

FALKIRK COUNCIL

Subject: SITE PREPARATION, THE DRILLING OF AN EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATION) TO REMOVE A CORE OF COAL FOR SAMPLING AND RESTORATION OF THE SITE FOLLOWING CESSATION OF DRILLING OPERATIONS AT LAND TO THE NORTH EAST OF GRANGEVIEW, FALKIRK, FOR DART ENERGY (EUROPE) LTD - P/14/0038/FUL

Meeting: PLANNING COMMITTEE

Date: 20 AUGUST 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Grangemouth

Councillor David Balfour
Councillor Allyson Black
Baillie Joan Paterson
Councillor Robert Spears

Community Council: Grangemouth (No Community Council)

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed site is an area of open countryside some 200 metres south of Brackenlees Road, near Skinflats. The site is part of a large field located in an open, low-lying agricultural area. A network of tracks allows access into the fields surrounding the site.
- 1.2 Newton Road and Brackenlees Road lie to the east of the property known as Thistlebank and form part of the National Cycle Route (NCR)76 and Braveheart Walk. The site is approximately 500 metres west from the mudflats forming the Skinflats nature reserve/SPA/Ramsar site – and the bank of the Firth of Forth.
- 1.3 The application proposal is to drill an exploration borehole and to remove a core of coal to surface for analysis, which would test the presence of gas within the coals, its permeability and cleat structure. There would be no attempt to dewater to produce gas from the borehole.
- 1.4 The exploration borehole would be drilled vertically down to the target coal seams, to core them and to retrieve the mineral core to the surface for further study.

- 1.5 The development boundary of the site covers an area of approximately 0.5 ha, which includes the existing access track. The development would comprise three phases - site preparation, drilling operations and abandonment.

Site Preparation

- Access to the site would be from Brackenlees Road, approximately 950 metres east of the A905 at the cross-roads north of Skinflats, near Howkerse. The existing agricultural track would be upgraded to allow for appropriate vehicle movement. The site would be surfaced with grasscrete type matting and a concrete well cellar would be constructed at the location where the borehole would be drilled.
- A gated access and perimeter fencing would be installed, along with internal facilities (including parking and cabins). 3.3 metre tall Peace Sound Barriers would be installed, if necessary, to protect the nearest residential receptors at Springfield Cottages and Thistlebank. Around the rest of the site, 2 metre security fencing would be installed with acoustic panels attached.

Drilling Operations

- Drilling operations are anticipated to take approximately 60 days with a maximum of 75 days, over periods of 24 hours. The site would be continually manned, with a tractor and bowser running twice daily to provide water. Fuel and equipment would be delivered approximately every 3 days. Staff would travel to the site by minibus.

Well Abandonments and Site Restoration

- The proposal is for a temporary exploration borehole and would be abandoned according to Department of Energy and Climate Change (DECC), Coal Authority and Health and Safety Executive (HSE) requirements. Steel casing of the drill hole would be cut to approximately 4 metres below ground level and the well cemented up to the top of the cut casing according to DECC regulations at the time of abandonment. Any access roads would also be restored, unless requested to be maintained as farm tracks by the landowner.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Allyson Black.

3. SITE HISTORY

- 3.1 There is no history of planning applications on this site. However, there is an extensive history of coal bed methane exploration in the general area, which is attached as Appendix 1 to this report.

4. CONSULTATIONS

- 4.1 Scottish Natural Heritage (SNH) advise that it is unlikely that the proposal would have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly. It is believed that the level of potential visual and noise impacts that the proposal might have on the site's qualifying interests would not be significant, given the distance from the SPA, existing landscape screening and the relatively low level of noise produced by the drilling. They advise that an appropriate assessment is therefore not required.
- 4.2 The Royal Society for the Protection of Birds (RSPB) advise that they are concerned that the proposal may cause disturbance to wintering birds and recommend works be restricted in timescale. In addition, the proposal may lead to more extensive development of the area and RSPB would like it noted that there is concern that this may lead to significant impacts on the Firth of Forth SPA.
- 4.3 The Scottish Environment Protection Agency advise that they have no objection.
- 4.4 Falkirk Council's Emergency Planning Unit notes the application but provides no comment.
- 4.5 Pipeline operators Ineos and Essar Oil (UK) Ltd do not object to the application.
- 4.6 Scottish Water have no objection to the application.
- 4.7 Falkirk Council's Environmental Health Unit have no objections subject to planning conditions being imposed to address potential noise nuisance and potential land contamination.
- 4.8 Falkirk Council's Roads and Design Unit advised that further details were required to mitigate the impact of the development traffic on Brackenlees Road and the A904. These details have been submitted, and no objection raised.

