

FALKIRK COUNCIL

Subject: 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/12/0521/FUL

Meeting: PLANNING COMMITTEE

Date: 30 January 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish
Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application reflects the applicant's aspirations to expand an existing network of Coal Bed Methane (CBM) wells and associated infrastructure around Letham Moss, Falkirk.
- 1.2 This proposal is to embark on Full Field development of suitable natural gas infrastructure to facilitate gas distribution to the local gas network. Full Field development of a site is likely to operate for a minimum period of 25 years.
- 1.3 The proposed development covers land within the Falkirk Council and Stirling Council areas. Consequently, certain elements of the proposal are under consideration as part of a separate planning application to Stirling Council, namely:
 - The site of the Gas Delivery and Water Treatment Facility; and
 - 3 new well sites.

The applications to Falkirk Council and Stirling Council both have associated above ground and under ground infrastructure.

- 1.4 The planning application submitted to Falkirk Council includes the following:
- 11 new well sites;
 - Potential water outfall provision to the Firth of Forth; and
 - Further drilling operations at 2 existing sites near Airth.
- 1.5 The purpose of the proposed development is to extract gas for distribution into the local gas grid for use by domestic, municipal and industrial customers.
- 1.6 The application is considered 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and the applicant has conducted a Pre-Application Consultation with local communities. The application is also supported by an Environmental Assessment.

Project Description

- 1.7 The applicant proposes both above ground and below ground works, over a 12.2 ha area (well sites, access tracks, gas delivery and a water treatment facility) to extract Coal Bed Methane (CBM). The process to extract CBM does not include hydraulic 'fracking'.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 It is considered that, in view of the number of issues raised in relation to the application, including the number of representations and the environmentally sensitive areas to which it relates, that it be considered by the Planning Committee.

3. SITE HISTORY

- 3.1 There is a substantial history in the vicinity of the application site relating to Coal Bed Methane:
- 3.2 F/95/0355 - exploration, gas well (temporary) – Airth No 5 Well Site, South Letham by Coal Bed Methane Ltd - granted temporary permission.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 F/98/0014 - use of land for the exploration and production of methane gas - Craigend, Standburn by Coal Bed Methane Ltd – granted permission.
- 3.12 F/2001/0107 - use of land as methane gas production site - Airth No 2A Well Site, Letham by Coal Bed Methane Ltd - withdrawn.
- 3.13 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.
- 3.14 F/2002/0732 - drilling operations to stimulate additional coal seams - Airth No 3 Well Site by Coal Bed Methane Ltd – granted permission.
- 3.15 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.
- 3.16 F/2005/0133 - drilling operation - Land at Letham, Airth, Falkirk by Composite Energy Ltd – granted permission.
- 3.17 F/2005/0134 - drilling operation - Land at Letham, Airth, Falkirk by Composite Energy Ltd – granted permission.
- 3.18 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.
- 3.19 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.
- 3.20 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.
- 3.21 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.
- 3.22 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.

- 3.23 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.
- 3.24 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.
- 3.25 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.
- 3.26 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.
- 3.27 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.
- 3.28 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.
- 3.29 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.
- 3.30 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.
- 3.31 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.

4. CONSULTATIONS

- 4.1 As part of the consideration of this planning application, consultation has been undertaken with the following:-
- Scottish Environment Protection Agency,
 - The Health and Safety Executive,
 - Scottish Water,
 - Network Rail,

- Falkirk Council's Roads and Development Unit,
- Falkirk Council's Environmental Protection Unit,
- Falkirk Community Trust,
- Stirling Council,
- Clackmannanshire Council,
- Fife Council,
- Royal Society for the Protection of Birds (RSPB),
- Scottish Natural Heritage,
- Transport Scotland, and
- Historic Scotland.

