

PLANNING & DEVELOPMENT COMMITTEE

08 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1319/10 (MF)
APPLICANT: Llantrisant Recycling Centre
DEVELOPMENT: Partially retrospective application for the retention of extension and changes to recycling centre including changes to layout and surfacing; the provision of a weigh bridge, additional buildings, attenuation pond and drainage amendments; change to the type and quality of materials being processed to include green waste, timber and glass, drying of material, operation of biomass boilers, dry mixed recycling processing, glass processing, composting of green waste, wood shredding, nappies bulking; and operation of recycling shop; plus a change to approved working hours (updated Environmental Statement, plans and supporting information received 14/05/21, updated Drainage Strategy received 03/08/21, and Technical Note (noise) received 10/01/22)
LOCATION: LLANTRISANT RECYCLING CENTRE, PANTYBRAD, TONYREFAIL, CF72 8YY
DATE REGISTERED: 03/08/2021
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Approve, subject to conditions.

REASONS: The application site forms an established recycling centre, comprised of two separate facilities, at the edge of Llantrisant Business Park industrial estate. The scheme has seen various works within the boundaries of the original site as well as an extension of the site to improve services and allow the facilities to keep up with demand, most of which without the necessary planning permissions.

The extension of the site is located outside of settlement limits and there has undoubtedly been an impact to the character and appearance of this semi-rural area. However, the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration, as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this instance, while regrettable, it is considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the

benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

While it is accepted the facility results in a degree of impact to the amenities of the closest residents, it is not considered any impact is significant enough to warrant refusal of the application.

Furthermore, it has also been demonstrated that the impact of the development upon ecology has been appropriately mitigated and that a suitable land drainage scheme has been / will be implemented on site.

Subsequently, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts. The application is therefore recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Background

Planning permission for a private, inert waste recycling facility and a separate public, community recycling facility was originally granted at the site on 24 March 2014, ref. 12/0037/10.

Since the original approval the private facility's site area has been extended and reconfigured including the construction of new buildings and installation of drainage infrastructure, and it operates differently to that originally approved, all without the necessary planning permissions. The unauthorised works at the private facility have in turn resulted in some reconfiguration of and drainage works being undertaken at the adjacent public recycling facility, again without the necessary permissions.

The applicant states that the extension of the site / development works / change in operations at the private facility have occurred due to a significant increase in recycling within Rhondda Cynon Taf in recent years, which the facility services, and therefore the facility has had to evolve in-line with the increase to ensure the County Borough's recyclable materials can be processed at the site.

This application therefore seeks to retain the entire site, both the private and public facilities, 'as built' and 'as in operation'. No further changes to the current design,

layout and operation of the site are proposed, other than a small office unit. Most works in these terms are retrospective. It is noted however that some further drainage/landscaping works are required/proposed as set out in detail below.

Members are advised that an earlier planning application for the same, ref. 18/1347/10, was submitted in 2019 but during the determination of that application it was considered the information provided was not sufficient to properly assess the development that has occurred at the site and any potential impacts.

The earlier 2019 application was subsequently withdrawn by the applicant in January 2021 and replaced by this 'cover all' application which includes an Environmental Impact Assessment (EIA) and associated Environmental Statement (ES) to consider the impacts of the site/uses upon ecology, specifically in respect of the proposed drainage infrastructure and the impacts upon water quality and biodiversity at the adjacent Nant Muchudd.

Due to the complexity of the site's evolution and its planning/development history it was considered that the withdrawal of the earlier 2019 application and the submission of this current application was the most appropriate approach. If granted, this application would provide certainty going forward for both the applicant, the Council and neighbouring residents/businesses as to the form and extent of the operations at the site. Conversely, should Members be minded to refuse the application, it would allow for appropriate and effective enforcement action to be taken in respect of the unauthorised works carried out at the site.

Original permitted scheme (application ref: 12/0037/10)

The original planning permission granted consent for 2 complementary uses at the site – a private recycling facility for the storage and processing of inert materials (northern half of the site - Llantrisant Recycling Centre (LRC)), and a public, community recycling facility (southern half of the site – Llantrisant Household Waste Recycle Centre (HWRC)).

Whilst the entire site is under the ownership of the applicant and all development works have been carried out by the applicant, only the private facility is operated by the applicant. The public, community recycling facility is operated separately by Amgen Cymru, although it is serviced by the applicant's recycling business, Tom Pritchard Contracting Ltd (as set out in detail below).

The private facility gained consent to process construction and demolition waste material into re-usable graded stone, stone dust, subsoils and topsoils in connection with the applicant's separate earthmoving business which is based nearby at a different site within Llantrisant Business Park.

These processed materials were to be stored in up to a maximum of 7 stockpiles, each with a maximum height of 3m.

A condition of the original permission restricted this use to a maximum throughput of 100,000 tonnes of inert waste per annum and a maximum storage of 15,000 tonnes of material at any one time.

It was also conditioned that the private inert recycling operations would only operate between 07:30am to 16:00pm Monday to Friday and 07:30am to 13:30pm on Saturdays, not being open at all on Sundays or Bank Holidays.

This aspect of the scheme involved re-profiling the ground at the northern element of the site to create a level plateau and the formation of a 1m high perimeter bund around, with a 3.5m high hedge and 1.8m high fence above for screening/security. Along the south-eastern boundary the perimeter bund would be located between 8m and 32m from the edge of the northern bank of the Nant Muchudd, although the edge of the plateau earthworks would be located a minimum of 5m from the riverbank.

The separate public, community recycling facility would occupy the southern element of the site and would serve the south-western part of the County Borough, allowing a maximum of 35,000 tonnes of various recycled materials to be brought to the site by members of the public and stored in several demountable containers/bins at any one time before being transported to other sites for processing.

This aspect of the scheme involved the formation of a level concrete slab, a surface water attenuation pond, gate house, staff welfare building and re-use centre, along with 1.8m high security fencing around.

The community recycling facility would be open from 08:00am to 19:30pm Monday to Sunday, April to October (inclusive), and from 08:00am to 17:30pm Monday to Sunday, November to March (inclusive).

A number of improvement works to the site access and adjacent highway were also granted.

Current (retrospective) / proposed scheme (application ref: 20/1319/10)

The overall site area has increased from approximately 2.25ha to approximately 2.75ha (by approximately 18%). This has involved the private recycling facility being extended into areas of open countryside beyond its north-western and south-eastern boundaries. The layout across the entire site has also altered from that originally approved, including the construction of several buildings. And the materials processed at the private facility have altered from that originally approved.

The applicant has detailed that the private facility now receives, sorts and repackages up to 350,000 tonnes of recyclable material each year in compliance with a separate Natural Resources Wales (NRW) Environmental Permit held, which allows up to 350,000 tonnes and also covers activities at the site that may give rise to pollution

outside the site from odour, noise, vibration, pests, emissions and dust; that the material processed at the private facility is now received from each of the RCT community recycling centres and many other Local Authority and commercial sources instead of just applicant's separate earthmoving business; but that the community recycling centre element still operates as originally approved and only stores up to 35,000 tonnes of recycled materials at any one time.