5. COMMUNITY COUNCIL

- 5.1 No Community Council active in this area (formerly covered by Grangemouth Community Council).

6. PUBLIC REPRESENTATION

- 6.1 Larbert, Stenhousemuir & Torwood Community Council advise that in light of the current Public Inquiry into Dart Energy's proposal for drilling, it is not appropriate that any further applications are considered for approval until the outcome of the Public Inquiry has been announced. The Community Council object to the application.
- 6.2 Three representations to the application have been made, two objecting to the proposals and one neither objecting to nor supporting the planning application. The points raised include:
 - The proposed site is too near the village of Skinflats;
 - No further application by Dart should be considered while the related applications are with the DPEA;

- Heavy goods vehicle movement past Thistlebank Cottage may cause structural damage to the property. In addition, the junction at Teindsyrd is entirely unsuitable for large vehicles turning in or out of the end of Brackenlees Road;
- Drainage infrastructure cannot handle any disruption or this will cause more flooding to an already hard to manage low lying area; and
- Noise and traffic are of concern.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.8 ‘General Principles for Mineral Working’ states:

- “1 *Proposals which pose an unacceptable risk to the amenity of communities or the local environment, which cannot be mitigated or eliminated by the use of planning conditions or agreements will not be supported. The Local Plan will include detailed guidance on constraints, and the benefits expected from mineral extraction.*
- 2 *Where information is available, mineral resources of economic significance will be protected from sterilisation arising from permanent development.*
- 3 *The Council will work with mineral operators through the Local Plan Process to establish future programmes of working and to identify preferred areas for mineral working. Preferred sites may also be defined within these areas. To assist this process, applications for mineral working should be accompanied by detailed information on mineral reserves in the area, local market areas and local mineral needs.”*

7a.2 It is considered that the proposed development would not result in any unacceptable risk to the amenity of communities or the local environment. The proposal seeks to remove a core coal sample and reinstate the site to agricultural use. There is no proposal to dewater the coal seam nor extract Coal Bed Methane.

7a.3 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.4 The PEDL license area covers rural and urban areas and, given the temporary nature of the proposal, a rural setting is not inappropriate to this form of development.

7a.5 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

(1) *Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*

- (a) *it will not adversely affect the integrity of the site, or;*
- (b) *there are no alternative solutions and there are imperative reasons of overriding national public interest.*

(2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*

(3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*

(4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.6 It is considered that the proposed development would not result in any unacceptable effects upon habitats or species.

Falkirk Council Local Plan

7a.7 Policy EQ32 - 'General Criteria for Minerals Development' states:

"There will be a general presumption against new or extended mineral workings which:

- (1) *would have a significant adverse impact on the amenity of a community or smaller groups of houses which cannot be mitigated by planning conditions/agreements;*
- (2) *would be visually intrusive from main transport corridors;*

- (3) *would result in the permanent loss of or damage to prime quality agricultural land which cannot be restored to its previous condition;*
- (4) *would have a significant adverse impact on the landscape of the area, with particular respect to Areas of Great Landscape Value and Green Belt, having regard to Policies EQ20 and EQ23;*
- (5) *would have a significant adverse impact on internationally or nationally designated areas of nature conservation value such as Ramsar sites, SPAs, SACs or SSSIs, on locally designated sites such as Wildlife Sites and SINCs, or on national and local priority habitats and species identified in the Falkirk Area Local Biodiversity Action Plan, having regard to Policies EQ24 and EQ25; or*
- (6) *would have a significant adverse impact on the character or setting of a Listed Building, Conservation Area, Antonine Wall, Scheduled Ancient Monument or site of archaeological or historic importance or site within the Inventory of Gardens and Designed Landscapes, having regard to Policies EQ12, EQ14, EQ16, EQ17 and EQ18; or*
- (7) *would have significant impact on the water environment.”*

