Application No	**S/34071**

Application Type	Full Planning
Proposal & Location	INERT WASTE PROCESSING CENTRE AT FORMER MORLAIS COLLIERY, PONTARDULAIS ROAD, LLANGENNECH, LLANELLI, SA14 8YN

Applicant(s)	BROWNS RECYCLING GROUP LTD - STEVE BROWN, C/O AGENT,
Agent	JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Tom Boothroyd
Ward	Hendy
Date of validation	05/07/2016

CONSULTATIONS

Transport/Highways– No objection, have suggested 3 conditions relating to limiting traffic flows at peak times, restriction of total H.G.V movements and provision of wheel washing facilities.

South Wales Trunk Road Agency – No Objection.

CADW – No objection.

Dyfed Archaeological Trust – No Objection.

Public Protection– No objections subject to conditions being imposed to protect amenity and prevent contamination.

Ecology/Conservation – No objections, has conducted a TLSE which concluded no adverse impacts on the SAC/SSSI subject to the imposition of the conditions suggested by the contaminated land officer. (A revised TLSE is required following consultation with NRW but there has not been time to do the complete TLSE before this committee so, the application is recommended for approval with permission being issues on receipt of signed TLSE).

Local Members – No responses to date.

Llangennech Community Council –.No response to date.

Natural Resources Wales – No objections, various recommendations but no suggested conditions, will be signing off revised version of TLSE when submitted.

The Coal Authority – Have raised queries regarding the location of an old mine shaft on site and treatments to old shafts on the site – following information submitted the coal authority have withdrawn their objections and have not suggested any further conditions.

Neighbours/Public – the application has been publicised in the local press and by the display of site notice. This has resulted in 15 written objections. In summary the main concerns of residents are as follows:

- Dust pollution from the proposed crushing/screening operations at the site, and the potential for this to affect the local residents, in particular the nearby schools
- The impact that the development will have on the local highways network which is already very busy, along with the Hendy Junction it is felt that the increase in traffic, in particular the HGV traffic at the traffic light junction will result in unacceptable traffic and potential danger for road users
- Noise impacts as a result of the crushing/screening operations
- The visual impact of the development as people are entering Llanelli
- Potential impacts on the SAC/SSSI

RELEVANT PLANNING HISTORY

The following previous application(s) has/have been received on the application site:

D5/16109 [C5/350]	Variation of conditions 1 & 2 on application C5/318 removal of colliery spoil and land reclamation Approved	15 March 1994
D5/14765 [C5/318]	Proposed removal of colliery spoil for coal recovery and land reclamation Approved	1 July 1992
D5/13234 [C5/295]	Removal of colliery spoil for coal recovery, regrading land and demolition and clearance of existing colliery buildings Approved	25 June 1991
D5/12514 [C5/288]	Partial removal of colliery spoil heap Refusal	17 May 1990

APPRAISAL

THE SITE

The proposed development site is the long redundant Morlais Colliery site, off Pontarddulais Road, Llangennech, Llanelli; in total the proposed site will measure approximately 4 hectares. Coaling at the site ceased in the early 1980s and the site has been mostly vacant since that time, although some minor works have been carried out to address drainage issues in the past and some unauthorised coal processing took place for a short time. The site is located approximately 500 metres to the east of the main settlement of Llangennech; Hendy lies approximately 1km to the north-east of the site, the Hendy Junction of the M4 (junction 48) is located approximately 800 metres from the site. Access to the site is gained via a privately owned road (the old haul road from the colliery) which is approximately 300 metres long and via a minor road (adjacent to the Nursery at Tal Y Clun Isaf) onto the B4297 which exits onto the main A483 at the Tal Y Clun traffic lights. The motorway junction with the A483 is approximately 1 kilometre along the A483 from these traffic lights, both the motorway junction and the junction with the B4297 are known for their congestion at peak times.

The site itself is fairly level, with a gentle slope down to the south-east of the site, the majority of the site lies between 10 and 9 metres A.O.D, it comprises mostly of previously disturbed ground with much evidence of past coal workings still remaining at the site. The site has well hedged/vegetated boundaries to all points of the compass, although there are some gaps in the boundary to the north, the site is relatively well screened from view. There is an existing site office and weighbridge in the south-western corner of the site where the access track enters the main site.

To the north and north-east of the site the land is mostly comprised of gently sloping agricultural land which rises to the main A483 approximately 300 metres to the north. The nearest residential properties in this direction include the properties within the Talyclun ‘estate’ approximately 350 metres to the north-north west, and the Tal Y Clun Isaf farm/residential property and nursery, approximately 280 metres to the north-west. There are also various individual properties to the north, alongside the main A483. To the east there are no properties and the land is mainly estuarial banks sloping towards the Loughor River, the river being designated as an SAC/SSI and is approximately 400 meters east of the proposed site. There is also a railway line in between the site and the river, being approximately 60 meters east of the site boundary. To the south the situation is much the same and most of the land comprises estuarial flats with the river being approximately 500 meters to the south of the site. Immediately to the south west of the site there is further ground disturbed by coal mining activity, approximately 750 metres south-west of the site lie the rugby ground and the riverside industrial park, with additional housing located further to the west of the industrial park. Directly to the west there are residential properties on Pontarddulais road and the Maesydderwen Estate, being approximately 570 metres distant. There are also two schools to the west of the proposed site, approximately 750 metres distant.

THE PROPOSAL

The application proposes to install an inert waste recycling centre on land at the old Morlais Colliery, Pontarddulais Road, Llangennech.

It has been indicated by the applicant that they wish to process up to 50,000 tonnes of inert, construction and demolition waste per annum, this material will be imported/exported

by various different types of HGVs but mainly utilising 32 tonne artic lorries, in an attempt to reduce the number of lorry journeys. All loads of material will be accompanied by a certificate to confirm the material has been tested and is inert and suitable for recycling. On receipt of the materials to be recycled, the material will be sorted and segregated depending on the type of waste and any material which requires further physical treatment will be transported via the internal haul roads to the crusher and screening plant, this equipment will be located roughly 100 metres to the north-east of the site office. The crushing and screening plant will produce material of different grades, depending what is in demand, the finished product will either be loaded up onto lorries and taken from the site immediately or it will be taken further east again to the flatter area indicated as a stockpiling area, as indicated on plan IR16070, 001 Revision B '*Proposed Site layout Plan'*.

Access to the site will be gained from the existing private access, as mentioned in the site description. The proposal includes measures for cleaning lorries prior to them using the public highways network, these measures will be located adjacent to the site entrance/weighbridge at the base of the access track.

The applicant has also detailed numerous standard measures to help reduce noise and dust emissions from the site, including a site speed limit of 10mph to help reduce noise and fugitive dust from the site, limiting drop heights when feeding material into the screeners and crushers to help minimise dust, water suppression fitted to any crushing or screening equipment. Measures will also be taken to ensure that any equipment on site is maintained so as to ensure there are no squeaky belts or worn parts that would make the machinery noisier.

The applicant has submitted various drainage details which include the provision of a cut off ditch and clay bunding around the southern perimeter of the site, in order to prevent silt laden surface water run off finding its way into the River Loughor SAC/SSSI. Surface water run-off will be directed by this ditch to numerous swales and soakaways, including the existing settlement pond which will be enlarged and dredged to increase its capacity. The applicant has also submitted planting details for the re-enforcement of the northern boundary of the site, which currently has some gaps allowing views into the site from the estate to the north. Proposed working hours at the site are 08:00 – 18:00 hours Monday to Friday and 08:00 – 13:00 hours on Saturdays, with no working on Sundays and/or Bank Holidays.

