

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 SEPTEMBER 2013 at 9.30 A.M.**

**COUNCILLORS:** David Alexander  
Colin Chalmers  
Adrian Mahoney  
Craig Martin  
Cecil Meiklejohn  
John McLuckie (Convener)  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:** Shona Barton, Committee Services Officer  
Donald Campbell, Development Management Co-ordinator  
Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Craig Russell, Roads Development Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer

**ALSO ATTENDING:** Stuart Grimes and Sean Caswell, SEPA.

**P77. APOLOGIES**

Apologies for absence were intimated on behalf of Baillie William Buchanan and Councillor Malcolm Nicol.

**P78. DECLARATIONS OF INTEREST**

No declarations were made.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Mahoney informed the Committee that as he had not attended the site visits relating to planning application P/13/0405/FUL (minute P82) and the previous site visit relating to planning application P/10/0762/FUL (Minute P85) he would not take part in consideration of these items.

- Councillor Alexander informed the Committee that as he had not attended the site visit relating to planning application P/13/0405/FUL (minute P82) he would not take part in consideration of this item.

**P79. REQUEST FOR SITE VISIT**

Councillor Turner requested that the Committee conduct a site visit prior to consideration of application P/13/0505/75D (minute P87). Having heard from Councillor McLuckie, the Committee agreed that the request would be considered further during discussion of the item.

**P80. MINUTES**

**Decision**

- (a) **The minute of the meeting of the Planning Committee held on 22 August 2013 was approved; and**
- (b) **The minute of the meeting of the Planning Committee held On Site on 2 September 2013 was approved.**

**P81. CHANGE OF USE OF OFFICE (CLASS 2) TO FORM HOT FOOD TAKE-AWAY (SUI GENERIS) AND EXTERIOR ALTERATIONS AT 11 MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR MR JATESH SANDHU - P/13/0317/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraphs P66 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for change of use of office (Class 2) to form a hot food take away and exterior alterations at 11 Maggie Woods Loan, Falkirk.

Councillor Chalmers, seconded by Councillor Turner moved that Committee refuse the application on the ground that the proposal is contrary to policy EP9 of the Falkirk Council Local Plan.

By way of an amendment, Councillor McLuckie, seconded by Baillie Paterson moved that Committee grant the application in accordance with the recommendations in the report.

On a division, 4 Members voted for the motion and 5 for the amendment.

**Decision**

**The Committee agreed to grant planning permission subject to the following conditions:-**

- (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) Anti-vibration fixings shall be utilised where appropriate with the cooking odour extraction system equipment. A plan of the final layout of the cooking odour extraction system, including the details of the fixings, shall be submitted to and approved in writing by the Planning Authority prior to work commencing on-site.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) 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) 01 and 02.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise/odour nuisance occurring at nearby dwellings. If complaints are received about noise/odour from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

**P82. ENGINEERING WORKS TO CREATE UNDERGROUND ATTENUATION STORAGE, ASSOCIATED INFRASTRUCTURE AND ACCESS AND BUNDING AT NORTH BROOMAGE PLAYING FIELDS, BROOMAGE CRESCENT, LARBERT FOR FALKIRK COUNCIL - P/13/0405/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P70 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission for engineering works to create underground attenuation storage, associated infrastructure and access and bunding at North Broomage Playing Fields, Broomage Crescent, Larbert.

## Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) Prior to the commencement of development a phasing and implementation programme shall be submitted for the written approval of Falkirk Council including amendments as required. The phasing programme shall confirm the anticipated commencement date, duration of works and completion date. The programme shall also provide details of measures to allow continued pedestrian circulation in the vicinity of the site.
- (2) Prior to the commencement of works details of the restoration of the site and replacement landscaping specifications, including a programme of implementation, shall be submitted for the written approval of the Planning Authority including amendment as required.

## Reason(s):-

- (1) To control the approved development.
- (2) In the interests of environmental amenity.

## Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.

**P83. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL - P/13/0074/75M (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P71 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for the modification of a planning agreement attached to planning permission P/08/0296/FUL removing the requirement to make a transport contribution of £550,000 at land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

## Decision

The Committee refused to modify the Planning Obligation attached to planning permission P/08/0296/FUL for the following reason(s):-

- (1) The agreed transport contribution forming part of the Section 75 Planning Obligation is considered to meet the relevant tests as set out in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).
- (2) Granting the application would be contrary to Policy TRANS.3 of the Falkirk Council Structure Plan and Policy ST7 of the Falkirk Council Local Plan, which require the identification of suitable measures to mitigate the impact of development proposals on the road network.
- (3) Granting the application is not supported by Falkirk Council's Supplementary Planning Guidance Note for Delivery of Denny Eastern Access Road (DEAR), which sets out a cost sharing approach to the funding of DEAR based on the level of the traffic impact of each development as a percentage of the overall traffic impact from all of the proposed development sites in the area on Denny Cross and/or DEAR. The contribution of the proposed development to the overall traffic impact was identified and agreed in the assessment of planning application P/08/0296/FUL.
- (4) It has not been demonstrated that there has been any change of circumstances to justify granting the application contrary to the terms of the Falkirk Council Development Plan.

**P84. DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS AND SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 25 June 2013 and 22 August 2013 (Paragraphs P46 and P59 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission in principle for the demolition of existing buildings and the development of land for residential purposes at Castings Community Sports and Social Club, Etna Road, Falkirk.

**Decision**

The Committee noted the contents of the additional report, and agreed to continue consideration of the application to a future meeting of the Committee.

**P85. TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION OF ORGANIC WASTE INCLUDING LIME TREATMENT AT JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS - P/10/0762/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 1 February 2012, 7 March 2012, 25 June 2013 and 22 August 2013 (Paragraphs P136, P152, P38 and P65 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on

an application for full planning permission for the temporary storage, treatment and distribution of organic waste including lime treatment at Jawcraig Brickworks, Falkirk.

Representatives from SEPA were in attendance and were heard in response to questions asked by Members of the Committee.

### **Decision**

**The Committee agreed to refuse planning permission on the grounds that the proposed development would have an unacceptable impact on the amenity of the local environment and community in particular in relation to noise, dust, odour, disturbance and traffic impact.**

- P86. REMOVAL OF CONDITION ATTACHED TO HAZARDOUS SUBSTANCES CONSENT P/10/0582/HAZ TO ALLOW STORAGE OF ETHANOL IN WAREHOUSES M, N AND S, INCREASING THE OVERALL MAXIMUM STORAGE QUANTITY TO 41,000 TONNES AT STORAGE UK, GRANGE LANE, GRANGEMOUTH FK3 8EG FOR DIAGEO (SCOTLAND) LTD - P/12/0597/HAZ**

The Committee considered a Report providing feedback from the Chief Medical Officer and Public Health Directorate at the Scottish Government following letters sent to Scottish Ministers on behalf of the Committee asking that a national investigation be undertaken into the effects of black mould on premises in the vicinity of bonded warehouses.

### **Decision**

**Noted the contents of the Report.**

- P87. DISCHARGE OF PLANNING OBLIGATION WHICH RESTRICTS THE OCCUPANCY OF THE DWELLINGHOUSE APPROVED UNDER PLANNING PERMISSION P/09/0849/FUL TO THE MANAGER, OPERATOR OR OTHER PERSON EMPLOYED OR LAST EMPLOYED FULL TIME, IN THE ADJACENT BUSINESS, PATERSON GARDEN BUILDINGS, KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, INCLUDING DEPENDANTS OF SUCH A PERSON, AND SHALL BE USED FOR NO OTHER PURPOSE IN ALL TIME COMING AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING FK7 7NJ FOR GARY PATERSON – P/13/0505/75D**

The Committee considered a report by the Director of Development Services on an application to modify an existing planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 which restricted the occupation of the dwellinghouse (approved under Planning Permission P/09/0849/FUL) to the manager, operator or other person employed or last employed full time in the adjacent business, Paterson Garden Buildings, Kersie Bank, Kersie Terrace, South Alloa.

Copies of the previous Reports to Committee and guidance received from the Chief Planner were also considered.

Councillor C Martin seconded by Councillor Mahoney moved that Committee agree to the discharge of the Section 75 Agreement as per the recommendations in the Report.

By way of an amendment, Councillor Turner seconded by Councillor Chalmers moved that the application be continued to allow an inspection of the site by Committee.

On a division 5 Members voted for the motion and 4 for the amendment.

### **Decision**

**The Committee agreed to discharge the Section 75 Agreement on the ground that it was not necessary to make the proposed development acceptable in planning terms.**

Councillor Martin left the meeting during discussion of the following item of business.

### **P88. ERECTION OF WIND TURBINE, CONSTRUCTION OF SUB-STATION BUILDING AND CRANE PAD AND UPGRADING OF ACCESS TRACK AT GARDRUM FARM, FALKIRK FK1 2DQ FOR WIND HARVEST - P/12/0516/FUL**

The Committee considered a report by the Director of Development Services on an application for planning permission for the erection of a wind turbine, construction of sub-station and crane pad and upgrading of access track at Gardrum Farm, Falkirk.

### **Decision**

**The Committee agreed to grant planning permission subject to the following conditions:-**

- (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) Prior to operation, the proposed turbine shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.**
- (3) Prior to initiation of development, the applicant shall inform, in writing, the Ministry of Defence of:**
  - the date construction will start and end,**
  - the maximum height of construction equipment, and**
  - the latitude and longitude of the turbine.**

- (4) Should complaints of noise be received as a result of the operation of the wind turbine, the operator shall, at its expense, employ an independent consultant (not financially involved) approved by the Planning Authority to assess the level of noise emissions from the wind turbine in relation to that specified in the original application (35dB(A)) at the nearest noise sensitive receptor. The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.

