

PLANNING COMMITTEE	DATE: 31/01/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 1

Application Number: C21/0587/14/AC

Date Registered: 10/09/2021

Application Type: Vary Condition

Community: Caernarfon

Ward: Peblig

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 8 on planning permission C08A/0209/14/LL (Extension of existing recycling site with erection of new waste transfer building, parking facilities and erection of five metre-high perimeter screen) to increase the maximum annual throughput of waste to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week

Location: Gwynedd Skip Hire, Cibyn Industrial Estate, Caernarfon, Gwynedd, LL55 2BD

Summary of the Recommendation: TO DELEGATE POWERS TO APPROVE

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1. Description:

- 1.1 This is an application to vary Condition 8 on planning permission C08A/0209/14/LL which relates to the Gwynedd Skips recycling site in Caernarfon to increase the maximum annual throughput of waste to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week. No further construction or operational changes to the development are proposed.
- 1.2 The site has been established on the Industrial Estate in Cibyn for over 20 years and provides a commercial waste recycling and transfer service in accordance with the terms of the existing permission C08A/0209/14/LL namely, an extension to the existing recycling site, erection of new waste transfer station, parking facilities and erection of five metre perimeter screen. The waste received at the site includes skip waste, namely domestic, commercial and industrial waste and waste from road cleaning works. The site also receives some items describes as hazardous waste including car batteries, asbestos sheets bonded with cement and electrical waste.
- 1.3 The facility has been operating successfully to the extent that demand from existing customers and potential customers is growing at a rate that would exceed the limit imposed by the planning condition and therefore the applicant is seeking an increasing in the permitted throughput of waste. Waste carried to the site is sorted for recycling or reuse. Currently 50% of the material brought to the site is recycled and the proposed increase will contribute to the percentage of materials to be recycled. There is increasing demand for waste collections including construction and demolition waste, domestic waste and commercial sources but also, the increase in tourism is expected to continue and this will lead to an increase in the volume of waste.
- 1.4 A recent upgrade to the waste transfer station has led to additional capacity, mainly for construction and demolition waste. A contract with energy from waste plants in Wales and England means a supply of material deriving from processing waste from builders, household and commercial sources and it is anticipated that this waste flow will continue. Increased capacity is also needed to provide for an increase in producing and distributing biomass to local biomass operations.
- 1.5 The site has the capacity to expand and the development proposed here would ensure that the existing facility continues to sort and process materials sustainably and contribute to reaching Welsh Government targets to divert waste from landfill.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

Strategic Policy PS 1: The Welsh Language and Culture

Strategic Policy PS 4: Sustainable transport, development and accessibility

Strategic Policy PS 5: Sustainable development

Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

Strategic Policy PS 13: Providing opportunities for a prosperous economy

Strategic Policy PS 21: Waste Management

TRA 2: Parking standards

TRA 4: Managing transport impacts

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

AMG 3: Protecting and Improving Features and Qualities that are Unique to the Character of the Local Landscape

GWA 1: Waste Management

GWA 2: Waste Management and Designated Sites

Supplementary Planning Guidance – Maintaining and Creating Distinctive and Sustainable Communities 2019

Supplementary Planning Guidance – Landscape Character 2009

2.4 **National Policies:**

Policies, guidelines and general principles noted in Welsh Government's Planning Policy Wales, Edition 11 (February 2021),

Future Wales: The National Plan 2040,

The Well-being of Future Generations (Wales) Act 2015

Collections, Infrastructure and Markets Sector (CIMS) Plan 2012

Technical Advice Note 11: Noise

Technical Advice Note 18: Transport

Technical Advice Note 20: Planning and the Welsh Language

Technical Advice Note 21: Waste

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Technical Advice Note 23: Economic development.

