the information within the TAN relates mainly to the management of mainstream waste from homes and businesses and establishes a waste hierarchy for waste prevention and recycling. Paragraphs 4.27 and 4.28 address the matter of niche waste disposal, but only in terms of animal carcasses or clinical waste where incineration is proposed. As a 'transfer' facility with no on-site processing, this is not relevant. TAN6 (Planning for Sustainable Rural Communities) was also consulted, but again, does not contain any specific guidance or direction in terms of the proposed development.

Nonetheless, Chapter 5 of PPW11 relates to the rural economy, paragraphs 5.6.1 and 5.6.2 stating that “The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas”, and “Small-scale enterprises have a vital role to play in the rural economy and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas”.

Also, within PPW11, paragraph 6.7.15 advises on the location of commercial, industrial, or other potentially polluting development and suggests that “such development should be located in areas where there is low potential for public exposure”. Although this small-scale development should not cause any pollution, the matter of odour being considered further below, PPW11 indicates that a built up area within the settlement boundary would not be appropriate.

Lastly, it would be helpful to clarify that the proposed development does not meet the criteria set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and does not require EIA to be undertaken.

In light of the above, the development would be acceptable in principle, but this is subject to consideration of the material matters below.

### **Impact on the character and appearance of the area**

The site is located within the Mynydd y Glyn & Nant Muchudd basin Special Landscape Area. The ‘primary landscape qualities & features’ relevant to the site include: the largest area in RCT of un-industrialised lowland farmland rising to the open and forested hill of Mynydd y Glyn to the north.

In the basin there is a very attractive network of narrow winding lanes, small irregular fields bounded by large mixed hedges and many trees, scattered farms, unlike any other part of RCT. There are stone walls and open grassland on higher slopes.

The key policies relevant to the site include ensuring that no large scale developments to spoil the integrity and seclusion of basin and surrounding slopes, and to conserve both primary habitats relating to unimproved grassland and old patterns of farmland, with large hedges and many trees. To be in accordance with Policy SSA 23 the proposed development should be of the highest siting, design, layout and materials.

It is accepted that the development would inevitably result in the loss of a greenfield site and would form a visible feature within the immediate area. However, when considering the siting and scale of the proposed development, on lower land than the existing, and its relationship with this wider area, neither the scale nor the appearance of the building would be considered detrimental. The development would be typical of the kind of agricultural structures and developments which are seen in rural countryside locations, and in this case, additional landscaping has been proposed as part of the scheme.

Subject to a condition to secure the removal of the existing relevant buildings from where the business is currently operated, so as to reduce the impact of the built development on the rural landscape, the development is therefore considered to be acceptable in terms of its visual impact.

### **Public health concerns and the amenity of neighbouring occupiers**

Of the various objections highlighted by objectors, those relating to public health matters and smells are evidently a key concern and are addressed in the sub-sections below.

#### Odours/Pollution

The nature of the development would result in the temporary storage of biological waste. However, the building has been designed to comply with The Animal By-Products (Enforcement)(Wales) Regulations 2014 to ensure that the building would be acceptable for the use proposed. Additionally, it has been identified that waste would be removed on a weekly basis by a licensed contractor.

The Applicant's Odour Management Plan notes that potential odour sources at the site are limited to carcasses in transit and storage; no processing of animal by-products would take place at the site. The degree and character of emissions will vary greatly according to ages and condition. Since deliveries and collections would be in Defra-approved covered containers, the handling of materials in line with APHA guidelines, and the building be shut during unloading and loading operations, all emissions should be contained within the proposed building and contained in sheeted haulage vehicles.

The Odour Plan also notes that there is a second potential source of odour emissions at a hunt kennels, 100m north of the proposed site, which stores carcass parts for feeding to hounds kept at the site. It is understood that this site is known as an intermittent source of offensive odours, but at the time of writing, this site has not been visited by Public Health officers in order to differentiate it from the Applicant's current operating site as a source of odour giving rise to complaints in the locality.