**Reason(s):**

- (1) As these drawings and details constitute the approved development.
- (2) The development would not be acceptable without these additional works.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1-35.
- (2) 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.

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (40MPH SPEED LIMIT)(A905  
GLENSBURGH TO SKINFLATS) ORDER 2013**  
**Meeting: PLANNING COMMITTEE**  
**Date: 30 OCTOBER 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Grangemouth**

**Local Members: Councillor David Balfour  
Councillor Allyson Black  
Councillor Joan Paterson  
Councillor Robert Spears**

**Community Council: None**

**Council Officer: Russell Steedman - Network Co-ordinator**

**1. INTRODUCTION**

- 1.1 This report seeks a decision on The Falkirk Council (40mph Speed Limit)(A905 Glensburgh to Skinflats) Order 2013, the purpose of which is to implement a 40mph speed limit on the section of carriageway between Skinflats and the newly installed Helix lifting bridge at the River Carron. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as an unresolved objection has been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

**2. BACKGROUND**

- 2.1 The proposed Traffic Regulation Order (TRO) is in the best interests of road safety and is appropriate following an assessment carried out under the Scottish Government guidance entitled Enterprise, Transport & Lifelong Department (ETLLD) 01/2006 Setting Local Speed Limits. In addition, the reduction in speed limit will assist with the operation of the new Helix lifting bridge at the River Carron.
- 2.2 The extent of the proposed 40mph speed restriction is shown on the drawing numbered TRO/001 attached.

### **3. CONSULTATION**

3.1 One objection was received to the proposed order. This objection was made on the basis that the area is not a built up area.

3.2 Development Services responded to the objector on 10 September 2013 explaining:-

- a) that ETLLD 01/2006 indicates that the *“underlying aim of speed management policies should be to achieve a ‘safe’ distribution of speeds which reflects the function of the road and the impacts of the local community. This should imply a mean speed appropriate to the prevailing travelling conditions, and all vehicles moving at speeds as close to the posted speed limit as possible.”*
- b) Average vehicle speeds were measured as part of the ETLLD 01/2006 assessment and indicated an average speed of 38mph on the A905 between Skinflats and Glensburgh. Consequently, it is considered appropriate in terms of the ETLLD guidance, to promote a 40mph speed limit.
- c) Whilst development between Skinflats and Glensburgh is limited, ETLLD 01/2206 permits the use of “buffer zone” speed limits between areas of development, i.e. where development is sporadic. The distance between Skinflats and Glensburgh is less than 1km in length. In interests of road safety, particularly associated with the Helix lifting bridge at the River Carron, it was considered appropriate to implement a 40mph speed limit Order on this section of carriageway.

3.3 The objector was asked to formally withdraw their objection.

3.4 The objection has not been withdrawn.

### **4. CONCLUSION**

4.1 The purpose of The Falkirk Council (40mph Speed Limit)(A905 Glensburgh to Skinflats) Order 2013 is to reduce the speed limit on this section of the A905 to a suitable speed at which motorists currently feel comfortable travelling at. In addition, it is considered appropriate in the best interests of road safety following the construction of the Helix lifting bridge at the River Carron.

### **5. RECOMMENDATIONS**

5.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

.....  
**Director of Development Services**

**Date: 16 October 2013**

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (40mph Speed Limit)(A905 Glensburgh to Skinflats) Order 2013
2. Objection
3. Response to objection

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504830 and ask for Russell Steedman, Network Co-ordinator.





**Falkirk Council**  
 Development Services (Roads)  
 Engineering Design  
 Abbotsford House, Dawkins Loan  
 Falkirk FK2 7YZ  
 Tel: 01324 504950 Fax: 01324 504850  
 Director: Rhona Calder

**TITLE OF ORDER**  
**THE FALKIRK COUNCIL (40MPH SPEED LIMIT) (A905 GLENSBURGH TO SKINFLATS) ORDER 2013**

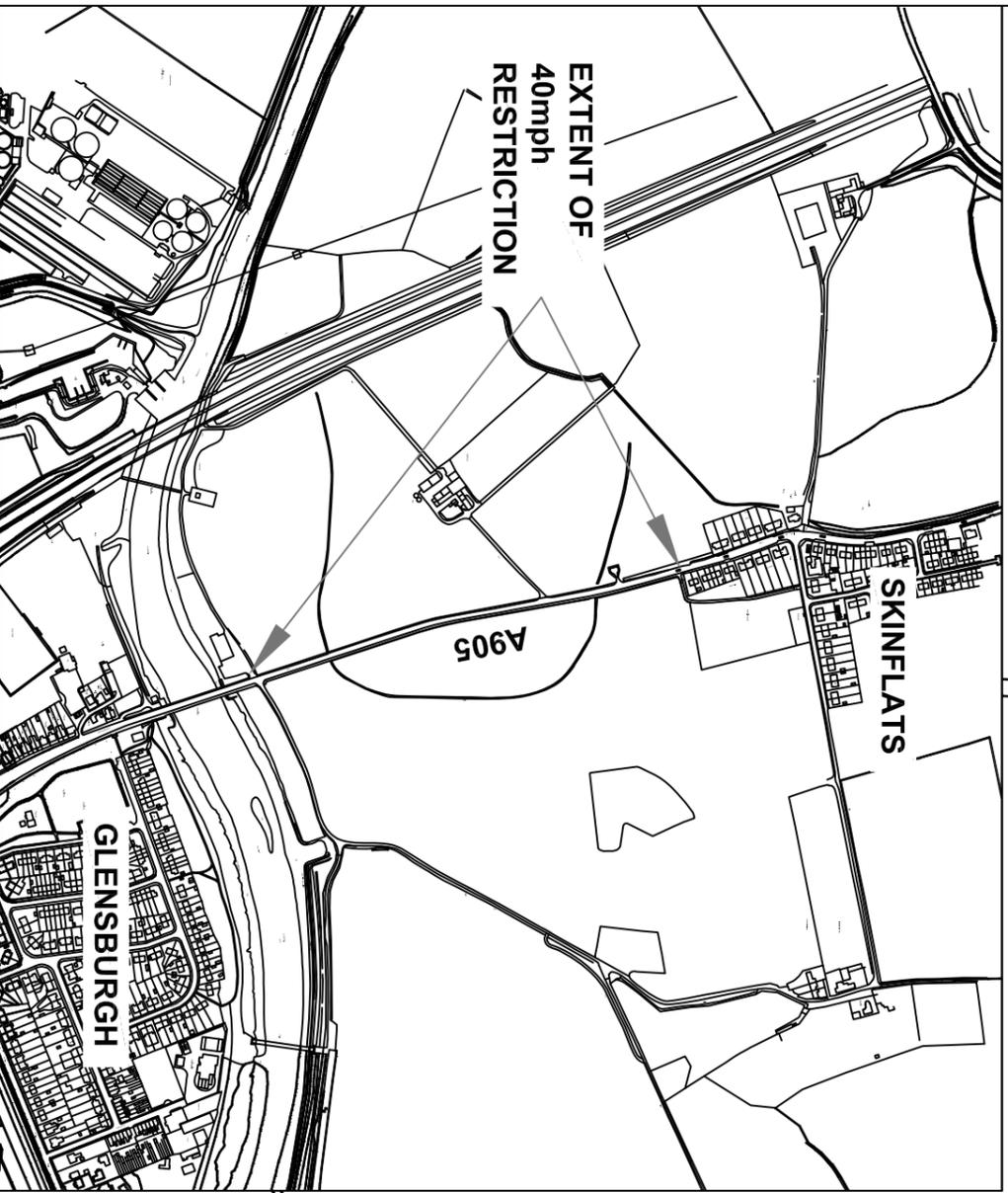
This is the plan referred to in "The Falkirk Council (40 mph Speed Limit) (A905 Glensburgh to Skinflats) Order 2013"

Head of Roads and Design

DRAWN	DATE	SCALE
JA	24/06/2013	NTS
CHECKED	DATE	
RS	24/06/2013	
APPROVED	DATE	
RS	24/06/2013	

KEY:

 EXTENT OF 40mph SPEED RESTRICTION



DRAWING NO.  
**TRO/001**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ELPHINSTONE CRESCENT, MAIN STREET AND MILLER PLACE, AIRTH)(PROHIBITION OF WAITING) ORDER 2013**  
**Meeting: PLANNING COMMITTEE**  
**Date: 30 OCTOBER 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Carse, Kinnaird and Tryst**

**Local Members: Councillor Stephen Bird  
Councillor Steven Carleschi  
Councillor Charles MacDonald  
Councillor Craig Martin**

**Community Council: Airth Community Council**

**Council Officer: Russell Steedman - Network Co-ordinator**

**1. INTRODUCTION**

- 1.1 This report seeks a decision on The Falkirk Council (Elphinstone Crescent, Main Street and Miller Place, Airth)(Prohibition of Waiting) Order 2013, the purpose of which is to implement waiting restrictions on junctions outside Airth Primary School in the interests of road safety. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

**2. BACKGROUND**

- 2.1 The proposed Traffic Regulation Order (TRO) aims to address concerns regarding vehicular parking in the vicinity of junctions around Airth Primary School. It is also intended to aid school bus access and egress from the area after reports that the bus was having difficulties due to parked vehicles.
- 2.2 Concerns have previously been raised by Airth Primary School Parent Council regarding parking in the area and the dangers this poses for local school children.

