

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 15 JUNE 2011 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, Lemetti, C Martin, McLuckie, McNeill, Nicol and Thomson.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors A MacDonald, Mahoney and Oliver.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** None.

Prior to consideration of business, the Member below made the following statement:-

- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0848/FUL (minute P29).

**P46. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 18 May 2011;
- (b) Minute of Meeting of the Planning Committee held On-Site on 30 May 2011; and
- (c) Minute of Special Meeting of the Planning Committee held on 30 May 2011, subject to apologies being recorded for Councillor Thomson.

**P47. USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD – P/10/0848/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 23 March and 20 April 2011 (Paragraphs P213 and P8 refer), Committee gave further consideration to Reports (circulated) dated 15 March and April 2011 by the Director of Development Services and an additional Report (circulated) dated 7 June 2011 by the said Director on an application for full planning permission for the use of an existing industrial yard for bus parking including the erection of plant and machinery for refuelling and washing on a site located on the north side of Bridgeness Road, Bo'ness and within the established D J Manning Auctioneers site behind an existing office block building and car park.

Councillor McLuckie, seconded by Councillor Buchanan, moved that the application be approved as detailed in the Report.

By way of an Amendment, Councillor Thomson, seconded by Councillor Carleschi, moved that the application be refused on the grounds that the proposed development would have an adverse impact on road safety and would generate an unacceptable level of noise.

On a division, 4 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 to 04 inclusive.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a

contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

- (3) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. Mitigation in the form of the recently constructed Bo'ness flood prevention scheme should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants' responsibility.
- (4) It is advised that the applicant prepares an operational plan for all staff at the site advising that all vehicles leaving the site do not undertake a left turn manoeuvre. The erection of an appropriate sign to reflect this is also strongly advised.

**P48. CHANGE OF USE FROM RESIDENTIAL CARE HOME TO DWELLINGHOUSE AT 34 CAMELON ROAD, FALKIRK FK1 5SH FOR NHS FORTH VALLEY - P/11/0216/FUL**

There was submitted Report (circulated) dated 7 June 2011 by the Director of Development Services for full planning permission for the change of use of a substantial property from a residential care home (formerly a dwellinghouse) to a dwellinghouse and located within the Arnothill Conservation Area at 34 Camelon Road, Falkirk.

**AGREED** to **GRANT** planning permission, subject to the following condition:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

- (1) The application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01.

**P49. CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH FOR FORTH ENERGY - ENQ/2010/0408**

With reference to Minutes of Meetings of the Planning Committee held on 26 January and 23 February 2011 (Paragraphs P166 and P189 refer), Committee gave further consideration to Reports (circulated) dated 19 January and 16 February 2011 by the Director of Development Services and an additional Report (circulated) dated 7 June

2011 by the said Director for consideration as a consultee in terms of Section 36 of the Electricity Act 1989 on an application for the construction and operation of a Biomass Renewable Energy Plant with a net electrical output of 100 Megawatts (MWe) at the site to the west of Forth Ports PLC, Central Dock Road, Grangemouth.

Councillor McNeill, seconded by Councillor Carleschi, moved that:-

‘It is recommended that Scottish Ministers refuse the proposed Biomass Renewable Energy Plant, by reason of the height, scale, massing and location which would have an unacceptable visual impact on the Falkirk Council area and, in particular, the town of Grangemouth. This would be to the detriment of the visual amenity of the area and its residents and is contrary to Falkirk Local Plan Policies EQ1 ‘Sustainable Design Principles’ and EQ3 ‘Townscape Design’ which emphasise the importance of design quality and consideration of visual impact. If, however, the Scottish Ministers are minded to grant permission, the draft conditions in the officers’ report should be imposed’.

Accordingly, **AGREED** to inform Scottish Ministers that Falkirk Council recommends that Scottish Ministers refuse the proposed Biomass Renewable Energy Plant, by reason of the height, scale, massing and location which would have an unacceptable visual impact on the Falkirk Council area and, in particular, the town of Grangemouth. This would be to the detriment of the visual amenity of the area and its residents and is contrary to Falkirk Local Plan Policies EQ1 ‘Sustainable Design Principles’ and EQ3 ‘Townscape Design’ which emphasise the importance of design quality and consideration of visual impact. If, however, the Scottish Ministers are minded to grant permission, such permission should be granted subject to the following conditions requiring the submission and approval of details in respect of, amongst other things, the design and appearance of the development, transport assessment and mitigation of impacts, monitoring of the nature and source of fuel, air quality monitoring and, potential for use of thermal energy off site.

- (1) Development shall commence no later than the date occurring three years after the date of the consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.
- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of Condition 16 of the consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:-
  - (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
  - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;

- (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
- (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
- (e) Details of permanent artificial lighting;
- (f) Details of permanent fencing or other means of enclosure;
- (g) Details of all hard and soft landscaping; and
- (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) No part of the built development shall commence until M9 junction 6 off slip is signalised or alternatively an operational assessment has been carried out of the junction and a scheme of proposed mitigation measures has been submitted to and agreed in writing by the planning authority, in consultation with Transport Scotland Trunk Road Network Management Directorate. The scheme thereafter agreed shall be fully implemented in the approved manner.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.
- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (10) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

- (11) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (12) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.
- (16) Unless otherwise agreed in writing with the Council, within twelve months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. The scheme shall include:-
  - (a) Details of all structures and buildings which are to be demolished;
  - (b) Details of the proposed reuse of any buildings to be retained;
  - (c) Details of the means of removal and materials resulting from the demolition and methods for the control of dust and noise;
  - (d) The phasing of the demolition and removal; and
  - (e) Details of the restoration works and the phasing of the restoration works.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.

- (18) Unless agreed in writing by the Council, or unless in an emergency, the movement of biomass fuel feedstock by conveyor and the storage of any recovered biomass fuel feedstock (such as recovered wood, paper and cardboard) and all post-combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than twelve months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.
- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.
- (24) Prior to commencement of operation of the Grangemouth Renewable Energy Plant a Vehicle Management Plan shall be submitted to and approved in writing by this planning authority. This shall include procedures for recording the number of fuel deliveries to the plant by road each calendar month and for making such records available to the planning authority for inspection on request. Should the number of fuel delivery vehicles entering the plant per day exceed 29

then at the request of this planning authority the plant operator shall submit a transport assessment for the approval of this planning authority in writing and any mitigation measures identified in the approved assessment shall be fully implemented in the approved manner.

Reason(s):-

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.
- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.
- (24) To ensure that the operation of the plant does not cause unreasonable congestion within the surrounding road network.