It is detailed that the majority of inert material that would have been brought to the private facility for processing (approved by the original consent) is now processed at a different site operated by the applicant near Groesfaen, however, a small amount is still brought to this site depending on the material/amount/processing operation.

Therefore, specifically, this application seeks planning permission for:

Private recycling facility (LRC) (all works retrospective unless specified)

- Change from the sole processing of inert materials associated with the applicant's separate earthmoving business to also include the processing of various recyclable materials from RCT community recycling centres and other Local Authority and commercial sources, up to 350,000 tonnes per annum (an increase of 250,000 tonnes). This includes aggregates, kerbside recycling, timber and green waste, road sweepings, glass fines and nappies. Green waste is also composted on site.
- The extension of this area of the site into the open countryside to the north-west / south-east, an increase of approximately 0.5ha. This has involved regrading works to provide an extension of the level plateau.
- A single-storey storage unit at the south-eastern corner that accommodates 7 separate bays and amounts to approximately 541m². This unit is used for sorting, drying and storage of recycled materials until they are transported off-site for processing.
- A single storey waste-to-energy unit at the south-west corner that accommodates 6 separate bays and amounts to approximately 697m². 2 biomass boilers are located within this unit that generate energy and heat for the site. The boilers are internal save for ventilation plant affixed to the external walls and 2 chimneys that project from the roof. The remaining bays are used for the drying/storage of biomass fuel – timber and green waste that is processed on site. It is stated that the biomass boilers and drying rooms run 24 hours a day as the boilers cannot be shut down and re-started in a reasonable time at the start/end of each working day. The boilers are remotely monitored but occasionally require attention from maintenance/operational staff out of hours.
- Hardsurfacing of much of this area.

- A 7m high debris fence along the south-eastern boundary to prevent materials blowing into the adjacent Nant Muchudd. A concrete drainage channel is sited beyond the fence to catch any leachate from the site. A mixed-species hedge is proposed to be planted at the riverbank between the site and the watercourse.
- 5m high walls throughout to create bunkers for the storage of and to separate the various materials. Each of the walls are formed by stacking several large concrete 'Lego block' type blocks on top of one another and can be moved around the site / raised/lowered as/when/where necessary. Recycled materials are stored in piles no more than 4m in height within each bunker. It is detailed that the bunkers are required by the separate NRW Environmental Permit to reduce fire risk and cross contamination.
- A 6m high earth bund along the north-eastern and north-western boundaries. A mixed-species hedge has been planted on top of the earth-bund for additional screening. A drainage ditch is located outside of the bund and a low post and wire fence beyond this.
- Proposed extension of hours of operation at this area to 06:30am to 18:30pm each day, including Bank Holidays except Christmas Day and New Years Day. However, processing on the site would only occur between 07:00am and 18:00pm on Weekdays and 07:00am and 13:30pm on Saturdays and outside of those hours the only operations would be the emptying of skips from the County Borough's community recycling centres.

To justify this the applicant has stated that weekends are the peak time for the community recycling centres and in order for these facilities to open at 08:00am and remain open throughout the day, any full bins need to be removed before the public start visiting the sites and at intervals during the day to avoid a build-up / potential closure.

Furthermore, most of the private customers that bring recycled materials to the private facility work their plant on extended hours and send transport to their sites for collection of recycled materials before or after their sites are in operation.

Public community recycling facility (HWRC) (all works retrospective)

- A steel elevated platform erected along the eastern boundary of this area that allows cars to drive through and users to access containers/bins from above.
- A re-use shop under the elevated platform structure where residents can leave items of good condition for resale.

- A single-storey staff cabin at the entrance.
- Various demountable containers/bins sited throughout.

Other development works across the site (all works retrospective unless specified)

- Various alterations have been made to the site's internal access arrangements to provide for better and safe access for members of the public accessing the community facility and HGVs accessing the private facility. This has included hard-surfacing, roundabouts/islands, signage and the formation of an informal carpark area for staff/visitors at the south-western corner. No works have been undertaken to the public highway outside of the site, other than those approved under the original 2014 planning permission.
- A single-storey weighbridge building at the entrance to the private recycling facility that amounts to approximately 62m².
- 2 attenuation ponds at the south-eastern corner.
- It is proposed a single-storey staff office/facility unit be constructed to the rear of (east) the weighbridge building. It would be of the same external materials of the adjacent building and would amount to approximately 87m².
- It is proposed various additional landscaping be installed around the site boundaries.

Site drainage arrangements (all works retrospective unless specified)

Prior to submitting this application the applicant undertook an EIA at the site to assess any potential impacts upon water quality and biodiversity to the adjacent Nant Muchudd which, along with its banks, is a designed Site of Importance for Nature Conservation (SINC) – Nant Muchudd SINC.

This level of assessment was considered necessary to fully consider the site drainage scheme originally proposed, a reed bed system that would 'clean' leachate from within the private recycling facility and then discharge the resulting water directly into the adjacent River.

However, following an initial objection from NRW and the Council's Ecologist to the proposed reed bed system as there was uncertainty of reaching achievable water quality targets and fears that it would be too difficult to control and manage in future, this method of site drainage was abandoned and a new on-site management system conceived/implemented which does not result in any leachate entering the Nant Muchudd. Following the change to the site drainage system it is no longer considered this application requires assessment at EIA level and that the usual level of drainage strategy and ecology reports submitted with a planning application would be sufficient.

However, the ES was updated along with all relevant plans and supporting documents on 14 May 2021 and the Drainage Strategy on 03 August 2021 to include the new drainage system, any impacts and future mitigation.

Much of the latest site drainage scheme has already been implemented on site, however some features are yet to be installed. Full details are set out below:

- The northern, upper area of the site is bunded to prevent runoff from the surrounding hillside entering the site. Runoff from the surrounding land is independently conveyed to the Nant Muchudd via a network of existing ordinary watercourses.
- Surface water runoff generated by the northern area of the site, which is at high risk of leachates, is directed by falls across the site slab to the eastern boundary where it is intercepted by an open concrete channel that directs runoff to a holding tank. In times of extreme weather overflow from the holding tank is conveyed to the northernmost holding pond. Both the holding tank and northernmost holding pond have no positive conveyance and water is either pumped back to the upper slab for use in dust suppression and on-site operational processes or emptied by tanker as/when necessary for processing off-site by a licenced waste carrier. The holding tank is alarmed which indicates when the water level reaches 75% capacity to trigger operational measures to be taken for the tank to be emptied within 24 hours.
- Roof runoff from the biomass boiler building is conveyed along the site's western boundary and discharges directly into the Nant Muchudd.
- Roof runoff from the storage unit is collected in a series of holding tanks to the rear of the building with a capacity of 40,000l. This water is stored for emergency use in case of fire as there is no mains water supply at the site. Overflow from these tanks connects to the southernmost holding pond which features a weir control prior to discharging into the Nant Muchudd.
- The flow path of an existing ordinary watercourse which crosses the site (from the north-west corner to south-east corner) has been culverted under the northern plateau and into the southernmost holding pond, before discharging into the Nant Muchudd. Concerns were raised by NRW in relation to the hillside runoff being combined with the development runoff and it is therefore proposed a new outfall be created and the culverted watercourse instead discharge directly into the Nant Muchudd.
- Surface water from the lower slab, the community recycling centre, passes through an alarmed Class 1 bypass petrol interceptor and silt separator prior to discharging into the Nant Muchudd.