PLANNING POLICIES

At the European level the Waste Framework Directive (2008) reinforces the use of the waste hierarchy and this should be applied as a priority for any waste developments, this hierarchy prioritises developments in the following order of importance; prevention and re-use, preparing for re-use, recycling, other recovery, e.g. energy recovery and finally, the least desirable, disposal. The proposed development would count as a recycling operation the definition of which is as follows:

'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations; (EU Waste Framework Directive Article 3, para 17)

At the National level the Welsh Government has produced a 'Sector Plan' for Construction and Demolition waste, adopted in November 2012. This forms part of a suite of documents which all make up 'Towards Zero Waste' (2010). This document sets out requirements for waste management and provides the guidance criteria for informing planning decisions relating to waste sites. The sector plan for Construction and Demolition waste has set out various targets to help reduce waste arising in this sector and to increase recycling rates. These include a minimum of 70% recycling for C & D waste (by weight) by 2015/16 and a rate of 90% recycling by 2019/20. In an attempt to achieve this, the plan states that the more easily recyclable materials need to be recycled at a higher rate – this includes aggregates. The plan cites an ambitious rate of 98% recycling by the years 2019/20 for aggregates.

The most up to date information for Construction and Demolition waste is contained within Natural Resources Wales report 'Survey of Construction & Demolition Waste Generated in Wales 2012'. This data has been used in the South West Wales Waste Planning Monitoring Report 2016- (note – whilst the report is dated after the NRW report, the data used in the monitoring report is mostly the same data as that used in the NRW report). The regional monitoring report highlights that the predominant waste management method in SW Wales was land disposal. This differs from the other two Welsh regions where the predominant method was preparation for re-use off site. The main reason for this was related to the management of soils and stones (EWC 17 05 04) in SW Wales, whereby approximately 208 thousand tonnes was sent to land disposal, which accounted for 57% of the waste sent to land disposal in the region. Recycling was the second most common management method in all three regions, accounting for 31% of all the waste produced in the SW Wales Region

The preparation for re-use, recycling and other material recovery rate for the C&D waste generated in the SW Wales region was 56% in 2012. However, when excluding naturally occurring substances (EWC 17 05 04 - soils & stones) as done for the all Wales level in the 2012 Report, the figure rises to 67% and is comparable with the Welsh Government targets to increase preparation for re-use, recycling and other material recovery to a minimum of 70% by 2015/16 and 90% by 2019/20. Whilst the 2012 results indicate that the C&D sector is on course towards meeting these targets there is clearly some work to be done to ensure that the target of 90% (for preparation for re-use, recycling and other material recovery) for 2019/20 is achieved. In addition, there is no justification for 208,000 tonnes of natural resources such as soils and stones being disposed of to landfill rather than being recycled in the SW Region.

Planning Policy Wales (PPW – Edition 9) –is the overarching policy document for Wales, one of the main aims of this document is to ensure development within Wales is sustainable; the minimisation of waste and the provision of adequate waste facilities is a key component of this. In order to help achieve this, the waste hierarchy is a key principle to be applied to any waste management developments. The Nearest Appropriate Installation Concept and the principle of self sufficiency are also two key principles in helping to achieve the goal of sustainable waste management.

Technical Advice Note 21: Waste (TAN 21) adopted in February 2014 reinforces the vision of PPW for sustainable development and for sustainable waste management via land use planning. This can be achieved by driving the management of waste up the hierarchy and ensuring provision of an adequate network of facilities, whilst ensuring that the impacts of waste management facilities are minimised through appropriate location and type of

facilities at the same time recognising the economic and social benefits that management of waste as a resource can have.

The TAN re-iterates the importance of applying the waste hierarchy to proposals for waste management in order to try and achieve a more sustainable form of waste management.

The TAN also expands upon the treatment of construction and demolition waste and even suggests that where 'there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area' authorities should consider suitable locations for 'urban quarries'. These 'urban quarries' could provide a long term permanent facility for the processing and storage of C & D waste, where there is an economic supply of this material available.

Both Minerals Technical Advice Note 1 (Aggregates) and chapter 14 of Planning Policy Wales encourage the recycling of suitable materials (such as road planings or construction waste) where possible in order to conserve the finite resources such as primary aggregates.

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language, and
- A globally responsible Wales

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

The Environment (Wales) Act 2016 received Royal Assent in March 2016 and has been designed to complement the Wellbeing of Future Generations (Wales) Act by applying the principles of sustainable development to the management of Wales' natural resources.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

The Environment Act enhances the former NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

This new duty under Section 6 of the Environment Act came into force in May 2016 and replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must have regard to conserving biodiversity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for the purposes of Section 38 is the Carmarthenshire Unitary Development Plan. The principal policies in this case are as follows;

Policy SP 1 – Sustainable Places and spaces – this policy looks to encourage proposals that reflect sustainable designs, particular relevance to this policy would be Part B which promotes the efficient use of land, including previously developed development sites.

Policy SP 12 - Waste Management - of the LDP is the strategic policy for waste management in the county and highlights the need for an integrated approach to waste management in the county. It also reinforces the use of the waste hierarchy in development management, along with the proximity principle – dealing with waste as close to the source as possible to reduce travelling.

Policy SP14 - Protection and Enhancement of the Natural Environment - of the LDP examines the natural environment and states that development proposals should seek to protect, and wherever possible enhance the County's natural environment. Any development should give due consideration to areas of nature conservation value, the countryside, landscapes and coastal areas.

Policy TR3 Highways in Developments - Design Considerations – this policy has various criterion to be considered, the most relevant criteria to this proposal would be those relating to parking and access standards. Criterion C states that development proposals shall include measures for appropriate parking in accordance with required standards, criterion e of this policy states that access standards should be reflective of the class of road and any speed restrictions, including any visibility splays and design feature/calming measure needed to ensure highway safety and ease of movement is maintained/enhanced. Furthermore, proposals should not generate unacceptable levels of traffic on surrounding road networks, be detrimental to highway safety or cause significant harm to the amenity of residents. Proposals will only be permitted where the capacity of the network is sufficient to serve the proposal, developers may be required to facilitate appropriate works as part of any grant of planning permission

Policy GP2 - Development Limits – this states that development limits are defined for various settlements (growth areas, local service centres etc) and proposals within these defined development limits will be permitted, subject to the policies and proposals of this plan, national policies and other material planning considerations. Para 6.1.15 of the LDP states that not all land within the plan area is identified for a certain use or covered by specific policies, significant areas of land can appear un annotated on the plan. Any development proposals on land not identified as any particular land use or covered by policy will be considered on their individual merits weighed against the provisions of the LDP.

This has been covered earlier in part B of Policy SP 1 of the LDP and promotes the efficient use of land, including previously developed sites.

Policy EQ4 Biodiversity – This policy states that any development which will an adverse impact on any priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation will not be permitted except where it can be demonstrated that; any impacts can be satisfactorily mitigates, minimised or

managed to include net enhancements and where there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity interest of the site and where alternative habitat provision can be made to maintain and enhance local biodiversity.

