

PLANNING COMMITTEE

15TH DECEMBER 2020

AMENDMENT SHEET

ITEM 4

<u>APPLICATION NO:</u> P2018/0512	<u>DATE:</u> 20/06/2018
PROPOSAL:	The REMOVAL of planning conditions 1 (commencement) 8, 12, 17, 18, 19, 37, 42, 49, 54, 61 (duplicated by other conditions) 21 (move to notes section) 24, 32, 36, 44, 45, 46, 53, 59 (relating to required works that have already been completed) 34 & 39 (superseded by subsequent permissions) 38 (Tip 891 has been restored). The VARIATION of planning conditions 2 (to extend the operational lifetime of the site until 2023, followed by a year for restoration works) 3, 5, 7, 22, 23, 28, 35, 41, 43, 48, 50, 51, 55, 60 (update conditions to allow for updated plans/information submitted) attached to planning permission P2002/1016.
LOCATION:	Pwllfa Watkin Farm, Pontardawe Link Road To Baran Road, Pontardawe SA8 4RX
APPLICANT:	FCC ENVIRONMENT
TYPE:	Section 73 – Variation of Condition
WARD:	Pontardawe

Member Question

Councillor Arwyn Woolock has asked the following question in advance: -

“I note that on page 36 it is suggested that, if the Planning Committee refused the application, the applicant could appeal and continue to operate the site pending the appeal outcome. However, as the current planning consent expired in September 2018, and the site is effectively operating without the benefit of planning permission, could the Authority not serve a Stop Notice until such an appeal is determined?”

Response:

Members should be aware that to serve a Stop Notice the Authority would also have to serve an Enforcement Notice against a breach of planning control. In this case, this would be against the continuation of landfill operations in the absence of a planning permission.

Taking such enforcement action would, however, undoubtedly be quite complex for such a site (notably given the need for amended restoration proposals to be formulated based upon the current landfill levels), and Officers would first seek to

engage with the operator to voluntarily seek their agreement to defer further landfill pending conclusion of any such appeal they may make. There would also be a need to ensure that any action taken would not, in itself, have a harmful impact during the determination of an appeal, for example through ongoing (or new) odour or drainage issues, both of which require continuous monitoring. Finally, such an Enforcement Notice could also be appealed against.

So in summary, in the event Members' were to refuse planning permission, it is possible to take formal action (including serving a Stop Notice) but such action would need to be very carefully considered, and only following a breakdown in discussions with the operator.