4.2 It should be noted that consultation is still ongoing with the above consultees in relation to this proposal.

5. COMMUNITY COUNCIL

5.1 Representations have been received to date from the following Community Councils:-

- Blackness Community Council,
- Airth Community Council;
- Larbert, Stenhousemuir and Torwood Community Council,
- Grangemouth (Including Skinflats) Community Council,
- Shieldhill and California Community Council;
- Bonnybridge Community Council; and
- Reddingmuirhead and Wallacestone Community Council.

5.2 No assessment has as yet been undertaken in respect of the comments received by the above mentioned Community Councils. However, the concerns that have been raised by the Community Council including issues of a technical nature which have been included in the summary of all comments raised so far in Appendix A to this report.

6. REPRESENTATIONS

- 6.1 The application has also attracted a significant level of public interest with some 482 representations submitted. A number of these representations seek clarification in relation to technical and legislative matters. These are summarised in Appendix A to this report. It should be noted that no assessment of the submitted representations has been undertaken at this time.

7. CONCLUSION

- 7.1 This major application, which is accompanied by an Environmental Statement, has generated a substantial level of interest and relates to environmentally sensitive areas. Consultation is advanced but not yet complete. No detailed assessment of the application or of the consultations or representations has been undertaken, and this report includes only factual information.
- 7.2 Under Circular 4/2009, Development Management Procedures, Annex F, paragraph 3, within section 38A(4), the Planning Authority may decide to hold a Hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the Committee. Examples of categories of development which planning authorities might decide require Hearings include applications in which the local authority has a financial interest, or applications that have attracted a given number and type of objections or applications relating to development in sensitive areas protected by statutory designations. There are no related legislative requirements to refer such cases to Falkirk Council for decision.
- 7.3 It is therefore considered appropriate that, prior to any recommendation being proposed for the consideration of the Planning Committee at a later date, in accordance with the above, a hearing take place. It should be noted that Falkirk Council has no financial interest in the proposed development.

8. RECOMMENDATION

- 8.1 The application site is located within an environmentally sensitive area protected by statutory designations and has received a significant number of representations (some 482 at the time of writing - see Appendix A). Therefore, it is recommended that a Hearing be convened and conducted by the Planning Committee to allow exchange of information leading to an informed recommendation/decision on the planning application at a later date.