MPP1 Minerals Proposals – This policy is also a criteria based policy and states that proposals will be permitted where they would not result in significant adverse impacts upon public health, the environment, local amenity and the local transport network.

MPP5 Aggregate Alternatives' this states that proposals for operations which facilitate the use of secondary aggregates or recycled materials by the construction industry will be supported at appropriate locations

Policy WPP2 – Waste Management Facilities Outside Development Limits – This policy states that proposals for waste management, not considered under policy SP 12 or WPP1 (Nantycaws facility) will only be permitted where there would be no significant impacts on the environment, human health, local amenity and the local transport network. Proposals should also demonstrate how the waste hierarchy has been adhered and how the proposal accords with the other policies and provisions of the LDP. Any proposal should also incorporate good design to minimise visual impact and include an appropriate scheme for beneficial restoration and aftercare of the site.

Policy EP1 Water Quality and Resources – the main objective of this policy is to ensure that development proposals will not lead to a deterioration of either the water environment and/or the quality of controlled waters. Any watercourses will be safeguarded through buffer zones to protect water quality, habitat etc. This policy also highlights the importance of protecting the Burry Port Inlet SAC/SSSI and the adoption of a precautionary approach to development that may affect it.

Policy EP2 Pollution would also apply – this policy seeks to minimise the impacts of pollution from any development proposal, new developments will need to demonstrate that they do not conflict with National Air Quality strategy objectives, do not cause a deterioration in water quality, ensure that light and noise pollution are minimised, where appropriate, and ensure that any risks arriving from contaminated land are addressed, through appropriate land investigation and suitable remediation where required.

Policy EP3 Sustainable Drainage Proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated.

Policy EP6 Unstable Land - In areas where land instability is known, any development proposal must be accompanied by a scoping report to ascertain the nature of the instability.
Where instability cannot be overcome satisfactorily, there will be a presumption against development. Where there are grounds for believing that active or potential instability that would affect a proposed development could be overcome in an environmentally acceptable manner, any planning application must be accompanied by a stability report

Annex C of TAN 21 - 'Waste' sets out specific planning considerations to be taken into account when dealing with planning applications for all waste facilities which cover broadly the same issues as the policies outlined above. Taking each issue in turn;

Atmospheric Emissions

This relates mainly to emissions, pathogens, toxins and/or hazardous gasses, the release of such emissions are controlled under environmental permit and this is regulated by Natural Resources Wales. Local Authorities Environmental Health team are also involved where a statutory nuisance can or has occurred. The proposed development will deal with inert waste only, hazardous materials will not be processed on site, if hazardous waste is inadvertently accepted this will need to be removed by a licensed waste carrier, in line with NRW regulations. Whilst it is acknowledged that dust emissions have the potential to occur from the site these will not contain any chemicals/pathogens as the material to be processed is inert only. Dust emissions will be dealt with in a separate section.

Birds and Vermin

Birds and vermin usually only become an issue when organic waste is being processed on site, in the case of this proposal organic waste will not be processed so a bird and/or vermin problem is not anticipated in this instance.

Dust

Operations at the site undoubtedly have the potential for dust generation, through numerous sources, including; the formation of and adding to stockpiles on site, through the use of vehicles on site which also have the potential to carry dust further afield and on to the public highways, general movement of product around the site and the use of the crusher and screener. Crucially, the crusher/screener will be subject to stringent legislation under the environmental permit regulations and any plant on the site will need to have gained an environmental permit from the authority. These environmental permits set out strict and specific standards for various measures of air quality and are monitored to ensure compliance with the prescribed limits. The applicant has stated that a number of dust suppression methods will be employed on the site to minimise the occurrence of fugitive dust from the site, these measures include;

- A road sweeper to be employed on any haul roads, wet spraying of haul roads during dry weather
- A 10mph speed limit within the site
- Spraying of stockpiles during dry weather
- No vehicle exhausts shall point in the horizontal direction
- Minimise drop heights of material and sheeting of lorries
- The selective siting of stockpiles to minimise fugitive dust
- Any crushers operating on site will require an environmental permit which will specify its own various conditions relating to dust emissions from equipment.

There is also a relatively large separation distance between the development and the nearest residential properties, the nearest properties being approximately 330 meters to the north and north-west (the Talyclun estate and Talyclun Isaf). Coarser particles of dust will generally have fallen out by 100 metres from source, given the inert nature of the material any particulate matter should not contain heavy metals or other chemicals. It is also worth noting that the prevailing wind direction (generally south-westerly) would tend to blow dust particles away from the larger centres of population in the west towards the motorway and more sparsely populated areas in the north-east. The Head of Public Protection has been consulted on the application and has raised no concerns with regard to dust and the potential for dust to become a nuisance. Given the numerous measures

for dust suppression outlined by the applicant the Head of Public Protection does not feel that dust would be a problem if these measures were implemented. It was also suggested that conditions be put in place to ensure that the measures outlined in the various documents relating to dust control are carried out at all times.

Hours of operation

The hours of operation, as suggested by the applicant are as follows, Mondays-Fridays 08:00-18:00 hours and 08:00 – 13:00 on Saturdays, there will be no working on Sundays or bank holidays. The suggested hours are relatively standard for industry of this type (slightly later start in fact) and would not be considered excessive.

Land instability

The site is located within a 'Development High Risk Area' as defined by the Coal Authorities development management maps, in light of this a full Coal Mining Risk Assessment was submitted by the applicant. This risk assessment identified numerous old coal workings including 4 mine entries either within the site boundary, or within 209 metres of the site boundary, 3 of these have no treatment details, one of the entries was treated with a 1.4 metre concrete seal after a collapse in 1983. Following a request for further information from the Coal Authority ground investigation works were carried out and a series of trial trenches were dug in order to try and establish the exact location of any shafts, and any remedial measure that had been carried out. A total of 7 trenches were dug, 5 of which were in the area of shaft 257202-024 with 2 being dug in the area of shaft 257202-023. The mine abandonment plan for the colliery was also submitted in an attempt to further identify the location of any abandoned mine shafts.

The ground investigations revealed a possible shaft cap/concrete pad, 5m X 5m and 0.6 metres in thickness, in trial trench 5, approximately 15-20 metres south east of the existing site access road. This shaft cap is close to the mapped position of shaft 257202-023 as shown in the Coal Authority report, 51001187180001. Trial trench 4 also revealed a concrete slab, more likely associated with an historic building as opposed to a mine shaft cap. Given the distance of the potential shaft from the access road, and the depth to rockhead (approx a maximum of 5 metres below ground level) it is considered that the potential collapse zone would be unlikely to extend to the existing/proposed access track. Therefore it is considered to be of low risk, if further development is proposed between the access road and the possible shaft, further investigative works could be commissioned.

There has been some difficulty in identifying shaft 257202-024, which was shown in the Coal Authority report, numerous trial trenches were dug in an attempt to find this shaft but no evidence of this shaft, or any capping has been found. However, the report noted that a section of this area was inaccessible due to a series of hoppers on the site, but extensive works were carried out around these and no evidence of a shaft found. Taking this into account, and the shallow depth of made ground to the rock head, it is considered that there would be limited potential zone of collapse associated with this shaft (if indeed there is a shaft). Following further consultation with the Coal Authority they were still not satisfied that this shaft could not be located and have requested further information again so that the location of this shaft can be confirmed (or the fact that there is no shaft). In April 2017 further trial pits were dug and a surface strip, of 15 metres radius of the postulated position of shaft 257202-024, the strip revealed made ground and part of a concrete pad but no evidence of a shaft was found. This further information was submitted to the Coal Authority who suggested a pre-commencement condition of further intrusive

site investigation – this was based on permanent structures and/or buildings being present on site. However, it has since been confirmed that there will no permanent structures or built development on site (in the revised phase 1 – Assessment of land quality/desk study – dated July 2017), given the proposed land use the Coal Authority consider that the risk of ground instability is low.