3. Relevant Planning History:

- 3.1 C98A/0264/14/LL, 16 July, 1998 - APPROVED to construct office, new access and waste transfer site, Cibyn Industrial Estate, Caernarfon,
- 3.2 C01A/0249/14/LL, 12 November, 2001 - APPROVED to change planning conditions 2,3, and 4 of planning permission C98A/0264/14/LL to redevelop the site as a waste transfer station to include installation of shredder at Cibyn Industrial Estate, Caernarfon,
- 3.3 C02A/0521/14/LL, 15 September, 2003 - APPROVED to delete condition 3 on permission C01A/0249/14/LL to permanently site sifting and shredding machinery on the site at Cibyn Industrial Estate, Caernarfon,
- 3.4 C02A/0522/14/LL, 7 November 2002 - APPROVED to construct shed to store machinery and materials associated with existing waste transfer station at Cibyn Industrial Estate, Caernarfon,
- 3.5 C06A/0360/14/LL, 16 January 2007 - REFUSED extension to the existing recycling site to include construction of new waste transfer station at Cibyn Industrial Estate, Caernarfon,
- 3.6 C07A/0054/14/LL, APPROVED 1 May 2007 – to extend existing recycling site, erection of new waste transfer station, parking facilities and erection of five metre perimeter screen at Cibyn Industrial Estate, Caernarfon,
- 3.7 C08A/0209/14/LL, 16 May 2008 - APPROVED to vary condition 1 on Planning Permission C07A/0054/14/LL to approve an extension to complete the development of extending the existing recycling site, erection of new waste transfer station, parking facilities and erection of five metre perimeter screen, Cibyn Industrial Estate, Caernarfon,
- 3.8 C12/1244/14/LL, 30 November 2012 – APPROVED extensions to existing garage for lorries and excavation machines Cibyn Industrial Estate, Caernarfon.

4. Consultations:

Community/Town Council: Support the application provided that the issue of queuing lorries is resolved, and that the observations of Gwynedd Council Highways Department are accepted

Transportation Unit: No response

Natural Resources Wales: No objection to the application, but offer the following observations;

- We note that there is no information regarding protected species included in the application, and therefore we assume that your Authority has screened the application and has concluded that there is no reasonable likelihood of protected species being present on the site.

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- The applicant is reminded of the fact that it is their responsibility to ensure that all other licences/permissions are relevant to the development, as well as planning permission. Please refer to our website for further details. The applicant or operator should contact Natural Resources Wales to seek advice on an Environmental Permit.

Scottish Power: No response.

Public Protection Unit: The Service has received complaints of odour coming from the site and if the site is to expand this odour will be worse. If it is intended to extend the site, the company should carry out an odours assessment with the application.

Fire and Rescue Service: The Fire Authority has no observations regarding the access for Fire vehicles and water supply.

HSE: No response.

Public Consultation: A notice was posted on the site and in the press, and nearby residents were informed. The consultation period ended on 14 October 2021 and 1 letter/correspondence was received objecting to the application on the following grounds:

- Existing pollution issues associated with the site.
- Consistent smell pollution emitting from the site and should be investigated immediately and closed if the existing pollution issues are not dealt with.

The principle of the development

5.1 In terms of setting targets for managing household, industrial and commercial waste, 'Towards Zero Waste' insists that at least 70% of such waste should be reused and/or recycled by 2025. This application to extend the facility's throughput would contribute to how much the area recycles and would reduce the waste sent to landfill.

5.2 2025 is an intermediate step towards a 'zero-waste future', which we define as an aspirational end point where all waste that is produced is reused or recycled as a resource, without the need for any landfill or energy recovery. By 2025, we will have significantly reduced waste and will manage any waste that is produced in a way that makes the most of our valuable resources. This will mean that we will maximise recycling and minimise the amount of residual waste produced, and eliminate landfill as far as possible. By 2050 we will reduce the impact of waste in Wales to within our

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environmental limits (which we define as ‘one Wales; one planet’ levels of waste, roughly 65% less waste than we produce now), aiming to phase out residual waste through actions on waste prevention and sustainable consumption and production so that the only waste that is produced is reused or recycled.