2.3 The extent of the revised proposed restrictions is shown in on the drawing numbered TRO/001/REV-A attached.

### 3. CONSULTATION

3.1 Six objections were received to the proposed order, five in the form of a duplicated objection letter, all from the same address. The other came from another resident of the area.

All six objections related to a concern that residential parking provision would be reduced if the proposals were to be implemented.

3.2 Development Services responded to the objectors on 7 August 2013 explaining:-

- a) Proposed restrictions on Main Street (A905) north of Elphinstone Crescent are intended to prohibit motorists from parking in the vicinity of the traffic island and maintain visibility for vehicles exiting Elphinstone Crescent.
- b) Restrictions within Elphinstone Crescent, where it meets Miller Place, are necessary to assist right turning manoeuvres, particularly by school buses.
- c) The extent of the proposed restrictions has been revised, taking account of the concerns raised by the objectors, as shown on plan TRO/001/REV-A. It is now proposed to reduce the extent of restrictions on Elphinstone Crescent at the junction with Main Street. This should assist in maximising the availability of on-street parking whilst providing visibility at the junction and maintaining safe access and egress.

3.3 The objectors were asked to formally withdraw their objections.

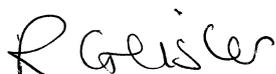
3.4 No objections have been withdrawn.

### 4. CONCLUSION

4.1 The purpose of The Falkirk Council (Elphinstone Crescent, Main Street and Miller Place, Airth)(Prohibition of Waiting) Order 2013 is to assist in deterring indiscriminate parking on Elphinstone Crescent, Main Street and Miller Place, Airth and is in the best interests of road safety due to the proximity of Airth Primary School.

### 5. RECOMMENDATIONS

5.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**



.....  
Director of Development Services

**Date: 16 October 2013**

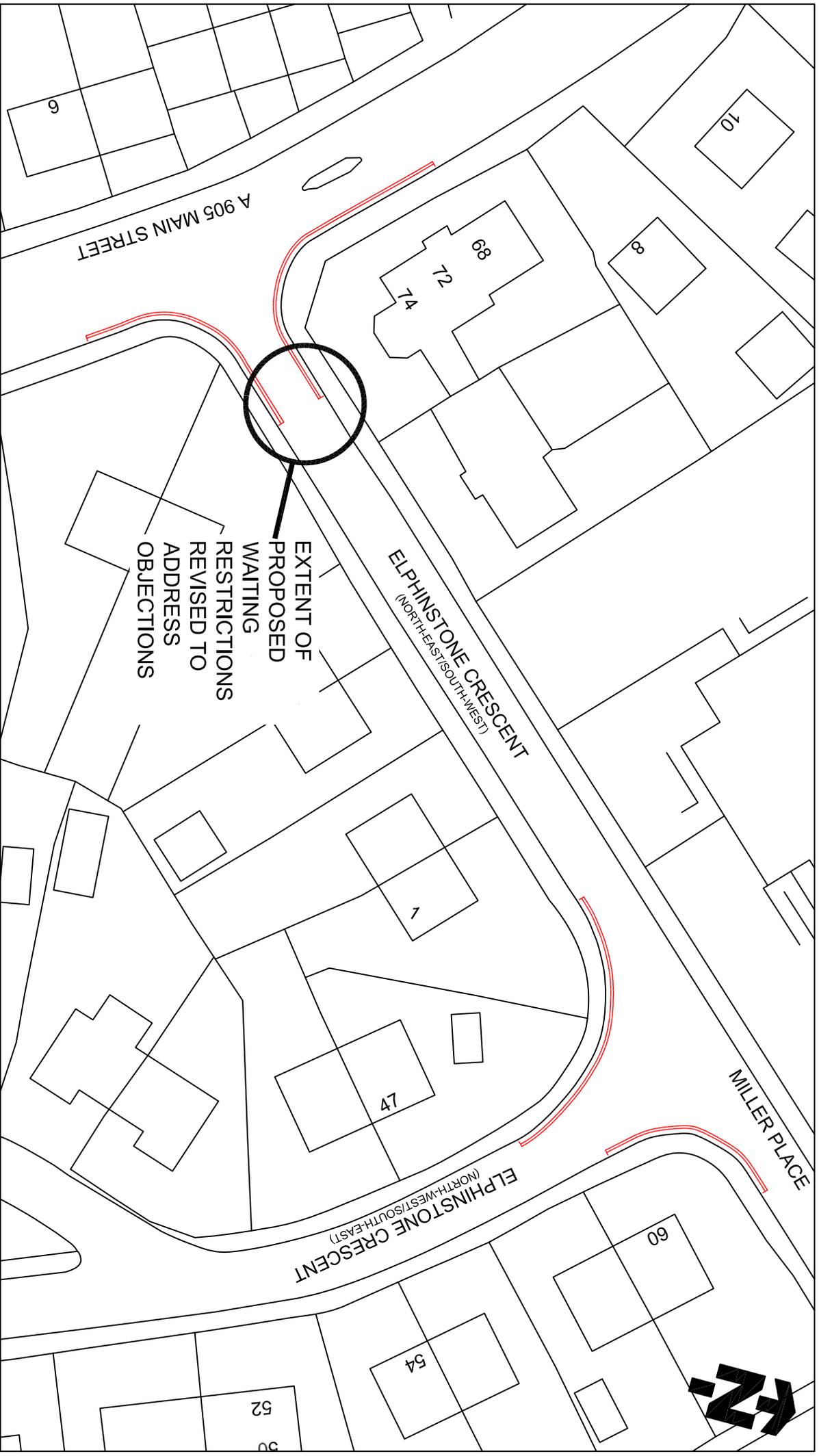
Contact Officer:        Russell Steedman, Network Co-ordinator        Tel: Ext 4830

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (Elphinstone Crescent, Main Street and Miller Place, Airth)(Prohibition of Waiting) Order 2013
2. Objections
3. Response to objections

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504830 and ask for Russell Steedman, Network Co-ordinator.





PROPOSED NO WAITING AT ANY TIME - DOUBLE YELLOW LINES

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



SCALE	1:500@A4	DRAWN	JA	CHECKED	RS	APPROVED	RS
DATE	08/10/2013	DATE	08/10/2013	DATE	08/10/2013	DATE	08/10/2013
DRAWING NO. <b>TRO/001/REV-A</b>							

**FALKIRK COUNCIL**

**Subject:** LANDSCAPE RESTORATION OF QUARRY VOID,  
COMPRISING PLANTING AND EARTHWORKS  
RESTORATION AND UPGRADING OF SOUTHERN SECTION  
OF SITE ACCESS ROAD LEADING TO THE A803 AT  
COWDENHILL QUARRY, CONEYPARK CRESCENT,  
BANKNOCK, BONNYBRIDGE FK4 1TX FOR AGGREGATE  
INDUSTRIES UK LTD - P/12/0380/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 30 October 2013  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor John McNally  
Councillor Martin David Oliver

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 29 May 2013 and again at the Planning Committee meeting dated 25 June 2013 (copy of previous reports appended). Members decided to continue this application until North Lanarkshire Council had determined the application before them, reference 12/00729/FUL, for a new hard rock quarry at Tomfyne Farm.
2. On 1 October 2013, at a special meeting of the North Lanarkshire Council Planning and Transportation Committee, it was agreed that planning application 12/00729/FUL be granted planning permission subject to conditions and completion of a Section 75 agreement to secure a suitable restoration bond. Councillors Oliver and McCabe have written to Falkirk and North Lanarkshire Planning Committees to suggest an alternative access route to Tomfyne Quarry via Mailings Road. Copy of letters appended. North Lanarkshire Planning Committee chose not to favour the proposed amended access route.
3. The amended access route via Mailings Road, proposed by Councillors Oliver and McCabe, is within North Lanarkshire. The route is outwith the jurisdiction of Falkirk Council. Falkirk Council Roads Development and Transport Planning Units have no objection to the current

proposed access route from the A803 west of Coneypark, and the applicants do not favour the proposed amendment. Officers therefore recommend that this application be determined on the basis of the current plans.

4. Since application P/12/0380/FUL last appeared before Falkirk's Planning Committee in June, Scotland Gas Networks has issued a holding objection to this application. The basis of this objection focuses on the safety of a pipeline adjacent to the north western faces of the existing quarry void. Scotland Gas Networks have sought clarification from the applicants regarding the stabilisation of the quarry faces. Their concerns relate primarily to the previous overworking of the site boundaries by Skene Group. At present, Scotland Gas Networks are in direct discussion with the applicants with a view to agreeing a suitable way forward. As the points of concern relate to previous work carried out and not specifically to the restoration proposed itself, it is not considered appropriate to hold up determination of the current application whilst discussions progress. Scotland Gas Network have advised that they would be happy to see a suitably worded condition attached to any planning permission granted, requiring the applicant to submit further information in relation to quarry face stabilisation in the vicinity of the pipeline.
5. At the Planning Committee meeting of 25 June 2013 Councillor Alexander requested data relating to historic traffic flows along the A803. This data has been attached as an appendix to this report.