Life time of the site

This is more often a consideration with landfill operations where a final restoration/landform is being worked towards as part of the permission. The proposed development is for an inert recycling centre there is no final restoration plan needed for the site as there is no proposed change to the existing landform therefore time limits with regard to the cessation of operations at the site are not a key consideration. When operations cease at the site the removal of any plant/buildings and stockpiles etc can be enforced by condition and the site will be restored.

Litter

Again, this is more of an issue linked to landfill sites where windblown litter can cause problems; the site will be accepting inert waste only, any domestic litter i.e. from employees etc will be dealt with by bins etc.

Nature and Archaeological Conservation

The site is not within the boundary of any designated sites for ecological or archaeological conservation importance, the applicant has carried out and submitted a phase 1 habitat survey. This survey reveals that the site is of moderate ecological importance, one protected species was found to be present on the site, the common lizard. It has been recommended that before operations commence at the site a further survey be carried out, if it is not the correct time of year for this an alternative would be a destructive search for these lizards being carried out in the presence of a qualified ecologist. Prior to this search temporary refugia will be established to try and trap any lizards and remove them from the site to a suitable location. Following this certain hotspot areas will be fenced off using reptile proof fencing to prevent any in-migration of relocated reptiles back onto the site.

The western and eastern boundaries have been identified as mature, species rich hedgerows (but are not considered to be important hedgerows under the hedgerows regulations 1997) and have the potential to support a resident bat population. The application does not propose the removal of any trees or hedgerow so the operations should not have an impact on this hedgerow or the foraging habitat for any bats present. The survey has also revealed the presence of Japanese Knotweed on various locations at the site and as such, a Japanese Knotweed control statement has been submitted with the application and this will seek to contain and treat any Japanese Knotweed present on site to prevent its spread.

Whilst the site itself has no designations the site is within close proximity (approx 180 metres north-west) of the River Loughour SAC/SSSI which forms part of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) which collectively comprises of the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and the Burry Inlet Special Protection Area and Ramsar Site. Water quality is a key feature for the SAC and SSSI and it is therefore a key consideration as to whether or not the development could impact upon the water quality of the SAC. There

are 4 documented mine entries on site and there are also areas of identified contaminated land/soils on site that could potentially impact upon the SAC if areas of contamination are disturbed. The contaminated land officer for the Council has been consulted and has suggested numerous pre-commencement conditions be attached to any permission (see attached suggested conditions); briefly, these include:

- A desktop study (Preliminary Risk Assessment) shall be submitted to and be approved by the Local Planning Authority (if any excavations are required)

- A detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.

- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination.

- If, during development, 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 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.

- If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

- Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

- A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].

It is felt that the above conditions would be more than adequate to ensure that if contamination is found on the site (that could be potentially damaging to either users of the site or the environment) it could be dealt with in a manner that would minimise any potential impact upon the SAC/SSSI.

Surface water drainage from the site will be contained on the site by a clay bund which will retain the water on site, this retained water will also be used for wheel washing and water suppression/cooling for the crusher/screeners on site. Where possible any water used in the plant or in the wheel wash will be directed back to the 'retained water' pond, this pond will need to be dredged from time to time in order to ensure it is still effective. Combined with the clay bund (1.8metres in height and 2.0 metres thick at the base) it is considered that the likelihood of polluted surface water flowing directly into the River is low. Some of the retained water would drain away from the site through percolation. However, this is currently the case with the site and as the proposal would not involve the importation of hazardous/chemical waste, it is unlikely that the proposal would have any adverse impacts over and above any potential impacts from the current surface water drainage regime that exists on the site.

Noise, dust and vibration from site operations would also have the potential to impact upon the SAC/SSSI and any species. However, given the separation distance between the site and the boundaries of the SAC it is unlikely that there would be any adverse impacts relating to dust, noise and vibration. There is an existing railway line between the proposed site boundary and the SAC and it is unlikely that any noise or vibration from the proposed operations would have an impact on the SAC over and above any impacts already experienced due to the railway line. There is potential for dust impacts but taking into account the dust minimisation measures suggested by the applicant, as previously detailed, if these are adhered to the dust emissions should not have an adverse effect on the designated sites.

Following the Test of Likely Significant Effects carried out by the Council Ecologist, it was concluded that whilst the development would pose potential adverse effects it is felt that these effects can be mitigated for by adopting various conditions (as outlined by the Council's Ecologist and Contaminated Land officer) in light of this it is considered that the development would not conflict with the aims and objectives of the Environment Act 2016. NRW have been consulted on the TLSE and following lengthy negotiations are prepared to sign off the TLSE. Some minor amendments to the TLSE are required (including removing any references to impermeable surfaces) and an amendment to the contaminated land conditions, whereby, the preliminary risk assessment will only be required if excavations are proposed, not prior to the commencement of development. NRW have agreed in principle to sign off the TLSE, once these amendments have been made. However, at the time of writing the TLSE has not been amended and signed off by NRW.

Archaeological Heritage

Following the initial consultation with Dyfed Archaeological Trust they identified numerous heritage assets within the application area, including a lime kiln, tramways and an engine house. However, following further site investigations by the applicant it was apparent that these features have already been destroyed and/or removed, (prior to the applicants occupation of the site) following this new evidence DAT withdrew their request for a 'rapid historic environmental appraisal'. There are no other historic or archaeological assets on the site and it is considered that the proposal would not have any adverse impacts on archaeological conservation.

Noise

There are numerous sources of noise from the proposed operations, this includes the crushers, screeners, any dumpers moving material around on the site and the delivery vehicles bringing material to and from the site. The site is located in an area that is already subject to a substantial amount of noise and the submitted noise impact assessment report revealed a range of an already high background noise level (between 56.1db and 63.7db) at the numerous receptor locations (detailed in the report). The report has been carried out in accordance in BS 4142:2014, 'Methods for rating and assessing industrial and commercial sound'. Section 5.2 of the report is an assessment of combined noise levels (from on-site operations).

The findings of this survey highlight that the biggest increase in noise, resulting from on-site operations will be approximately 1.7db above the existing sound levels that were monitored during the compilation of the report. The rest of the monitored sites will experience a very small increase in sound, most of the points being below a 1db increase

(except for two locations which would be 1.2db above current sound levels). Taking this into consideration it is evident that the noise impact from the proposed development would be relatively limited.

The report also takes into account contributions of H.G.V. movements to and from the site.

The report predicts 7 vehicular movements in and out of the site per hour. There is potential for this to cause a disturbance to properties along this route, especially at R04, Talclyn Isaf. It states within the above mentioned report that the predicted noise level of the site operations and vehicular movements will be 3dB above background noise levels at R04. Taking this into account, site opening times have been suggested as conditions which ensures that operations at the site will not start before 08:00am. It is also noted that highways have suggested the following condition

HGV movements from the site shall be restricted, Mon-Fri only, to between the times of 09:15 and 16:30.