- 5.3 For all types of waste, Edition 11, Planning Policy Wales makes it mandatory to identify sites that are suitable for sustainable waste management developments in development plans in addition to setting criteria for determining applications for such developments, recognising that the most appropriate locations would be those with the least detrimental impact on the local population and the environment and with the best potential to contribute towards a wider infrastructure framework. Such a requirement is reflected in the policies of the local development plan to promote a sustainable method of waste management based on the waste hierarchy. The requirements of 'Towards a Zero-waste Future' and Technical Advice Note 21: Waste, outline the need to develop a sustainable network of facilities for waste treatment, with particular emphasis on the need to provide facilities for reusing and recycling waste.
- 5.4 The Gwynedd Skip Hire waste management site is located on an Industrial Estate and is protected on the Local Development Plan proposals map for B1, B2 and B8 employment use in accordance with policy CYF 1 namely, Urban Services Centre. The site is not located in an area that is open to the public and is not visible from many points in the vicinity. We must therefore consider the principle of the proposal against GWA 2 of the Joint Local Development Plan. Policy GWA 2 (Waste Management on Designated Sites) states that waste management proposals should be approved on appropriate sites provided that the proposal is in accordance with the waste hierarchy and that there is a clear need for the development which is supported by a Waste Planning Assessment.
- 5.5 Therefore, the proposal would need to be considered against policy GWA 2 'Waste Management and Designated Sites' where it should be demonstrated that the following criteria can be met: -
1. There are no allocated sites available or they are unsuitable for the proposed activity.
 2. There are no suitable sites within the development boundary.
 3. The proposal will incorporate measures to mitigate the impact on the environment and the health and amenity of local people.
 4. The scale and nature of the proposal are appropriate in terms of the site and surrounding area.
 5. The proposal would not have a detrimental impact on the natural environment or the area's heritage value.
 6. That the development and associated traffic do not lead to unacceptable disturbance for the local community in terms of noise, odour, vibration or air pollution.
- 5.6 Any planning application for a waste management development must submit the necessary information to satisfy the requirements of policy GWA 2 but, essentially, a waste planning assessment in accordance with the requirements of TAN 21 (Waste) should provide robust justification with supportive evidence of a clear need for the development.
- 5.7 It is believed that the Waste Planning Assessment submitted with the application is commensurate with the nature and scale of the proposed development. The proposal submitted with the application is acceptable in principle and complies with national and regional planning policies and guidelines on the principle of the sustainable treatment of waste. The development therefore complies with policies PS5, PS22 and GWA 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

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Visual amenities

- 5.8 No further construction or operational changes to the development are proposed, apart from the application to increase the scale of the site's throughput of waste. The development for the construction of a 14 metres high station with a 5 metres high perimeter fence around the site has already been implemented in accordance with the application plans.
- 5.9 There are no additional visual considerations in light of this application and therefore the development is suited to its location on an industrial estate and complies with the requirements of Policy PCYFF 3 (design and place shaping) of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

General and residential amenities

- 5.10 The planning authority is not aware of any complaints linked to the day-to-day operation of the site, but given the nature of waste developments, it must be ensured that the proposal would not affect residential amenities, properties and nearby businesses. There will be no changes to the working hours of the existing waste transfer site namely, 07.30 - 20.00 Monday to Friday and 07.30 - 17.00 on Saturday. Waste transfer activities have continued on the site since 1998 and the business has responded to a substantial increase in the demand for recycling materials and the planning conditions attached to the permission facilitate appropriate planning management for the site's activities.
- 5.11 Paragraph 3.26 of TAN 21 (Waste) notes; "... *particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses.*". Noise and air quality can be managed effectively under planning conditions but also in accordance with an environmental permit under the Environmental Permitting Regulations 2016. A specific noise survey was submitted so that the local planning authority and specialist consultants can assess the impacts of the new development on the environment.
- 5.12 In light of the current application to increase the throughput of waste through the site, the assessment of the impact of any nuisance has been updated including control measures for dust, noise, transport, rubbish and odours along with procedures for dealing with any complaints lodged. In response to consultation on the application, Natural Resources Wales has no objection and that the site also operates in accordance with the conditions attached to the relevant environmental permit. It is proposed to review and update the scope of the noise, dust and odours management conditions to comply with the submitted mitigation details.
- 5.13 It must be borne in mind that the site is located on an industrial estate with several other businesses including the Council's waste management infrastructure operations which contribute to the estate's noise levels. The noise assessment confirms the proposal to increase the site's waste throughput would not cause noise levels to exceed the limit of 67db L_{AEQ,1h}, at the nearest sensitive property (Lôn Hen Felin Farmhouse), but in fact, that the level of noise from the development and other developments on the estate is unlikely to cause harm to the area's residential amenities.
- 5.14 There is no evidence that the existing activities are causing harm to residents or businesses in the area. The development proposes to increase the throughput of waste in order to target higher recycling rates. The application includes mitigation measures for any detrimental impact on the amenities of nearby businesses. Therefore, it is not considered that the activities associated with receiving, processing and distributing waste produce on this site would have a detrimental impact on the residential amenities of the area and therefore, the development conforms to Policies GWA 2 & PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

