

**FFOS-Y-FRAN LIAISON COMMITTEE
MEETING No. 015
27 January 2009**

**Civic Centre, Merthyr Tydfil
DRAFT NOTES FOR APPROVAL**

ATTENDEES:

Appointed Councillor Members	Office	Ward	Present
Cllr Julian Amos	Chair	Dowlais	YES
Cllr Tony Rogers		Dowlais	-
Cllr Amy Kitcher	Deputy Chair	Town	YES
Cllr Robert Griffin		Town	YES
Cllr Derek Games		Plymouth	YES
Cllr Brent Carter		Plymouth	YES
Cllr Leighton Smart		Bedlinog	-
Substitute Councillor Members			
Cllr Ray Thomas		Dowlais	-
Cllr Phil Williams		Dowlais	-
Cllr Gareth Lewis		Town	-
Cllr Kurt Morgan		Town	-
Cllr Kevin O'Connor		Plymouth	-
Cllr Gareth Jones		Bedlinog	YES
Caerphilly CBC			
Cllr David Hardacre		Caerphilly	YES
MTCBC Officers			
Mr Norman Davies	Head of Planning		YES
Mr Dave Dier	Head of Public Health		YES
Ms Zoe Pieris	Principle Environmental Health Officer		-
Environment Agency			
Mr Dave Griffiths			YES
Ms Laura Owen			YES
Mr John Harrison			-

Resident Members			
Mrs Alyson Austin		Bradley Gardens	YES
Mrs Mary Bradley		Fochriw	-
Mrs Jane Flower		Japonica	-
Mr Lyn Humphries		Dowlais	-
Mr Phillip Murphy		Caerharris	-
Mr Alan Rees		Caedraw	YES
Mr Bill White		Dowlais	YES
Mr Ron Yandle		Mount View	YES
Miller Argent			
James T. Poyner	Director		YES
Stephen Tillman	Director		-
Robert Jones	Operations Manager		YES
Bob Edwards	DP Manager		-
Kylie Jones	Environmental Liaison Officer		YES
Susan Allen	Secretary		YES
Elizabeth Verrinder	Archaeologist		YES
Gwilym Llewellyn	Deputy DP Manager		YES
Invited Guests			
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Cllr Gareth Jones Bedlinog Ward would be attending future meetings. He asked if James Poyner had time could he re-run the presentation. James Poyner said he would be delighted for Cllr Jones to come to the site for the presentation and a site tour whilst he was there.

1.00 Apologies

Apologies were received from: Phil Murphy, Leighton Smart, Zoe Pieris, Mary Bradley, John Harrison, Jane Flower, Lyn Humphries,

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	Stephen Tillman, Bob Edwards. Cllr Rogers	
2.00	<u>Declaration of Interest</u>	
2.01	Cllr. Amos asked if any member had a declaration of interest to make. Everyone present relied in the negative.	
2.02	This response prompted Mr James Poyner to ask Mrs Alyson Austin to confirm that she had nothing to declare, which she duly did.	
2.03	Mr Poyner said he was very surprised and referred to articles that had been published in the South Wales Echo and the Western Mail newspapers on the 23 rd January 2009, wherein it was reported that the group "Residents Against Ffos-y-fran", of which Mrs Austin is Treasurer, had through its solicitor, Paul Stookes, called upon the European Parliament to assist them in their efforts to close down the Land Reclamation Scheme.	
2.04	Mr Poyner went on to explain that as Miller Argent had not received any communication regarding this action they had, through their lawyers, written to Mr Stookes asking for copy correspondence sent to the European Parliament. Mr Poyner reported that Mr Stookes had responded enclosing a copy of his petition to the European Parliament. Even more surprising was the discovery that the petition was dated 18 th April 2008 and its existence was only now being made public.	
2.05	Mrs Austin claimed she was totally unaware of the issue and could not comment. Mr Poyner expressed concern saying that surely as an officer of the group she would have known and that this was exactly the type of issue that should be declared at the meeting.	
2.06	Cllr. Griffin reminded the meeting about his statement at a previous meeting where he explained that Liaison Committee members are not bound by the same rules as Councillors regarding declarations of interests and in fact that ordinary committee members are not bound by any rule in this context.	
2.07	Cllr. Amos agreed saying that it was entirely down to the individual members whether they declared an interest or not and that as Chairperson he had no authority to take the	

