

PLANNING COMMITTEE
(PRINCESS ROYAL THEATRE, CIVIC CENTRE, PORT TALBOT)

Members Present:

17th March, 2015

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor E.E.Jones

Councillors: Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies,
Mrs.J.Dudley, S.K.Hunt, D.Keogh, Mrs.S.Paddison,
Mrs.S.M.Penry, R.Thomas and Mrs.L.G.Williams

**Cabinet UDP/LDP
Member:** Councillor A.J.Taylor

Local Members: Councillors J.Warman and M.Ellis

Officers In Attendance: Mrs.N.Pearce, S.Ball, I.Davies, J.Griffiths,
R.Borthwick, S.Evans and Miss.G.Cirillo

1. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning Committee held on 24th February 2015, as circulated, be confirmed as a true record.

Report of the Head of Planning

(Note: An Amendment Sheet, attached and agreed, was circulated at the commencement of the meeting, as detailed in Appendix A hereto.)

Planning Applications Approved

2. **APPLICATION NO: P2015/0031**

Temporary permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases (Re-consultation on corrected information within the submitted Exploration

Borehole - Method Statement and Planning Statement (in respect of traffic flows and confirmation of 10 weeks for drilling and associated operations) at Land within Foel Fynyddau Forest, Pontrhydyfen, Cwmavon.

In accordance with the Council's approved Public Speaking Protocol, Mr. K. Ross (Objector) and Mr. C. Patten (Appellant Right of Reply) addressed the Planning Committee.

RESOLVED: that the above Application be approved subject to the Officer's recommendation as detailed within the circulated report, and also subject to the amendments and additional Conditions, as detailed within the circulated Amendment Sheet, to address noise issues, as follows:

(12) The development hereby approved shall be undertaken strictly in accordance with the submitted Noise Management Plan (NMP), other than the investigation of noise complaints as required by Section 8 of the NMP, which shall be implemented within 24 hours of the receipt of a noise complaint from the Local Planning Authority, with the results of such investigations submitted to the Local Planning Authority within 48 hours, along with details of the action taken to reduce noise to the levels specified by condition 13. The NMP shall be fully implemented throughout the course of the approved development.

Reason

In the interest of adequate noise mitigation and residential amenity.

(13) No development shall commence on site until such time as details of no less than 3 noise monitoring points have been submitted to and approved in writing by the Local Planning Authority, and thereafter the level of noise emitted from the site shall not exceed 45.5dB(A) LAeq, 1-hr between 0700 and 1900 hours and shall not exceed 42dB(A) LAeq, 1-hr between 1900 and 0700 hours, as measured at the approved monitoring points.

Reason:

In the interest of adequate noise mitigation and residential amenity

(14) Within 7 days of the plant and equipment being installed and brought into operation (unless the Local Planning Authority have agreed in writing to an extension of that timescale due to the need for suitable conditions for the monitoring of noise), a post installation noise assessment shall be carried out by the operator at the noise monitoring points approved by Condition 13 and submitted to the Local Planning Authority. This report shall identify noise levels being achieved, including details of tonal noise. Where necessary any additional mitigation needed to achieve the levels required by Condition 13 shall be identified and submitted for approval by the Local Planning Authority with the post installation noise assessment. Any additional mitigation thus identified and approved shall be installed or provided within 7 days of approval, and shall be retained thereafter.

In the event that additional mitigation has been implemented in accordance with the approved details, a further post installation noise assessment shall be undertaken and submitted to the Local Planning Authority within 14 days of the approval of such additional mitigation, in order to demonstrate compliance with the noise limits in Condition 13.

Reason:

In the interest of adequate noise mitigation and residential amenity

In order that all noise Conditions are read together, subsequent Conditions (13) to (15) within the Committee report are to be re-numbered (15) to (17).

3. **APPLICATION NO: P2015/0127**

(Mr. R. Borthwick left the meeting at this point.)

Two storey rear and side extensions, first floor side and single storey side extensions, additional first floor windows to western and eastern side elevations, additional window to ground floor eastern elevation and replacement boundary wall and fence to a maximum height of 2.2m. at 50 Ascot Drive, Baglan, Port Talbot.

RESOLVED: that the above Application be approved, subject to the Officer's recommendation, as contained within the circulated report.

Planning Application Approved Subject to a Section 106 Agreement

4. **APPLICATION NO: P2014/0402**

Variation of Condition 1 of Planning Permission P2007/1413 (Granted on Appeal on the 07.05.09) to allow for the extension of time for the commencement of development and variation of Conditions 3 (reference to all works in Environmental Statement and to allow a maximum tip height of 100m and maximum blade diameter of 82m), 9 (borrow pits), 14 (highway improvement works to facilitate revised access route) and 15 (internal access tracks) at Mynydd Y Gwrhyd, North of Pontardawe, East of Cwmgors.

Under Rule 13.1 of the Council's Rules of Procedure, a motion or amendment to rescind a decision made within the past six months cannot be moved unless a Notice of Motion is signed by at least two Members of Committee. No such motion had been signed in respect of this item, therefore the Committee voted under the Rule 21.1 of the Council's Rules of Procedure to suspend the Rules of Procedure for the duration of this item, in order for the decision to be revisited.

RESOLVED: that the above Application be approved in accordance with the Officer's recommendation, and subject to a Section 106 Agreement, as contained within the circulated report.

(Note: with regard to the amendment sheet referred to above and attached as Appendix A, on which the Chair had allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

5. **APPEALS DETERMINED**

RESOLVED: that the following Appeal determined be noted as detailed within the circulated report.

Appeal Ref: A2014/0011

Variation of Condition 1 (to allow a further 5 years for the commencement of development) of Planning Permission P2008/1547 (approved on 21/08/09) at 161a New Road, Skewen, Neath SA10 6HD.