- Each of the outfalls at the site include sluice gates to provide a mechanism to shut off conveyance into the Nant Muchudd in the event of an emergency.
- Foul drainage is limited to staff waste and is conveyed to an on-site cess pit which is periodically disposed of off-site by a licenced waste carrier as/when required.

The supporting information details that the above drainage measures collectively provide storage volume in excess of that required for the 1 in 100 year storm event plus an allowance of 30% for climate change and 6 hour duration storm event.

As well as all relevant plans, the application is also supported by:

- PAC Report
- Design and Access Statement
- Planning Statement
- Environmental Statement
- Landscape and Visual Appraisal
- An Ecological Survey of the Nant Muchudd, Llantrisant
- Dust Management Plan
- Contaminated Land Report
- Coal Mining Risk Assessment
- Transport Note
- Floodlight Specifications
- Air Quality, Odour and Dust Assessment
- Odour Management Plan
- Environmental Sound Impact Assessment
- Technical Note (addendum to the Environmental Sound Impact Assessment)
- Drainage Strategy

SITE APPRAISAL

The application site extends to an area of approximately 2.75ha and comprises two separate, established recycling facilities; a community recycling facility for use by members of the public and a private facility for the storage, sorting and processing of recyclable waste by the applicant.

The site is divided into 2 distinct areas, the community facility at the southern half, and the private facility at the northern half (as set out in detail above). The 2 areas are set at differing ground levels with the upper area being approximately 2.5m above that of the lower. Both facilities share the same access off Pantybrad Lane at the south-eastern corner of the wider site.

The site is located at the edge of Llantrisant Business Park industrial estate with the Royal Mint to the south-west and several industrial units of varying design and scale

to the south-east. The Nant Muchudd bounds the site to the east with open countryside to the north and west. It is noted however that a number of scattered residential dwellings are located in this area, the nearest being Glanmychudd-fach Farm directly adjacent to the site entrance (west), and Rhiwfelin Fach Farm approximately 200m to the north. Further residential dwellings are located approximately 400-600m to the north-east.

The site and immediate surrounding countryside comprise largely of land which has been subject to several previous planning permissions for land filling of inert materials to improve the agricultural use (ref. 90/0916, 92/0898 and 96/2168). The landfill operations have long since ceased and the area has been restored to agriculturally improved grassland, although the application site has been developed as detailed above.

PLANNING HISTORY

Previous planning applications submitted at the site:

18/1347/10 – Retention of extension and proposed changes to recycling centre; including changes to layout and surfacing, the provision of a weighbridge, additional buildings, an attenuation pond and drainage amendments, change to the type and quantity of materials being processed to include green waste, timber and glass, and a change to the working hours, as detailed in the Design and Access Statement.

Decision: Withdrawn, 18/01/21

12/0037/10 – Recycling facility for the storage and processing of inert materials from construction and demolition activities and the operation of a community recycling centre.

Decision: Granted, 24/03/14

PUBLICITY

Given the application involves development where the site area is over 1ha, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 15 properties being individually notified of the proposal by letter, 5 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

Several letters of objection have been received from occupiers of 3 neighbouring residential dwellings to the north/north-east of the site, summarised below:

- The extension of the site is outside of settlement limits in the open countryside. Development in this area should not be allowed.
- The development has a detrimental impact upon the rural character and appearance of the area.
- The site results in significant noise disturbance to the nearest residential properties each day from the various operations/processes/plant/traffic etc. This disturbance occurs both within the permitted hours of operation and often outside of those hours. This issue has been raised and investigated by the Council's Public Health and Protection and Planning Enforcement sections on numerous occasions.
- The site results in significant odour disturbance to the nearest residential properties from the storage and processing of various waste materials.
- The site has resulted in a significant deterioration in air quality for the nearest residents.
- The site results in pests and vermin in the area. The seagulls, and subsequent seagull scarer which goes off all day, every day add to the noise disturbance emanating from the general operation of the site.
- Conditions were attached to the original planning permission restricting the hours of operation and waste throughput of both facilities to reduce any impact on surrounding residents. These should not be altered.
- The expansion of the site has resulted in a significant increase in traffic on site and on the surrounding highways.
- The waste processes on site could have a serious impact upon the natural environment in the area.
- Litter often blows from the site to the surrounding area.
- The site has been subject to numerous inspections by NRW which have found several breaches, resulting in it having a poor rating and NRW stating that it could result in having a major effect on the environment.
- The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.

- How can the Council be allowed to determine this planning application when they clearly have an interest in its outcome? They have given waste contracts to the applicant knowing the site does not have the necessary permissions and allowed the applicant to continue to operate as/when he wants, to the detriment of local residents, and without any repercussions.

CONSULTATION

Public Health and Protection – No objection to the site operating to the hours previously permitted by the original, extant planning permission (12/0037/10); or in respect of the biomass boilers operating 24 hours a day, subject to relevant restrictive noise/operation related conditions and informative notes. However, while the principle of extending the hours of operation at the private facility is generally considered acceptable, it is not considered the full extension of hours of operation proposed by the applicant at the private facility is necessary. Therefore, a condition to restrict the hours of operation to that considered necessary/appropriate and to restrict the way in which this facility operates during the extended hours is suggested.

Also satisfied that any dust/odour/pest management would be appropriately controlled by the separate NRW Environmental Permit held, and that the development should not result in any land contamination issues.

Water, Flood and Tip Risk Management – No objection or conditions suggested. Satisfied that the drainage strategy implemented on site would ensure the development's surface water flood risk will be adequately managed.

Natural Resources Wales – No objection subject to conditions. There are concerns with the development as submitted but it is considered the concerns can be overcome through conditions in respect of a Construction Environmental Management Plan (CEMP), an otter conservation plan, lighting, contamination, and the secure implementation of submitted plans and mitigation/enhancement measures set out within the submitted supporting documents.

It is also noted that the applicant would have to apply to vary existing or gain a new Environmental Permits with regard drainage and protection of the water environment.

Countryside, Landscape and Ecology – No objection subject to conditions. The amended drainage arrangements have overcome the initial concerns with the proposed reed bed system. Recommends the conditions suggested by NRW are added to any permission to ensure there is no impact in future.

