

PLANNING COMMITTEE URGENCY ACTION

7TH April 2020

AMENDMENT SHEET

ITEM 1

<u>APPLICATION NO:</u> P2019/5071	<u>DATE:</u> 18/06/2019
PROPOSAL:	Variation of Condition 2 (List of Approved Plans and Documents) of Planning Permission P2018/0436 (relating to a 20MW gas-powered standby electricity generating plant) to amend the design and location of the plant/equipment, together with a scheme for the installation of a new acoustic screen 4m-6.5m high plus 2.4m high security fencing with 1m high electric fence; plus the variation of Conditions 3 (samples of materials), 8 (external lighting scheme), and 14 (noise rating and silencers), and agreement of details relating to Conditions 9 (accident management plan), 10 (surface water drainage), 16 (piling scheme), 19 (contaminated land desktop assessment) and 20 (remediation scheme) (Amended information received 18/10/19 and 04/02/20 regarding drainage and odour report)
LOCATION:	Ex Gas Works, Land To The West Of Afan Way, Port Talbot
APPLICANT:	UK Power Reserve Ltd
TYPE:	Section 73 – Variation of Condition
WARD:	Sandfields East / Aberavon

CLARIFICATION

On page 4, the report states in error that “Officers have also decided, in conjunction with the Chair of Planning, to convene a Members’ Site Visit in advance of the matter being heard at Planning Committee”. As referred to earlier in the report, no such site visit is now brought forward for determination as a ‘Planning Committee Urgency Action’ during the Covid-19 pandemic in accordance with the Council’s agreed procedure.

PLANNING COMMITTEE MEMBERS – Comments / Questions

Cllr. Arwyn Woolcock has stated as follows: -

Had the Planning Committee taken place on the 17 March I would have asked the following question, and I refer to page 11 of the report:

“The developer advised that the reason for the unauthorised changes was due to the fact that manufacturer’s specifications for the engines had changed since planning permission was granted, and the specified/approved equipment was therefore no longer available.”

Why didn't the developer submit an amended planning application when this information was known, rather than proceed regardless? The changes are significant (as outlined in the bullet points on page 11) and should have been brought to the Planning Authority's attention immediately.

I can understand the officers' recommendation, but I don't believe that the developer should get away with it without a sharp rebuke from Members of the Planning Committee.

ADDITIONAL REPRESENTATIONS – Ward Members

Cllr. Steffan ap Dafydd (Aberavon Ward) has asked:-

“Does the application guarantee a mitigation against the vibration issue raised by Simon Evans, Environmental Health, at a meeting that we attended some time ago?”

As you obviously know, our role as Members and Officers is to protect the health and wellbeing of residents. Will the company guarantee that protection?

Noise and vibration are central issues of concern. Residents have mentioned the noise coming from the site in the early hours since it was first placed there.

It is my view that local residents should not suffer environmental detriment following any development in their locality, particularly not in relation to noise and vibration.

I hope that Planning, Environmental Health and the developers can provide reassurance to local residents.

ADDITIONAL REPRESENTATIONS – Others

Representations have been received from the applicant, and are attached at Appendix A to this amendment sheet.

OFFICER RESPONSE / COMMENTS

In response to Cllr Woolcock's question/ concerns, the report emphasises that there have been significant ongoing discussions with the developer, during which time they have been left in no doubt of Officer's strong concerns that they did not seek to regularise the change in engine specification before installation, especially given the additional impacts, including the need for acoustic mitigation.

Officers feel, however, that the application now before Members is the appropriate balance between facilitating important energy infrastructure while protecting local amenity.

In response to Cllr ap Dafydd's comments, it is emphasised that the 'vibration' relates to low frequency noise (page 18) and the report emphasises that the Council's Environmental health Officer is satisfied there will be no unacceptable impact *provided* the acoustic barrier is installed and retained (i.e. without it, as currently, there is a noise issue which must be addressed).