This Odour Plan will form part of the site's operational management system and formalises how odours would be dealt with at the site when it is in operation. It identifies possible receptors of odours and describes the control measures that will be in place and protocols to be implemented in the event of out-of-boundary odour impacts being experienced.

All fluid trade effluent from the proposed use would be collected internally and piped to a buried tank. It should also be noted that this use requires separate licensing from the Animal & Plant Health Agency (APHA) which requires regular inspections to ensure compliance with the set standards. The Agent has confirmed that water supplies required for the operation of the site would be from rainwater harvesting, with a borehole back up.

As such, it is not considered that the development would give rise to any complex or hazardous effects in respect of natural resources or present significant risk of accident

The consultation response from the Council's Public Health and Protection section noted that the existing site had been served with an abatement notice as odours were likely to have emanated from the site could be considered to be a statutory nuisance.

Subsequently, a meeting was held between the Planning Officer and Environmental Health Officer (EHO), who confirmed that odours had been experienced on site at the time a delivery was taking place.

However, the EHO explained that he was confident that for the proposed site, subject to compliance with the Odour Management Plan and APHA regulations, there shouldn't be an odour problem. The site had also been visited in the presence of a representative from APHA and there was satisfaction with measures that had been taken in response to the complaint.

The EHO advised that no further odour nuisances had been established since and, noting that the site has been operating for several years as a fallen stock yard, also confirmed that there had been no record of any odour complaints received by Public Health until the first planning application was submitted.

### Disease/Infection

A number of objectors raised concerns about the risk to health from a variety of diseases and conditions associated with livestock.

Whilst it should be noted that no objection was received from NRW and that the operations at the site would be regulated and inspected by the APHA, a Veterinary Assessment was provided to address those concerns. The Author of the Assessment advised that information had been made available regarding the inspections undertaken by APHA in 2018, 2019, 2020 and 2021, and has provided the following comments:

#### *Escherichia coli (E. coli)*

The toxin producing strains of E. coli are the producers of ill health in humans and these strains are sometimes present in faeces from grazing livestock. Wherever the dung from cattle or cows and calves or sheep is present there be these harmful strains. Human hands can then become contaminated by something as simple as tending to livestock (farmers) or persons visiting farms and walking in the countryside. Most illness in humans results from not removing these E. coli bacteria from hands and then contamination of human foodstuffs. The harmful strains are then consumed with food and can produce severe food poisoning. Hand washing and hygienic food preparation will prevent this form of severe E. coli infection.

The area around both the existing fallen stock facility and any new facility will be no more likely to be an E. coli risk than surrounding fields and walkways where there are animal droppings (cow pats and sheep faeces and/or manure spreading)

#### *Alabama Rot*

This can be very severe in dogs, but it is not a condition in humans. The disease in dogs causes marks, sores or ulcers on the skin and then vomiting with kidney failure. There is no risk to humans and no risk from fallen stock yards, knacker yards or hunt kennel facilities.

### *Blue Tongue*

Blue tongue is a disease of sheep, cattle and goats, the virus of which can only be spread by insects. In the UK the insects responsible are mosquitoes. The disease is not contagious between animals and does not affect human beings. Farmers with sheep, goats and cattle should consult with their vet about vaccinating their stock against the strains of Blue Tongue. This disease is only spread by the insects feeding on the live animal and during the feeding process infecting the animals. Any fallen stock yard, knacker yard or hunt kennel yard will pose no risk to animals nor to human beings.

### *Covid 19*

Various strains of the Covid type viruses (coronavirus) similar to that causing the pandemic world-wide in humans have been found in animals. Covid 19 is a risk factor in mink in some countries. However, Covid 19 is a disease of humans and spread from human to human by close contact. Animals in the UK, live or dead are not involved in the spread of this disease. The fallen stock yard's existence and the plan for any further yard poses no threat to the human population.