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	matter further and asked that the meeting move on.	
2.08	Mr Poyner accepted the position of the Chairperson but stated that he wanted the committee as a whole to be aware of the matter because of its relevance.	
2.09	Cllr. Games expressed disappointment at this latest development and suggested that Mr Gareth Chapman MTCBC's Deputy Chief Executive and Director of Customer Corporate Services should be copied in on the correspondence	
3.00	<u>Minutes of the Last Meeting</u>	
3.01	Passed as a true account.	
4.00	<u>Matters Arising</u>	
5.08	Should read agreed parameters within discharge consent.	SA
5.16	Zoe Pieris disagreed with this point and asked that the following be inserted. Zoe Pieris explained that the methodology followed to establish a Statutory Nuisance was different to that used to check compliance with the planning conditions. She also explained that the noise meter at Mount View measured all ambient noise. It could not distinguish between the traffic on the A465 and the dumper trucks or excavators operating on the site. That she had visited Mount view and taken noise measurements herself and could distinguish between the traffic noise and excavator noise by using the human ear as the sound level meter was unable to distinguish the difference..	SA
9.01	This point should read 80% of Caerphilly and 20% in Merthyr Tydfil	SA
5.14	Norman Davies had prepared a brief note but this was to be dealt with under other business	

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5.00 Reports

Miller Argent – Site Report

- 5.01 Mr Robert Jones discussed his report which had circulated to all committee members ahead of the meeting.
- 5.02 It was reported that labour figures stood at 222, 80% of which lived within 15km of the site. The labour figures were slightly down due to sub contractor's work coming to an end.
- 5.03 The removal of the Hoover tip, which commenced April 2008 is now complete and Vertase Ltd will be off site by the end of January 2009.
- 5.04 The workshop was now in operation although the wheel wash was not yet completed.
- 5.04 Site security fencing was now complete.
- 5.05 Alan Rees asked, just out of interest, if coal production was a record amount, Robert Jones said it was far from record, as programme output was down so although it may appear a record the weather had affected production. James Poyner said that had he brought his lap top he could have shown the figures.

Miller Argent – Environment Report

- 5.06 Kylie Jones reported that there had been 7 noise complaints and 1 last night. Number of individuals complaining was 4.
- 5.07 A noise barrier had been fitted for testing to the excavator and initial results appear to be positive, but further improvements to the design were still taking place. Further screen should be ready for fitting at the end of February 2009.
- 5.08 There had been no dust exceedences recorded.
- 5.09 Water sampling for Ffos-y-fran were all within consent, although there had been one issue with the Disposal

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	Point which lies outside the Land Reclamation Scheme.	
5.10	A question was asked whether the TEOM data had been placed on the 'Wales Air Quality' internet site yet. It was replied that it had not yet been added due to communication problems but historic data was in the process of being added.	
5.11	Alyson Austin asked about the pm 2.5 results on the Teom .	

Environment Agency

- 5.12 No complaints had been received or correspondence. There had been a site inspection on 18th December 2008.
- 5.13 Vertase report had been approved.
- 5.14 There had been one failure in D.P. where a PH of 3.3 was Recorded.
- 5.15 New discharge consented points are to come on line for Fros-y-fran in March.

MTCBC Environmental Health Department

- 5.16 Fewer complaints had been received no dust complaints only 1 noise.

Residents interested in what officers were doing, although noise was loud and clearly audible there was no breach of legal limit and no statutory nuisance taking place. This needs to be monitored under weather and time conditions e.g. summer as apposed to Winter months.

Cold weather people don't use their gardens.