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

1. Appendix A – summary of comments received to date

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

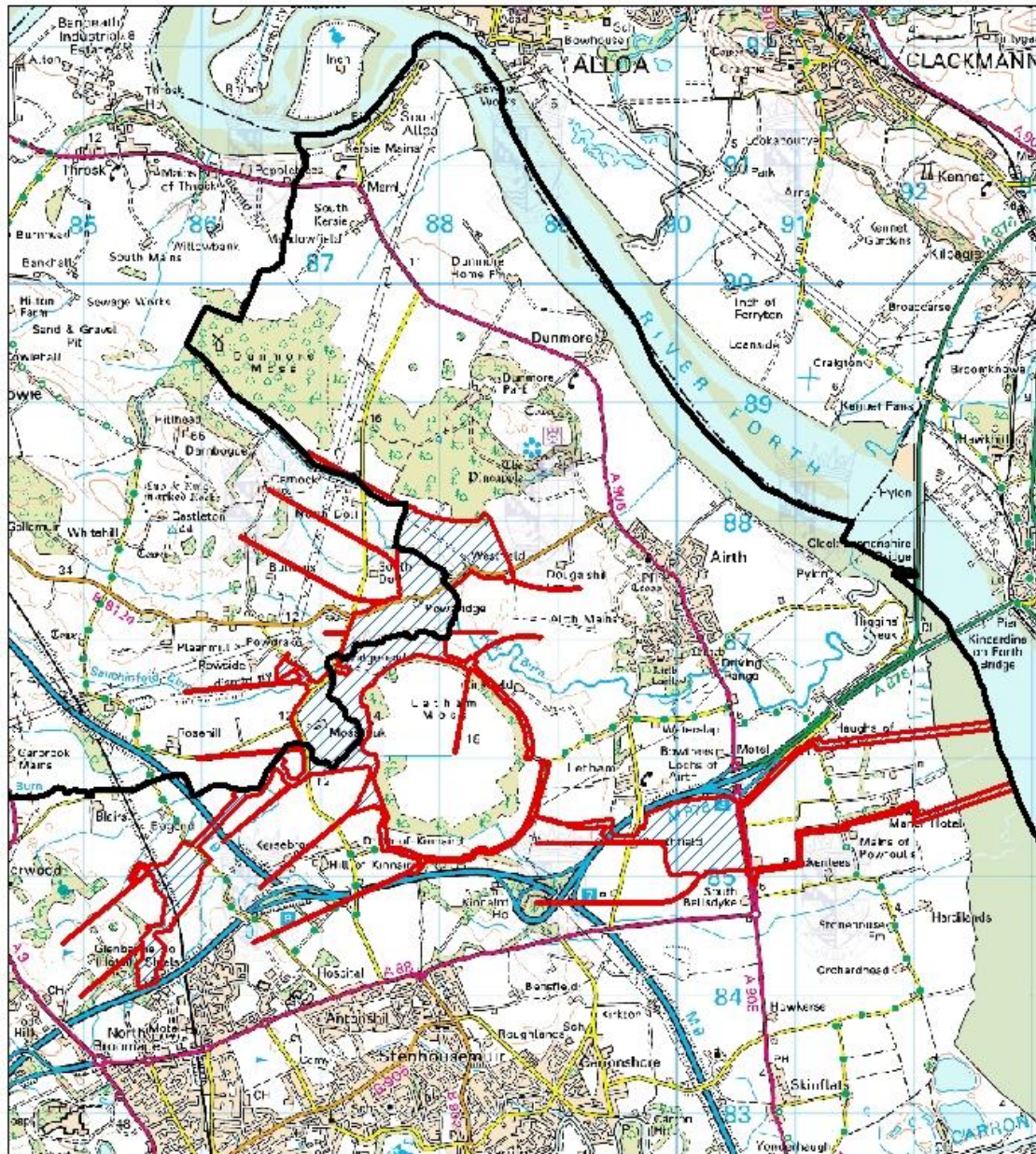
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Planning Committee

Planning Application Location Plan

P/12/0521/FUL

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



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APPENDIX A

Summary of Comments Received To Date

- The underground borehole trajectory deliberately avoids going underneath any buildings. Therefore, it is of concern that buildings constructed above the borehole may be at risk.
- The proposals may prejudice business plans for above ground development of the area.
- The proposals will have an adverse impact on the area due to:-
 - access, traffic issues and deterioration of road condition;
 - noise generation, through the 24 hour operation of the site and continued vehicle movements necessary to ensure water delivery;
 - impact on natural habitat of local wildlife;
 - methane boreholes are not safe;
 - adverse visual impact of drilling rigs.
- The proposal will create vehicular conflict with cyclists, tractors, joggers and horse riders and will have an adverse impact on Dunmore Woods.
- The proposal will have an adverse visual impact on “The Pineapple” and its adjacent woodland, as well as flora and fauna.
- Adverse impact on the amenity of residential property near the above ground sites through noise and visual intrusion.
- The impact of the proposals in conjunction with existing development proposals, such as the peat extraction operation on Moss Road; new roadway development at the M9 motorway; new housing on Bellsdyke Road and the proposed sale of the Moss Road wood yard for housing.
- The applicant has not engaged with the local community, nor furnished sufficient information for consideration. Further public meetings should be held.
- The proposals may not include “fracking”, but this change in operation may come later.
- Concern over potential “fracking” operations, including the chemicals being used.
- The depth of extraction has not been clarified. The existing 30m of clay prevents contamination of the water table, which will be threatened if boreholes are undertaken. Clarification is required as to whether fern shaped grids are to be drilled; and what is the “tendrill” that seems to connect to the SUDs pond near Cambus Avenue?
- If Hamilton Road and Bogend Road are to be used for site access, this will create additional nuisance for residents of both Titland Hill and North Inches.
- There are major concerns about the extraction of “produced water” and the effects that this may have on the surrounding environment.