Dwr Cymru Welsh Water – No objection or conditions suggested. As the proposal intends utilising an alternative to mains drainage it is advised the applicant seek advice from NRW and/or the Local Authority Building Control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Highways and Transportation – No objection subject to condition. While the development has increased traffic to/from the site, appropriate improvements to the access, internal circulation, parking and surrounding roads were made as part of the previous planning permission (12/0037/10) and since, which are each acceptable. It is however suggested a condition be attached to any consent limiting the throughput of recycled materials to that approved by the separate NRW Environmental Permit to ensure that any increase in future can be properly assessed.

The Coal Authority – No objection, standard advice offered. Whilst coal seams are likely to be present beneath the site, due to the depths of superficial deposits/seam thickness of the coal seams, the risk of ground subsidence in the area of development is considered to be low. It is therefore considered the application site is safe and stable for development.

The Woodland Trust – No objection but concerns raised regarding potential impacts to an area of Ancient Semi Natural Woodland to the east of the site (the banks of the Nant Muchudd). It is requested the applicant provides further detail regarding the potential impacts of the development on this habitat and demonstrates that an appropriate buffer has been / would be provided.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of adequate water supplies and access for emergency vehicles.

Llantrisant Community Council – No comments received.

POLICY CONTEXT

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020.

Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Rhondda Cynon Taf Local Development Plan

The application site is located outside of settlement limits and within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area, and a Sandstone Resource area. It is also located directly adjacent the Nant Muchudd SINC (eastern boundary).

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy CS9 – identifies areas for waste management sites, advising that facilities to serve sub-regional need will be permitted within existing and allocated sites.

Policy CS10 – seeks to protect mineral resources in the County Borough.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 agreements and the Community Infrastructure Levy (CIL).

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy AW12 – supports development proposals which promote the provision of renewable energy where it can be demonstrated there would be no unacceptable effects.

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

Policy SSA3 – sets out criteria for residential and commercial development within the Principle Town of Llantrisant / Talbot Green.

Policy SSA23 – advises that development within Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

Supplementary Planning Guidance

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

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which is 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 24 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, although it should form the basis of all decisions.

It is considered 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 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning 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 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 21: Waste
- PPW Technical Advice Note 23: Economic Development
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- 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.

Principle of Development

Planning permission for a private inert waste recycling facility (the LRC) and a separate public, community recycling facility (the HWRC) was originally granted at the site in 2014. Since the granting of the original consent it has been found that several aspects of the development were not implemented in accordance with the approved plans and that a number of other development works have been undertaken at the site since without the necessary planning permissions, including the extension of the private LRC facility and an alteration to the way it operates (as set out in detail above).

This application therefore seeks to retain the entire site, both the private and public facilities, 'as built' and 'as in operation'. No further changes to the current design, layout and operation of the site are proposed, all works in these respects are retrospective. Although several relatively minor complimentary are required/proposed (office building, drainage works and landscaping).

The majority of the application site forms an existing, established recycling centre, split between the private LRC facility at the northern extent and the public, community HWRC facility at the southern extent, for which planning permission was granted by Committee in 2014 (12/0037/10). As such, while outside of settlement limits and while it is accepted elements of the works undertaken in these locations do not comply with the original planning permission / additional works have been carried out, it is considered the principle of using these areas for the purposes of waste recycling has long been established.

However, since the granting of the original consent the private facility has been extended into areas of open countryside outside of settlement limits, increasing the overall site area by approximately 0.5ha (approximately 18%), and the operation of this facility has altered and intensified, from the recycling of inert waste materials to various domestic wastes; and from 100,000 tonnes of waste per annum to 350,000 tonnes.

The applicant states that the development works across the site and extension of / change in operations at the private facility have only occurred due to a significant increase in recycling within RCT in recent years, which the facility services, and therefore the facility has had to evolve in-line with the increase to ensure the County Borough's recyclable materials can be processed at the site.

It is noted that recycling has nationally become increasingly important in recent years and that the recycling of waste to reduce the amount sent to landfill and to help reduce the impacts of climate change is supported and promoted by both local and national planning policy. As such, it can generally be considered that waste recycling facilities such as that proposed by this application are much needed, providing they comply with the relevant policies or can justify deviation.

The LDP makes provision for such facilities under Policy CS9, setting out 2 no. regional sites (Bryn Pica and Hirwaun Industrial Estate) and advising that sub-regional facilities such as this should be located on existing B2 employment sites. Therefore,

being carried out on greenfield land outside of the settlement boundary, from a strict policy perspective, both the existing approved facilities and the extension sought do not comply with the guidance of the LDP.

However, as set above, the works have not resulted in a new facility, but the extension of an existing facility that is already outside of settlement limits and any allocated employment site. Further, the private recycling centre now provides a much needed waste management facility within the southern part of the County Borough, and the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration; as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this case, while it is accepted the throughput of the private facility has increased significantly, NRW have already granted a separate Environment Permit for this amount of waste which has been in place for a number of years and is regularly monitored. It is considered that the granting of the Environment Permit evidences the site can accommodate such throughput, and therefore, the principle of the intensification of use is generally acceptable.

With respect to the extension of the site, while it is accepted the areas of land are outside of settlement limits and that there has undoubtedly been an impact to the character and appearance of this semi-rural area, it is considered the extensions are relatively minor additions that have not taken a significant area of greenfield land; and further, that a facility that can accommodate the amount of waste produced in this area of the Country Borough is required, and the extension of this existing facility is the most appropriate option, preventing the need for a new site elsewhere which could result in a worse impact.

Subsequently, while the loss of open countryside is regrettable, taking the importance of reducing landfill waste and recycling going forward, and the fact that these works form an extension of a long established existing facility which already has planning permission for this use, it is broadly considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

Therefore, in conclusion, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts and the principle of development is generally considered acceptable.

Environmental Statement / Water Quality / Biodiversity of adjacent Nant Muchudd

Due to the nature of uses in operation at the site and the potential contamination risks to the adjacent Nant Muchudd, a complex surface water drainage system has been installed on site and would be improved upon should this application be granted (as set out in detail above).

It is noted that a reed bed system that would 'clean' leachate from within the private recycling facility and then drain the resulting water directly into the adjacent Nant Muchudd was originally proposed, and it was this method of surface water drainage and the potential water quality / biodiversity impacts that warranted assessment at EIA level. However, following an initial objection from NRW and the Council's Ecologist to this method the applicant has abandoned the reed bed proposal and instead proposes to continue to use the existing surface water drainage system that has been installed on site, as well as make several minor alterations/improvements to the current system in-line with recommendations from NRW.

Full details of both the proposed original reed bed system, the reason for it being abandoned and the existing/proposed surface water drainage system that has been installed on site are set out above, however, in brief, the lower community facility's surface water discharges to the adjacent Nant Muchudd via interceptors / silt traps, as does that from the roof of the biomass boiler building at the upper private facility; roof runoff from the storage building at the upper private facility is stored on site in case of fire with excess water discharging into the River via one of the holding ponds; and surface water runoff generated by the upper private facility, which is at high risk of leachates, is stored on site and removed by a licenced waste carrier as/when required, although some is reused on site for dust suppression. Foul water is stored on site and removed by a licenced waste carrier as/when required.