### *Foot and Mouth disease*

Any signs of unexplained lameness in cloven footed animals especially if such animals are dribbling and unwell must be reported to DEFRA (Department of Environment, Food and Rural Affairs). It is referred to as the most contagious animal disease since the virus can spread exceptionally quickly. This virus does not produce disease in humans. There is a disease in humans referred to as "hand foot and mouth" which is a mild treatable condition and common in children under 5. The condition is produced by a virus different to Foot and Mouth in cattle, sheep, goats, and pigs. There is no foot and mouth infection in the UK. With any future outbreak, farms in the outbreak area will be virtually closed as will knacker yards and fallen stock yards and other connected industries. Foot and Mouth is a disease in cloven footed animals and poses no risk to humans

### *BSE*

Any signs of BSE in cattle must be reported to DEFRA. There were 16 cases between 2011 and 2015. One case was identified in Scotland in 2018 and the most recent case discovered in England in September 2021. Material from cattle over 48 Months of age is screened in abattoirs and at fallen stock yards. The records following the inspections and testing of cattle tissue from over 48 months of age in the fallen stock yard have been seen and are all negative. The 15 routine visit inspection reports confirm that BSE is under constant surveillance and testing. The disease does not spread from animal to animal and was caused by the inclusion of meat and bone meal as a supplement in cattle feed. This procedure has been legally banned for many years.



Humans cannot be affected by any disease associated with BSE by being in the proximity of any fallen stock yard or knacker facility.

### *Anthrax*

This is a rare bacterial disease from which cattle tend to die very quickly - any such animal is sampled on the farm to eliminate anthrax. Human anthrax used to infect workers in the hide and wool trades when anthrax spores were breathed in or when entering by mouth and can be successfully treated with penicillin. The most recent cases in humans were in 2010 when heroin users in Scotland were infected by injecting contaminated heroin. Spores can last for decades in soil and when deep excavations take place over previous cattle burial sites animals may eat the exposed spores and develop anthrax. The disease does not spread from animal to animal or from animals to humans. The persons at remote risk are the personnel who work with carcasses i.e., vets and fallen stock persons. This is only possible if in the very exceptional circumstance a carcass has not been tested before collection. If a case did emerge in such a facility, the business would be closed and only allowed to resume trade after a most thorough deep cleansing and disinfection. Any rare human disease is likely to be confined to the skin and can be treated. The last human case in the UK was in Wiltshire in 2015 and before that in South Wales in 2006.

### *Bovine TB*

This is confirmed occasionally in humans after consumption of unpasteurised milk. Almost every human case of TB in the UK is caused following infection by the human form of TB bacteria which is different to the bovine type. This bacteria thrives and spreads in close knit communities in towns and cities. Persons cannot contract bovine TB by living in the vicinity of fallen stock facilities.

Foot and Mouth disease, BSE, Anthrax and Bovine TB are all notifiable to the animal health authorities in the UK, the reporting and control of them is thoroughly regulated

### Physical Impact

Since the development would be in excess of 150m from the nearest dwelling, it is considered that the new building would not be detrimental to outlook, be capable of overshadowing neighbouring properties, or enabling intrusive views to the detriment of the amenity or privacy of existing residents.

### Traffic

It is acknowledged that the proposed development may have the potential to give rise to nuisance arising from vehicular movements to/from the site which requires navigating narrow country lanes.

However, this would be similar to or no greater than that which already takes place at the existing adjacent site and neighbouring farms throughout the wider area which share the same network of country lanes.

The Applicant's Agent has confirmed that fallen stock and casualty animals are collected from sites around South Wales and stored prior to onward carriage to a licensed disposal site located in Staffordshire. The building is not normally used at weekends and there are usually up to four vehicle movements a day, on and off the site, with collections for onward transit in the region of once a week. The existing facility is too small to allow the doors to be shut during loading operations.

