

Good afternoon Tom

Thank you for your consultation regarding the above application.

I have considered the application documents in relation to noise, air quality, contaminated land and odour.

Much of the environmental impact of the proposed development will fall within the remit of NRW as the regulator for the site's Environmental Permit and therefore we have not made significant representation in all aspects.

Environmental Health have not received significant complaints regarding noise from the site, with the exception of an issue regarding reversing beepers which has since been resolved. We note the ES proposed a number of controls which seem to sufficiently control noise and prevent nuisance, and as such have no objection to the application on the grounds of noise. There are noise conditions on application P2011/0537 which you may wish to include in the new decision, however, noise would fall within the remit of the Environmental Permit and as such we will assume that NRW are taking the lead on this element.

Land Contamination will be dealt with as part of the aftercare plan for the Environmental Permit and as such we have no objection on the grounds of land contamination.

We do not have any air quality concerns because the application does not propose to increase vehicle movements or undertake any other activity likely to have an adverse impact on air quality.

Odour management matters are predominantly regulated by NRW under the Environmental Permit. However, Environmental Health became involved in the investigation of odour nuisance from the facility in 2019/2020 due to the scale of the complaints, consequently Environmental Health witnessed an odour statutory nuisance and served an abatement notice. Therefore, we would be likely to object to the application without being satisfied that sufficient odour controls are in place. We therefore recommend the following conditions are included on the decision notice for this application;

1. All operations at the site shall be carried out in full accordance with the approved Odour Management Plan dated June 2022 (as approved dated June 2022 or following review under the condition 22 below) until landfilling and restoration have been completed.

Reason: To ensure that an up-to-date Odour Management Plan is in place which provides the necessary degree of control over activities at the site in order to minimise odour impacts in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

NOTE: Failure to comply with the approved OMP would amount to a breach of planning for which a Breach of Condition Notice (BCN) could be served. In addition, in the case of a serious odour issue arising from such a breach, the option is also available to issue a Temporary Stop Notice alongside such a BCN.

2. No later than twelve months after the date of this consent (and every twelve months thereafter), the operator shall undertake a review of the Odour Management Plan. Such review shall consider the effectiveness of measures within the OMP, include details of all complaints received and actions taken, and make recommendations for any necessary improvements. The review and any necessary amendments to the Odour Management Plan shall be submitted for the written approval of the LPA no later than one month after the review date. In the event that the operator fails to undertake and submit the required review within the above timescales, or the Local Planning Authority refuses to accept the recommendations within the review, all operations at the site shall cease until such time as the Local Planning Authority has confirmed in writing their agreement of a revised Odour Management Plan.

Reason: To ensure that an up-to-date Odour Management Plan is in place which provides the necessary degree of control over activities at the site in order to minimise odour impacts in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

3. Within one week of the Local Planning Authority making a request in writing following receipt of a justified complaint, the operator shall conduct a full investigation into the causes of the odour and report in writing to the Local Planning Authority the results of its investigation along with an Action Plan to address any identified issues. The report should contain as a minimum;
  - Evidence of the examination of all potential odorous activities detailed in the current approved Odour Management Plan and the conclusions of those investigations
  - Details of any pre-notified or refused odorous materials identified at the weighbridge
  - Details of landfill odour monitoring including calibration certificates for monitoring equipment
  - Copies of all Daily Odour Inspection Forms for the relevant period

- Copies of the Site Diary as detailed in the Odour Management Plan for the relevant period
- Copies of Olfactory Odour Assessments for the relevant period
- Copies of Odour Diaries received from local residents for the relevant period
- Copies of Sniff Test Report forms for the relevant period
- Copies of Odour Complaint Report Forms for the relevant period
- Details of proactive gas and leachate infrastructure checks for the relevant period

In the event that the operator fails to undertake and submit the required investigation within the above timescales, (without having first agreed, in writing, an extension of time with the LPA to provide this information) or the Local Planning Authority notifies the operator in writing that they have failed to accord with the agreed Action Plan, all operations at the site shall cease until such time as the Local Planning Authority has confirmed in writing their agreement of the implementation of the action plan and a revised Odour Management Plan.

Reason: To ensure that robust procedures are in place to swiftly address any odour issues arising from justified complaints in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

Regards

**Leah Morgan**

Senior Environmental Health Officer / Uwch Swyddog Iechyd yr Amgylchedd

Planning & Public Protection/ Cynllunio a Diogelu'r y Cyhoedd

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