- 7a.8 In terms of the amenity of a community or smaller group of houses, the site is located near the community of Skinflats but also has dispersed residential property nearby. It is considered that the main potential impacts to residential amenity would be from visual impact, noise and dust.
- 7a.9 It is considered that the visual impact from the proposals would be limited, given their temporary nature and the site being partially shielded by vegetation. It is accepted that the introduction of an industrial project, along with related vehicular activity, would have some visual disruption. However, the potential visual disruption is not considered so significant as to merit refusal of the application.
- 7a.10 In terms of noise, the drilling of the borehole would take place 24 hours per day for a maximum of 75 days. With the nearest dwelling some 350 metres from the site, measures to attenuate the noise - acoustic panels and acoustic screens - would be required. Monitoring of noise levels would also be available through planning condition.
- 7a.11 Dust control from the development of the site has been considered by the applicant and it is considered that the potential nuisance factor on this particular site is low.
- 7a.12 Light pollution from the site would be minimised through directional lighting and a proportion of natural shielding, including bunding and buildings.
- 7a.13 In terms of visual impact from main transport routes, visual access to the site would be limited, given the topography of the area. From Skinflats, the site would have a backdrop of other industrial uses in Grangemouth and Clackmannanshire.
- 7a.14 The site is not classed as Prime quality agricultural land, but would be restored to its previous use on completion of works.
- 7a.15 With regard to landscape impact, a landscape analysis has been conducted and it is considered that the proposal would not prejudice any landscape values in the long term.
- 7a.16 In considering designated areas of nature conservation, the adjacent Firth of Forth SSI is approximately 350 metres away. Scottish Natural Heritage have no objection to the application.

- 7a.17 Turning to impacts on national and local priority habitats and species, the application site is agricultural land with no features of nature conservation value. It is considered that there would be no impacts on any local priority habitats as a result of the proposals.
- 7a.18 With regard to cultural heritage designations, the nearest sensitive structures are of Scheduled Ancient Monument some 2 km away (Carron House, Forth and Clyde Canal) and Listed Buildings 900 metres away (Howkerse). Given the distances to these sites and the temporary nature of the proposal, no adverse impact on cultural heritage is envisaged.
- 7a.19 No adverse impacts on the water environment are predicted.
- 7a.20 Policy EQ33 - 'Cumulative Impact of Mineral Workings' states:

"Proposals for new or extended mineral workings will be assessed in terms of their cumulative impact where there are existing workings or unimplemented consents in the area."

- 7a.21 This policy requires that proposals for new or extended mineral working are assessed in terms of their cumulative impact on all settlements within 5 km where there are existing workings or unimplemented permissions in the area. Although considered in this assessment, the focus of this policy is on surface mining and other extractive industries rather than development of the nature and scale of the current proposal.

The proposed development would take place within a Petroleum Exploration and Development Licence (PEDL) area in which the applicant already has existing Coal Bed Methane (CBM) developments. None of the applicant's sites in the area are operational at present. In addition, a planning application is currently with the Scottish Ministers for determination at appeal. It should be noted that the nearest existing site (Airth 4/11) is over 2 km from the proposed site, with no direct line of sight due to intervening vegetation and building development. This site is not currently operational and assuming permission is granted for the development currently in appeal in the same timescale as this proposed exploration borehole, there would be no requirement to drill at Airth 4/11 concurrently with this site. A proposed outfall pipe to the Firth of Forth (though not strictly a "cumulative impact of mineral working") could be constructed approximately 1.5 km north of the site, assuming permission for the development at appeal is granted, but good construction practice, combined with distance and intervening vegetation would ensure these "construction" works do not cumulatively impact on the environment or amenity of individual receptors. There is no requirement to assess cumulative impacts of operation, as the current application is for a temporary exploration borehole, with no extraction of gas.

- 7a.22 Policy EQ34 - 'Benefits from Mineral Extraction' states:

"In considering proposals for new or extended mineral workings potential benefits accruing through development of the site will be taken into account in assessing any application. These include:

- (1) the removal of associated mineral deposits in one operation;*
- (2) avoiding the sterilisation of minerals by other development;*
- (3) the provision of local employment; and*
- (4) the removal of dereliction following working of the mineral and subsequent restoration and aftercare."*

7a.23 This application relates to the extraction of a test core of coal. The coal seams themselves will remain intact, so no minerals would be sterilised as a result of the operations. Indirect local employment would occur through the use of local contractors and suppliers to create and support the operation.

