

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 NOVEMBER 2013 at 9.30 A.M.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
Steven Carleschi  
Colin Chalmers  
Craig Martin  
John McLuckie  
Malcolm Nicol  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:**

Jamie Allan, Network Officer  
Ian Dryden, Development Manager  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Antonia Sobieraj, Committee Officer  
Russell Steedman, Network Co-ordinator  
Brent Vivian, Senior Planning Officer

**P101. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Alexander, Mahoney and Meiklejohn.

**P102. DECLARATIONS OF INTEREST**

Councillors Chalmers and Turner each declared a non financial interest in Item 7 (minute P107) by virtue of them having been signatories to the Community Charter which was promoted by the group, Concerned Communities of Falkirk, in consequence of which they recused themselves from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Carleschi declared a non financial interest in Item 7 (minute P107) by virtue of him having been a signatory to the said Community Charter and having also submitted an objection to the Directorate for Planning and Environmental Appeals in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor C Martin referred to his decision reached previously and intimated to the meeting of the Planning Committee on 25 June 2013 (minute P29) that he would not take part in further consideration of the application dealt with under Item 7 (minute P107), in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

### **P103. MINUTES**

#### **Decision**

- (a) The minute of the meeting of the Planning Committee held on 30 October 2013 was approved; and**
- (b) The minute of the meeting of the Planning Committee held On Site on 11 November 2013 was approved.**

### **P104. FORMATION OF A MULTI USE GAMES AREA COURT (MUGA COURT) AT DUNCAN STEWART PARK, HIGH STREET, BONNYBRIDGE FOR FALKIRK COUNCIL - P/13/0419/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 October 2013 (Paragraph P96 refers), Committee (a) gave further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the formation of a multi use games area court (MUGA Court) at Duncan Stewart Park, High Street, Bonnybridge.

With the consent of the meeting, a representative from the applicant, who was present as an observer at the meeting responded to Members questions.

Baillie Buchanan, seconded by Councillor Nicol, moved that the application be refused on the grounds that the proposal was contrary to Falkirk Council Local Plan Policy EQ5 'Design and Community Safety' and that the development proposal would not create a safe and secure environment nor benefit from a high level of natural surveillance. Baillie Buchanan suggested that the applicant should consider alternative locations for the MUGA Court.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that the application be continued to allow officers to explore alternative sites for the location of the pitch.

On a division, 5 Members voted for the motion and 3 for the amendment.

#### **Decision**

**The Committee agreed to refuse planning permission on the grounds that the proposal was considered to be contrary to Falkirk Council Local Plan**

**Policy EQ5 ‘Design and Community Safety’ and it was also not considered that the development proposal would create a safe and secure environment nor benefit from a high level of natural surveillance.**

**P105. THE FALKIRK COUNCIL (ELPHINSTONE CRESCENT, MAIN STREET AND MILLER PLACE, AIRTH) (PROHIBITION OF WAITING) ORDER 2013 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 October 2013 (Paragraph P93 refers), Committee (a) gave further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director of Development Services seeking a decision on the Falkirk Council (Elphinstone Crescent, Main Street and Miller Place, Airth) (Prohibition of Waiting) Order 2013 to implement waiting restrictions on the junctions outside Airth Primary School.

**Decision**

**The Committee agreed:-**

- (1) to continue consideration of the Order to receive further information from the Roads Service (Development Services) on the location of the dropped kerb on Elphinstone Crescent; and**
- (2) that a decision on the Order be taken at a Special meeting of the Planning Committee on 9 December 2013.**

**P106. THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURES) (SCOTLAND) REGULATIONS 2013 - NEIGHBOUR NOTIFICATION PROCEDURES FOR WIND TURBINE PROPOSALS**

The Committee considered a report by the Director of Development Services following a request by Members that the said Director contact the Scottish Government in writing regarding the neighbour notification procedures set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The report made reference to, and attached as an Appendix, the response received from the Directorate of Local Government and Communities.

**Decision**

**The Committee:-**

- (1) noted the report; and**
- (2) agreed that officers contact the Scottish Government requesting that the Council’s letter dated 5 June 2013 be presented to the**

**Scottish Parliament's Public Petitions Committee for consideration.**

Councillors Carleschi, Chalmers, Turner and C Martin left the meeting prior to consideration of the following item of business.

**P107. DEVELOPMENT FOR COAL BED METHANE PRODUCTION, INCLUDING DRILLING, WELL SITE ESTABLISHMENT AT 14 LOCATIONS, INTER-SITE CONNECTION SERVICES, SITE ACCESS TRACKS, A GAS DELIVERY AND WATER TREATMENT FACILITY, ANCILLARY FACILITIES, INFRASTRUCTURE AND ASSOCIATED WATER OUTFALL POINT AT LETHAM MOSS, FALKIRK FK2 8RT FOR DART ENERGY - P/13/0521/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission to expand an existing network of coal bed methane wells and associated infrastructure at Letham Moss, Falkirk. The purpose of the report was to (a) confirm the Council's position at the forthcoming Public Local Inquiry, and (b) to determine if certain technical matters could be agreed in advance of the Inquiry at the request of the DPEA.

The Convener agreed an adjournment at 10.30 a.m. prior to full consideration of this item of business to allow officers to examine the contents of a letter received that morning from the applicant's agent. The meeting reconvened at 10.55 a.m. with all Members present as per the sederunt, with the exception of Councillors Carleschi, Chalmers, Turner and C Martin.

Following clarification by the Director of Development Services, copies of the said letter were circulated to Members and the Convener agreed a further adjournment at 11.05 a.m. to allow Members to read the letter. The meeting reconvened at 10.55 a.m. with all Members present as per the sederunt, with the exception of Councillors Carleschi, Chalmers, Turner and C Martin.

**Decision**

**The Committee agreed:-**

- (1) the recommendation in Paragraph 52 of appendix 1 to the report considered at the Committee meeting on 25 June 2013 in relation to the above ground works element of the application;**
- (2) to authorise the Director of Development Services to conclude the content of the Joint Statement of Common Understanding given the terms of the report; and**
- (3) to instruct the Director of Development Services to advise the Directorate for Planning and Environmental Appeals (DPEA) that Falkirk Council considers that the absence of supporting information in relation to below ground works merits refusal of the**

planning application, being contrary to ENV 8 – General principles for Mineral Working of the Falkirk Council Structure Plan criterion (1) Falkirk Council Local Plan Policy EQ32 - General Criteria For Minerals Development - criteria (7) and (1) in that the applicant has failed to demonstrate there will be no significant adverse environmental impacts as a consequence of development as required by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.