Whilst this condition was initially intended to reduce traffic impacts by limiting HGV traffic during peak hours it would also help with any potential noise impacts as it would mean that HGV traffic would start at a later time and finish earlier, this would help to reduce any of the potential noise impacts from lorry movements to less disruptive times.

The Head of Public Protection has been consulted on the application and has highlighted the potential impacts on the receptors, due to noise impacts from HGV movements and have suggested numerous conditions regarding opening hours and ensuring plant is efficient and has functioning silencing equipment, amongst other things. If noise were an issue on the site (as a result of complaints) the operator would need to commission a noise assessment, if this revealed that noise levels were higher than they should be then mitigation measures would need to be employed. It is felt that the condition suggested by the environmental health officer would be sufficient to ensure that impacts resulting from noise would be kept to a minimum. Or, if there were any impacts the necessary conditions would be in place to ensure that the Authority would be able to check noise from the site, and if it was excessive, be able to ensure mitigation measures be put in place.

Odours

Odours usually only become a problem when organic or putrescible wastes are involved, as the proposal is for inert waste recycling only it is not considered that odour would be a problem with this proposal. The Environmental Health department have not raised any concerns with regard to potential impacts relating to odours.

Protection of Surface and Groundwater

There is currently no positive drainage at the site and any surface water run-off from the site drains from the site via natural infiltration and there are no dedicated surface water controls to deal with run-off. The site operators have erected a clay bund (using clays of low permeability) along the southern boundary of the site, the bund is 1.8 metres in height and 2 metres in thickness and is designed to retain any surface water run-off on the site. Water from this area of retained water or pond will be used as water suppression and cooling for the plant on site and will also be utilised for the proposed wheel wash (power washer). Water from the plant and wheel washing area will be directed back towards this pond area to be re-used, the pond will need to be periodically maintained/dredged to

ensure effective function. The applicant has calculated that the area of retained water would be able to hold approximately 7916m³ of flood water at 1 metre depth. The catchment area run-off from around the site has been identified at 17.75 hectares and after running it through micro drainage software in a 100 year event the greenfield water runoff volume would be 1313.237m³ - significantly lower than the levels which the site can comfortably contain. Therefore, there should be no flooding issues related to surface water runoff and any water will be recycled where possible so in this regard the proposed drainage system can be seen as making a contribution towards sustainable development by making the most of the resources available and reducing the demand on primary resources.

Over time some of this retained water will drain into the ground below, by infiltration, as is currently the case with any retained surface water on the site. As mentioned previously there is a concern for potential contamination of the groundwater due to the past uses of the site and the potential for leaking of chemicals into groundwater. Appendix 2 of the 'The Assessment of Land Quality' report submitted with the application highlights that site is mostly on secondary and unproductive aquifers (superficial geology) the underlying bedrock geology is mostly comprised of secondary A aquifers. There are no abstraction licenses within close proximity of the site, no source protection zones and no potable water extraction licenses. Therefore, whilst there may be potential for contamination of groundwater at the site the aquifers are not of high importance and there are no abstraction licenses/points that would be affected, if contamination were to occur. However, as highlighted previously the contaminated land officer has suggested numerous conditions relating to contaminated land (including a preliminary risk assessment to be carried out if any excavations are to occur). If there is potential for contamination of groundwater identified then it is possible that mitigation methods could be employed to reduce any risk of contamination, any surveys may reveal that there is limited or no risk of contamination resulting from the proposed operations at the site.

Flood risk

The site is at the edge of C2 flood zone, as defined by the development advice maps, referred to under TAN 15, Development and Flood Risk (July 2004) this flood map identifies the site as being on the edge of zones 2 and 3, as such a Flood Consequence Assessment has been submitted with the application. The assessment advises that any development should only be carried out on land over 7.25 metres AOD, NRW have been consulted on the application and they have raised no objections to this approach and are satisfied with the flood consequence assessment carried out by the applicant.

Reinstatement of the site

Reinstatement of waste sites mainly apply to landfill sites where detailed restoration and aftercare plans are required to ensure that the land is left in a safe condition. The proposed development will not be filling in land or excavating large amounts of material, should use of the site cease there would be minimal requirements for restorations and/or aftercare. Conditions can be imposed to ensure once operations of the site have ceased any buildings, plant and/or machinery are removed. Conditions can also be imposed to ensure that hard surfaces and/or roads are removed and the surface underneath ripped to ensure a good substrate for the natural regeneration of the site. It is considered that the inclusion of suitable restoration conditions to any permission would help to ensure that the site can be restored to a satisfactory standard.

Transport and Access

Many of the objections received regarding the application have highlighted that the access to the site is inadequate and any increase in traffic (particularly H.G.V's) would lead to an increase in danger for both users of the highway and for pedestrians. The applicant provided a Transport Statement which highlighted projected trip generation which would result from the development if permitted, this is re-iterated below:

- **Trip Generation Assumptions and Forecasts**

  50,000 tonnes pa. Over 275 working days (5.5 days per week over 50 weeks)
  Equates to 182 tonnes/day

  Material In (182 Tonnes/ Day) delivered in Lorries and skips with 5-10 tonne payload *(assumed average of 7.5 tonnes)
  Equates to 24 deliveries - 48 movements per day

  Material Out (182 Tonnes / Day) – processed material bulked up and taken from site by 20 tonne vehicles
  Equates to 9 deliveries – 18 movements

  4 staff (2 movements each)
  Equates to 8 movements per day

  Therefore,TOTAL number of movements per day equates to 74 (66 HGV)
  This is less than 1% of the existing 25,740 daily vehicle movements on the A4138.

'Acstro' explain in the TS, that the assumptions forming the basis of their traffic forecasts result in an overestimation of vehicle movements for the following reasons:

- The forecasts assume material will be imported to site in 7.5 tonne Lorries and exported from the site in 20tonne Lorries. In reality material will be transported in 44 tonne Lorries, 32 tonne roll on / roll off Lorries and 18 tonne skip Lorries.

- No allowance has been made for back-loading. All vehicles delivering materials to the site are assumed to be departing empty and all vehicles exporting materials from the site are assumed to be arriving empty. In reality the site operator and hauliers will look for opportunities to reduce the number of empty load movements and consequently reduce costs.

Taking the above into account it is considered that the proposed development would not result in an unacceptable increase in traffic, given the above figures, which represent only 1% of the existing daily traffic movements on the A4183. Given the fact that the predicted traffic movements are also a 'worst case' scenario, and in reality larger lorries will be used and back loading is also likely to be utilised (this is a realistic expectation as companies will be looking to save money on haulage costs and where possible travelling empty is avoided) it is likely that the above figures would actually be lower.

There are also concerns as to whether the additional traffic movements from the site will cause issues at the junction where the B4297 meets the A4138 (known as the Talyclun lights - the site is accessed from a cul-de-sac that exits the B4297 south of the Talyclun Lights), concerns have also been raised about congestion at the M4 Junction 48. As part

of a wider project the Highways Authority have recently engaged Atkins to carry out Traffic Modelling works, taking in the A4138 and the B4297, at the request of the Highways Authority Atkins have also taken into account the proposed development as part of their modelling work and have reviewed the Transport Statement submitted by the applicant. The findings of this modelling work suggest that the trips forecast for the proposed development would have a minimal impact on the operation of the Talyclun lights and the M4 junction.