## **6. RECOMMENDATION**

### **6.1 It is recommended the Committee indicate it is minded to grant planning permission subject to:-**

- (a) **The satisfactory completion of an obligation within the terms of Section 75 of the Town & Country Planning (Scotland) Act 1997 to prevent future extraction from Cowdenhill Quarry whilst any quarry exists at Tomfyne Farm. And thereafter, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
  - (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) **Prior to the extraction operations commencing at Tomfyne Farm the following details shall be submitted to and approved in writing by this Planning Authority:**
    - (i) **A timescale for the restorations of Cowdenhill and the proposed period of vegetation establishment;**
    - (ii) **Details of the final re-graded landform for the Doups Burn corridor;**
    - (iii) **A method statement for the regrading/levelling of the remainder of the quarry area and the regrading of the Doups Burn corridor;**
    - (iv) **A method statement for the hydro-seeding of the quarry face together with a specification of the seed mix proposed;**
    - (v) **Final confirmation of proposed management and treatment of water into the Doups Burn;**
    - (vi) **A detailed specification for all areas to be tree and shrub planted;**

- (vii) A fully detailed maintenance schedule for the initial maintenance to aid establishment of all planted and seeded areas for a 5 year period following completion of planting / seeding; and
- (viii) A method statement on the management and eradication of the Japanese Knotweed at the southern end of the site.

Thereafter, the restoration works shall be carried out in accordance with the details unless otherwise agreed in writing with the Planning Authority.

- (3) Prior to extraction operations commencing at Tomfyne Farm full details of road markings and proposed signage shall be submitted to and approved in writing by the Planning Authority, thereafter the development shall be carried out in accordance with these details unless otherwise agreed in writing by the Planning Authority.
- (4) The hours of operation for works relating to the regrading of the Doups Burn and upgrading of the access road shall be restricted to 0800 hours to 1700 hours Monday to Friday only. All other restoration work shall be restricted to 0700 hours to 1830 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays.
- (5) The access road from the A803 shall be maintained in a tidy condition, free from mud or slurry throughout the period of restoration and quarry operations at Tomfyne Farm and prior to the commencement of development at Tomfyne Farm, details of operations and measures to be taken to minimise dust generation including vehicle sheeting and the use of water bowsers to dampen road surfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter the site shall be operated in accordance with these details unless otherwise agreed in writing by the Planning Authority.
- (6) Prior to the commencement of development at Tomfyne Farm, a wheel wash facility in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority shall be installed on the site access road leading from the A803 in a position to be agreed with this Planning Authority. Thereafter the wheel wash facility shall be maintained in an efficient working order for the use of all heavy goods vehicles leaving the Tomfyne or Cowdenhill Quarry sites. Such facilities shall be retained, maintained and in operation for the duration of the restoration and quarrying operations.
- (7) All access road upgrade and bunding works shall be completed prior to extraction operations commencing at Tomfyne Farm as proposed under North Lanarkshire application reference 12/0729/FUL or other permissions granted for quarrying operations at Tomfyne Farm, whichever is the sooner.
- (8) Any mud, slurry or spillages deposited on the public highway (A803) as a result of quarry or restoration operations shall be removed by the operator to the satisfaction of the Planning Authority.
- (9) Unless otherwise agreed in writing by the Planning Authority, the following blasting limitations shall be adhered to in full:

- (i) Any blasting operations shall take place five minutes either side of 1000 hours Monday - Friday inclusive and no blasting shall occur on weekends or public holidays. In the event of a blast failure, one blast shall be permitted five minutes either side of 1100 hours or 1200 hours and at no other time;
  - (ii) There shall be no more than one blast per day;
  - (iii) Blasting shall be carried out such that no component of peak particular velocity measured at any vibration sensitive building shall exceed 12mm/sec;
  - (iv) All blasting shall be carried out in accordance with current regulations for the use of explosives at quarries;
  - (v) All blasting shall be by down the hole initiation;
  - (vi) There shall be no storage of explosive material on site at any time;
  - (vii) In the event of emergency, where, in the interests of safety, blasting outwith the permitted times is considered necessary, the operator shall ensure that the Planning Authority is advised as soon as practicable of the nature and circumstances of such events;
  - (viii) All blasting shall be carried out in accordance with the requirements of the Director of Development Services, Falkirk Council, which would include prior notification of the intention to blast of at least 3 days, to the Environmental Health team.
- (10) Prior to the start of work on site full details of the proposed security fencing and signage including ongoing maintenance and inspection arrangements shall be submitted to and approved in writing by the Planning Authority thereafter the fencing and signage shall comply with these details unless otherwise agreed in writing by the Planning Authority.
- (11) Prior to the start of work on site, full details of proposed pipeline protection and quarry face stabilisation measures in the vicinity of the Scottish Gas Networks high pressure gas pipeline shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Gas Networks. Thereafter all work on site shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure suitable restoration of the site is achieved.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that occupants of nearby properties are safeguarded against excessive noise intrusion.
- (5-6,8) To safeguard road safety and air quality.
- (7) To ensure that the access road is upgraded to an acceptable standard.
- (9) To ensure that safe working practices are adhered to and environmental amenity levels are safeguarded.

- (10) To ensure that the site is adequately secured.
- (11) To ensure protection of the adjacent high pressure gas pipeline.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 12, 13A - 23A, 24B, 25A, 26 - 31 and supporting documents.
- (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.

**Pp**

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**Director of Development Services**

**Date: 21 October 2013**

## LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Local Development Plan, Proposed Plan (April 2013).
4. Letter of Objection received from Mr & Mrs R Main, Orchard Grove, Bonnybridge, FK4 1UA on 10 August 2012.
5. Letter of Objection received from Mrs M Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
6. Letter of Objection received from Mrs Isobel Brady, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
7. Letter of Objection received from Mr Allan Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
8. Letter of Objection received from Mr Alexander Reid, 20 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
9. Letter of Objection received from Janet McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
10. Letter of Objection received from Mrs Hannah Boyle, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
11. Letter of Objection received from M Wales, 4 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
12. Letter of Objection received from Mr George McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
13. Letter of Objection received from Elizabeth Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
14. Letter of Objection received from Mr and Mrs A Small, Fairview Cottage, Wellpark Road, Banknock, Bonnybridge, FK4 1TP on 15 August 2012.
15. Letter of Objection received from Mr and Mrs Tweedie, 5 Braeface Road, Banknock, Bonnybridge, FK4 1UB on 15 August 2012.
16. Letter of Objection received from H Swierczek, 1 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
17. Letter of Objection received from Mr Graeme Mathews, 7 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
18. Letter of Objection received from Jean McLeod, 17 Mill Road, Banton, Kilsyth, G65 0RD on 12 September 2012.
19. Letter of Objection received from Mr Robert Barrons, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
20. Letter of Objection received from J McCormick, 16 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
21. Letter of Objection received from L Allison, 17 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
22. Letter of Objection received from Mrs Glynis Walker, 33 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
23. Letter of Objection received from Jean Fitzpatrick, 3 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
24. Letter of Objection received from Owner/Occupier, 3 Auchemrinoch Farm Road, Banton, Kilsyth, Glasgow on 14 September 2012.
25. Letter of Objection received from Mr George Neilson, 28 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
26. Letter of Objection received from Mr John Millan, 1 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
27. Letter of Objection received from McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 14 September 2012.

28. Letter of Objection received from Owner/Occupier, Kepperline, Main Street, Banton, Kilsyth, Glasgow G65 0QY on 14 September 2012.
29. Letter of Objection received from Owner/Occupier, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
30. Letter of Objection received from Ashleigh McCann, Brookleigh, 4 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
31. Letter of Objection received from Mr Gavin McClure, 1 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
32. Letter of Objection received from Sheona Brown, No. 3 Auchenrivoch Farm Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
33. Letter of Objection received from Mr Charlie Mooney, 37 Livingstone Park, Kilsyth, Glasgow G65 on 14 September 2012.
34. Letter of Objection received from Heather Walker, 7 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
35. Letter of Objection received from Mrs Debbie Robertson, 12 Mill Road, Banton, Kilsyth, G65 0RD on 14 September 2012.
36. Letter of Objection received from Mr William Bell, 1 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
37. Letter of Objection received from W Watson, 21 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
38. Letter of Objection received from Mr John Allison, 17 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
39. Letter of Objection received from Mr Colin Ramsay, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
40. Letter of Objection received from Alison Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
41. Letter of Objection received from Mr John Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 0RM on 14 September 2012.
42. Letter of Objection received from Owner/Occupier, 2 Orchard Road, Shalford, Guildford, Surrey GN4 8ER on 14 September 2012.
43. Letter of Objection received from Mr Patrick Tierney, Ard-Na-Bhreac, 35 Coneypark Crescent, Banknock, Bonnybridge FK4 1TU on 26 July 2012.
44. Letter of Support received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 28 August 2012.
45. Letter of Objection received from George and Janette Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 31 July 2012.
46. Letter of Objection received from Owner/Occupier, 28 Ludlow Road, Guildford, Surrey, GL2 7NR on 14 September 2012.
47. Letter of Objection received from G A Man, 30 Panmure Terrace, Barnmill, Dundee DD5 2QR on 14 September 2012.
48. Letter of Objection received from Karen Leadbetter, 4 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
49. Letter of Objection received from Mr Richard MacDonald, 42 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 14 September 2012.
50. Letter of Objection received from Janet Barrows, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
51. Letter of Objection received from Mrs S Bryce, 12 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
52. Letter of Objection received from S Hawthorne, 6 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
53. Letter of Objection received from Dianne Dixon, Parkview, Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.