7a.24 Policy EQ35 'Information from Applicants' states:

"For all applications for mineral workings, the following information must be submitted at the time of making the application:

- (1) the need for the mineral should be justified;*
- (2) where coal is the mineral concerned, details of the type of coal to be extracted and its intended use;*
- (3) an estimate of the annual production and the total resources within the site;*
- (4) any other minerals which are present within the site and a clear indication if they are to be extracted, and if so, details of the tonnage, quality and intended use;*
- (5) details of reserves in surrounding land and interest in any likely future extensions to current applications and future adjacent sites.*
- (6) a fully developed method statement taking the following into account:*
 - drainage of site and adjoining land together with treatment of water and location of settlement ponds;*
 - timing and means of stripping and replacing topsoil and overburden, the location of these storage areas, and the location and design of any perimeter screen mounds;*
 - detailed phased plan showing progressive restoration and method of working;*
 - means of access to the site, including wheel cleaning/washing facilities and routes by which the mineral is to be taken from the site, including the average number of loads/day;*
 - where rail transport is not feasible arrangements to minimise the impact of traffic on local roads and communities;*
 - an assessment of the natural heritage impacts of the proposal, and corresponding measures to protect and supplement existing landscape and ecological features, including proposals for pre-planting on the periphery of the site;*
 - proposed hours of working and noise, dust and vibration control measures;*
 - nature and location of plant and buildings;*
 - existing and finished levels, and a fully detailed, phased and costed site restoration and aftercare scheme; and*
 - contingency measures, including detail of treatment proposals, to deal with any ferruginous outbreaks should they occur, post restoration."*

7a.25 The size and nature of the proposal dictates that the proposal need not be accompanied by an Environmental Impact Assessment. The coal core will be approximately 200 mm (8.5 inch) from between 1000 -1150m (3280 - 3772 feet).

7a.26 Policy EQ19 - 'Countryside' states:

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
 - they constitute appropriate infill development; or*
 - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
 - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
 - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.27 The development is considered appropriate within a countryside setting, provided matters relating to visual impact, noise, dust and traffic are addressed. The temporary nature of the proposal would also reduce long term concerns over its presence. While the geology of the area might influence specific site identification, the proposed location may be preferred compared to more urban settings, given the opportunity for landscape and visual mitigation.

7a.28 Policy EQ24 - 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*

- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7a.29 Scottish Natural Heritage advise that an Appropriate Assessment is required. It is concluded that the proposal will not result in any adverse effects upon priority habitats or species.

7a.30 Policy EQ22 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

7a.31 The proposal is of a small scale temporary nature and not considered to have a significant impact.

7a.32 Policy EQ27 - 'Watercourses' states:

"The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:

- (1) *There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) *Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) *There will be a general presumption against the culverting of watercourses."*

7a.33 No significant adverse impacts are predicted on water quality, aquatic and riparian ecosystems as a result of the proposals.

7a.34 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.35 SEPA does not object to the application and state that appropriate site management would prevent any increased risk of flooding or soil contamination.

7a.36 Policy EQ28 'The Coastal Zone' states:

"The Council will promote an integrated approach to the management of the coastal zone, and will support the provisions of the Forth Integrated Management Strategy. Development and other land management proposals within the coastal zone will be assessed in terms of:

- (1) Impacts on the amenity, ecology and water quality of the coastal environment (see Policies EQ 24 and EQ25);*
- (2) The requirement to safeguard the undeveloped coast, as defined on the Proposals Map, from further development unless it is proven that the development is essential, a coastal location is essential, and no suitable sites exist within the developed coast;*
- (3) Long-term flooding risk (see Policy ST12), and compatibility with existing coastal defence strategies, including the desirability of working with natural coastal processes where possible and the need to recognise the wider impacts where intervention is unavoidable; and*
- (4) Appropriate promotion of the recreational potential of the coastal zone, including the development of the Forth Foreshore Path and linked coastal access networks, providing it is compatible with Policy EQ24 and the protection of coastal habitats and species."*

7a.37 The proposed temporary exploration borehole does not conflict with the principles of this policy.

