



Date: Friday, 24 October 2014

Time: 2.30 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

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NORTH PLANNING COMMITTEE

TO FOLLOW REPORT (S)

5 Date of the Next Meeting (Pages 1 - 6)

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 18th November 2014, in the Shrewsbury Room, Shirehall, Shrewsbury.

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**NORTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS**

Date: 24th October 2014

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
4	14/02730/MAW	Planning Officer

Section 6.12 of the Committee Report should be replaced with the following, in order to provide additional clarification on the special regard that needs to be given to the desirability of preserving the setting of Listed Buildings:

Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

Listed Buildings in the area are as set out in section 2 above, the nearest being approximately 515 metres from the site. Direct views of the proposed development from Listed Buildings in the area would be restricted due to topography and existing vegetation in the area. Whilst the upper parts of the rig may be visible from Listed Buildings in the area, this would be seen from some distance and any impact upon the setting of these Listed Buildings would only occur for the temporary duration of the operations and in my view would constitute less than substantial harm. It is also noted that the landscape context includes the nearby pylons. In considering this less than substantial harm and weighing this harm against the public benefits of the proposal, as set out in para. 134 of the NPPF, regard has been had to the requirements under Section 66 of the above Act, and on balance and having attributed considerable importance and weight to the harm it is not considered that the impacts of the proposal on the setting of any Listed Buildings in the area would be sufficient to justify the refusal of the application. The Historic Environment Officer has confirmed that there are no comments to make in respect of archaeological matters.

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The Committee Report sets out in sections 6.9.7 and 6.9.8 that some objections to the proposal have raised concern regarding the proximity of the proposed access track to a slurry lagoon and the risk of pollution from slurry spillage if the lagoon were to fail. Section 6.9.8 confirms that no concerns have been raised regarding this matter by any of the pollution control authorities.

During a telephone conversation between your Planning Officer and the Environment Agency's Planning Specialist on 21st October 2014, the Environment Agency confirmed that they are aware of the slurry lagoon at the site, and consider that the risk of damage to the walls of the lagoon by vehicles accessing the site is low risk. The Environment Agency does not intend to make any further comments in respect of this matter, and no updates are required to its consultation response.

Item No.	Application No.	Originator:
4	14/02730/MAW	Objector

Email sent to Members of the North Planning Committee on 14th October 2014:

- local interest in this application has been huge, vast majority have been objections
- first application of its kind in Shropshire since the general public actually started to understand the process of coal bed methane extraction, and therefore is a "test case"
- issue of precedent for future applications if this one succeeds
- relying on Members of the Planning Committee to oppose it on our behalf, and on behalf of the whole of Shropshire
- house has a direct line of sight to the proposed temporary borehole and associated Infrastructure
- Light pollution – will see the light emitted from it from our property, will cause sleep disruption
- Noise pollution – due to prevailing winds, noises will be carried towards our house; application noise report excludes our property from the noise assessment even though it is closer than others included
- Air quality – dust blow towards our house from dust creation during soil stripping operations, site access construction and site restoration; vehicle emissions from accessing the site and from the rig
- Water – matting system will affect the natural absorption of rain water and produce areas of run-off, may result in potentially contaminated water from the drill site entering local water courses and causing harm to flora, fauna, wildlife, farm animals and ultimately humans. Drilling may lead to contamination of aquifer
- Visual impact from drilling rig and industrial machinery
- Traffic – poor visibility due to dip on B5068; traffic hazards from slow moving vehicles
- Health – additional stress, 24/7 activity will ruin tranquillity, impact on physical and mental health

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Letter to Members of the North Planning Committee 16th October 2014:

- Live just 1km from the site, will cause severe noise nuisance, light nuisance, traffic nuisance and anxiety about harmful emissions and the possibility of subsidence
- Precedent – previous approval is not a precedent due to omissions in neighbour notification, subjective and unquantified statements and inaccuracies in the 2010 application
- Noise will be above WHO guidelines; Council should take baseline readings before the development starts and validate Dart's noise calculations
- Light pollution, due to unimpeded view of the site at bedroom level
- Traffic – B5068 junction is not a "safe junction" due to poor visibility; main access to Curteis Ltd and its 90 employees, as well as churchgoers, walkers, cyclists, and animal movements including cows and horses
- many accidents within a mile of the junction including fatalities and two serious accidents
- Emissions of dust and harmful gases, direct and through leakage
- Risk of water and aquifer pollution by chemicals and gases; spillage of slurry pond from vibrations from the site machinery and HGVs
- Subsidence – any disturbance of groundwater is likely to exacerbate this
- Impact on Listed Buildings
- Proximity of old mine workings; need to take "precautionary principle"
- Contrary to planning policies including Core Strategy Policies CS5 & CS6, Minerals Plan Policy M4 and Policy MD17(1i) of Draft SAMDev
- Agriculture: proximity of organic farms; milk production will decrease; adverse effect on financial viability of local farms
- Economy/Tourism – will reduce tourism appeal and change landscape character; adverse effect on local economy; loss of jobs; business relocation
- Sustainability – drilling for gas is contrary to Core Strategy Strategic Objective 9 to promote low carbon