However, the report did reveal that the A4138/B4297 corridor currently operates significantly above capacity during AM and PM peak periods with long queues along the A4138 and queues on the B4297, extending beyond the proposed site access junction. This traffic during peak hours could cause potential problems with regard to existing traffic on the B4297 blocking HGV traffic from exiting the site access junction. As a consequence, this could lead to any HGV's exiting the site without being able to fully clear the southbound B4297 carriageway. Any HGV's straddling the carriageway would eventually block traffic from exiting the A4138 signals on to the B4297 itself, potentially significantly impacting on the safe operation of the junction. Whilst this is a potentially serious issue it was not felt that this would be enough to warrant an objection to the application on highways grounds, instead, it was suggested that numerous conditions could be imposed which would help to ensure that problems did not occur at these key junctions during peak times. The conditions are highlighted below

1. HGV movements from the site shall be restricted, Mon-Fri only, to between the times of 09:15 and 16:30.

2. The maximum permitted total combined number of HGVs movements (to enter and leave the site) in any one day period, shall not exceed sixty (60).

3. No vehicles shall enter the public highway unless their wheels and chassis are in a clean condition.

It is considered that the restriction of HGV movements outside of peak hours should address the concerns raised regarding the functioning of the junctions at the Talyclun lights and the M4 junction, during off-peak hours the traffic would not be great enough to lead to blockages of the junctions. The applicant has provided details with regard to a wheel wash and it is considered that this wheel wash, and the haul road from the site, which is a considerable length before it joins the public road will help to ensure that deleterious materials will be shed from the lorry before it enters onto any public roads. In summary, whilst the proposal would obviously increase traffic on the road, this is relatively small in terms of percentage of all traffic on the road. It is considered that the above conditions would adequately control any potential impacts on the safety of the road network, a comprehensive modelling exercise has been undertaken and has recommended that highway impacts would be minimal with the above conditions attached, the conditions are therefore considered to be acceptable.

Visual impact

The site is situated in an area of low ground, the visual receptors surrounding the site (for example motorists on the M4, the A4138 and residents of the Tal Y Clun estate) are mostly on higher ground so look down on the site. There will be no big structures on the site, the site office is a relatively low, small building and is the only proposed building on the site. There will be various items of plant which will potentially have a visual impact on

the surrounding area, this includes the crusher/screeners and any diggers/dumpers that maybe on site. To the east of the site there will also be the proposed stocking ground where stockpiles of material will be stored ready for sale, these will also have the potential to cause visual impacts.

The northern boundary of the site (the boundary closes to the A4138 and the Talyclun estate) has an extensive screen of trees and shrubs, which are proposed to be retained (and this retention can be re-enforced via condition). These trees and shrubs, whilst being deciduous, do help to screen most of the site from view. The applicant has also proposed a hedge rejuvenation scheme to help plug up some of the gaps and thinner areas of this boundary, this will help to improve the screening offered by the northern boundary and minimise any visual impacts for receptors from the north of the site. The existing screen, combined with the proposed additional planting will greatly reduce the visual impact of any mobile plant on site.

The stockpile area to the east of the site would also be visible from the north, but mainly from the east, drivers on the M4 would be looking down on to the site and the stockpiles would be visible. However, drivers on the motorway would be travelling at speed and it is unlikely that the presence of these stockpiles would have an adverse visual impact. Additionally, conditions can be imposed on any permission granted to ensure that the stockpiles do not go above a certain height (generally 3 or 4 meters depending on the material) and this would help to keep visual impact to a minimum, there is some shrubbery and small trees to the eastern site boundary and in combination with the other factors mentioned this would mean that impacts on receptors in the east would be kept to a minimum.

To the south the land is mostly estuarial mud flats and fields and there are few receptors that could be affected visually, again there are also trees and shrubs to the southern boundary of the site that would help to screen the plant on site. Whilst there are some visual receptors to the west of the site these are approximately 500 metres from the site so views into the site would be relatively limited due to the distance and the vegetation along the western boundary of the site. The access track is not as well screened as the site with less shrubbery and lower hedgerows, however, the access track would only be used by passing vehicles there would not plant or buildings on or adjacent to the access track so views of the track would be limited to passing vehicles. The nearest public right of way to the site is approximately 330 metres to the north of the site and the path heads northwards, further from the site. Although there may be some glimpses of the site when heading south on the path the path terminates when it reaches the A4138 so visual impacts from the development would be relatively limited and confined to the southern section of the path.

In summary it is considered that whilst there is potential for visual impacts from the development these impacts would be mostly limited. There would be no large buildings on site, the site is naturally well screened by the existing trees and hedgerows, which are to be retained and enhanced through the hedgerow rejuvenation scheme and the height of any stockpiles can be controlled through condition, there is also a relatively low number of receptors to be impacted upon by the site. Taking all this into account it is considered that the development would not have an unacceptable visual impact, the proposed hedgerow rejuvenation scheme is welcomed and is more than sufficient to ensure the effectiveness of the natural screen of the northern boundary.

Other Issues

This application raises various other issues which are not covered above, including the contribution of the site to a more efficient recycling network within Carmarthenshire and the fact that the development is outside of the development limits, as defined within the Unitary Development Plan.

As highlighted in the policy sections South Wales as a whole is currently behind North Wales in terms of the treatment of construction and demolition waste and recycling rates, as revealed by the Natural Resources Wales survey of 2012. The report revealed that whilst preparation for re-use was the dominant waste management method in the South East (58%) and North (46%) regions, the South West is not performing as well with land disposal being the most common waste management method (39%) followed by recycling (31%).

Clearly then, there is room for improvement in the way that South West Wales deals with its construction and demolition waste and recycling of this material needs to be increased. This is not a case of 'can't somebody else do it', positive measures need to be taken within Carmarthenshire to increase the amount of this material that is recycled. This proposal would be an opportunity to help increase the amount of inert construction waste recycled within the county, and within the South West Wales region as a whole (which is the area covered by the waste annual monitoring reports).

It is acknowledged that the development is outside of the development boundary for Llangennech, however, given the nature of the operations it is unlikely that there would be many suitable parcels of land within the development boundary. Technical Advice Note 21 (Waste) provides guidance on factors to be taken into account when locating sites such as these, disused quarries/minerals sites are highlighted as a possible location for these sites. Section 3.27 of the TAN states that waste sites might be located, if appropriate, within or adjacent to;

- industrial areas, especially those containing heavy or specialised industrial uses;
- Active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;
- degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use;

The proposal would be making use of derelict land, whilst nature had taken its course to some extent at the site the area has never received any designation and has largely been derelict. Therefore, whilst the site is outside of the defined development boundary it does meet with some of the criteria within the TAN. It is also in close proximity to transport routes in particular, the A4138 and the M4, this proximity to transport routes is another requirement of the TAN and is beneficial to the sites location for the proposed land use. In summary, whilst the proposal is located outside of development limits, contrary to policy GDC 32, it is considered that, given the nature of operations at the site it would be of more benefit to locate the development outside of the development boundary. By doing this it also matches criteria highlighted within the TAN for land uses of this type.

<u>Does the proposal accord with the Wellbeing of future generations act?</u>

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- A prosperous Wales
  The development would make a positive contribution to this element of the act as it would be helping to use resources more efficiently through increasing recycling rates.