There are 170 houses in Bradley Gardens and the question was asked if the complaints came from the houses in direct line to the site. It was reported that not enough complaints were received to estimate the area,

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	<p>but it appeared that the main complaints came from the middle of Bradley Gardens, this may be because of the position of some of houses which are more exposed.</p> <p>It was suggested that for record purposes maybe it would be a good idea to produce a complaints map, showing all noise complaints for the last 6 months. MTCBC and Miller Argent agreed this would be a good idea.</p>	
5.18	<p>Amy Kitcher said, that people should not be criticised for using the emergency number as it was there to be use. James Poyner said that Miller Argent had never criticised local residents for using the number.</p>	
5.19	<p>Bob Griffin said that he was concerned that people he had spoken to said they didn't complain because they didn't feel anything would be done and when they had complained 2-3 times nothing happened.</p>	
6.00	<u>Residents Reports/Concerns</u>	
6.01	<p>Alyson Austin said that in all fairness the site had been very good but in the last two days it had become very noisy, to which Robert Jones said that was unusual as there had been little of the machinery working over the last two days due to the fog and bad weather conditions. Robert Jones also said that both he and Kylie Jones had called at Bradley Gardens in the evening and could not hear any noise.</p> <p>Alyson Austin also said that people from Dowlais and Penydarren had been complaining to her and she had given them Miller Argents telephone number.</p>	
6.02	<p>Ron Yandle produced some photos and handed them around. They had been taken in Mountain View, showing dust on cars and window sills, there was also a photo of a machine with diesel fumes coming out of the top. A video had also been taken but the committee agreed that at this present time there was no time for it to be shown.</p>	

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6.03	<p>The question was asked why didn't anyone ring Miller Argent. The answer was that the residents felt it was a waste of time as they felt "money talks" the Chair asked for clarification on this remark. It was reported that large number of jobs brought to the area were of more importance than people's concerns.</p>	
6.04	<p>James Poyner said that he took exception to this remark and had responded to all complaints and time and time again production had been stopped at considerable cost to the Company. He also said Miller Argent take all complaints very seriously.</p> <p>It was asked if reports and notes could not be circulated to all residents as they needed to be reassured. The committee said that it was up to the representatives to pass on the information.</p>	
6.05	<p>Mr Yandle raised the following issue, when would the current box cut be refilled. James Poyner said that this would be subject to weather conditions, but it would be backfilled once the box cut had reached its maximum void and by year 6, restoration of this area should be complete. Mr Yandle said he was concerned that waste would be used to fill the hole and would cause a lot of dust. Robert Jones said that this would be done in a controlled fashion and in the south West area a baffle would be put up. It was requested that this item be put in the notes and logged. There were two ways to back fill, one from a high platform, which would create dust and the second, block tipping which would mean driving to the bottom of void and tipping – again this would be done at an extra expense to Miller Argent but it would help elevate dust problems. This back filling will be progressive as will the restoration work.</p>	
6.06	<p>Mr Yandle produced an article that had appeared in the Western Mail concerning Covanta and asked if Millar Argent were involved in this venture.</p> <p>Norman Davies said that there was no current planning application at the moment but there maybe one by the end of the year which would involve extensive consultation correspondence with the authority. And members of the public would be able to see the local</p>	

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development plan.

Mr Yandle also said that the rail haulage must be close to or land owed by Miller Argent. Miller Argent said it was nothing to do with them and it was not a joint venture, although Miller Argent if asked would give their cooperation but once again said that this venture was nothing to do with Land Reclamation Scheme.

It was decided that this was not a topic for the Liaison Committee and that it was an alleged site

7.00 Elected Members Report

Dowlais Ward

7.01 No Complaints

Town Ward

7.02 No Complaints. Amy Kitcher asked about the lights on site she said it was not a complaint but an observation. Robert Jones said that new lights had been put on site and these were higher than the previous ones also they gave more of a glow hence less light pollution, the question was asked about lights being left on at night. Robert Jones said that this was a safety issue and had to be left on for the pumps men but would ask them to turn them off when they are no longer required.

7.03 Dave Dier said that there was a statutory nuisance for lights, it was reported that if it was a glow then that was fine but if direction of lights were disturbing people then Environmental Health would investigate.