- Protected species – query whether ecology report is valid as access not obtained to the whole site; impact on water voles not properly investigated; impact on great crested newts; impact of badgers on safety of drilling operation
- Regulation – query whether there would be sufficient independent regulation

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Sent to Members of the North Planning Committee 16th October 2014

- Very solid grounds for refusing planning permission where Government analysis indicates extraction would not be successful
- People of Dudleston are united in objecting to the application
- No national or local benefit to be derived from approving the application
- DECC analysis indicates that CBM extraction in this area would be unsuccessful; applicant has not provided any evidence to refute this
- Significant negative local impact
- Very poor design of the site
- Application states a clear zero jobs
- Involves huge quantities of diesel emissions
- Impact on rural economy from full scale gas extraction
- Damaging to the climate
- Unconventional gas has a low chance of delivering meaningful quantities of gas
- UK has enough renewable power available to meet all of its energy needs
- Shropshire not identified as an area with good CBM potential
- Much of £250K that would be spent would be outside of Shropshire
- Disadvantages include: 3 months of noise, pollution and disruption for local people; impact on the natural environment; stress and fear of the area being later turned into a gasfield; loss of tourism revenue; business relocation
- Arguments regarding national interest are irrelevant as DECC have published BGS data showing that extraction would not be successful
- Contrary to Core Strategy Strategic Objective 9 to promote a low carbon Shropshire
- Contrary to Core Strategy Policies CS20, Minerals Policies M”, M4 and M5
- Poor site design – 31 properties within 1km that will hear the operations very clearly
- Removal of 10 metres of hedgerow; access should be relocated
- Proximity to elevated unlined 2.5m gallon slurry lagoon – high environmental risk structure unlikely to withstand the passage of HGVs including a 51 ton drilling rig; access track should be re-routed
- Acoustic screening of earth bund and portacabins are in the direction of the fewest neighbours; need to be relocated to the south and east
- Site needs to be relocated away from wildlife sensitive areas to provide wildlife route around the back of the compound; insufficient gap between compound and hedgerows

Item No.	Application No.	Originator:
4	14/02730/MAW	SC Tree and Woodland Amenity Protection Officer

Recommends imposition of the following condition. Officers consider that this wording should replace the wording of the proposed condition 29 which is detailed in Appendix 1 of the Committee report.

In this condition ‘retained tree’ means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any ‘retained tree’. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without

the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

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4	14/02730/MAW	Objector
<ul style="list-style-type: none"> - local community is completely united in its opposition to the proposal - will produce no benefits at any level for the local community and has the potential to damage the economic prosperity of the community, the environment and the quality of life for local residents - final plea for local councillors to reflect on their responsibilities. You are directly elected by local people to represent local and wider public interests. Need to be very sure that your decision is determined by local and wider public interests. If, despite all the evidence and united local opposition, planning permission is granted, you will each need to be able to justify to the people who voted you in as councillors, where local and public interest lies in exposing our community to the damage that would result from this drilling work. 		
Item No.	Application No.	Originator:
4	14/02730/MAW	Objector
<ul style="list-style-type: none"> - 1) planning application talks about a night time limit of 45dB and yet the national guidelines specify the limit as being 42dB. This is significant given that a number of noise sensitive receptors are quoted as having values greater than 42dB. - 2) The guidelines make no exceptions when requiring consideration of the 10dB level compared to background noise. With background noise levels in a quiet rural setting being quoted by various websites as being roughly 30dB, this means that the operations may well exceed this requirement. - 3) Previously stated that temporary operations are exempt, however the guidelines make it clear that the exemption is for a maximum of 8 weeks in a given year and that it only permits additional noise during the daytime. The proposed operations will be noisy for 15 weeks and include 8 weeks of night time noise. - 4) One of the well informed planning objections raised questions about low frequency noise and the fact that it travels much further and causes more sleep disturbance than 		

other frequencies. The planning officer statement mentions that this was raised without providing any explanation or response on the matter. Research coupled with talking to those with first hand experience indicates that low frequencies are strongly in evidence at drilling sites. They will be significantly under-represented by the use of the A filter in the sound levels quoted. This graph is one of many available on the web:

- 5) The national guidelines provide for specific restrictions to be applied to tonal noise. The evidence above would suggest that it might be needed for this application. Request copy of any independent noise assessment that has been carried out.