54. Letter of Objection received from J Wilson, 23 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
55. Letter of Objection received from June Maden, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
56. Letter of Objection received from Mrs C McGhee, 24 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 1 August 2012.
57. Letter of Objection received from Mr Robert Benians, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
58. Letter of Objection received from Mr Craig Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
59. Letter of Objection received from Alanna Campbell, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
60. Letter of Objection received from Lorna Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
61. Letter of Objection received from E Love, 16 Hollandbush Crescent, Banknock, Bonnybridge FK4 1LD on 3 September 2012.
62. Letter of Support received from Mr & Mrs Neil Jack, 32 Ardgay Drive, Bonnybridge FK4 2FH on 21 August 2012.
63. Letter of Objection received from T Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
64. Letter of Objection received from Mrs Margaret Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
65. Letter of Objection received from E Watson, 15 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
66. Letter of Objection received from Mrs H Provan, 17 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
67. Letter of Objection received from Mr B Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
68. Letter of Support received from Drumglass Builders Ltd, F.T.A.O. John Rafferty, Drumglass Steadings, Drumglass, Croy on 30 August 2012.
69. Letter of Support received from Mr John Rafferty, 9 Drumglass View, Croy, Near Kilsyth, G65 9TL on 30 August 2012.
70. Letter of Support received from The Cloybank Estate, F.T.A.O. John Penman, Cloybank Estate, Braeface Road, Banknock, FK4 1UE on 30 August 2012.
71. Petition of Support with 118 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
72. Petition of Support with 299 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
73. Petition of Objection with 89 signatories received from J Dickinson, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
74. Letter of Objection received from Lisa Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
75. Letter of Objection received from T R Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
76. Letter of Objection received from Lorna Wilson, 11 Valleybank, Banton G65 0RH on 13 September 2012.
77. Letter of Objection received from Margo McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.
78. Letter of Objection received from Alyson Shearer, 2B Station Road, Kilsyth G65 0AB on 13 September 2012.
79. Letter of Objection received from James McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.

80. Letter of Objection received from Samuel McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 13 September 2012.
81. Letter of Objection received from Graham Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
82. Letter of Objection received from William Tierney, 5 Valleybank, Banton, Kilsyth Near Glasgow G65 0RH on 13 September 2012.
83. Letter of Objection received from Lilian Maxwell, Kinsale, Main Street, Banton, By Kilsyth, Glasgow G65 0QN on 13 September 2012.
84. Letter of Objection received from Gordon Patton, 26 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
85. Letter of Objection received from Barry Thomson, Braeriach, Main Street, Banton G65 0QN on 13 September 2012.
86. Letter of Objection received from Owner/Occupier, Mansard, 98 Main Street, Banton G65 0QN on 13 September 2012.
87. Letter of Objection received from Phyllis Hutchison, Shelley Cottage, Main Street, Banton G65 0GN on 13 September 2012.
88. Letter of Objection received from Don Maxwell, Kinsale, Main Street, Banton G65 0QN on 13 September 2012.
89. Letter of Objection received from Lynne Gracie, 28 Mill Road, Banton, Kilsyth G65 0RD on 13 September 2012.
90. Letter of Objection received from Catherine Keir, 3 Annbank, Banton, Kilsyth G65 0QN on 13 September 2012.
91. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
92. Letter of Objection received from Kenneth Hutchison, Shelley Cottage, Main Street, Banton G65 0QN on 13 September 2012.
93. Letter of Objection received from Jean Jack, Leaview Cottage, Main Street, Banton G65 0GN on 13 September 2012.
94. Letter of Objection received from Mr P Bryce, 12 Mailings Road, Banton G65 0GP on 13 September 2012.
95. Letter of Objection received from J Gracie, 20 Mailings Road, Banton, Kilsyth G65 0RH on 13 September 2012.
96. Letter of Objection received from Gillian Rennie, 11 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
97. Letter of Objection received from Elizabeth Allison, 17 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
98. Letter of Objection received from Christine McCulloch, 30 Mailings Road, Banton, By Kilsyth, Glasgow G65 0QP on 13 September 2012.
99. Letter of Objection received from Karen Jarvie, 28 Mailings Road, Banton G65 0GP on 13 September 2012.
100. Letter of Objection received from Elizabeth Block, Helenslea, Main Street, Banton, By Kilsyth G65 0QY on 13 September 2012.
101. Letter of Objection received from Rhiannon Williams, 25 Valleybank, Banton G65 0RH on 13 September 2012.
102. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
103. Letter of Objection received from Susan Price, 25 Lammerknowes Road, Banton, G65 0QT on 13 September 2012.
104. Letter of Objection received from Lynn Pearson, Glenburn, High Banton, Kilsyth G65 0RA on 13 September 2012.
105. Letter of Objection received from Mr & Mrs A Crichton, 29 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 0QT on 13 September 2012.

106. Letter of Objection received from Mary Lawrence, 21 Mill Road, Banton G65 0RD on 13 September 2012.
107. Letter of Objection received from James Jack, Leaview Cottage, Main Street, Banton G65 0QN on 13 September 2012.
108. Letter of Objection received from Ian Walker, 33 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
109. Letter of Objection received from Mr Conor McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
110. Letter of Objection received from Mr Dominic McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
111. Letter of Objection received from Margaret McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
112. Letter of Objection received from Mr Alex McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
113. Letter of Objection received from Mr George Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
114. Letter of Objection received from Diane Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
115. Letter of Objection received from Mr David Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
116. Letter of Objection received from C Bell, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
117. Letter of Objection received from Mr David A Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
118. Letter of Objection received from Owner/Occupier, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
119. Letter of Objection received from Owner/Occupier, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
120. Letter of Objection received from Mr Brian Tonner, 20 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
121. Letter of Objection received from Mr John Dempsey, 29 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
122. Letter of Objection received from Mr William Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
123. Letter of Objection received from Miss Gael Breakenridge, 9 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 6 August 2012.
124. Petition of Objection with 661 signatories received from Mr R Main, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 3 September 2012.
125. Letter of Objection received from BRACE, c/o Mrs Agnes O'Donnell, Secretary, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
126. Letter of Objection received from Claud & Betty Wilson, Auchincloch House, Bonnybridge FK4 1UA on 16 August 2012.
127. Letter of Objection received from Claud & Betty Wilson, Cedarhill, Bonnybridge FK4 1UA on 16 August 2012.
128. Letter of Objection received from Mrs Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
129. Letter of Objection received from Betty Duffy, 1 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
130. Letter of Objection received from P Henderson, 24 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
131. Letter of Objection received from Mrs A O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.

132. Letter of Objection received from Mrs Jean Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT.
133. Letter of Objection received from Mr James Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
134. Letter of Objection received from Mr Peter Ryan, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
135. Letter of Objection received from Miss Karen Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
136. Letter of Objection received from Janet McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
137. Letter of Objection received from Mr Matthew McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
138. Letter of Objection received from Michelle McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
139. Letter of Objection received from Mr Patrick McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
140. Letter of Objection received from M Macaulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
141. Letter of Objection received from Banknock, Hags & Longcroft Community Council on 18 July 2012.
142. Letter of Objection received from Elaine Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
143. Letter of Objection received from Robert Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
144. Letter of Objection received from Mary MacDonald, 220 Kilsyth Road, Banknock, Bonnybridge FK4 1UF on 13 September 2012.
145. Letter of Objection received from Robert Black, 31 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
146. Letter of Objection received from Mrs C Walker, 27 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
147. Letter of Objection received from Elizabeth Pearson, 21 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
148. Letter of Objection received from Stuart Black, 4 Valleybank, Banton G65 0RH on 13 September 2012.
149. Letter of Objection received from Mark Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
150. Letter of Objection received from Myra McCann, Brookleigh, 4 Hillview, Banton G65 0QY on 13 September 2012.
151. Letter of Objection received from Mrs A Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
152. Letter of Objection received from W Lawrence, 21 Mill Road, Banton, Kilsyth G65 9RD on 12 September 2012.
153. Letter of Objection received from Robert Dawson, 11 Mill Road, Banton, Kilsyth G65 0RD on 12 September 2012.
154. Letter of Objection received from Barbara Anderson, 5 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
155. Letter of Objection received from Owner/Occupier, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
156. Letter of Objection received from Mark Hawthorne, 6 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
157. Letter of Objection received from G S Wilson, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.

158. Letter of Objection received from James A Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
159. Letter of Objection received from Annie Harvie, 11 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
160. Letter of Objection received from Jean S Weir, 1 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
161. Letter of Objection received from Alastair MacRae, 20 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
162. Letter of Objection received from Iain D Cassidy, 1 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
163. Letter of Objection received from Alison Kelly, 18 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
164. Letter of Objection received from Lesley Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
165. Letter of Objection received from Mrs Patricia Nelson, 15 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
166. Letter of Objection received from Elizabeth Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
167. Letter of Objection received from Marie Russell, Ivy Cottage, Main Street, Banton, Kilsyth G65 0QY on 12 September 2012.
168. Letter of Objection received from Angela Ferrie, Homelea, Main Street, Banton , Kilsyth G65 0QY on 12 September 2012.
169. Letter of Objection received Mr John Weir 1 Valleybank, Banton, Kilsyth, Glasgow, G65 0RH on 12 September 2013.
170. Letter of Objection received Mr James Graham 14 Valleybank, Banton, Kilsyth G65 0RH on 1 September 2013
171. Letter of Objection received T Wales, 4 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.
172. Letter of Objection received from Anna Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
173. Letter of Objection received from Anne Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
174. Letter of Objection received from Patrick Tierney on 7 August 2012.
175. Letter of Objection received from Marie Grant, 18 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

## APPENDIX 1

**FALKIRK COUNCIL**

**Subject:** LANDSCAPE RESTORATION OF QUARRY VOID,  
COMPRISING PLANTING AND EARTHWORKS  
RESTORATION AND UPGRADING OF SOUTHERN SECTION  
OF SITE ACCESS ROAD LEADING TO THE A803 AT  
COWDENHILL QUARRY, CONEYPARK CRESCENT,  
BANKNOCK, BONNYBRIDGE FK4 1TX FOR AGGREGATE  
INDUSTRIES UK LTD - P/12/0380/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 25 June 2013  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor John McNally  
Councillor Martin David Oliver