- There will be pollutant effects, not just on the workers but also on local population, from both the water and the air.
- This will not be a “significant creator of jobs”.
- Methane gas emissions will increase as a consequence of development, flying in the face of the Government’s stated commitments to bringing down CO² and other greenhouse gases.
- There is concern regarding “fugitive” methane and methane’s large potential as a greenhouse gas.
- There are major concerns about the extraction of “produced water” and the effects that this may have on the surrounding environment.
- What provision is in place for an uncontrolled release of gas? How often will the blowout preventer be tested?
- Are there carcinogens contained within the drilling mud?
- How much water is produced with each injection? - a figure of 3 million gallons is quoted.
- Where is the water outfall pipe to be located and what form will this take, i.e. excavated?
- Will the local aquifers be protected from contamination?
- How will the high water table be affected as a result of development? Will the soil dry out, creating ground disturbance to property?
- What contingency plans are in place to address any property damaged as a result of drilling, etc?
- What preventative measures will be in place to protect against gas leakage, either through the well heads or through the ground which has been disturbed?
- Will the new development integrate with existing gas pipelines in the area?
- Will there be earth tremors during working?
- What levels of light emissions will there be from the sites?
- What measures have been taken to reduce the visual impact of the sites?
- The depletion and pollution of the land that is targeted for this development is unacceptable.
- The company making these plans is only interested in profit and will have no consideration for the country or the people who will be affected.
- How are the drill paths isolated from the surrounding sub-soil and strata to prevent escape of outflow between layers of sub-soil?
- Is there knowledge of the contaminants in the layers to be drilled?

- Will there be a smell of methane or other gases in the air and from the watercourse?
- Will the Pow Burn be used for water outfall?
- There is a concern over risk to local water, and therefore health. In countries where this has been allowed to go ahead there has been evidence of water contamination, air pollution, toxic spills and emissions of gases causing climate change.
- The proposal will lock Scotland into continuing production of carbon dioxide for several decades.
- There is no local benefit from this proposal.
- The development is contrary to the local plan, which states that developments must not compromise the ability of future generations to meet their own needs and enjoy a high quality environment.
- The proposal will increase the production of greenhouse gases, contributing to global warming and the speeding up of climate change. This works against the Government's objective of reducing carbon dioxide emissions over the coming decades.
- Will the drilling coincide with any old mine workings, allowing the potential of chemical escape?
- The proposed technology has a track record of environmental damage.
- "Fracking" is dangerous, and what do geologists assess the result of the proposals to be?
- The areas of SSSI, protected nature reserves, historic woodlands and local wildlife sites will be potentially affected through accidental pollution.
- There is no evidence that the use of CBM will reduce the use of other fossil fuels.
- The proposals will reduce visitors to the area, with a detrimental impact on tourism and tourist related facilities.
- The proposals should be examined by an independent environmental agency to validate that there will be no impact to the water quality in the area.
- The proposal will pave the way for future similar proposals in the area, throughout the British Isles and globally.
- The contamination of groundwater layers and disturbance of these natural layers by industrial processes is unnecessary and dangerous to all who live around them.
- There will be adverse consequences on the geology of the land and likely leakage of chemicals into the food chain and the water table.
- The proposal will leave a legacy of industrialised countryside.