7a.38 Policy EQ29 - 'Outdoor Access' states:

- "(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*

- *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
- *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.39 No rights of way or core paths would be blocked as a result of the proposals and the traffic generation from the site is not considered significant to create an adverse impact on access users within the area. A Traffic Management Plan would be required to address these matters.

7a.40 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are national policy, the emerging Local Development Plan and points raised through comment.

National Policy

7b.2 National Planning Framework 3 was adopted in June 2014. Within this document, it is promoted that reserves of coal bed methane could contribute to energy supplies but will require careful planning to avoid negative environmental and community impacts from extraction activities.

7b.3 Scottish Planning Policy was revised in June 2014. Coal bed methane extraction is not precluded, but requires careful examination in terms of potential impacts.

Falkirk Local Development Plan (Proposed Plan)

7b.4 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.5 While still an emerging document, the Local Development Plan contains the following relevant policies: -

- Policy RW03 - 'Assessment of Mineral Proposals' states:

“1. Proposals for mineral workings and onshore oil and gas extraction will only be permitted where there is no significant adverse impact on the environment or local community. Proposals will be assessed against the following factors:

- *Impact on the amenity of communities and smaller groups of houses, including cumulative effects on settlements within 5 km where there are existing mineral operations or unimplemented consents;*

- *Impact on landscape and visual amenity, having regard to Policies GN02 and CG02;*
 - *Impact on nature conservation and biodiversity, having regard to Policy GN03;*
 - *Impact on the historic environment, having regard to Policies D07-D14;*
 - *Impact on prime agricultural land, carbon rich and rare soils, having regard to Policy RW04;*
 - *Impact on the water environment, having regard to Policy RW05;*
 - *Impact on air quality, having regard to Policy RW07;*
 - *Impact on the local road network; and*
 - *Any positive economic or environmental benefits accruing from the proposal including restoration of abandoned/ derelict minerals sites and local employment opportunities.*
2. *Proposals should be accompanied by the following information:*
- *Information sufficient to allow assessment of the impacts outline in (1) above;*
 - *Information on need, estimates of annual production, levels of employment, timescale for extraction and the total resource on the site including other minerals present;*
 - *A fully developed method statement including information on drainage and water treatment, phasing, topsoil/overburden stripping and storage, access and maximisation of sustainable transport and working hours; and*
 - *A fully costed, appropriately phased scheme for restoration and aftercare, which secures benefits for the green network in terms of Policy GN01, and will be secured through appropriate financial guarantees.”*
- Policy GN02 - ‘Landscape’ states:
 - “1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 ‘Landscape Character and Assessment’.*
 - 2. Priority will be given to safeguarding the distinctive landscape quality of the Areas of Great Landscape Character identified on the Proposals Map.*
 - 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.”*
 - Policy GN03 - ‘Biodiversity and Geodiversity’ states:

“The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process Accordingly:

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
2. *Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
3. *Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'."*

- Policy GN05 - 'Outdoor Access' states:

"The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:

1. *Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed;*
2. *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
3. *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development."*

- Policy RW05 - ‘The Water Environment’ states:

“The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

- 1. The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
- 2. Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
- 3. There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- 4. There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*
- 5. The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.”*

- Policy RW06 - ‘Flooding’ states:

- “1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding (including flooding up to and including a 1 in 200 year flood event) development proposals will be assessed against advice and the Risk Framework in the SPP relating to flooding and drainage. There will be a presumption against new development which would:*
 - be likely to be at risk of flooding;*
 - increase the level of risk of flooding for existing development;*
 - be likely to require high levels of public expenditure on flood protection works; or*
 - result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
- 2. Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
 - any flood risks can be adequately managed both within and outwith the site;*
 - an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - access and egress can be provided to the site which is free of flood risk; and*
 - water resistant materials and forms of construction will be utilised where appropriate.*
- 3. Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land’s sustainable flood management function can be safeguarded.”*

7b.6 These policies are consistent with the policies contained within the Falkirk Council Local Plan and raise no new matters in relation to the proposed development.