ITEM 3

APPLICATION NO: P2014/0083	DATE: 15/04/2014
PROPOSAL:	Proposed residential development for up to 50 dwellings with access to be determined (Outline)
LOCATION:	Land at Chain Road, Glynneath
APPLICANT:	Cuddy Group Limited
TYPE:	Outline
WARD:	Glynneath

ADDITIONAL REPRESENTATIONS – Ward Members

Cllr. Del Morgan (Glynneath Ward) has raised the following issues / concerns:

- How come this is proceeding to (urgency action) decision at speed?
- I don't seem to have received a "planning consultation reference" e-mail recently in relation to this??
- This is a major development, so would it not (now) need a further round of consultation?
- The applicant is listed (in 2014) as being the "Cuddy Group Limited" – is this entity still in being?
- If not, who is the applicant, and who are you liaising with?
- The recommendation (for outline permission) is for "up to 50" houses, whilst the report outlines 49 houses of four different types – would you expect this to vary?
- Is the proposed permitted departure from the LDP mainly "to provide social housing" or to conform with "regeneration" demands?
- Has the NRW amended its flood map (in relation to the area becoming a C1 zone from a C2 zone) as a result of this application, or just generally?
- The recommendation also specifies a S106 commitment of £14,200 towards "pitch sport" – how would this work, as there is no known potential area for a new pitch locally.

Cllr. Carolyn Edwards (Blaengwrach Ward) has also made the following comments:-

- Although the application is in the Glynneath ward it is bordering directly on my ward and will affect those residents living on Chain Road, a mere pavement away and in my ward.
- I was not aware of this application until Cllr. Morgan alerted me to it.
- I would agree with all of the comments made by Cllr. Morgan regarding the timing of the application, the speed with which it is being decided and the plan to recommend it as it stands.
- The Cuddy Group are in administration so I am puzzled as to how they would be able to build here?

- This plot of land adjacent to the B4242 is also adjacent to the river Neath, and probably still on the flood plain. I would query as to whether utilities as they stand at present would be able to service a development of this size.
- There are angling rights on the River Neath and I would have thought that NRW should be involved in this decision or at least consulted.
- As of this week a huge problem has been discovered with the river bridge, which connects to the only pedestrian access Cwmgwrach and Glynneath have in and out of the villages. The central pillar has collapsed, the bridge is severely damaged and engineers have closed the bridge whilst further tests or plans can be made for the reconstruction/repair of the pillar or a replacement bridge or alternative means of providing pedestrian access be carried out.
- Building work at this time in the immediate vicinity of this bridge could seriously hamper these plans and would also have a knock on effect for the future access.
- I would support Cllr Morgan's request to defer this decision until the problems with the bridge are solved.
- The application should go to the full planning committee.
- The application is outside of the LDP which will go against all advice given previously when dealing with other recent applications.
- The section 106 agreement sounds good but where you will find land for that is a puzzle.
- I would suggest you defer this decision until the crisis with the corona virus is over and the applicant can be heard with all concerned.

ADDITIONAL REPRESENTATIONS – Others

An objection has been received from the Glynneath and District Angling Association. The issues are summarised as follows:

- Please ensure access isn't restricted to the river and that the pathway is not closed along the river.
- If Flood defences are required please ensure safe adequate access is provided for members.

OFFICER RESPONSE / COMMENTS

In response to the Angling Association comments, it is noted that there is no longer the requirement for flood defences as the land has now been identified as not being in the designated C2 Flood Zone by Natural Resources Wales.

Reserved matters would deal with the layout of the development, but in general terms access to the river across the land would be a private matter.

In response to the other issues raised, Members are advised as follows: -

- The application has been in since 2014, but is now brought forward following the conclusion of the flooding issues at the site, with the NRW DAM map amended as a result of the developer's challenge.
- There has been a number of rounds of consultation on this application, including notification with Ward members in 2014, 2015 (twice), 2017 (3 times) and 2018 with no comments received during this time. There has also been recent site notices and advertisement in the local press as 'departures' from the LDP. It is acknowledged, however, that the ward members were not re-consulted in February 2020.
- While the applicant company is understood to be in administration, any planning permission issued would run with the land.
- The permission would allow for "up to 50" houses, with such details required under a subsequent reserved matters application.
- The report emphasizes that the departure from the LDP would be acceptable based on both 'affordable housing' and 'regeneration'.
- The S106 commitment of £14,200 towards "pitch sport" would be retained and discussions undertaken at the appropriate time with ward members, including potential for additional match finding from other sources, to facilitate access to or improvement of pitch sport in the area.
- The recent issue with the river bridge is acknowledged, noting that this bridge facilitates access between the site and Blaengwrach (and vice versa). This is not, however, a matter which is material to the assessment of this application, while any matters relating to construction (were this to happen in advance of bridge repairs) would be restricted to the site and have no additional impact on the bridge.
- In response to the request to defer this decision until the crisis with the corona virus is over and the applicant can be heard with all concerned, it is considered that there are no grounds to delay determination to an unspecified date in light of the acceptability of the assessment in the report. It is acknowledged, however, that the Chair/ Vice-Chair may wish to allow the opportunity for additional representations to be made on the identified matters by all affected Ward Members.