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee at the meeting on 29 May 2013 (copy of previous report appended), when it was decided to continue the application for a site visit. This visit took place on 10 June 2013.
2. A brief summary of the application was given by the case officer and followed by a description of the applicant's proposals. Support for the proposed restoration scheme was then expressed by nearby landowner, John Penman, who advised that he felt overall site safety would improve following implementation of the proposal.
3. A large group of nearby residents attended the meeting and, along with the local Community Council, they expressed fear that the approval of this application would lead to a return to the previous road safety, dust and vibration issues which were prevalent when Skene Group previously operated the site. Those attending the meeting were reminded that the current application is for restoration and work to upgrade the access road only and that quarrying activities are the subject of a separate application being assessed by North Lanarkshire Council.
4. In response to questions raised regarding restoration timescales, the applicant confirmed that, should planning permission be granted for this application and the new quarry at Tomfyne

then restoration would likely commence next spring / summer and continue for a period of around 18 months. In the event that the Tomfyne quarry application is refused the applicants advised that restoration would still take place but in a lesser form than currently proposed due to less overburden material being available. Officers confirmed that Falkirk Council cannot require restoration to take place in this timescale due to the existing consent for extraction at Cowdenhill which is live until 2024. Officers did however confirm that restoration of the site required by way of a condition attached to the existing consent can still be enforced. Any such enforcement action would be taken against the landowner.

5. Questions and concerns were raised by residents in relation to flooding associated with the Doups Burn. It was clarified by officers that, whilst the current restoration proposal includes discharge of water from the quarry void into the Doups burn, other improvements are proposed to be made to the surrounding natural drainage which would improve the situation for residents in Coneypark. A flood risk assessment accompanied the application and has been reviewed by SEPA and Falkirk Council and has been found to be satisfactory.
6. In relation to proposed hours of operations, residents felt these should be restricted to 08:00 hours - 17:00 hours Monday to Friday. The applicants have since however provided further clarity on the nature of the restoration work and it is considered that the condition should be amended to more accurately reflect the type of work proposed on the site. The newly amended conditions seeks to restrict the more noise intrusive restoration work to the suggested Monday – Friday, 0800 – 1700 hours whilst allowing less intrusive activities to progress outwith these hours.
7. Regarding to site security, fencing around the site is controlled by the Mines and Quarries Act 1954 and enforced by the Environmental Protection Unit. It is however considered appropriate to attach a condition requiring the submission of fencing proposals and maintenance arrangements in perpetuity.
8. Local Member, Councillor Oliver requested further information in regard to the site history referred to in section 3.3 of the previous report to Committee. For clarification, application F/99/0691 for the amendment of condition 8 of F/97/0919 essentially requested and granted the approval of two options for vehicular access realignment to the Cowdenhill Quarry site as opposed to being restricted to only one option as was the case under F/97/0919.
9. Councillor Oliver also requested clarification in regard to a restoration bond which has not been enforced. In reviewing the file associated with the existing modern working conditions consent F/99/0026, it can be confirmed that no such bond was required by way of condition. A restoration bond was recommended by officers during consideration of application 05/0698/MRL for the construction of concrete plant, concrete block plant, tar plant and materials recycling plant at the site. However this recommendation was overturned by the then Regulatory Committee and application 05/0698/MRL was refused. The subsequent appeal was also dismissed and therefore the recommended restoration bond was never secured and cannot be called upon.
10. A supplementary report on behalf of B.R.A.C.E. was circulated to members of the Committee, officers and applicants. The content of this supplementary report focuses on the content and recommendations of the previous officer report to Planning Committee on 29 May 2013. The document disagrees with the assessment of the proposal in relation to Development Plan policy and reiterates and expands upon points of objection previously made by B.R.A.C.E. and

other objectors. Much of this document refers to potential wider implications related to the proposed Tomfyne quarry being as a direct result of the restoration application being approved. As was mentioned in the previous report to Committee, and during the site visit itself, the current application assessment cannot take account of matters relating to the proposed Tomfyne quarry and must focus on the application before Falkirk Council alone. With this in mind, it is considered that the Supplementary Report circulated by B.R.A.C.E. does not raise any new material planning considerations and does not alter the recommendation being put to Committee.

11. Accordingly it is considered that no matters were raised at the site visit that would alter the recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:
12. **It is recommended the Committee indicate it is minded to grant planning permission subject to:-**
  - (a) **The satisfactory completion of an obligation within the terms of Section 75 of the Town & Country Planning (Scotland) Act 1997 to prevent future extraction from Cowdenhill Quarry whilst any quarry exists at Tomfyne Farm. And thereafter, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
    - (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) **Prior to the extraction operations commencing at Tomfyne Farm the following details shall be submitted to and approved in writing by this Planning Authority:**
      - (i) **A timescale for the restorations of Cowdenhill and the proposed period of vegetation establishment;**
      - (ii) **Details of the final re-graded landform for the Doups Burn corridor;**
      - (iii) **A method statement for the regrading/levelling of the remainder of the quarry area and the regrading of the Doups Burn corridor;**
      - (iv) **A method statement for the hydro-seeding of the quarry face together with a specification of the seed mix proposed;**
      - (v) **Final confirmation of proposed management and treatment of water into the Doups Burn;**
      - (vi) **A detailed specification for all areas to be tree and shrub planted;**
      - (vii) **A fully detailed maintenance schedule for the initial maintenance to aid establishment of all planted and seeded areas for a 5 year period following completion of planting / seeding; and**
      - (viii) **A method statement on the management and eradication of the Japanese Knotweed at the southern end of the site.**

Thereafter, the restoration works shall be carried out in accordance with the details unless otherwise agreed in writing with the Planning Authority.

- (3) **Prior to extraction operations commencing at Tomfyne Farm full details of road markings and proposed signage shall be submitted to and approved in writing**

by the Planning Authority , thereafter the development shall be carried out in accordance with these details unless otherwise agreed in writing by the Planning Authority.

- (4) The hours of operation for works relating to the regrading of the Doups Burn and upgrading of the access road shall be restricted to 0800 hours to 1700 hours Monday to Friday only. All other restoration work shall be restricted to 0700 hours to 1830 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays.
- (5) The access road from the A803 shall be maintained in a tidy condition, free from mud or slurry throughout the period of restoration and quarry operations at Tomfyne Farm and prior to the commencement of development at Tomfyne Farm, details of operations and measures to be taken to minimise dust generation including vehicle sheeting and the use of water bowsers to dampen road surfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter the site shall be operated in accordance with these details unless otherwise agreed in writing by the Planning Authority.
- (6) Prior to the commencement of development at Tomfyne Farm, a wheel wash facility in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority shall be installed on the site access road leading from the A803 in a position to be agreed with this Planning Authority. Thereafter the wheel wash facility shall be maintained in an efficient working order for the use of all heavy goods vehicles leaving the Tomfyne or Cowdenhill Quarry sites. Such facilities shall be retained, maintained and in operation for the duration of the restoration and quarrying operations.
- (7) All access road upgrade and bunding works shall be completed prior to extraction operations commencing at Tomfyne Farm as proposed under North Lanarkshire application reference 12/0729/FUL or other permissions granted for quarrying operations at Tomfyne Farm, whichever is the sooner.
- (8) Any mud, slurry or spillages deposited on the public highway (A803) as a result of quarry or restoration operations shall be removed by the operator to the satisfaction of the Planning Authority.
- (9) Unless otherwise agreed in writing by the Planning Authority, the following blasting limitations shall be adhered to in full:
  - (i) Any blasting operations shall take place five minutes either side of 1000 hours Monday - Friday inclusive and no blasting shall occur on weekends or public holidays. In the event of a blast failure, one blast shall be permitted five minutes either side of 1100 hours or 1200 hours and at no other time;
  - (ii) There shall be no more than one blast per day;
  - (iii) Blasting shall be carried out such that no component of peak particular velocity measured at any vibration sensitive building shall exceed 12mm/sec;
  - (iv) All blasting shall be carried out in accordance with current regulations for the use of explosives at quarries;
  - (v) All blasting shall be by down the hole initiation;
  - (vi) There shall be no storage of explosive material on site at any time;

- (vii) In the event of emergency, where, in the interests of safety, blasting outwith the permitted times is considered necessary, the operator shall ensure that the Planning Authority is advised as soon as practicable of the nature and circumstances of such events;
  - (viii) All blasting shall be carried out in accordance with the requirements of the Director of Development Services, Falkirk Council, which would include prior notification of the intention to blast of at least 3 days, to the Environmental Health team.
- (10) Prior to the start of work on site full details of the proposed security fencing and signage including ongoing maintenance and inspection arrangements shall be submitted to and approved in writing by the Planning Authority thereafter the fencing and signage shall comply with these details unless otherwise agreed in writing by the Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure suitable restoration of the site is achieved.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that occupants of nearby properties are safeguarded against excessive noise intrusion.
- (5-6,8) To safeguard road safety and air quality.
- (7) To ensure that the access road is upgraded to an acceptable standard.
- (9) To ensure that safe working practices are adhered to and environmental amenity levels are safeguarded.
- (10) To ensure that the site is adequately secured.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 12, 13A - 23A, 24B, 25A, 26 - 31 and supporting documents.
- (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.