Plymouth Ward

7.04 No Complaints

Bedlinog and Treharris

7.05 The question was asked who was responsible for taken away fallen trees and also if there was a fund for double glazing to help with train noise. Robert Jones said that after the flood conditions in September 2008, which were

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	<p>exceptional, Miller Argent cleared some trees which had blocked the river at a cost to Miller Argent and not local farmers or the council.</p> <p>After discussions with Bedlinog Angling club, gabion baskets were constructed by Miller Argent and placed along the river bank in front of the fish ponds at Bedlinog to protect them during future flood conditions..</p> <p>As to the point of compensation for double glazing there wasn't a direct fund from Miller Argent. Bob Griffin also commented that to get compensation people have to claim at the time the railway was constructed which was some years ago. Compensation only applies to public works schemes. People are aware of the train and noise when purchasing their property.</p>	

8.00 Correspondence Received

- 8.01 James Poyner said that an application had been made to the European Parliament.

9.00 Any Other Business

- 9.01 Norman Davies presented a report that he had been asked to submit to the committee on noise monitoring. He pointed out that planning consent was subject to 60 separate planning conditions.
- The report was prepared in response to a request by the Liaison Committee.
 - The conditions are monitored by the Council.
 - Condition 17 relates to noise and, in view of the need for specialist equipment and particular expertise, the monitoring of this condition is undertaken in close cooperation with the
 - officers of the Public Health Division.
 - The Public health Division undertakes its own monitoring to assess whether there are statutory breaches of control relating to noise levels.
 - The Town Planning Division has discretionary powers to act against unauthorized development, including breaches of planning conditions.

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9.02	<p>James Poyner said that there had been many discussion to get a baseline and agree with the council methodology and that only 2 monitors would be used at any one time and would leap frog each other. Although report state 4 locations only 2 would be worked on at any one time.</p> <p>e.g. 1 = box cut</p> <p>2 = from cut</p> <p>3 = void end of coal</p> <p>4 = restoration</p> <p>The committee thanked Norman Davies for the explanation.</p>	
9.03	<p>James Poyner told the committee a 4th payment of £188,499.98 in royalties had been to the council.</p> <p>It was asked who monitored the fund, the committee was informed Huw O'Sullivan and it was up to the council to decide on where the money goes.</p>	
9.04	<p>It was reported that Miller Agent would be putting in an planning application to erect a fence along the A4060, this would be a visual fence as Miller Argent were aware that people driving can look into the operations and this could be a distraction and be a safety hazard. It was suggested that a viewing platform be erected.</p>	
9.05	<p>Ron Yandle asked about a letter sent from Stephen Tillman to Phil Murphy and asked for clarification, James Poyner said he could not comment on the letter has he never sent it, but he would contact Stephen Tillman.</p>	
9.06	<p>Alyson Austin said that she had just received two text messages from her husband (whilst at the Liaison Meeting) who said the noise was very loud in the back garden. Alyson Austin asked Miller Argent to comment – Robert Jones said how could he comment and discuss something at site when he was sitting at the meeting. Alyson Austin said no one knows if noise is in compliance.</p>	

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James Poyner said that he would like it noted that he didn't feel it was appropriate to send or receive text messages in the middle of the meeting and felt that Alyson Austin was out of order.

It was noted that at the moment the most sensitive area was Bradley Gardens and David Dier was asked if the Public Health Authority should monitor the situation. David Dier said that they didn't have the equipment to leave at Bradley Gardens but only able to place a monitor in a house as a temporary measure. It was suggested that the residents should put this point to the council. David Dier said that he felt as if he had been ambushed and would discuss this point at the next meeting.

10.00 Date of Next Meeting

- 10.1 The date of the next meeting is Thursday 26 February 2009. The meeting is to be held at the Civic Centre, Merthyr Tydfil and due to the dark evenings and to accommodate everyone would start at 6.30 p.m.
- 10.2 There being no further business the Cllr. Amos thanked everyone for their attendance and closed the meeting.

Appendices

- 1. Site Progress Report – Robert Jones
- 2. Environmental Report – Kylie Jones
- 3. Environment Agency's Report
- 4. Monitoring Report – Norman Davies

CONTACT NUMBERS

Miller Argent – Contact Details

Emergency Contact Number	0800 988 8444
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