



Committee and Date

North Planning Committee

18 November 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 24 October 2014

In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

2.30 - 4.25 pm

Responsible Officer: Linda Jeavons

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Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Martin Bennett, Gerald Dakin, Steve Davenport, Vince Hunt, David Lloyd and Peter Cherrington (Substitute) (substitute for Pauline Dee)

80 Apologies for Absence

Apologies for absence were received from Councillors Pauline Dee (Sub: Peter Cherrington), David Minnery and Peggy Mullock.

81 Public Question Time

There were no public questions, statements or petitions received.

82 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

83 Land North West Brooklands Farm, Dudleston, Ellesmere, Shropshire - 14/02730/MAW

The Area Planning and Building Control Manager introduced the application. He confirmed that Members had undertaken a site visit the previous day but had been unable to gain access to the site itself but had viewed the site from a number of vantage sites along the highway, and had noted the siting of existing pylons and other landscape features.

With reference to the drawings and photo montage displayed, the Technical Specialist Planning Officer drew Members' attention to the location, site layout and access.

Members noted the additional representations as detailed in the Schedule of Additional Letters circulated prior to the meeting, and the further comments,

illustrative diagram showing the location of the slurry pipe and watercourses, and a drawing detailing the boundary and indicative layout circulated at the meeting.

Professor Whitelegg, a Shropshire resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The UK had been committed to an 80% reduction in carbon emissions. Fracking produced carbon rich gasses so this proposal would be contrary to national policy and lead to Shropshire adding to the carbon inventory;
- The proposal would be contrary to the Climate Change Act and what Parliament intended;
- Methane was a very powerful gas;
- Contrary to local policy; and
- He urged rejection of the proposal.

Chris Hesketh, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- No reference to future extraction in the National Planning Policy Framework;
- Any advantages of taking CBM out of the ground would be limited;
- Would provide limited employment;
- The proposal would have a detrimental impact on the local economy and local businesses. A major employer was considering relocation;
- Concerns with regard to noise and environmental impact; and
- A high number of objections had been submitted and he urged refusal.

With the agreement of the Chairman, Mr C Voelker, the agent, spoke for six minutes. He spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- Proposal would be in accordance with the Development Plan and Planning Officers were recommending approval;
- Principle of development had been established;
- Would be temporary and short-term with no long-term effects on the environment;
- A Transport Management Plan, Noise Management Plan and Ecological Mitigation Plan would be submitted;
- At the conclusion, site would be restored to former condition;
- Agreement for a single well on the site had been obtained from the landowner;
- No objections from technical consultees and suitable conditions would be attached to any permission; and
- Drilling process was well established in the UK and regulated by appropriate bodies.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Steve Davenport, as the local Ward Councillor, made a statement and then left the table and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Proposal would lead to an industrialisation of the countryside;
- Geology – The Environment Agency assessment of the area was only partially founded. The local geology would be unsuitable for extraction;
- Economic downside would exceed any benefits. Proposal would provide no employment and a limited amount of money would be spent in Shropshire.
- Noise – 8 weeks of continued drilling could have a detrimental impact on health. Noise levels had not been adequately assessed and would exceed limits. No effort had been made to mitigate noise concerns;
- Would lead to an increased number of traffic movements;
- Unacceptable impact on the health of local people. This exercise had also been stressful for the local community;
- Water contamination – The route of the proposed track would be situated close to a slurry lagoon. The large number of vehicle movements could cause vibration and lead to damage of the embankment and subsequent pollution to water courses;
- Would lead to needless desecration in an area of high visibility; and
- Would be contrary to the NPPF and Core Strategy policies CS5, CS13, CS16 and CS17.

In the ensuing debate, Members expressed concerns with regard to highway safety; the high number of HGV movements; the risk of pollution due to failure of the slurry lagoon or collapse of culverts due to the close proximity of the proposed access track to the slurry lagoon and the potential for damage to the slurry lagoon caused by vibration to the embankment; the removal of hedgerows; the potential for the leakage of obnoxious gasses; possibility of water contamination; the suitability of the geology to enable extraction; the detrimental impact on tourism and the local economy; detrimental impact on ecology; and adverse impact on the historical environment.

In response to comments, the Technical Specialist Planning Officer and the Area Planning and Building Control Manager explained that there was still a presumption in favour of sustainable development unless there was any significant harm or adverse impacts arising from development and that the Development Plan taken as a whole should be the starting point for consideration of the proposal. An assessment of the proposal should be made on this basis and Members would need to be satisfied that a temporary operation of up to 60 days duration would have a significant impact if minded to refuse the application. The Environment Agency was aware of the existence of the agricultural slurry lagoon and referred Members to the Schedule of Additional Letters which indicated that the Environment Agency had considered that the risk of damage to the walls of the lagoon by vehicles accessing the site to be low and if they had any concerns they would have raised objections. Planning Practice Guidance (PPG) made it clear that individual applications for the exploratory phase should be considered on their own merits. Highways had raised no objections. The Officer drew Members' attention to the comments of the Coal

Authority as set out in paragraph 4.1.5 of the report. Other bodies dealt with matters relating to leakage of obnoxious gases and it should be presumed those bodies functioned effectively. No issues had been raised by statutory consultees. The Officer also clarified that ownership of the site was not a material planning consideration and anyone could submit a planning application for a plot of land provided that they had informed the landowner. Further, Policy M24 of the 1996 to 2006 Shropshire Minerals Local Plan was not a saved policy so would not be relevant. A concern raised by a Member with regard to potential impact on private water supplies according to the Area Planning and Building Control Manager could adequately be dealt with by an appropriately worded additional condition and he stated that applications should not be refused where an issue could be appropriately dealt with by condition. The solicitor further made the point that any reasons for refusal should be clear and capable of being objectively evidenced and justified, failure to do so could lead to an award of costs on appeal.

With reference to Shropshire Council's Constitution, the Solicitor drew Members' attention to Part 5, paragraph 17.41, Local Protocol for Councillors and Officers dealing with Regulatory Matters, and stated it was the view of the Area Planning and Building Control Manager, having consulted with the solicitor in attendance, that a refusal on the grounds being proposed by Members may not be defensible if challenged and result in compensation or damages being available to, or claimed by, the applicant under a statutory provision. Therefore, the decision in accordance with the stated provision in the Constitution should only be a "minded to" decision and would be brought back to the next relevant Planning Committee so further advice could be given on the proposed reasons and legal implications.

Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That consideration of this item be deferred, with Members minded to refuse the application for the following reasons:

- The proposal would be contrary to Core Strategy policies CS6, CS8, CS17, CS20 in that the significant harm caused by the development would have a detrimental environmental impact, including disturbance by noise, light, low-frequency noise and vibration, loss of public amenity in terms of landscape, potential for pollution by virtue of the close proximity of the access to the lagoon, ecological issues, poor economic return and risk of groundwater pollution.

84 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 pm on Tuesday, 18 November 2014 in the Shrewsbury Room, Shirehall, Shrewsbury.

Signed (Chairman)

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Date:

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