- Similar proposals in Australia and the Western United States have shown that the process is highly damaging and, in the Scottish context, the effect on nearby communities will be greatly magnified.
- Around 80,000 gallons of produced water per day will be dumped into the Firth of Forth after minimal treatment.
- The process will provide only a short term gain for Scotland. It is a human health toxicology experiment.
- The 30 year life of the development should not be considered “temporary”.
- The proposals fall within close proximity to sites of future residential development.
- There will be adverse impact on nearby neighbours through 24 hour noise disturbance, including sleep disturbance issues. This is especially of concern during drilling periods.
- The applicant has failed to address impacts on the habitat of protected species, especially great crested newts.
- The proposal may result in earthshocks.
- There is lack of information and public consultation surrounding this proposal.
- Coal gasification is an unproven technology, likely to have significant adverse environmental impacts.
- The collected methane will be burnt, increasing greenhouse gas emissions, contrary to the targets set in the Climate Change (Scotland) Act.
- The impact on the fishery industry will be disastrous.
- An independent ecological impact audit has not been carried out.
- Investment should be directed towards sustainable energy sources rather than exploiting fossil fuel reserves using unconventional and risky methods.
- There are no suitable regulations in place to ensure that the water, the land, the environment and the health of the people in the area are protected from possible catastrophic damage.
- The proposals are contrary to Policies EQ32 and EQ35 of the Falkirk Council Local Plan.
- There will be potential risk to pipelines from Grangemouth.
- A cocktail of chemicals, including benzene, toluene and ethyl-benzene; nitrates, chlorides and other salts; metals such as arsenic lead, mercury and cadmium are already being dumped by Dart from the Airth site.
- There is no information regarding permanent monitoring systems to be used to ensure the integrity of the excavation process in respect of water and air quality.

- There are no details regarding the flaring of methane gas, no quantities or definition of safe limits. Similarly, there are no quantities given for the expulsions of CO², from the flaring, to the local environment.
- There is no reference to baseline contamination measurements taken prior to excavation work for each borehole site.
- There is no reference to ongoing monitoring and independent reporting of the chemicals or additives used in the operation, excavation, water treatment and water outfall processes, concentration trigger levels and cumulative effects. Additionally, there is no mention of mitigating processes, actions or strategies should contaminant levels be exceeded.
- Dart Energy could later apply for a permit from SEPA to allow the use of hydraulic fracturing without applying for further planning permissions.
- Pollution of the Forth will devastate local farming interests.
- The proposal is a long term risk for a very small short-to-medium term gain.
- A refusal of planning permission for a bed and breakfast facility North of North Inch has recently been issued, based on grounds of road safety and access to the site. Due consideration of this decision should be taken in considering the methane project.
- It is considered that the Environmental Statement for the application has not adequately addressed issues of environmental impact.
- The impact of the proposal on the ability to meet climate change targets.
- The proposals are contrary to Policy EQ27 - Watercourses - of the Falkirk Council Local Plan, in that the proposed method of CBM extraction will have a detrimental impact through;
 - The lowering of water tables and potential associated impacts on agriculture and subsidence,
 - The contamination of ground water and any local aquifers with methane and other naturally occurring substances in the coal seams, as well as chemical used in the chilling mud, and
 - The disposal of large quantities of contaminated water withdrawn from the coal seams.
- Evidence from Australia demonstrates that water pollution and leaking methane occur regardless of whether “fracking” is used or not in this type of industry. The environmental statement for this application has not adequately addressed these issues.
- Can the waste/water infrastructure cope with the huge volumes of fluids needed to be disposed of or be able to treat the toxins and hazardous chemicals contained in such wastewater?
- The area is susceptible to flooding with the consequent increase in risk of pollution.
- There will be a resulting loss of landscape, amenity and utility through the visual impact of the proposed wells.

- When production stops and the wells are abandoned, the area will be contaminated, monitoring reduced and deterioration of the underground pipework will follow
- Prices of houses in the area will fall. Tourism will be adversely affected and future investment jeopardised.
- This is a non-sustainable development, which will benefit private organisations at the expense of local communities and the environment.
- The ecological and social impacts are far too great to have this happen so close to a still growing community, especially in such close proximity to a primary school.
- Unconventional and new techniques being trialled and used in the area makes the risk of this application going forward very dangerous to anyone living in the area.
- Methane is 20 times more potent than CO² and the risk of escape is unacceptable.
- What are the repercussions if the applicant simply abandons the venture?
- The applicant has endeavoured to get the application in 'under the radar' through minimal consultation.
- Coalbed methane is a fossil fuel, burning fossil fuels results in CO² emissions.
- The negative impacts of this development type are well documented and overseas research demonstrates and evidences such impacts.