Item No.	Application No.	Originator:
4	14/02730/MAW	SC Public Protection Officer

In relation to the above comments, the Public Protection Officer has made the following response:

1) A level of 45dB has been set as this is the level above which the World Health Organisation have noted possible impacts on health. As the predicted noise levels are likely to be marginally over 42dB (bearing in mind that a 1dB increase is hardly perceivable to the human ear) a level of 45dB has been set in order to be reasonable to the developer while affording suitable protection to residents. 45dB will be seen as an absolute limit over which the local planning authority will be informed and further action taken as required should a breach of the limit occur. It should be noted that the noise assessment does not take into consideration some factors which may further reduce noise and therefore is conservative. In practice it is likely that noise levels may be further reduced and approaching the 42dB level or lower in many locations.

2) A level of 10dB above background is noted in the guidance. I would agree that in this area background levels are likely to be low and an estimate of around 30dB seems realistic dependant on weather conditions (a fairly still night without rain is likely to be in the region of 30dB) which would place a limit of 40dB on the development after adding the 10dB figure. However, the guidance goes on to states that this may place unreasonable burdens on the developer. As the levels predicted as a worst case are predicted to be no more than 3.6dB above 40dB (background estimate plus 10dB) and this is predicted without considering any barrier effect on site e.g. cabins blocking direct line of site, any bunding put in place, natural screening by any geographical features) it is likely that noise levels will be close to the 40dB level in practice however I would consider it overly burdensome to condition this noise level.

3) The 8 week limit is intended for circumstances where the noise level could be significantly over the maximum level previously stated in the guidance (55dB). This is not predicted to be the case and therefore I do not think this is relevant to the development in question.

4) I agree that low frequency noise carries further. Certain individuals may be affected more than others. It is expected that the low frequency noise being generated is likely to be above ground noise associated with mechanical equipment. As a result if excessive noise is experienced during monitoring this can be addressed through discussions with the developer and screening on site. However, I do not anticipate that at the distances involved in this case that there are likely to be any issues on this front. Further to this the perception of low frequency noise is dependent upon the individual. Some may be affected while others may not. Conditions cannot be placed which take into consideration those particularly susceptible to a certain frequency of noise.

5) The graph shown is for fracking activities. The operation applied for is not fracking and drilling only. I do not consider that a tonal component is required in this circumstance however as stated above if any issues are picked up through monitoring on site, should this application be granted approval, any issues noted can be discussed with the developer and betterments sought where necessary and appropriate.

In conclusion it is likely that noise will be audible in the general area. By placing and enforcing a condition restricting noise to 45dB it is expected that this will afford suitable protection to nearby residents and protect their health and wellbeing.

Item No.	Application No.	Originator:
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4	14/02730/MAW	Objector
<p>Received 20th October 2014:</p> <p>My main concern is contamination of the secondary A aquifer groundwater due to the construction of the borehole.</p> <ul style="list-style-type: none"> - Supporting statement refers to 'generic well and site operation' is used, presume this is a misnomer and the document is solely concerned with the construction of an exploratory borehole - Risk of contamination by groundwater by gas mixing with the water; query whether a gas seal through the aquifer will be achievable, and how it can be proved that it has been achieved. - Polymer saturated water mixture may contaminate groundwater – query how this is prevented or mitigated - Possibility of bore collapsing through deposits; query what contingency plans in place - Likelihood of spark being generated, igniting methane; what contingency plans in place - Query how waste water will be dealt with - Query regarding how borehole is to be abandoned, and risk of casing breaking as a result of earthquake movement or long term settlement - Query contingency plans in place to cope with unexpected ground conditions i.e. toxic materials found, additional aquifers discovered, weak materials found in lower beds, etc. - Potential structural impact from settlement of the ground - Query whether an as built record of the abandoned borehole be given to the local authorities and will it be made available in the public domain. 		
Item No.	Application No.	Originator:
4	14/02730/MAW	Objector
<p>Received 21st October 2014:</p> <ul style="list-style-type: none"> - Impact on health and privacy - Traffic hazards in relation to use of disability scooter - Contrary to Policy MD17 of the Draft Site Allocations, and the Human Rights Act - Noise, dust, pollution and safety risk - Inappropriate for rural area 		
Item No.	Application No.	Originator:
4	14/02730/MAW	Objector
<p>Received 22nd October 2014:</p> <ul style="list-style-type: none"> - research from USA makes me fearful for future generations living in this area if drilling and or fracking goes ahead - concerned regarding range of threats to the area such as air, noise, landscape pollution, increased traffic on narrow rural roads and lanes and the drop in the value of properties - main worry is the yet to be fully investigated impact on health - attachment outlines recent specific research from USA about the proven significant adverse impact on newly born babies health and references other more general health impact research; long term studies (USA and Australia) are sparse but this covered three years between 2010 to 2013; other research suggests the most vulnerable, the elderly and the very young are likely to be most at risk 		