Points Raised Through Comment

7b.7 In considering the points raised through comment, the following matters may be considered:-

- The proposal is of a temporary nature and any nuisance to neighbours would be short term. Any potential nuisance will be minimised and monitored throughout the scheme.
- Each planning application is considered on its individual merits. This application relates to the removal of a coal sample and does not involve coal bed methane extraction.
- Information relating to vehicle movements has been submitted to the Roads Unit and no objection has been received. A Traffic Management Plan has been submitted. Potential structural damage to buildings may be considered to be a civil matter more appropriately directed to the applicant direct.

7c Conclusion

7c.1 In conclusion, the temporary nature of the proposal and the restricted activities on site, the removal of coal core samples, does not give rise to wider implications previously associated with the extraction of coal bed methane.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee grant planning permission for the following reasons:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Falkirk Council as planning authority directs that unless the development hereby permitted has already begun, this permission will lapse after a period of 2 years beginning with the date of this permission. This direction replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for this permission.
- (3) Any plant or machinery to be installed within the site shall be removed on completion of mining operations.

- (4) Before any excavation work is commenced on the site, a Site Management Scheme must be submitted for approval by the Planning Authority. The Scheme should detail :
- i. the extent of soil stripping;
 - ii. the extent and location of storage areas for top-soil and other recoverable materials;
 - iii. provisions for weed control;
 - iv. provisions for diverting and maintaining any watercourses/culverts;
 - v. provisions for draining the site;
 - vi. provisions for protecting the drainage systems of adjoining land;
 - vii. provisions for ensuring that standing water is not allowed to gather on the site;
 - viii. provisions for dealing with any noise or dust nuisance; and
 - ix. provisions for storage on site of any oil, fuel, lubricant, paints or solvent.
- (5) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
- iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (6) No construction or engineering operations shall take place on site between October and February inclusive, which coincides with the breeding season of Pink-footed geese.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the Planning Authority can control the future use of the site.
- (3) To ensure that the Planning Authority can control the future use of the site.
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1, 2, 3, 4, 5, 6 and 7.
- (2-3) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (4) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of this application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (5) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (6) The direction above replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for this permission.

Pp

.....
Director of Development Services

Date: 11 August 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan.
4. Larbert, Stenhousemuir & Torwood Community Council.
5. Emailed objection received from Helen McGann on 11 March 2014.
6. Letter of objection received from Mr Gordon Sutherland, Stonehouse Farm, Bothkennar, Falkirk FK2 8PP on 13 March 2014.
7. Letter of representation received from Mr Michael Goodship, Thistlebank, Bothkennar, Falkirk FK2 8PT on 13 March 2014.