The main area of concern is the treatment of surface water run off from the upper slab, which both the ES and supporting Drainage Strategy report identify as at high risk of pollution/contamination by way of leachates, and which could potentially have a significant detrimental impact on the water and biodiversity qualities of the Nant Muchudd and beyond.

Following removal of the reed bed system from the scheme and assessment of the existing site drainage arrangements via the ES and Drainage Strategy report both NRW and the Council's Ecologist have no objection to the application. NRW did note however that the applicant would need to apply to them to vary the existing or gain a new Environmental Permit with respect to drainage and protection of the water environment, and also suggested several conditions be attached to any consent to ensure no contamination would occur in future.

The Council's Ecologist concurred with NRW's comments and advised the conditions suggested by NRW should be added to any consent.

Finally, having considered the scheme, the Council's Water, Flood and Tip Risk Management section have no objection to the method of surface water drainage at the

site, stating that they are satisfied the drainage strategy implemented would ensure the development's surface water flood risk will be adequately managed.

In light of the above, it is considered that the potential for significant environmental impacts has been reduced and that future impacts on the Nant Muchudd would be adequately and appropriately controlled by the separate NRW Environmental Permit and conditions set out below.

Neighbour Amenity

The application site is bound by a variety of industrial/commercial uses to the south / south-east / south-west located within the established Llantrisant Business Park industrial estate. Therefore, whilst it is accepted the development works across the site and modifications to the way in which the private facility operates have resulted in an alteration to the character of the site compared to that originally approved, given that the proposed scheme results in uses comparable to that originally approved, and the fact that no concerns have been raised by occupiers of the neighbouring units on the industrial estate, it is not considered the development has resulted any undue impact upon the amenities or operation of the neighbouring properties in these areas.

It is acknowledged however that a number of residential dwellings are located sporadically throughout the open countryside to the west / north / north-east, and therefore, given the nature of the development works undertaken and alterations to operations, there has inevitably been a degree of impact to the amenity standards previously enjoyed by the occupiers of these properties. This issue has been highlighted by the fact that occupiers of 3 no. of the nearest properties to north / north-east have submitted objections to the scheme, mainly noting impacts by way of increased noise and general disturbance emanating from the recycling activities and vehicles manoeuvring around the site. The objectors have also detailed that the noise and disturbance is occurring outside of the hours permitted by the original permission, earlier in the morning, later in the evening and at weekends which this application proposes to be retained; and in addition, noise is experienced throughout the night from the 24 hour running of the biomass boilers which interrupts sleep and causes stress and anxiety. Further comments point to odour, dust, litter and pests as being issues that are affecting the closest residents on a daily basis.

In assessing the supporting information the Council's Public Health and Protection section (PH&P) first noted that the application is largely in retrospect, the development has been operating as proposed for some time, and during that time they have received and investigated numerous complaints from residents in respect of noise emanating from the private facility. However, to date, none of their separate investigations have found that noise levels at the site amount to a statutory nuisance.

Notwithstanding these comments, Members are advised that noise levels do not need to be at the statutory nuisance level to be considered unacceptable in planning terms and the impact of noise upon the amenity standards of residents also needs to be

considered thoroughly through the planning process. The applicant has acknowledged that impacts in these respects do occur and has subsequently undertaken various surveys to identify any potential impacts and any necessary mitigation measures.

Following consideration of the original submitted noise assessment report PH&P commented that it has been undertaken in accordance with the relevant British Standards and assesses the impact of the site and its operations on the relevant surrounding residential properties. Further, there is a context to the assessment in that both the private and public facilities already have permission, albeit the private facility in a different form to that proposed. Therefore, despite the assessment indicating that noise levels are elevated above the background noise level without the site operating, it is felt that the context argument of the proximity of the surrounding residential properties to an existing industrial estate which contributes to the existing soundscape is a reasonable context argument and is accepted in respect of the extant operational hours of the site.

Subsequently, with the above in mind, PH&P agree with the conclusions of the noise assessment in respect of the private and community facilities operating during the hours already permitted and have no objection to their continued use during these hours.

The applicant has however requested that the hours of operation at the private facility be extended to 06:30am to 18:30pm each day, including Bank Holidays except Christmas Day and New Years Day, although it is detailed that processing of waste at the private facility would only occur between 07:00am and 18:00pm on Weekdays and 07:00am and 13:30pm on Saturdays, and that outside of those hours the applicant only wishes to receive waste from RCT's community recycling centres and not process it during this time. The applicant details that these extended hours are necessary as the Council's community recycling centres operate into the evenings and at weekends and that materials need to be taken away to avoid a build-up / potential closure.

PH&P note that the applicant's original noise assessment for the proposed extended hours was based on full operation of the private facility, and it details the noise impact would vary between 5 and 12 decibels above the background noise level depending on location and that BS4142 states that where there is an increase in noise of 10 decibels or higher, it is an indication that significant adverse impact would occur, depending on context. As such, they would object to the extension of hours proposed at the private facility in respect of the processing of waste outside of the current permitted hours.

However, it is understood that the permitted hours of the Council's community recycling facilities are longer than those of the applicant's private facility where the relevant waste is stored/processed, and in practical terms the operations of both uses are obviously interrelated and that skips from the community facilities need to be emptied regularly to ensure that they can continue to operate to their potential; and that this activity is likely to be a series of quieter and shorter timed activities than that

of processing waste. As such, the current restrictions on skip emptying are presenting an ongoing issue that needs to be addressed.

In light of this issue an addendum to the original noise assessment report was submitted in January 2022 which assesses the impact of emptying skips only at the private facility during the proposed extended hours.

Having considered the additional noise information PH&P commented that it demonstrates that the levels of noise from the private facility would not be unacceptable if permission were given for the hours to be extended to 18:30pm each day (for skip emptying only). But as it stands the private facility already has permission to open prior to the opening times of the community facilities (from 07.30am) so on the basis that the aim of this application is to service the community facilities, there is no need for the site to open earlier than already permitted which could result in the amenities of the closest residents being affected. Therefore, while the principle of extending the hours of operation at the private facility to allow the emptying of skips from the Council's community facilities is generally considered acceptable, it is not considered the full extension of hours proposed by the applicant at the private facility is necessary. Therefore, no objection is raised, but a condition to restrict the hours of operation to that considered necessary/appropriate by PH&P and to restrict the way in which the private facility operates during the extended hours is considered necessary.

PH&P also commented that the noise assessment indicates that the 24 hour running of the biomass boilers on site is below the existing night-time background noise levels at the closest residential properties and as such, there are no objections to the boilers running 24 hours each day.