(Note: the Appeal was against Condition 7 of the Planning Permission)

Decision: Allowed (Condition 7 deleted)

6. **DELEGATED APPLICATIONS DETERMINED BETWEEN 16TH FEBRUARY AND 8TH MARCH 2015**

Members received a list of planning applications which had been determined between the 16th February and 8th March 2015, as contained within the circulated report.

RESOLVED: that the report be noted.

CHAIRMAN

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PLANNING COMMITTEE

17th MARCH 2014

AMENDMENT SHEET

ITEM 4

<u>APPLICATION NO:</u> P2015/0031	<u>DATE:</u> 20/01/2015
PROPOSAL:	Temporary permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases (Re-consultation on corrected information within the submitted Exploration Borehole - Method Statement and Planning Statement (in respect of traffic flows and confirmation of 10 weeks for drilling and associated operations))
LOCATION:	Land within, Foel Fynyddau Forest, Near Pontrhydyfen, Cwmavon
APPLICANT:	Mr Oliver Taylor, UK Methane Limited
TYPE:	Full Plans
WARD:	Bryn & Cwmavon; Pelenna

Additional Representations received

Members are advised that since the committee report was published, the following additional items have been received:

- A further petition of 321 signatures. This petition raises the same concerns as the petition detailed in the main report.
- The online petition has been increased from 316 signatures to 421 signatures.
- 4 additional letters of objection. These raise concerns in relation to:
 1. The clearance of trees at the application site and the levelling of land, which appears to have taken place in readiness for occupation of the site by the applicant. There are concerns that this action has circumvented the planning process and might prejudice any decision which the planning committee might arrive at.
 2. Concerns that the Planning Officers or Government do not have experience in this somewhat new technology or working practice.

3. Shale ‘fracking’ should be put on hold in the UK because it is incompatible with climate change targets and could pose significant localised risks to public health.
4. The Pelenna Valley could be faced with very serious health problems resulting from the weak-regulated industry.

In respect of the additional petitions, it should be noted that the issues they raise have been addressed in the main committee report.

With regards to the additional letters of objection received, Members should note that a site visit has confirmed that trees have been felled the corner to the east of the application site, with logs stored on the actual application site (site photos provided in Officer’s presentation). It should be clarified that as there were no trees on the application site itself, no felling works have been undertaken there.

Natural Resources Wales were contacted by Officers and have confirmed that the trees to the eastern side of the application site were felled “as part of a chainsaw training course”. Nevertheless, it should be noted that there are a number of trees still in place to provide an element of screening for the development. Furthermore, the Environmental Health Section has confirmed that the previous undergrowth was not thick and continuous up to the lower branches of the trees, so the trees were not that effective as a noise barrier anyway, so should not have an impact on the proposal in terms of noise, whilst the clearance work has revealed that there is a degree of topographical shielding to Pontrhydyfen, as the ground rises higher than the proposed noise barrier.

In respect of the concerns regarding the experience of Officers and Government. It should be noted that the Planning Officers have experience of dealing with a number of application for similar boreholes and also seek expert technical advice from a number of consultees, such as Natural Resources Wales.

In respect of the comments that ‘fracking’ should be put on hold in the UK, it should be noted that this is not an application for ‘fracking’ but a test borehole. As detailed in the main report, if an application were to be submitted in the future for ‘fracking’, it is likely that it would need to be referred to the Welsh Government under the new Direction (as detailed in the main report).

Finally, the concerns in relation to potential health problems. It should be noted that this has been addressed in the main report.

Additional Noise Conditions

Following further discussion with Environmental Health, the following amendments/ additional conditions are recommended to address potential noise concerns and provide a more robust framework to control development at the site.

(12) The development hereby approved shall be undertaken strictly in accordance with the submitted Noise Management Plan (NMP), other than the investigation of noise complaints as required by section 8 of the NMP, which shall be implemented within 24 hours of the receipt of a noise complaint from the Local Planning Authority, with the results of such investigations submitted to the Local Planning Authority within 48 hours, along with details of the action taken to reduce noise to the levels specified by condition 13. The NMP shall be fully implemented throughout the course of the approved development.

Reason

In the interest of adequate noise mitigation and residential amenity.

(13) No development shall commence on site until such time as details of no less than 3 noise monitoring points have been submitted to and approved in writing by the local planning authority, and thereafter the level of noise emitted from the site shall not exceed 45.5dB(A) LAeq, 1-hr between 0700 and 1900 hours and shall not exceed 42dB(A) LAeq, 1-hr between 1900 and 0700 hours, as measured at the approved monitoring points.

Reason:

In the interest of adequate noise mitigation and residential amenity

(14) Within 7 days of the plant and equipment being installed and brought into operation (unless the Local Planning Authority have agreed in writing to an extension of that timescale due to the need for suitable conditions for the monitoring of noise), a post installation noise assessment shall be carried out by the operator at the noise monitoring points approved by condition 13 and submitted to the local planning authority. This report shall identify noise levels being achieved, including details of tonal noise. Where necessary any additional mitigation needed to achieve the levels required by condition 13 shall be identified and submitted for approval by the local planning authority with the post installation noise assessment. Any additional mitigation thus identified and approved shall be installed or provided within 7 days of approval, and shall be retained thereafter.

In the event that additional mitigation has been implemented in accordance with the approved details, a further post installation noise assessment shall be undertaken and submitted to the local planning authority within 14 days of the approval of such additional mitigation, in order to demonstrate compliance with the noise limits in condition 13.

Reason:

In the interest of adequate noise mitigation and residential amenity

In order that all noise conditions are read together, subsequent conditions (13) to (15) within the committee report are to be re-numbered (15) to (17).