**Pp**

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 Director of Development Services

Date: 17 June 2013

## LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Local Development Plan, Proposed Plan (April 2013).
4. Letter of Objection received from Mr & Mrs R Main, Orchard Grove, Bonnybridge, FK4 1UA on 10 August 2012.
5. Letter of Objection received from Mrs M Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
6. Letter of Objection received from Mrs Isobel Brady, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
7. Letter of Objection received from Mr Allan Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
8. Letter of Objection received from Mr Alexander Reid, 20 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
9. Letter of Objection received from Janet McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
10. Letter of Objection received from Mrs Hannah Boyle, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
11. Letter of Objection received from M Wales, 4 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
12. Letter of Objection received from Mr George McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
13. Letter of Objection received from Elizabeth Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
14. Letter of Objection received from Mr and Mrs A Small, Fairview Cottage, Wellpark Road, Banknock, Bonnybridge, FK4 1TP on 15 August 2012.
15. Letter of Objection received from Mr and Mrs Tweedie, 5 Braeface Road, Banknock, Bonnybridge, FK4 1UB on 15 August 2012.
16. Letter of Objection received from H Swierczek, 1 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
17. Letter of Objection received from Mr Graeme Mathews, 7 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
18. Letter of Objection received from Jean McLeod, 17 Mill Road, Banton, Kilsyth, G65 0RD on 12 September 2012.
19. Letter of Objection received from Mr Robert Barrons, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
20. Letter of Objection received from J McCormick, 16 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
21. Letter of Objection received from L Allison, 17 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
22. Letter of Objection received from Mrs Glynis Walker, 33 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
23. Letter of Objection received from Jean Fitzpatrick, 3 Lammerknowes Road, Banton , Kilsyth, G65 0QT on 14 September 2012.
24. Letter of Objection received from Owner/Occupier, 3 Auchemrinoch Farm Road, Banton, Kilsyth, Glasgow on 14 September 2012.
25. Letter of Objection received from Mr George Neilson, 28 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
26. Letter of Objection received from Mr John Millan, 1 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
27. Letter of Objection received from McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 14 September 2012.

28. Letter of Objection received from Owner/Occupier, Kepperline, Main Street, Banton, Kilsyth, Glasgow G65 0QY on 14 September 2012.
29. Letter of Objection received from Owner/Occupier, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
30. Letter of Objection received from Ashleigh McCann, Brookleigh, 4 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
31. Letter of Objection received from Mr Gavin McClure, 1 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
32. Letter of Objection received from Sheona Brown, No. 3 Auchenrivoch Farm Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
33. Letter of Objection received from Mr Charlie Mooney, 37 Livingstone Park, Kilsyth, Glasgow G65 on 14 September 2012.
34. Letter of Objection received from Heather Walker, 7 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
35. Letter of Objection received from Mrs Debbie Robertson, 12 Mill Road, Banton, Kilsyth, G65 0RD on 14 September 2012.
36. Letter of Objection received from Mr William Bell, 1 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
37. Letter of Objection received from W Watson, 21 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
38. Letter of Objection received from Mr John Allison, 17 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
39. Letter of Objection received from Mr Colin Ramsay, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
40. Letter of Objection received from Alison Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
41. Letter of Objection received from Mr John Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 0RM on 14 September 2012.
42. Letter of Objection received from Owner/Occupier, 2 Orchard Road, Shalford, Guildford, Surrey GN4 8ER on 14 September 2012.
43. Letter of Objection received from Mr Patrick Tierney, Ard-Na-Bhreac, 35 Coneypark Crescent, Banknock, Bonnybridge FK4 1TU on 26 July 2012.
44. Letter of Support received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 28 August 2012.
45. Letter of Objection received from George and Janette Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 31 July 2012.
46. Letter of Objection received from Owner/Occupier, 28 Ludlow Road, Guildford, Surrey, GL2 7NR on 14 September 2012.
47. Letter of Objection received from G A Man, 30 Panmure Terrace, Barnmill, Dundee DD5 2QR on 14 September 2012.
48. Letter of Objection received from Karen Leadbetter, 4 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
49. Letter of Objection received from Mr Richard MacDonald, 42 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 14 September 2012.
50. Letter of Objection received from Janet Barrows, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
51. Letter of Objection received from Mrs S Bryce, 12 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
52. Letter of Objection received from S Hawthorne, 6 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
53. Letter of Objection received from Dianne Dixon, Parkview, Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.

54. Letter of Objection received from J Wilson, 23 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
55. Letter of Objection received from June Maden, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
56. Letter of Objection received from Mrs C McGhee, 24 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 1 August 2012.
57. Letter of Objection received from Mr Robert Benians, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
58. Letter of Objection received from Mr Craig Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
59. Letter of Objection received from Alanna Campbell, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
60. Letter of Objection received from Lorna Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
61. Letter of Objection received from E Love, 16 Hollandbush Crescent, Banknock, Bonnybridge FK4 1LD on 3 September 2012.
62. Letter of Support received from Mr & Mrs Neil Jack, 32 Ardgay Drive, Bonnybridge FK4 2FH on 21 August 2012.
63. Letter of Objection received from T Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
64. Letter of Objection received from Mrs Margaret Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
65. Letter of Objection received from E Watson, 15 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
66. Letter of Objection received from Mrs H Provan, 17 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
67. Letter of Objection received from Mr B Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
68. Letter of Support received from Drumglass Builders Ltd, F.T.A.O. John Rafferty, Drumglass Steadings, Drumglass, Croy on 30 August 2012.
69. Letter of Support received from Mr John Rafferty, 9 Drumglass View, Croy, Near Kilsyth, G65 9TL on 30 August 2012.
70. Letter of Support received from The Cloybank Estate, F.T.A.O. John Penman, Cloybank Estate, Braeface Road, Banknock, FK4 1UE on 30 August 2012.
71. Petition of Support with 118 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
72. Petition of Support with 299 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
73. Petition of Objection with 89 signatories received from J Dickinson, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
74. Letter of Objection received from Lisa Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
75. Letter of Objection received from T R Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
76. Letter of Objection received from Lorna Wilson, 11 Valleybank, Banton G65 0RH on 13 September 2012.
77. Letter of Objection received from Margo McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.
78. Letter of Objection received from Alyson Shearer, 2B Station Road, Kilsyth G65 0AB on 13 September 2012.
79. Letter of Objection received from James McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.

80. Letter of Objection received from Samuel McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 13 September 2012.
81. Letter of Objection received from Graham Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
82. Letter of Objection received from William Tierney, 5 Valleybank, Banton, Kilsyth Near Glasgow G65 0RH on 13 September 2012.
83. Letter of Objection received from Lilian Maxwell, Kinsale, Main Street, Banton, By Kilsyth, Glasgow G65 0QN on 13 September 2012.
84. Letter of Objection received from Gordon Patton, 26 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
85. Letter of Objection received from Barry Thomson, Braeriach, Main Street, Banton G65 0QN on 13 September 2012.
86. Letter of Objection received from Owner/Occupier, Mansard, 98 Main Street, Banton G65 0QN on 13 September 2012.
87. Letter of Objection received from Phyllis Hutchison, Shelley Cottage, Main Street, Banton G65 0GN on 13 September 2012.
88. Letter of Objection received from Don Maxwell, Kinsale, Main Street, Banton G65 0QN on 13 September 2012.
89. Letter of Objection received from Lynne Gracie, 28 Mill Road, Banton, Kilsyth G65 0RD on 13 September 2012.
90. Letter of Objection received from Catherine Keir, 3 Annbank, Banton, Kilsyth G65 0QN on 13 September 2012.
91. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
92. Letter of Objection received from Kenneth Hutchison, Shelley Cottage, Main Street, Banton G65 0QN on 13 September 2012.
93. Letter of Objection received from Jean Jack, Leaview Cottage, Main Street, Banton G65 0GN on 13 September 2012.
94. Letter of Objection received from Mr P Bryce, 12 Mailings Road, Banton G65 0GP on 13 September 2012.
95. Letter of Objection received from J Gracie, 20 Mailings Road, Banton, Kilsyth G65 0RH on 13 September 2012.
96. Letter of Objection received from Gillian Rennie, 11 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
97. Letter of Objection received from Elizabeth Allison, 17 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
98. Letter of Objection received from Christine McCulloch, 30 Mailings Road, Banton, By Kilsyth, Glasgow G65 0QP on 13 September 2012.
99. Letter of Objection received from Karen Jarvie, 28 Mailings Road, Banton G65 0GP on 13 September 2012.
100. Letter of Objection received from Elizabeth Block, Helenslea, Main Street, Banton, By Kilsyth G65 0QY on 13 September 2012.
101. Letter of Objection received from Rhiannon Williams, 25 Valleybank, Banton G65 0RH on 13 September 2012.
102. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
103. Letter of Objection received from Susan Price, 25 Lammerknowes Road, Banton, G65 0QT on 13 September 2012.
104. Letter of Objection received from Lynn Pearson, Glenburn, High Banton, Kilsyth G65 0RA on 13 September 2012.
105. Letter of Objection received from Mr & Mrs A Crichton, 29 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 0QT on 13 September 2012.