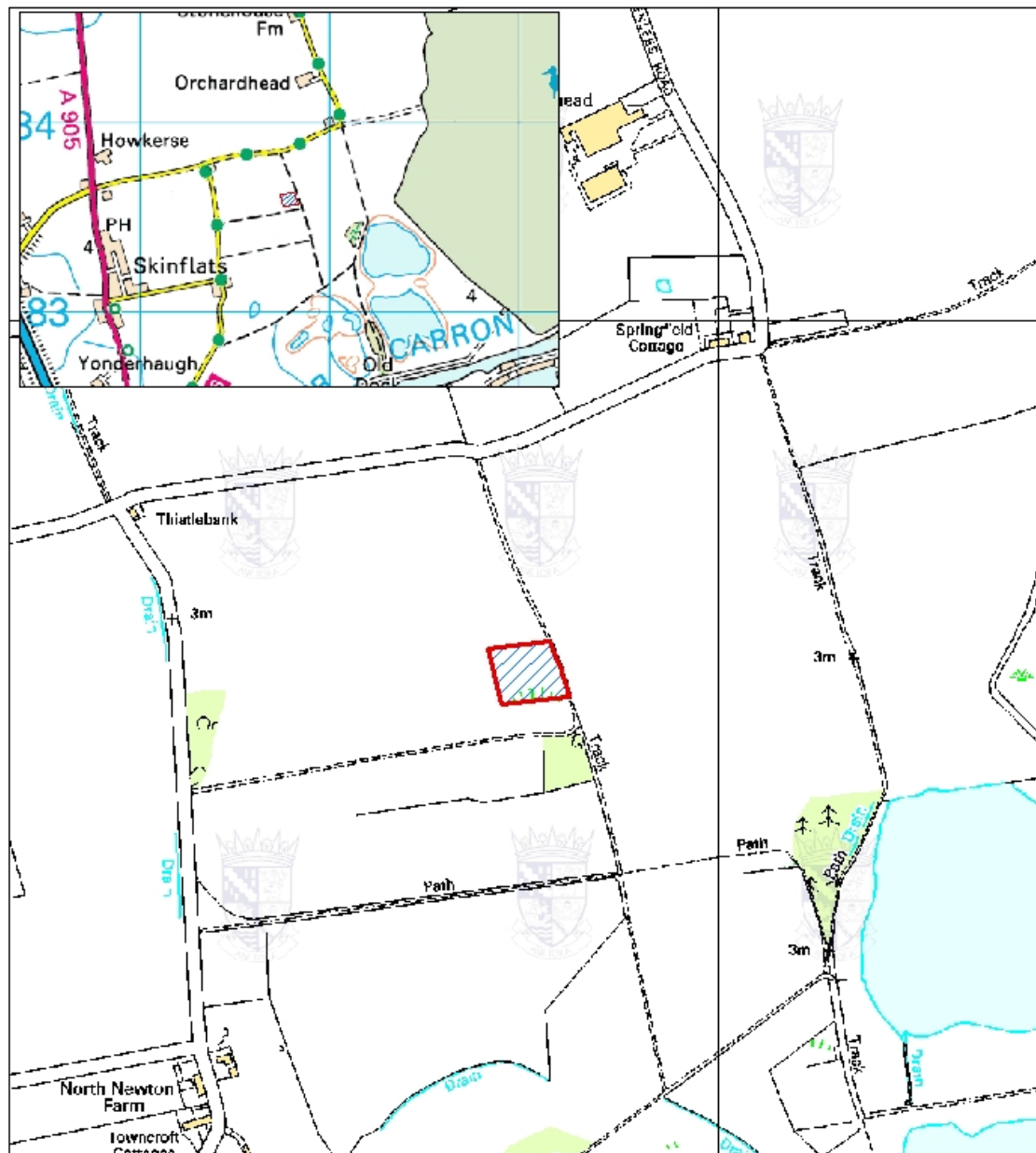
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0038/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HM SO.
© Crown copyright and database right 2014. All rights reserved.
Ordnance Survey Licence number 100023384

Appendix 1

1. There is a substantial history in the vicinity of the application site relating to Coal Bed Methane:
2. F/95/0355 - exploration, gas well (temporary) – Airth No 5 Well Site, South Letham by Coal Bed Methane Ltd - granted temporary permission.
3. F/95/0356 - use of land for the exploration of methane gas (temporary) - Airth No 6 Well Site, Letham by Coal Bed Methane Ltd - granted temporary permission.
4. F/95/0357 - use of land for the exploration of methane gas (temporary) - Airth No 3 Well Site Crow Wood, South Letham by Coal Bed Methane Ltd - withdrawn.
5. F/95/0358 - use of land for the exploration of methane gas (temporary) - Airth No 4 Well Site, Crow Wood, South Letham by Coal Bed Methane Ltd - withdrawn.
6. F/95/0362 - use of land for the exploration of methane gas - Airth No 2 Well Site, North Letham by Coal Bed Methane Ltd – granted permission.
7. F/95/0363 - use of land for the production of methane gas - Airth No 1 Well Site, South Letham by Coal Bed Methane Ltd - granted temporary permission.
8. F/97/0287 - use of land for the exploration of methane gas - Airth No 4 Well Site, North Bellsdyke Farm, Airth by Coal Bed Methane Ltd - granted temporary permission.
9. F/97/0811 - use of land as methane gas production site - Well No 2, South Letham, Airth by Coal Bed Methane Ltd - granted temporary permission.
10. F/97/0812 - use of land as methane gas production site and installation of plant and machinery - Well No 3 South Letham, Airth by Coal Bed Methane Ltd - granted temporary permission.
11. F/98/0014 - use of land for the exploration and production of methane gas - Craigend, Standburn by Coal Bed Methane Ltd – granted permission.
12. F/2001/0107 - use of land as methane gas production site - Airth No 2A Well Site, Letham by Coal Bed Methane Ltd - withdrawn.
13. F/2001/0769 - use of land for the exploration of methane gas - Airth No 4 Well Site, North Bellsdyke Farm, Falkirk FK1 2HZ by Coal Bed Methane Ltd - granted temporary permission.
14. F/2002/0732 - drilling operations to stimulate additional coal seams - Airth No 3 Well Site by Coal Bed Methane Ltd – granted permission.
15. F/2004/0862 - drilling operations to stimulate 4 coal seams and installation of plant and machinery - Airth No 3 Well Site by Composite Energy Ltd – granted permission.
16. F/2005/0133 - drilling operation - Land at Letham, Airth, Falkirk by Composite Energy Ltd – granted permission.
17. F/2005/0134 - drilling operation - Land at Letham, Airth, Falkirk by Composite Energy Ltd – granted permission.