In addition to the above, Condition 16 of the original consent (12/0037/10) restricted throughput at the private facility to a maximum 100,000 tonnes and only 15,000 tonnes of materials to be stored at any one time. This was considered necessary to control traffic movement and noise emitted from the site. However, the separate NRW Environmental Permit restricts the site to a maximum throughput of 350,000 tonnes, which the applicant works to. No objection to this increase has been raised by PH&P and it subsequently considered the increase of materials is acceptable in amenity terms. It is considered however that a condition should be added to any consent to restrict the throughput to that allowed by the separate NRW permit to ensure any noise is minimised. The Highways and Transportation Section have also suggested a condition to this effect in respect of controlling vehicle movements (as set out in detail further below).

While the comments received from the objectors in respect of dust, odours and pests are acknowledged, PH&P commented that the information provided by the applicant is acceptable and they are satisfied with the suppression management processes on-site. Further, these issues are controlled by the separate NRW Environmental Permit

held and therefore it is not considered these matters should be duplicated by conditions if planning permission is granted.

Finally, with respect to the general development of the site and any potential impact the new buildings themselves may have upon the nearest properties, the few residential properties that are located to the north / north-east of the application site are of an adequate distance to ensure that no physical detriment has occurred. Further, while it is accepted Glanmychydd-fach Farm is located directly to the west, no buildings within the application site are located adjacent to this property and as such no physical impact occurs. It is also noted that no comments have been received from the occupiers of Glanmychydd-fach Farm following the consultation process.

Therefore, with the above in mind, it is appreciated that residents are experiencing noise and other issues from the site, however, this would have, to some extent, been the case or similar from the original permitted scheme which is broadly comparable to that proposed. For example, it could be argued that the crushing of stone from the permitted inert waste recycling facility may have had a similar impact to the current domestic waste processing operations which take place at the same area, albeit this area has been extended, but only by approximately 18% which is not itself considered would have resulted in a significant increase in activities.

Subsequently, with no objections from PH&P and while the concerns of the objectors are fully acknowledged, on balance, it is not considered that any detrimental impact which occurs to the closest residents as result of the works undertaken at the site, the site operating in the manner applied for and to hours set out below, is to a degree that would warrant refusal of the application.

Character and Appearance

The development works undertaken at the site have clearly altered its character and appearance and have inevitably formed visible features in the immediate locality. However, it is not considered they have resulted in a detrimental visual impact significant enough to warrant refusal of the application when the site, including the extension, is viewed in its entirety and in the context of its wider surroundings.

The application site is located within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA) where Policy SSA23 requires development to conform to the highest possible design standards. A Landscape and Visual Assessment report has been submitted with the application. It concludes that the built development at the site is within the established boundaries of the already approved facilities, and given its siting, the wider site is viewed in the context of the adjacent Llantrisant Business Park industrial estate. Further, it points out that the boundaries of the site, as extended, already enjoy the benefit of established bunding/landscaping which acts as appropriate screening to the countryside beyond, which will only increase with maturity and the further landscaping proposed. Subsequently, while the report accepts the development has resulted in a degree of visual impact to the immediate surroundings,

the Author is of the view that the development does not result in significant harm to the surrounding landscape or wider visual environment.

In assessing the visual impact of the development, it firstly has to be accepted that the granting of the original planning permission at the site (12/0037/10) has resulted in its previous rural character and appearance being lost and replaced with an industrial site. As such, it is only the impact of the development that has occurred since the granting of the original consent that can be considered under this planning application, i.e. the buildings erected and any reconfiguration within the approved site, in the context of an industrial site; and the extension of the private facility and its change in operation.

Several new buildings have been erected across the site without planning permission since the original 2014 approval, and buildings approved within the original 2014 planning permission have not been constructed in accordance with the approved plans. This has undoubtedly further industrialised the character of the site from that originally approved. However, whilst 2 no. of the buildings are relatively large and are visible in the surrounding locality, especially given their siting at the upper private facility (the biomass boiler and storage buildings), they are located within the area originally approved by the 2014 permission and are of a typical industrial design and scale that is comparable to numerous other industrial buildings at the neighbouring industrial estate, to which this site is generally read in context with being directly adjacent to it. It could also be argued that these units are comparable to the design and scale of many agricultural buildings in the surrounding countryside and could therefore be acceptable in an agricultural setting. As such, it is not considered they result in a significant visual impact.

Further, the buildings that have been erected at the lower community facility and staff areas have also been located within the area originally approved by the 2014 permission and are relatively small in terms of their scale, each being single storey units of a minor footprint. They are also each of a design similar to that of the industrial units at the neighbouring industrial estate, and additionally, the proposed office building would replicate the design and scale of the existing weighbridge building, having no further impact. As such, it is not considered any of the buildings at the lower area of the site result, or would result, in a detrimental visual impact.

It is also considered all reconfiguration works and ancillary structures across the entire site are relatively minor in terms of scale and design and are not readily visible from outside of the site. As such, it is also considered they do not result in any detrimental visual impact.

With respect to the extension of the upper, private facility into the adjacent countryside, while regrettable, in visual terms it is also generally considered a relatively minor addition when considered in the wider context of the surrounding area.

From long views, particularly from Llantrisant Common and Llantrisant Town where the site is most prominent due to the topography of the surrounding landscape, being located directly adjacent to the northern boundary of the adjacent Llantrisant Business Park, it is considered the site appears to be within and forms the natural boundary of the industrial estate. Further, the main areas of the industrial estate are more visible in the landscape than the application site and given the relatively low lying level of the site within the landscape and surrounding mature tree cover, it is, in the main, largely screened from long distance views. It could therefore be argued that the visual impact from Llantrisant is negligible.

It is however accepted that the extension of the site is more prominent from closer views, but it is considered the existing bunding/landscaping that surrounds the site (including the extension) adequately screens it from the nearest residential properties to the north / north-east, with direct views largely mitigated. It is also noted that additional landscaping is to be introduced that would further ensue any visual impact is minimised. It is considered necessary however to attach a condition to any consent to ensure the proposed additional landscaping is implemented.

It is noted that the previous planning permission restricted the height of materials being stored in piles at the private facility to no more than 3m in height, and that the stockpiles have now been increased to 4m in height and are sited within up to 5m high moveable concrete block bunkers. While these stockpiles/bunkers are visible in the immediate area, they are below the height of the surrounding bunds and landscaping and are largely screened from outside of the site. As such, the current heights (proposed by this application) are considered acceptable when taken in the context of the surroundings. It is however considered necessary to attach a condition to any consent to control the stockpile/bunker heights in the interests of visual and residential amenity.

Finally, it is noted that a 7m high debris fence has been erected along the south-eastern boundary which forms a prominent feature within the immediate vicinity. However, while the structure could be considered inappropriate visually given its siting in this semi-rural location, it is necessary to prevent materials blowing from the site into the adjacent Nant Muchudd. As such, its design and scale are commensurate to its purpose and when taken in the wider industrial context of the site, its visual impact is generally considered acceptable.