APPENDIX A - P2019/5071 :APPLICANTS STATEMENT

Neath Port Talbot Planning Committee – 7 April 2020

Afan Way supporting statement

- P2019/5071: Variation of Condition 2 to reflect amended layout and the construction of an acoustic screen along with the information to remove the need for pre-commencement conditions
- Applicant, Sembcorp Energy UK Ltd (SEUK), formerly UK Power Reserve Ltd

What is proposed?

This Site has seen a number of iterations which have previously been considered by the Council. This is due primarily to operating within a fast-evolving sector with new, more efficient, developments regularly emerging. In approving the previous planning applications, the Council has accepted the need for the Development and have agreed the principle of standby electricity generation at this location. What we are seeking to do is fine tune the development to ensure it minimises the impact on the local community and local environment.

The Site is part of national infrastructure and is directly connected to the National Grid electricity control room from where it can rapidly be turned on and off in cases of inadequate local supply. This ensures local “short-term” energy needs are always met.

Rationale

Amended layout on site was required following the selection of a final engine supplier and build out, a number of design amendments have been required primarily to take account of ground conditions. Third party records of underground utility infrastructure were found to be inaccurate and this has required avoidance once work had started on site. The cost of this amended layout and avoidance work has been considerable and has been borne entirely by SEUK.

Acoustic Screen

SEUK is seeking to install an absorptive acoustic screen on the boundaries in order to ensure the Site conforms with policy guidance. In addition, as a good neighbour, SEUK are seeking to ensure that we are not a cause of a noise nuisance.

Considerable effort has been put in by both the Applicant and the Council Officers to ensure that the proposed acoustic screen remains effective as well as minimises visual impact. The application was accompanied by a Design Statement for the Acoustic Screen. This report considered a number of options in relation to location, height and appearance.

In summary, in addition to noise attenuation properties, at a height of 6.5m, the location of the screen would shield the views of the generators from the Afan Way side of the Site. A 4.0m screen would run along the rear of the Site. It has been agreed that the screen should be coloured green with graded vertical bands.

Air Quality

During the consideration of this application odour issues have been identified. A comprehensive check of the equipment has been completed and a detailed odour survey undertaken. This concluded that although there is a spike of emissions during the start-up phase, as expected with any reciprocating engine, the fumes were not considered to be significant or harmful to human health. In addition, an Environmental Permit was issued by Natural Resource Wales in January 2020.

Community Benefits

Throughout the planning process the Applicant has sought to work with the Council to promote local community benefits. Measures include:

- £60,000 Lease payment to the Council for temporary construction access
- £10,000 Additional community benefits package as part of the lease for the access road
- £5,000 Safety barrier measures by the footbridge
- Contribution to the proposed cycle path linking the coast and Port Talbot town centre
- Provision of access to surface water drainage should Council develop site adjacent to the application site

Conclusion

The Applicant takes its role within a neighbourhood very seriously and seeks to minimise impacts wherever possible. The supporting information submitted as part of this application clearly demonstrates that the changes to the originally approved application minimise impacts upon noise, visual amenity and air quality.

The other matters that would usually be considered as part of a planning application have previously been considered by the Council and have not changed as a result of this resubmission. In conclusion, the supporting information demonstrates:

- The acoustic screen has been designed in consultation with the Council to minimise the visual impact whilst ensuring that it remains effective.
- It is acknowledged that the current design has increased the appearance of the development at the higher levels. The Applicant has sought to minimise the adverse visual impact by design and the appearance of the screen has been made to be a visual feature within an urban landscape.
- The air quality impact of the development remains below any limits set out within the Air Quality Directive or which could be deemed to be a public nuisance.