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TRAFFORD
COUNCIL

AGENDA PAPERS FOR PLANNING DEVELOPMENT CONTROL COMMITTEE

Date: Thursday, 8 October 2015

Time: 6.30 pm

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester
M32 0TH**

AGENDA

ITEM

3. ADDITIONAL INFORMATION REPORT

To consider a report of the Deputy Chief Executive and Corporate Director Economic Growth, Environment and Infrastructure, tabled at the meeting.

3

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors Mrs. V. Ward (Chairman), D. Bunting (Vice-Chairman), Dr. K. Barclay, N. Evans, T. Fishwick, P. Gratrix, D. Hopps, E. Malik, D. O'Sullivan, Mrs J. Reilly, J. Smith, L. Walsh and M. Whetton

Further Information

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Agenda Item 3

PLANNING (DEVELOPMENT CONTROL) COMMITTEE – 8th October 2015

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chairman.

2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
81446	Land adj to M60 High Level Bridge & Davyhulme WWTW & to south of Trafford Soccer Dome, Urmston	Davyhulme East/ Davyhulme West	1	✓	✓
85452	Byfield & Lynwood, Green Walk, Bowdon, WA14 2SJ	Bowdon	50		✓
86132	Wastewater Detention Facility Fraser Place, Trafford Park	Gorse Hill	64		
86295	Community Centre, Shrewsbury Street, Old Trafford, M16 9AX	Clifford	71		

PART 1

Page 1 81446/RENEWAL/2013: Land adj to M60 High Level Bridge & Davyhulme WWTW & to south of Trafford Soccer Dome, Urmston

SPEAKER(S) AGAINST: David Fernandez-Arias
(Breathe Clean Air Group)

AND

**Ali Abbas
(Friends of Earth)**

**FOR: Mike Hopkins
(Agent)**

AND

**Peter Toon
(Applicant)**

RELEVANT PLANNING HISTORY

The following applications to be included:

80829/FULL/2013 – Construction of new vehicular access road to Davyhulme Waste Water Treatment Works and Barton Renewable Energy Plant form the Western Gateway Infrastructure Scheme.
Approved with conditions 30th June 2014

79608/VAR/2012 – Variation of condition 1 of H/71195 to allow continued use of temporary access into Davyhulme Waste Water Treatment Works until 30 November 2015.
Approved with conditions 29/01/2013

REPRESENTATIONS

Councillor Representation

Cllr Andrew Western has objected on the following grounds:

- Unconvinced that coal bed methane extraction and the linked practice of hydraulic fracturing are safe;
- Risk of significant environmental impact;
- The site is in an urbanized area that is already highly populated and is an unsuitable place for the proposed activity;
- Fear of impact on public health as expressed directly by Trafford residents;

Cllr Catherine Hynes has objected and raises the following concerns:

- Impact on health and safety of local residents;
- Depletion of local groundwater;
- Instability of nearby land due to drilling;
- Environmental harm to the surrounding area, including a high usage of water and a risk of water contamination, with reports that potentially dangerous levels of

radioactivity and salinity have been found in shale gas waste disposal sites and potential to contaminate water;

Neighbour Representation

An additional 6 letters of objection have been received. Additional concerns raised are summarized below together with more detailed comments that were received prior to the publication of the report. These are listed for clarity and where they raise material planning considerations they have been addressed in the main 'Observations' section of the report and/or the conditions listed in the 'Recommendation' section.

- Increased levels of NO₂ should be considered together with the cumulative impact from other nearby sources;
- The site is located within an Air Quality Management Area;
- The flare stack will be a distraction to drivers on the M60;
- The site may be contaminated and remediation must remove unacceptable risk to human health and make the site suitable for its intended use;
- The proposed development will cause noise and light pollution and vibration;
- Has permission been obtained from the Coal Authority?
- Has the applicant got a Radioactive Substance Permit?
- What assurances are there that fracking or cavitation will not be carried out;
- The main risks of CBM are heavy faulting, low seam permeability, variable or low gas content, unpredictable gas pressure, water disposal at surface, minor aquifers within coal seams, uncertainty related to mapping; amount of seam gas content, requirement of permission from landowners for horizontal drilling, requirement for baseline drilling,
- No clear community benefits and industry employment is expected to be regional not local;
- Applicant required to contact Manchester Fire & Rescue regarding site safety and access;
- Profit to the landowners with no benefit to HM Treasury or Trafford Council;
- Risk of explosion from storage tanks, road tankers and gas leaks;
- Disruption caused by construction of pipeline;
- Proximity of the development to schools and recreational facilities;
- Implications of poor air quality are asthma, COPD, heart attacks, strokes, cancer, autism, Alzheimer's disease and premature death;
- Preference for the Government to invest in solar, wind, tidal, wave and hydro electricity production;
- Need for more air quality monitoring stations in the borough;
- Trafford Council should be resisting polluting processes.