18. 06/0536/FUL - exploratory drilling for natural gas through the stimulation of 4 coal seams and the production of gas from No 6 Well Site at Airth 6 by Composite Energy Ltd - granted.
19. 06/0540/FUL - exploratory drilling for natural gas through the stimulation of 4 coal seams and the production of gas from the wellbores 2, 3 and 5 - Site at Airth 2, 3 and 5 Well Sites by Composite Energy Ltd – granted permission.
20. 06/0874/FUL – coal bed methane production, exploration and development (DTI licence no. 133) - Site at proposed Well north west of Drum and Kinnaird Farm, Falkirk by Composite Energy Ltd - withdrawn.
21. 06/0875/FUL – coal bed methane production, exploration and development (DTI licence no. 133) - Site at proposed Well north west of Linksfield Farm, Falkirk by Composite Energy Ltd – granted permission.
22. P/07/0103/FUL – coal bed methane production, exploration and development (DTI licence no. 133) - Site at Airth 4 Well west of North Bellsdyke Farm, Falkirk by Composite Energy Ltd – granted permission.
23. P/07/0104/FUL – coal bed methane production, exploration and development (DTI licence no. 133) - Site to the south of Dunislay Cottage, Falkirk by Composite Energy Ltd - withdrawn.
24. P/07/0258/FUL - development of land for the extraction of methane gases - Site at Airth 3 Well south east of Letham Farm, Falkirk by Composite Energy Ltd – granted permission.
25. P/07/0576/FUL - development of land for coal bed methane exploration and production - Site at Airth 1 and Airth 7 Well south west of Letham farm, Falkirk by Composite Energy Ltd – granted permission.
26. P/07/0631/FUL - development of land for coal bed methane exploration and production – Site at Airth 1-7 Well south west of Letham Farm, Falkirk and Site at proposed Well north west of Linksfield Farm, Falkirk by Composite Energy Ltd - withdrawn.
27. P/07/0914/FUL - development of land for coal bed methane exploration and production - Site at Airth 1-7 Well south west of Letham Farm, Falkirk and Site at proposed Well north west of Linksfield Farm, Falkirk by Composite Energy Ltd – granted permission.
28. P/08/0758/FUL - Exploratory drilling for natural gas through the stimulation of 4 coal seams and the production of gas from 6 Well (renewal of planning permission 06/0536/FUL) - Site at Airth 6 Well west of Crow Wood House, Falkirk by Composite Energy Ltd – granted permission.
29. P/10/0840/FUL - exploration and pilot test development of coal bed methane (CBM), including installation of drilling and production equipment and operation specification and power generation equipment at existing CBM sites (Airth 1, 7 and 10 and Airth 3 and 9) - Site at Airth 1, 7 and 10 Well south west of Letham Farm, Falkirk and Site at Airth 3 and 9 Well south east of Letham Farm, Falkirk by Composite Energy Ltd – granted permission.
30. P/12/0109/FUL - exploration and pilot test development of coal bed methane, including use of drilling and production Equipment and erection of 2.4 metre perimeter fencing, on land to the north of Kersiebrock Farm, Falkirk – granted permission.

31. PRE/2012/0006/PAN - for the exploration and pilot test development to coal bed methane including drilling, Well site establishment at 14 locations and development of inter-site connection services, site access tracks, a gas delivery and water treatment facility, ancillary facilities and infrastructure and an associated water outfall at Letham Moss, Falkirk - accepted.
32. P/12/0521/FUL 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 - Application pending appeal decision.