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Transport and access matters

- 5.15 This is an application to vary Condition 8 on planning permission C08A/0209/14/LL which relates to the Gwynedd Skips recycling site in Caernarfon to increase the maximum annual throughput of waste to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week.
- 5.16 Lorry/van vehicle movements is on average around 100 a day and 500 a week. As a result of the increase in tonnage sought by this application, it is anticipated that vehicle movements will increase to a maximum of 160 a day and 800 a week. However, as the site is located on an industrial estate with sufficient access to the road, this increase will not have any implications in terms of highway safety or noise nuisance. In terms of the type of vehicle movements, 75% will be skip lorries, 10% articulated vehicles and 15% third party vehicles.
- 5.17 Previous observations were submitted by Gwynedd Council's Transportation Service expressing concerns that skip lorries and articulated lorries were regularly queuing along Lôn Hen Felin causing an obstruction to other traffic travelling through the industrial estate but also damaging the footway running by the site. They were advised to review the arrangements for receiving waste along with implementing suitable measures to prevent HGV from queuing and causing an obstacle on the nearby road and from causing permanent damage to the estate's footways. A review of staff parking arrangements was also advised to ensure sufficient provision for any increase.
- 5.18 The application statement and the additional information submitted confirm there is sufficient parking provision for 35 workers on the site and there is room for 50 vehicles within the office curtilage and the additional car park that is located from Lôn Hen Felin.
- 5.19 The parking provision has been shown on the submitted plan with the additional details, but also, the company has a holding yard at the far end of the industrial estate where articulated vehicles park until they are called into the main yard when it is clear. The Company also intends to hold additional tool box talks with staff as needed and will review the traffic management plan accordingly if needed.
- 5.20 It is therefore believed that the development responds to the needs of Policy TRA 4 (managing transport impacts) and Policy TRA 2 (parking standards) of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

Sustainability matters

- 5.21 Planning Policy Wales provides a definition of sustainable development in Wales where: "sustainable development involves the process of improving the economic, social, environmental and cultural well-being of Wales by acting in accordance with the sustainable development principle, which aims to achieve the well-being goals", and "acting in accordance with the sustainable development principle means that bodies must act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs". Also, this report has assessed the sustainability matters of this application in accordance with the aim of sustainable development in accordance with the seven well-being aims of the Well-being of Future Generations Act (Wales) 2015 to help ensure that all public bodies work toward the same vision of a sustainable Wales.

The economy

- 5.22 Technical Advice Note 23: Economic Development, states: in determining planning applications, local planning authorities will need to bear in mind that traditional business use, classes B1 - B8

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only account for part of the activity in the economy. It is important that the planning system recognises the economic aspect of every development and makes sustainable planning decisions that maintain a balance between social, environmental and economic considerations. It further states that local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development. The site employs 35 workers and the proposal therefore complies with Policy PS13 (Providing an Opportunity for a Thriving Economy) of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026.