A further letter has been received from Friends of the Earth raising the following concerns: -

1. Environmental Impact Assessment (EIA)
If the well is likely to produce more than 500,000 cubic metre of gas per day, EIA would be mandatory. No estimate of the volume of gas expected to be produced is set out in the Committee report.

There is considerable uncertainty in the report regarding the scope and impact of the proposed activities e.g. the reference to “further drilling”. It is well established in case law that insufficient information may fundamentally undermine the effectiveness of screening for EIA.

2. Climate Change

The applicant has removed the proposal for CHP, which is contrary to the Council’s policy, SPD1, Climate Change.

There is no certainty that CBM will displace imported gas. There is no comparison of the proposed fossil fuel (coalbed methane) extraction to renewable energy or other more sustainable forms of gas (e.g. biogas). It is also unclear whether the carbon emissions assessment includes the contribution from venting and flaring.

3. Inadequate Information

The Health and Safety Executive notes that “there is little in the way of information to show compliance with UK legislation for Health and Safety for the design and construction of a borehole”.

Borehole design and construction is fundamental to the mitigation of many environmental impacts. It is therefore very important for the Council to be satisfied that the borehole will be designed and constructed to comply with legislation before granting planning permission.

It is not clear that the Council knows what chemicals will be used in the drilling process nor whether they will be hazardous.

Paragraph 52 of the officer’s report suggests that the control of the site is solely the responsibility of the Environment Agency (EA) rather than through the attachment of planning conditions.

In terms of contamination, there is no condition requiring an impermeable membrane and bunding to protect the surface from spillage.

There is no evidence in the report to substantiate the claim that the development will make a substantial input into the local economy.

4. Groundwater

Despite the fact that the borehole passes through a principal aquifer, the hydrology of the site and the likely impacts on groundwater are not addressed.

No application for a groundwater permit has been submitted to the EA. The assumption in the report that other regulatory processes will ensure impacts on groundwater are managed is therefore premature.

5. Venting and Flaring

The report also relies unduly on other regulatory processes in respect of venting and flaring. It is not clear that the applicant has provided any detailed assessment of this aspect of the proposals and therefore that the Council can conclude that this is likely to comply with requirements.

6. Lack of Conditions

There is no condition to control noise, which is likely to be a significant impact, or drill depth bearing in mind that at Barton Moss drilling took place down to the shale level.

7. Air Quality

The report concludes that impacts on air quality will be negligible but the EU Air Quality Directive sets out a duty to ensure that emissions are met “throughout their zones”. The judgement of the Supreme Court in the case of R (on the application of Client Earth) v Secretary of State for the Environment, Food and Rural Affairs (April 2015) held that exceedances of emissions limits must be reversed “as shortly as possible”. It is not clear how the development will comply with this.

APPLICANT’S SUBMISSION

Replace the first sentence with “On 15th September 2010...”

OBSERVATIONS

Air Quality

Paragraph 40 – the relevant condition number is now 25 and not 27 as written.

Whilst objectors have expressed concern regarding impact on air quality as a result of the development, the only relevant pollutant in relation to air quality is nitrogen dioxide and in relation to this application, it is from the combustion of methane on the site.

In the original air quality assessment provided, submitted to the Council in September 2013; the worst possible scenario using gas generators, resulted in a 0.53 ug/m³ contribution to background levels of nitrogen dioxide at the nearest sensitive receptor. This contribution was included within the recent Davyhulme Air Quality Study commissioned by the Council; which concluded that Nitrogen Dioxide will be higher in 2016 than in 2012, due to an increase in road traffic emissions, which outweigh a reduction in industrial point source contributions.

Since this application was received in September 2013, discussions have taken place with the applicant to seek significant reductions in the emissions of nitrogen dioxide from the source. The applicant has proposed the installation of catalytic convertors to the gas generators, which will result in the worst case the nitrogen dioxide contribution being reduced to 0.07ug m³ at the nearest sensitive receptor. This reduction in the contribution to background levels of nitrogen dioxide is welcomed, and can be described in terms of the 2015 Institute of Air Quality Management document: Planning for Air Quality as negligible. The emissions improvement is considered satisfactory in addressing the air quality concerns; although a strict condition which requires verification of the effectiveness of the catalytic convertors is recommended.

Risk of Contamination to Land

The following to be added to the end of paragraph 61:

“It is understood that there may be contamination on site. In accordance with normal procedures a condition is recommended (no. 28) to ensure that the applicant addresses the risks to the environment and human health.”

Climate Change

Delete final sentence of paragraph 87.

Friends of the Earth Late Representation

1. Environmental Impact Assessment (EIA)

Gas Production: The applicant has confirmed that the production of gas will be well below the threshold for Schedule 1 EIA development. IGas estimate that production will be approximately 15,000 cubic metres of gas per day during this period.

Further Drilling: Further drilling is only likely to be required for maintenance work on existing boreholes. Condition 23 seeks to restrict any drilling after the initial appraisal and extraction drilling phase other than for the servicing and maintenance of the vertical and lateral boreholes and wells or in cases of emergency. A time limit of a period of 14 days is stipulated for such operations.