Therefore, in conclusion, whilst it is accepted the retrospective development has further industrialised the site and has extended it into the open countryside, the large majority of the site has a long established and lawful industrial status due to the existing planning permission; and it is not considered the extension has resulted in a significant loss of open countryside when taken in the wider context of the surrounding area. Further, the works are not overly prominent from long or short distance views, and existing bunding/landscaping helps to screen the site, which will also be improved.

Subsequently, whilst it is accepted the retrospective development has inevitably resulted in noticeable alterations to the character and appearance of the site, the scale and design of the works have been dictated primarily by their function/need, and it is not considered any resulting impact is significant enough to warrant refusal of the application. The scheme is therefore, on balance, considered acceptable in these terms.

Highway Safety

Following consideration of the scheme the Council's Highways and Transportation section has raised no objections. In their assessment it was commented that while the development has increased traffic movements to/from the site each day and the site is served via the existing means of access off Pantybrad Lane which is substandard when compared to current standards, appropriate improvements to accommodate increased traffic movements to/from the site were implemented as part of the original planning permission. Further, there are ample opportunities for vehicles to turn within the site and re-join the public highway in a forward gear, and off-street parking provision is adequate. As such, there is no cause for concern in these respects.

It was however suggested a condition should be attached to any consent limiting the throughput of recycled materials to that approved by the separate NRW Environmental Permit to ensure any future increase in vehicle movements can be properly assessed.

In light of the above, it is not considered the development has resulted in any undue impact upon pedestrian or highway safety in the vicinity of the site.

Ecology

As well as the water quality issues covered above, the impact of the uses / development upon ecology on/around the site is also a key consideration, especially as the site lies adjacent to the Nant Muchudd SINC where evidence of bats and otters have been found, both European Protected Species, as well as salmonid use.

Following consideration of the ecology information submitted with the application NRW noted that there are some concerns with the development as submitted, but it is considered the concerns could be overcome through conditions in respect of a Construction Environmental Management Plan (CEMP), an otter conservation plan, lighting, contamination, and the secure implementation of submitted plans / mitigation measures set out within the relevant supporting reports. As such no objections were raised.

The Council's Ecologist agreed with NRW's observations and also has no objections to the scheme, subject to the conditions suggested by NRW being attached to any consent.

Given the history of unauthorised works at the site and the sensitive nature of the adjacent SINC, it is considered these conditions are necessary in this instance.

It is noted the Woodland Trust raised concerns regarding potential impacts to an area of Ancient Semi Natural Woodland to the east of the site (the woodland along the banks of the Nant Muchudd) and requested that further information in this respect be provided. However, the significant majority of development works have already been undertaken and have not encroached into this area of woodland which is outside of the application site. Further, both the Council's Ecologist and NRW have concluded that the environmental/ecology information submitted with the application and the existing/proposed landscaping is sufficient to demonstrate that there has been / would be no impact to the surrounding environment, subject to relevant conditions/mitigation. Therefore, while the Woodland Trust's comments are appreciated and acknowledged, it is considered sufficient information to demonstrate that there would be no further impact in this respect has already been submitted and it would be unreasonable to request any further information in this regard.

Subsequently, subject to the imposition of suitable conditions to secure the implementation and long-term maintenance of the ecological mitigation measures put forward as part of the application, it is considered that the application is acceptable in ecology terms.

Flood Risk

The eastern boundary of the site that forms an element of the Nant Muchudd riverbank is located within a C2 flood zone. However, no development has occurred or is proposed here. As such, no objection has been raised by NRW in this respect, but general advice has been provided for the applicant with regard a separate Flood Risk Activity Permit that will be required for the works carried out within 8m of the River.

Sandstone Resources

The application site is located in a Sandstone Resources area. Policy AW14 seeks to safeguard sandstone resources from any development that would unnecessarily sterilise them or hinder their extraction. In this instance mineral extraction has already been sterilised at the site by the previous development and the established commercial use. As such, there is no objection in this respect.

Neighbour Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without*

any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.

It is accepted that a significant amount of works have been carried out at the site and that a change in operations has occurred without the necessary planning permissions. However, these unauthorised works/operations have been thoroughly investigated by the Council resulting in this comprehensive application which seeks to rectify the position. Should Members be minded to refuse the application, the information gathered through the investigations and this application will allow the Council to take full and effective enforcement action where required.

- *How can the Council be allowed to determine this planning application when they clearly have an interest in its outcome? They have given waste contracts to the applicant knowing the site does not have the necessary permissions and allowed the applicant to continue to operate as/when he wants, to the detriment of local residents, without any repercussions.*

While the HWRC site does have a commercial arrangement with the applicant's business for the recycling, treatment and disposal of waste generated, it is not reliant on the existence of the adjacent LRC site, they are two separate entities and this type of arrangement is standard practice and is no different from the Council seeking services from other commercial providers where/when necessary. Therefore, the commercial arrangements between the Council and the applicant are outside of the remit of this planning application and have had no bearing upon the full and proper consideration of the planning merits of the case to date; and will not have any bearing upon the associated Committee decision making process.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW 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 to ensure this is the case.

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, a brief outline of how the proposed development is considered to align with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development provides a recycling facility for use by all RCT residents.
- **Growing Our Economy in a Sustainable Manner:** The development has a small but positive effect in terms of employment at the site.
- **Making Best Use of Resources:** The development's energy is generated on site through renewable sources and the site manages much of its water resources naturally.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development includes appropriate site drainage, landscape planting and biodiversity measures, is resilient to climate change and prevents landfill waste.
- **Facilitating Accessible and Healthy Environments:** The application site is in a broadly sustainable location and adjacent to a long-established industrial estate where such uses are best placed.

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

Community Infrastructure Levy 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 liable for a charge under the CIL Regulations 2010 (as amended), however, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore no CIL would be payable.

Conclusion

The extension of the site is located outside of settlement limits and there has undoubtedly been an impact to the character and appearance of this semi-rural area. However, the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration; as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this instance, while regrettable, it is on balance considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

Additionally, while it is accepted the facility results in a degree of impact to the amenities of the closest residents, it is not considered any impact is significant enough to warrant refusal of the application.

Furthermore, it has also been demonstrated that the impact of the development upon ecology can be appropriately mitigated and that a suitable land drainage scheme can be implemented on site.

Subsequently, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts. The application is therefore recommended for approval, subject to the conditions detailed below.

RECOMMENDATION: Approve, subject to conditions below.