The Welsh language

- 5.23 A Language Statement has been submitted with the application in accordance with Policy PS2 of the Local Development Plan and the relevant Planning guidance; 'Maintaining and Creating Distinctive and Sustainable Communities 2019'. Policy PS 1 (Welsh Language and Culture) and Policy PS 5 (Sustainable Development) attempt to promote and support the use of the Welsh language in the Plan area and to assist and improve the conditions that ensure thriving sustainable communities. The language statement assesses the impact of the proposed development on communities and notes measures that would either mitigate negative impacts or safeguard / enhance / spread positive impacts.
- 5.24 The site employs 35 local workers and 27 of them speak Welsh. Additionally, the proposal to increase the site's waste throughput offer additional employment opportunities and it is anticipated that the proposed development will have a small positive impact on the Welsh language in the community. Consequently it is likely that the development will retain Welsh-speakers in the local community who will use the language in the workplace.
- 5.24 It is therefore believed that the development complies with policy PS 1 and PS 5 of the Anglesey and Gwynedd Local Development Plan 2011-2026.

6. Conclusions:

- 6.1 This proposal would ensure that the current facility is updated and extended to enable the company to sort and process the materials in a sustainable manner and contribute towards the Assembly's targets to divert waste from landfill sites and to secure employment for 35 existing employees.
- 6.2 The site contributes to the infrastructure to maintain or add to the range of suitable waste management facilities. Policy GWA 2 (Waste Management on Designated Sites) states that waste management proposals should be approved on appropriate sites provided that the proposal is in accordance with the waste hierarchy and that there is a clear need for the development which is supported by a Waste Planning Assessment. It is believed that the Waste Planning Assessment submitted with the application is commensurate with the nature and scale of the proposed development and the main issue here is the use of the site for sorting, storing and stockpiling waste materials. This application complies with policy GWA 2 of the Local Development Plan for a facility that would contribute to what the area recycles and reduce the waste that is sent to landfill.
- 6.3 Having considered all of the above matters, it is considered that the development is acceptable in principle and complies with policies PS5, PS22 & GWA2 of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026. The amount of waste to be handled in a sustainable way must significantly increase if it is to meet Welsh Government targets; and reduce the percentage of waste that is sent to landfill in Gwynedd. This development would contribute towards improving

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the network of sustainable waste facilities in the County in accordance with the requirements of Policy GWA 2 of Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026;

- 6.4 There would be no detrimental effect on the users of the existing roads network. Therefore, it is believed that the development complies with Policies TRA 4 (managing transport impacts) and TRA 2 (parking standards) of the Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026 and also, criterion 5 of Policy PCYFF 3 (design and place shaping).
- 6.5 There will be no change to the area's visual amenities in the long-term, and it therefore complies with the requirements of Policy PCYFF 3 (design and place shaping).
- 6.6 It is unlikely that the development's activities would have a detrimental impact on the amenities of local residents subject to conditions to ensure that noise barriers are installed around the site and that all waste processing and sorting activities are implemented in accordance with planning conditions to manage noise and dust impacts in accordance with Policies GWA 2 and PCYFF 2.
- 6.7 In accordance with the measures outlined in the language statement, it is believed that the development complies with Policy PS 1 and PS 5 of the Anglesey and Gwynedd Local Development Plan 2011-2026.
7. Recommendation:
- 7.1 To approve the application, subject to the following change to Condition 8 on planning permission C08A/0209/14/LL to increase the maximum annual throughput of waste to 125,000 tonnes at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week to:

7. With the exception of receiving prior written permission from the waste planning authority, it is not permitted to move more than 125,000 tonnes of dry solid household, commercial and industrial waste through the waste transfer station in any given year at a maximum rate of 1,200 tonnes per day and no more than 2,800 tonnes per week. It must be ensured that the figures of the site's throughput over any specified period shall be made available to the waste planning authority within 21 days of request.

- Review of conditions relating to the management and monitoring of noise, dust, odours, rubbish in accordance with the submitted mitigation details.