Truck Movements: Paragraph 111 of the report indicates the number of truck movements likely during the appraisal drilling and extraction drilling phase. Impacts from traffic movements would be limited and would not generate the need for EIA.

2. Climate Change

National and local planning policy (including Trafford’s Core Strategy) seeks to ensure that development contributes to mitigating climate change. Planning policy also recognizes the importance of extracting mineral resources, including unconventional hydrocarbons. These issues are addressed in the Officer report. Whilst the applicant has removed reference to the provision of a CHP unit from the description of the development, no provision was made for this in the application last time. As this is an application for an extension of the time limit for the implementation of the planning permission, the description of development has been amended to reflect the previous approval.

It is acknowledged that the applicants’ climate change report compares the proposal to the extraction of other fossil fuels and not renewable energy. The applicants’ climate change report concludes that the development proposed would have similar GHG emissions to conventional gas and would have lower emissions than alternative sources such as LNG or non-European piped gas. Given it is clear that the Government’s energy policy recognises that energy generation should come from a variety of sources, and there will be a continued need for gas over the next decades in the move towards a low carbon future, it seems reasonable that this need is met from an indigenous source rather than importing the same amount of gas (the direct alternative), which would result in an overall greater GHG cost. The applicant’s Climate change report did include emissions from venting and flaring.

3. Inadequate Information

Borehole design and construction: The other regulators (Environment Agency; DECC; HSE) are responsible for the safe drilling and operation of the borehole. None of the Regulators have raised any objections to the grant of planning permission. They have indicated that matters that fall within their remit will be dealt with appropriately. It is entirely appropriate for the LPA to rely upon this position.

Chemicals: The process and the make-up of drilling fluids are regulated by the Environment Agency. Typical drilling fluids are referred to in paragraph 85 of the Officer report.

Conditions: There are 32 conditions attached to the Officer recommendation some of which will support aspects of the development that are the province of both the Environment Agency and the Minerals Planning Authority.

Contamination to land: It is considered that condition 14 (as amended below) will adequately cover the risk of contamination on site.

Local Economy: The claim referred to in the report is that of the applicant, who estimates from experience on other drilled sites that during the key phases of site construction and drilling that circa £1 million could be put into the local economy through local contracts, services and hotels etc. Paragraph 144 of the NPPF makes it clear that great weight should be given to the economic benefits of minerals extraction.

It is considered that adequate information has been submitted in respect of all of the above points to enable the application to be determined.

4. Groundwater

It is clear that the Environment Agency is the principal Regulator in this respect. The Environment Agency have recommended a planning condition to ensure that the borehole is drilled in such a way as to prevent the transfer of fluids between different geological formations and to prevent uncontrolled discharge of groundwater to surface. They acknowledge that the site lies above the Sherwood Sandstone principal aquifer.

The E.A. has confirmed that the issues within their remit will be adequately addressed. It is not considered that it would be premature to grant planning permission in this respect, nor is it considered that a decision would be vulnerable to successful challenge.

5. Venting and Flaring

DECC is responsible for issuing permission for venting and flaring. It is in the applicant's own interest to limit such activities as they will not want to waste any gas produced. DECC's policy is to ensure that any venting of gas is reduced to the technical minimum. It is considered that it is appropriate to rely on DECC in this regard.

6. Lack of conditions

A noise assessment and addendum was submitted with the application and assessed by Council officers. It is not considered that noise or vibration will result in any problems which would warrant the imposition of a condition given the nature of the proposal and the location of the site. This issue is addressed at paragraphs 37 – 39 of the Officers report.

The issue of restricting the drill depth has been considered and the points raised by the objectors are noted but it is not considered appropriate to condition this aspect of the proposal as the issue of the drill depth is not considered to raise any further issues which would not be covered by other regulators. The applicant does not know the exact depth of the coal seam and the application does not seek to fracture the rock and in this respect it is considered that the imposition of a condition to control it would be unreasonable.

7. Air Quality

The Officer report covers the impact on air quality in detail. It is not considered that it would be reasonable to consider refusing the planning application on this basis.

RECOMMENDATION

Condition 14 to be amended to include the text shown in bold:

“Prior to the commencement of development, a scheme to prevent pollution of any watercourse, groundwater or land (including details of storage facilities for water arising from the operations on site **and other waste materials...**”

The following additional conditions are recommended:

30. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including details of how the scheme shall be maintained and managed after completion. The approved scheme shall be constructed and completed in accordance with the approved plans and retained as such thereafter.

Reason: To prevent the risk of flooding, having regard to Policies L5 and W3 of the Trafford Core Strategy.

31. Drilling operations shall be limited to a maximum of 50 days in total (appraisal and extraction phases) except in the case of delays due to unforeseen circumstances in which case the applicant shall not extend the drilling operations unless it has sought and obtained prior written agreement from the Local Planning Authority.

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