- A resilient Wales
  The development would also make a contribution to a resilient wales by improving economic resilience in the area by providing extra employment and by ensuring the economic and sustainable use of natural resources

- A healthier Wales
  The development has the potential to have negative impacts on the physical and mental wellbeing of people in the area but it is considered that with mitigation measures theses impacts would be limited. However, the proposal would contribute to reducing the landfilling of inert waste which in itself has perceived negative health impacts.

- A more equal Wales
  This element of the bill is not applicable to this particular planning application

- A Wales of cohesive communities
  The development would not have a negative impact on the attractiveness, viability, security or connectedness of communities. The proposal includes landscaping measures to help screen the development and minimise any visual impacts, which may have affected the attractiveness of the community

- A Wales of vibrant culture and thriving Welsh language, and this element of the bill would not be applicable to this particular planning application

- A globally responsible Wales
  The proposal would make a positive contribution to this as it would help to increase the work that Wales is doing to meet recycling targets, and ultimately reduce the impact that the country as a whole has on the environment.

Whilst some elements of the act are not applicable, the development would make a positive contribution to most of the other elements of the bill, the only potential negative being the section relating to ‘a healthier wales’. However, as discussed, the applicants have put forward numerous measures for dust suppression and impacts on health of the surrounding community should be limited, if any at all. On the whole the development would make a positive contribution to towards the relevant elements of the bill, as detailed above, and would not be in conflict with the aims of the act.

CONCLUSION

The aim of the TAN 21 and of Planning Policy Wales is to ensure that waste is dealt with in the most sustainable way possible, whilst also ensuring that there are no adverse impacts upon the environment or on residential amenity. The proposal provides an opportunity to deal with construction and demolition waste in a more sustainable way, pushing more of

these waste arising up the waste hierarchy. As demonstrated previously, this is one waste sector where South West Wales can improve their performance, and are not performing as well as other regions in Wales, therefore this proposal would provide a much needed opportunity for improvement in this sector.

However, this must be balanced against any environmental and social impacts that may occur as a result of this proposal, these have been considered in detail throughout the report. In summary, whilst dust is potentially a problem arising from site operations there have been numerous mitigation measures and conditions suggested to mitigate these impacts, the development has also been considered by the Head of Public Protection and no objections were raised.

Highways is another of the major issues raised by the objectors. Whilst the proposed development would lead to an increase in traffic and potentially cause problems with regard to previously mentioned junctions, models have been run for the Authority and these have not raised any issues. The Head of Transport has been consulted, and following the findings of the Atkins report has raised no objections to the development on highway grounds, but has suggested numerous conditions. With regard to the impact of the development on ecology in the area, more specifically the potential for the site to have adverse impacts upon the Burry Port Inlet SAC/SSSI this has been considered by the Councils ecologist who carried out a TLSE and found that whilst there is potential for the proposal to impact upon designated sites, this potential could be reduced to an acceptable level with the inclusion of various pre-commencement conditions.

Noise issues have been considered and whilst there is potential for noise generation to have an impact on residential receptors it is considered that the conditions suggested by the Environmental Health Officer (and the highways officer) would help to mitigate any potential impacts to an acceptable level. If noise does become an issue there are conditions which will mean mitigation measures will need to be employed by the site operator.

Contaminated land issues have been looked at in more detail and numerous conditions, involving further site surveys if excavations are needed, have been suggested, this should ensure that there are no adverse impacts relating to contaminated land and any contaminated run-off getting into the SAC.

In summary, the proposal is clearly beneficial in terms of the contribution it can make to recycling targets for Carmarthenshire and for the region. With regard to environmental and social impacts, all the statutory consultees have been consulted on the application and none have raised any objections to the development.

Local Planning Authorities must make determinations in accordance with the Development Plan unless any material considerations indicate otherwise. In this case, it has been demonstrated that the proposal does not conflict with the policies contained within the Carmarthenshire Unitary Development Plan. The potential impacts from this development would be acceptable and can be satisfactorily mitigated by conditions. Given the policy background and the lack of other material considerations that indicate that there would be adverse environmental or amenity impacts, there are no reasons which would justify a refusal.

In light of all the above the proposal is recommended for conditional approval, with any planning permission only being issued once the TLSE has been formally signed off by NRW, as noted in the section dealing with ecology.

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Local Development Plan 2015) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

SP1 Sustainable Places and Spaces, SP12 Waste Management, SP14 Protection and Enhancement of the Natural Environment, GP2 Development Limits, TR3 Highways in Developments- Design Considerations, EQ4 Biodiversity, EP1 Water Quality and Resources, EP2 Pollution, EP3 Sustainable Drainage, EP6 Unstable Land, MPP1 Mineral Proposals, MPP5 Aggregate Alternatives, WPP2 Waste Management Facilities outside Development Limits

RECOMMENDATION – APPROVAL

CONDITIONS

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

2. The development hereby permitted shall be carried out strictly in accordance with the plans and reports submitted namely;

    a) The Waste Planning Statement (dated June 2016)
    b) The reptile mitigation strategy (dated June 2016)
    c) The planning statement (dated June 2016)
    d) Section 5 of the Ecological Assessment (dated October 2015)
    e) The Invasive species treatment and control method statement (received 29/6/2016)
    f) Noise and vibration assessment (dated October 2016) and all subsequent responses to enquiries from the Noise Officer
    g) Drainage Strategy (dated November 2016)
    h) Flood consequence Assessment Report (dated June 2015)
    i) Method Statement (dated November 2016)
    j) Email dated 27/2/2017 confirming that no additional hard standings are to be created
    k) Location Plan (received 26/6/2016)
    l) Proposed Site Layout Plan (job no. IR16070, Drawing no. 001, Rev B)
    m) Proposed site layout plan (job no. IR16070, Drawing no. 002)
    n) Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016
    o) Phase 1 – Assessment of land quality/desk study, dated July 2017

3. The material to be imported for processing on site shall be inert material or material that does not contain any contaminants which would pollute controlled waters. The definition of inert materials is as follows:

Topsoil, subsoil, brickwork, stone set concrete, clay and silica (excluding finely powdered waste), glass, solid and granular dry materials free from any noxious, poisonous or polluting substance which does not decompose or for any which the environmental impact of decomposition is less than or comparable with that of topsoil and is virtually insoluble in water

4. The amount of imported material entering the site shall not exceed 50,000 tonnes per annum

5. From the date of this permission the operator shall maintain records of their monthly input/output and the types of waste processed and shall make them available to the Local Planning Authority within 14 days of any written request.

6. The use hereby permitted shall not operate other than between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays and not at all on Sundays, public or bank holidays.

7. Vehicles shall not access and/or leave the site other than between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays and not at any time on Sundays, public or bank holidays.

8. HGV (vehicles 7.5 tonnes and above) movements from the site shall be restricted, to between the times of 09:15 and 16:30 Mon-Fri. On Saturdays HGV movements shall only take place between 08:00 – 13:00 hours, no HGV's shall access/leave the site on Sundays, public or bank holidays.

9. The maximum permitted total combined number of HGVs movements (to enter and leave the site) in any one day period, shall not exceed sixty (60).

10. Wheel washing on site shall be carried out in accordance with the details in section 4.0 of the 'Method Statement' dated November 2016. The wheel wash shall be utilised to ensure that no vehicles shall enter the public highway unless their wheels and chassis are in a clean condition.