### Conclusion

On balance, in terms of wider public health issues and the impact on the amenity of neighbouring residents, the application is considered to be acceptable, subject to compliance with the Odour Management Plan, for which condition 6 is recommended.

### **Access and highway safety**

The submitted site plan indicates that access to the proposed development will be from Croft yr Haidd Road. The plan indicates that the existing means of access to the plot is to be improved. The improved access provides vision splays of circa 2.4m x 56m to the left and 2.4m x 84m to the right.

These vision splays are considered adequate considering that traffic speeds on Croft yr Haidd Road are limited due to its narrow width. In addition, there is sufficient space within the site to ensure vehicles are able to enter and exit the site in a forward gear.

The Council's adopted SPG for Access, Circulation and Parking Requirements has no specific requirement for a fallen stock yard. Nevertheless, there is ample space within the proposed development for off-street parking to be provided. The proposed development gives no undue cause for concern with regard to off-street parking provision.

Consequently, the Council's Highways and Transportation Section has advised that it has no objection to the proposal, subject to the condition referenced further above.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Facilitating Accessible and Healthy Environments:** The type and purpose of the development does not require trips to be made by private car and does not need to be accessible by active travel means or public transport.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in its support of the rural economy and would utilise rainwater harvesting.
- **Maximising Environmental Protection:** The development would include a condition for biodiversity enhancement measures by way of bat and bird roosting provision, together with additional landscaping.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

Whilst the concerns raised by the closest neighbouring residents are acknowledged, particularly in relation to the status and operation of the current site, it is considered that matters relating to public health and odours have been addressed, being controllable either by condition or within the scope of other statutory regimes.

The proposal is comparable in scale and appearance to that of a relatively small agricultural barn and would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties.

In addition, although a B2 Use, the nature of the development, essentially a one-man business with limited vehicle movements, means that its location away from the settlement boundary can be considered an acceptable exception to Policy AW2, for the reasons outlined previously.

On account of the above the application is therefore considered to comply with Policies AW5, AW6, AW8, AW10, and SSA23 of the Rhondda Cynon Taf Local Development Plan.

### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved drawings and documents:
- RAC/8770/2 Rev 2
  - RAC/8770/3 Rev 1
  - RAC/8770/4 Rev 1

and details and documents received on 5<sup>th</sup> August 2021, 30<sup>th</sup> September 2021, 18<sup>th</sup> October 2021.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. i) No development shall commence until:
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

ii) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Details of a scheme for the stone wall/hedgerow translocation and new hedgerow provision (to include only hawthorn and hazel in its composition),

including details of how protected species will be appropriately considered in these works.

b) Details of a scheme for habitat and species mitigation as set in Section 4 and 5 of the Preliminary Ecological Assessment (BE Ecological, dated September 2020).

These measures shall be provided prior to beneficial occupation of the building and maintained in good order in perpetuity.

Reason: In the interests of biodiversity and nature conservation in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. The means of access and off-street parking provision shall be provided on site in permanent materials in accordance with submitted drawing no. RAC/8770/2 Rev 2 prior to beneficial occupation of the proposed building. The off-street parking area shall remain for vehicular parking only.

Reason: To ensure adequate access and that vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall be operated wholly in accordance with the Odour Management Plan (Reading Agricultural Consultants, dated September 2021), received by the Local Planning Authority on 30<sup>th</sup> September 2021.

Reason: In the interests of residential amenity and public health, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Within one month of the beneficial use of the development commencing, details of a scheme for the removal of the existing buildings identified on drawing reference RAC/8770/2 Rev 2, including a timescale and method statement for their removal, shall be submitted to the Local Planning Authority for approval in writing.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. The building shall only be used for the purposes of a knackers yard and for no other purposes within Use Class B2. No dissection, processing, or disposal by incineration (or any other means), shall take place within the site.

Reason: The site does not occupy a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan and would

therefore not be suitable for other uses which fall within the scope of Use Class B2.