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
 - DP 100 – Site Location Plan (received 12/02/21)
 - DP 101 Rev. B – Existing Site Plan (received 12/02/21)
 - DP 110 Rev. D – Proposed Site Plan (received 14/05/21)
 - DP 200 – Existing & Proposed Waste-to-Energy Unit Plans (received 12/01/21)
 - DP 201 – Existing & Proposed Storage Unit Plans (received 12/01/21)
 - DP 202 – Existing & Proposed Office Plans (received 12/01/21)
 - DP 210 – Existing & Proposed Waste-to-Energy Unit Elevations (received 12/01/21)
 - DP 211 – Existing & Proposed Storage Unit Elevations (received 12/01/21)
 - DP 212 – Existing & Proposed Office Elevations (received 12/01/21)
 - DP 213 – Existing & Proposed Recycling Centre & Storage Unit Elevations (received 14/05/21)
 - DP 220 Rev. C – Existing & Proposed Site Sections (received 14/05/21)
 - DP 221 – Existing Debris Fencing Typical Elevation (received 14/05/21)
 - 100 Rev. P4 – Drainage Strategy (received 20/11/20)
 - Lighting Plan (received 20/11/20)

and documents received by the Local Planning Authority on 20/11/20, 25/11/20, 14/05/21, 18/05/21, 19/05/21, 03/08/21 and 10/01/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. The development hereby approved shall be carried out in accordance with methods, recommendations and mitigation/enhancement measures set out in:

- Environmental Statement (Mango, May 2021)
- Landscape and Visual Appraisal (Aspect Landscape Planning, September 2020)
- An Ecological Survey of the Nant Muchudd, Llantrisant (Aseda, June 2020)
- Dust Management Plan (George Harvey, November 2020)
- Contaminated Land Report (Rhondda Geotechnical Services, June 2018)
- Coal Mining Risk Assessment (Rhondda Geotechnical Services, May 2018)
- Transport Note (Coron, July 2020)
- Air Quality, Odour and Dust Assessment (Air Quality Consultants, November 2020)
- Odour Management Plan (Environmental Focus, April 2017)
- Environmental Sound Impact Assessment (Hunter Acoustics, November 2020)
- Technical Note (addendum to the Environmental Sound Impact Assessment) (Hunter Acoustics, January 2022)
- Drainage Strategy (Grays, July 2021)
- Floodlight Technical Specification Note (30W) (Lumineux)
- Floodlight Technical Specification Note (200W) (Lumineux)
- Floodlight Product Specification Note (FL100 Series) (Lumineux)

Unless otherwise agreed in writing by the Local Planning Authority or otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The proposed site drainage arrangements, as set out in the approved Drainage Strategy (Grays, July 2021) and other relevant approved supporting documents/plans, shall be implemented on site within 3 months of the date of this consent and shall be retained as such thereafter. A validation report evidencing that the site drainage arrangements have been installed in accordance with the approved details shall be submitted to the Local Planning Authority within 1 month of installation.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from

inadequate drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 3 months of the date of this consent, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP should include, but not be limited to:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable; details of site clearance; details of site construction; drainage; containments areas; appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection; avoidance; and mitigation measures.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the future development.

Reason: To ensure necessary management measures are agreed prior to commencement of development and are implemented for the protection of the environment during construction in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Within 3 months of the date of this consent, an Otter Conservation Plan shall be submitted to the Local Planning Authority for approval in writing. The Otter Conservation Plan should include, but not be limited to:

- Retention of the existing vegetated corridor buffer along the Nant Muchudd a minimum of 10 metres wide, to minimise disturbance to otter using the stream corridor.
- Measures to ensure that the design and construction of the drainage scheme and outfall(s) within the riparian habitat corridor shall minimise potential impacts on otters and will avoid resting places.

- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction and operation.

The Otter Conservation Plan shall be implemented in accordance with the approved details immediately after approval and shall be retained and adhered to thereafter.

Reason: To ensure that an approved Otter Conservation Plan is implemented, which protects species affected by the development in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Within 3 months of the date of this consent, full details of site lighting shall be submitted to the Local Planning Authority for approval in writing. The Lighting Plan should include, but not be limited to:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the Nant Muchudd and associated buffer shall not be illuminated by external lighting and will be maintained as a dark corridor.
- Details of lighting to be used both during construction and operation.

The approved lighting scheme shall be installed on site within 3 months of approval and shall be retained as approved thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no further external lighting equipment, other than that approved by this condition, shall be erected or installed at the site unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the impacts of lighting in the interest of protected species, habitats and commuting corridors in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Within 3 months of the date of this consent, a comprehensive scheme of landscaping, which shall include native species, ground preparation, indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development, details of the planting of the stream edge and a programme of long-term maintenance and protection shall be submitted to the Local Planning Authority for approval in writing.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. All planting, seeding or turfing in the approved details of landscaping (approved under Condition 7) shall be carried out in the first planting and seeding season following the date of approval, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. And the long-term maintenance and protection plan shall be adhered to throughout the lifetime of the development.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interests of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. Hours of operation (working/deliveries/collections, within/to/from the site) shall be restricted to the following times, unless otherwise agreed in writing by the Local Planning Authority:

Public, community recycling facility (Llantrisant Household Waste Recycling Centre)

- i. 08:00 to 19:30 hours Mondays to Sundays (April to October inclusive).
- ii. 08:00 to 17:30 hours Mondays to Sundays (November to March inclusive).

Private recycling facility (Llantrisant Recycling Centre)

The opening hours of the site shall be:

- 07:30 to 18:30 each day (excluding Christmas Day and New Year's Day).

However, between the hours of:

- 16:00 to 18:30 Monday to Friday
- 13:30 to 18:30 Saturdays
- 07:30 to 18:30 Sundays and Bank Holidays

The only operations that shall be undertaken are the receiving and emptying of skips from the Rhondda Cynon Taf County Borough Council community recycling centres.

There shall be no sorting or processing of any waste nor shall there be any other activity other than that specified above undertaken during these times.

Reason: To define the extent of the consent granted, and to ensure that noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall take place in accordance with the submitted details and the following restrictions, unless otherwise approved in writing by the Local Planning Authority:

Public, community recycling facility (Llantrisant Household Waste Recycling Centre)

- i. The maximum storage of 35,000 tonnes of recyclable waste material at any one time.

Private recycling facility (Llantrisant Recycling Centre)

- i. The maximum throughput of 350,000 tonnes of recyclable waste material per annum.
- ii. The maximum storage of 15,000 tonnes of recyclable waste material at any one time.

Reason: To define the extent of the consent granted, and to ensure that the traffic movements and noise emitted from this development are not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The outside storage of recyclable waste materials at the private recycling facility (Llantrisant Recycling Centre) shall only take place at the existing open yard area identified on approved plan ref. DP 110 Rev. D (Proposed

Site Plan). At no time shall any necessary storage bunker walls exceed 5m in height above existing ground levels; or the stockpiles of recyclable waste materials within the yard/bunkers exceed 4m above existing ground levels.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. At such time as any part of the recycling facilities hereby approved ceases to be used, all buildings, welfare facilities and bins, plant and equipment used in connection with the use shall be removed from the site and the land shall be restored in accordance with a scheme of restoration, including a timetable of works and persons responsible for carrying out the works. The scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority, within 1 month following the recycling uses ceasing and shall be implemented thereafter in accordance with the approved details.

Reason: To ensure that the external appearance of the site will be in keeping with the character of the surrounding area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.