11. Should the wheel wash (detailed in condition 11, above) be ineffective at any time, resulting in deleterious material being carried onto the public highway, during the operational life time of the site, a revised scheme shall be submitted for the written approval of the Local Authority, along with any remedial measures to be put in place to clear the highway of any such material. Any revised scheme shall be implemented as approved and utilised during the period of operation of the site.

12. The development shall be carried out in accordance with the dust control measures outlined in the Method Statement dated November 2016.

13. No loaded vehicles shall leave the site un-sheeted except those only carrying stone in excess of 75 mm.

14. Processed stone shall normally be conditioned with water or proprietary conditioning agents and this shall take place at or before the point of discharge from any conveyor. Other appropriate measures shall include periodic conditioning with water or proprietary conditioning agents, according to weather conditions and the

fitting of dust covers to all external conveyors.

15. The use of hydraulic peckers at the site is not permitted at any time

16. The rating level of the noise emitted from the site operations at the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142 Methods for rating and assessing industrial and commercial sound.

17. If the Local Planning Authority receives a complaint about noise that it considers to be justified, the operator shall within 28 days of the receipt of written request from the Local Planning Authority submit a noise assessment conforming to BS 4142 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 15 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that the limit of noise in Condition 15 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 15. The development shall then be undertaken in accordance with the approved details.

18. No vehicles shall remain idle on the site or the access road with engines running outside the permitted vehicle access times set out in Conditions 6 and 7 above.

19. The best practical means shall be used to minimise noise from reversing devices which are fitted to mobile plant and vehicles on site. This shall include the fitting of 'smart' alarms to vehicles.

20. All plant, equipment and other machinery used in connection with the operation and maintenance of the development shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in good condition in accordance with that specification at all times throughout the development.

21. Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

22. All ditches and/or drainage channels on the site shall be retained, protected and maintained in working order and should they become blocked or cease to work effectively they shall be cleaned out to allow for effective functioning and subsequently maintained in working order

23. No additional hardstandings or impermeable surfaces shall be constructed on site unless planning permission is granted for such works.

24. Should any excavations be carried out on site, if required, for its development or construction or for the preparation of drainage infrastructure for its proposed end use, this course of action/works shall be outlined in a desk top study/ preliminary risk assessment report, submitted for the written approval of the Local Authority, prior to works commencing. Details shall include

    a) A desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

    b) A detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.

    c) Detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

25. If, during development, 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 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted for the approval of the Local Planning Authority within 1 month of the contamination being encountered. The Revised Remediation Strategy shall be implemented as approved.

26. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy' or as amended by any subsequent revised Remediation Strategy.

27. Any soil imported for use in a remediation strategy (if required by condition 25, above) must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

28. Should soils need to be imported for remediation works, as specified by condition 25, above, any imported materials require the following validation

    a) A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual

[topsoil must be approved in writing by the Local Authority prior to importation].

29. Any development (crushing/screening operations and stockpiling) should only be carried out on land over 7.25 metres AOD, as detailed in the Flood Consequence Assessment

30. Prior to the erection of any lighting on site, the details of such lighting shall be provided for the prior written approval of the Local Planning Authority.

31. The development must be carried out in strict accordance with the recommendations contained within Section 5 of the Ecological Assessment by Amber Environmental Consultancy dated October 2015, The Hedgerow Rejuvenation Plan, The Invasive Species Treatment and Control Method Statement by Sayonara Knotweed and the Reptile Mitigation Strategy by Amber Environmental Consultancy dated June 2016.

32. Within 1 month of the date of this permission a ground preparation and cultivation scheme for the proposed tree planting shall be submitted for the written approval of the Local Planning Authority. Following the written approval for this scheme the trees shall be planted in the next available planting season (*31 October in any one year and 31 March in the following year)* and in accordance with the approved plan ('Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016) and the approved ground preparation and cultivation scheme.

33. Trees, shrubs and hedges planted in accordance with the approved scheme ('Hedgerow Rejuvenation' drawing number GEN/JE/183a/0012D dated July 2016) shall be maintained and any plants which (within five years of planting) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

34. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences (*31 October in any one year and 31 March in the following year).*

35. The top surfaces of all tips, soil mounds and storage mounds shall be sloped at a suitable gradient to encourage surface water drainage and prevent ponding and erosion. The maximum height of all storage mounds shall not exceed 3m above adjacent existing ground level for topsoil and 4m in any other case.

36. The operator/landowner shall inform the Local Authority when operations cease at the site. Within 6 months of the cessation of operations at the site the site shall be left as shown on plan 'Proposed Site Layout Plan (job no. IR16070, Drawing no. 001, Rev B)' any hard standings, tracks or buildings shall be removed and their sites ripped to minimise compaction. Any plant and/or old machinery/waste shall be removed from site and there shall be no stockpiles of inert waste remaining on site,

any remaining inert waste shall be removed from site to a site licensed to accept the waste.

REASONS

1 Required to be imposed pursuant to section 91 of The Town and Country Planning Act 1990.

2,4 To ensure compliance with the approved documents and drawings.

3 The prevention of pollution of the water environment.

5, 9,10 In order that the effect of vehicle movements can be controlled and the impact fully assessed.

6-8, 15,17 29 In the interests of residential amenity.

9,10 In the interests in highway safety.

10-14 In order to ensure dust impacts are kept to a minimum.

16-20 To keep noise impacts to a minimum.

21-23, & 29 For the protection of the water environment.

24-29 To protect users of the site and the surrounding area from potential contamination issues.

31 For the protection of the environment.

32-35 To reduce potential visual impacts.

36 To ensure the site is left in a satisfactory condition.

NOTES

It is recommended that the applicant (or their agent) contacts officers in the Land & Air Team of Public Health Services to discuss the proposals in detail.

It is also advised that the applicant has regard to the information contained within the attached document “Land Contamination: A guide for Developers” which was produced by the Welsh Local Government Association/Environment Agency Wales working group.

These comments do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000, or use the link below:

http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en

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

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations/earthworks carried out in the vicinity of Network Rail's property/ structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. rior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker

and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works.

The initial point of contact is assetprotectionwales@networkrail. co. uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

ADDENDUM – Area South

Application Number	**S/34071**
Proposal & Location	INERT WASTE PROCESSING CENTRE AT FORMER MORLAIS COLLIERY, PONTARDULAIS ROAD, LLANGENNECH, LLANELLI, SA14 8YN

DETAILS:

CONSULTATIONS

Local Member: Additional comments have been received from the County Councillor for the area, Councillor Gwyneth Thomas, the Councillor also requested to speak, her comments are shown below

"As a County Councillor for the Llangennech Ward I wish to record my objections to the planning application S/34071 for an Inert Waste Processing Centre at the former Morlais Colliery Site, Pontarddulais Road, Llangennech. My concerns are regarding highway safety and increased HGV traffic along the A4138 which is known to be one of the busiest roads within the County. There will be 48 vehicle journeys into the site and 18 journeys out if the site daily which I believe will cause increased problems at the junction between the A4138 and the B4297 at the Talyclun lights where there are regular long traffic queues. This proposed development will also add to the already congested junction 48 of the M4 motorway. There will be increased danger to pedestrians and other road users and the access to the site appears inadequate to accommodate the additional daily HGV vehicle journeys.

I would like to address the planning committee at the meeting on 24th August.