106. Letter of Objection received from Mary Lawrence, 21 Mill Road, Banton G65 0RD on 13 September 2012.
107. Letter of Objection received from James Jack, Leaview Cottage, Main Street, Banton G65 0QN on 13 September 2012.
108. Letter of Objection received from Ian Walker, 33 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
109. Letter of Objection received from Mr Conor McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
110. Letter of Objection received from Mr Dominic McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
111. Letter of Objection received from Margaret McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
112. Letter of Objection received from Mr Alex McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
113. Letter of Objection received from Mr George Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
114. Letter of Objection received from Diane Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
115. Letter of Objection received from Mr David Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
116. Letter of Objection received from C Bell, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
117. Letter of Objection received from Mr David A Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
118. Letter of Objection received from Owner/Occupier, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
119. Letter of Objection received from Owner/Occupier, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
120. Letter of Objection received from Mr Brian Tonner, 20 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
121. Letter of Objection received from Mr John Dempsey, 29 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
122. Letter of Objection received from Mr William Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
123. Letter of Objection received from Miss Gael Breakenridge, 9 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 6 August 2012.
124. Petition of Objection with 661 signatories received from Mr R Main, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 3 September 2012.
125. Letter of Objection received from BRACE, c/o Mrs Agnes O'Donnell, Secretary, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
126. Letter of Objection received from Claud & Betty Wilson, Auchincloch House, Bonnybridge FK4 1UA on 16 August 2012.
127. Letter of Objection received from Claud & Betty Wilson, Cedarhill, Bonnybridge FK4 1UA on 16 August 2012.
128. Letter of Objection received from Mrs Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
129. Letter of Objection received from Betty Duffy, 1 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
130. Letter of Objection received from P Henderson, 24 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
131. Letter of Objection received from Mrs A O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.

132. Letter of Objection received from Mrs Jean Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT.
133. Letter of Objection received from Mr James Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
134. Letter of Objection received from Mr Peter Ryan, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
135. Letter of Objection received from Miss Karen Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
136. Letter of Objection received from Janet McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
137. Letter of Objection received from Mr Matthew McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
138. Letter of Objection received from Michelle McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
139. Letter of Objection received from Mr Patrick McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
140. Letter of Objection received from M Macaulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
141. Letter of Objection received from Banknock, Hags & Longcroft Community Council on 18 July 2012.
142. Letter of Objection received from Elaine Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
143. Letter of Objection received from Robert Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
144. Letter of Objection received from Mary MacDonald, 220 Kilsyth Road, Banknock, Bonnybridge FK4 1UF on 13 September 2012.
145. Letter of Objection received from Robert Black, 31 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
146. Letter of Objection received from Mrs C Walker, 27 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
147. Letter of Objection received from Elizabeth Pearson, 21 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
148. Letter of Objection received from Stuart Black, 4 Valleybank, Banton G65 0RH on 13 September 2012.
149. Letter of Objection received from Mark Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
150. Letter of Objection received from Myra McCann, Brookleigh, 4 Hillview, Banton G65 0QY on 13 September 2012.
151. Letter of Objection received from Mrs A Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
152. Letter of Objection received from W Lawrence, 21 Mill Road, Banton, Kilsyth G65 9RD on 12 September 2012.
153. Letter of Objection received from Robert Dawson, 11 Mill Road, Banton, Kilsyth G65 0RD on 12 September 2012.
154. Letter of Objection received from Barbara Anderson, 5 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
155. Letter of Objection received from Owner/Occupier, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
156. Letter of Objection received from Mark Hawthorne, 6 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
157. Letter of Objection received from G S Wilson, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.

158. Letter of Objection received from James A Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
159. Letter of Objection received from Annie Harvie, 11 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
160. Letter of Objection received from Jean S Weir, 1 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
161. Letter of Objection received from Alastair MacRae, 20 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
162. Letter of Objection received from Iain D Cassidy, 1 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
163. Letter of Objection received from Alison Kelly, 18 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
164. Letter of Objection received from Lesley Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
165. Letter of Objection received from Mrs Patricia Nelson, 15 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
166. Letter of Objection received from Elizabeth Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
167. Letter of Objection received from Marie Russell, Ivy Cottage, Main Street, Banton, Kilsyth G65 0QY on 12 September 2012.
168. Letter of Objection received from Angela Ferrie, Homelea, Main Street, Banton , Kilsyth G65 0QY on 12 September 2012.
169. Letter of Objection received Mr John Weir 1 Valleybank, Banton, Kilsyth, Glasgow, G65 0RH on 12 September 2013.
170. Letter of Objection received Mr James Graham 14 Valleybank, Banton, Kilsyth G65 0RH on 1 September 2013
171. Letter of Objection received T Wales, 4 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.
172. Letter of Objection received from Anna Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
173. Letter of Objection received from Anne Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
174. Letter of Objection received from Patrick Tierney on 7 August 2012.
175. Letter of Objection received from Marie Grant, 18 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** LANDSCAPE RESTORATION OF QUARRY VOID,  
COMPRISING PLANTING AND EARTHWORKS  
RESTORATION AND UPGRADING OF SOUTHERN SECTION  
OF SITE ACCESS ROAD LEADING TO THE A803 AT  
COWDENHILL QUARRY, CONEYPARK CRESCENT,  
BANKNOCK, BONNYBRIDGE FK4 1TX FOR AGGREGATE  
INDUSTRIES UK LTD - P/12/0380/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 29 May 2013  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor John McNally  
Councillor Martin David Oliver

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This full planning application proposes the restoration of an existing quarry void at Cowdenhill, Banknock and the upgrading of the southern section of access road heading out onto the A803. The upgrading of the access road in this location includes widening, tarmac surfacing and the installation of a wheelwash facility. The restoration proposals include the re-grading of the Doups Burn to aid natural drainage of the site and planting and earthworks, designed to improve visual amenity, safety and biodiversity.
- 1.2 This application forms the second part of a cross-boundary proposal submitted by Aggregate Industries to both Falkirk Council and North Lanarkshire Council. This cross-boundary proposal consists of the application outlined in paragraph 1.1 above, to be assessed by Falkirk Council, and a separate application for a new hardrock quarry at Tomfyne Farm, to be assessed by North Lanarkshire Council. Falkirk Council has been consulted on this separate application and a report to Committee, recommending our response, is contained elsewhere in the current meeting agenda.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 In terms of the Council's Scheme of Delegation, the Director of Development Services has decided to refer this application to the Planning Committee due to the significant public interest and previous history of operations at Cowdenhill.

## **3. SITE HISTORY**

- 3.1 There has been an operational quarry at Cowdenhill since as early as 1926, and this was operated by Stirlingshire County Council in the 1940's. The site has since been used intermittently for quarrying, with the Skene Group operating the quarry under modern working conditions approval F/99/0026 from 2000 until July 2011. Application F/99/0026 remains a live permission, allowing for the extraction of material from the site until 2024.
- 3.2 The current applicant, Aggregate Industries UK Ltd, has provided survey information which suggests that the previous operators of the Quarry, Skene Group, overworked the site boundaries. Notwithstanding this, application F/99/0026 remains a valid permission and the quarry still contains workable material below the existing quarry floor and within the approved boundaries.
- 3.3 The site has been the subject of a number of applications during the time of its operation. The most recent and relevant planning history is summarised below:-
- F/92/0628 - registration of interim development order (minerals) - refused on 12 November 1992.
  - F/99/0027 - installation of office and construction of weighbridge - granted on 07 May 1999.
  - F/97/0919 - upgrading, widening and realignment of existing road - granted on 18 August 1999.
  - F/99/0691 - amendment to condition 8 of planning permission F/97/0919 – granted on 17 November 1999.
  - 05/0698/MRL - operations on land adjoining existing quarry to provide concrete plant, concrete nlock plant, tar (asphalt) plant and materials recycling plant and area for storage of soil and overburden and alterations to quarry access road - refused on 06 September 2006 - Appeal to SIERU on 22 January 2007 - Appeal dismissed on 18 January 2008.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit is satisfied that the proposed development poses no risk to road safety. Issues relating to road drainage and flooding have also been assessed in detail and the proposals are considered to be adequate in this regard.
- 4.2 Historic Scotland do not object to the application.
- 4.3 Transport Scotland do not object to the application.
- 4.4 Falkirk Community Trust (Museums) does not object to the application.

- 4.5 The Council's Environmental Protection Unit do not object to the application.
- 4.6 The Council's Transport Planning Unit do not object to this application.
- 4.7 Scottish Water do not object to this application.
- 4.8 Scottish Environmental Protection Agency (SEPA) do not object to this application.
- 4.9 Scottish Natural Heritage do not object to the proposal.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Higgs and Longcroft Community Council has objected to this application. The main points of objection raised relate to the historical working of Cowdenhill Quarry by the Skene Group and associated problems regarding road safety, fouling of the road, noise and vibration, pollution of watercourses and dust problems. The Community Council state that they do not wish for a return to such circumstances.

## **6. PUBLIC REPRESENTATION**

- 6.1 In the course of this application, 172 letters of representation were submitted to the Council, including 4 petitions. In total there were 417 petition signatures in support of the application and 750 petition signatories objecting to the proposal. Of the remaining letters, 163 were objections and 5 were in support of the application. 1 letter of objection was from the Community Council. The main issues raised in the objections are summarised below:-

- Previous poor working habits of Skene Group.
- Dust/vibration and noise issues related to transport movement.
- Congestion of road network.
- Damage to road caused by vehicle movement.
- Visual impact
- Ecological impact.
- Water and drainage quality.

- 6.2 The main issues raised in support are summarised below:-

- Employment benefits.
- Aggregate Industries are a reputable company.
- Restoration of Cowdenhill is reliant on planning permission being granted at Tomfyne.
- Restoration will improve safety of the site.

## 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 This application relates to restoration of the existing quarry void including upgrade works to the existing access road. These works are not considered to pose an unacceptable risk to amenities of communities or the local environment. The proposed work is considered to be beneficial in this regard. The restoration of Cowdenhill Quarry would not sterilise the existing mineral resource at Cowdenhill Quarry.

7a.3 The proposal accords with the terms of the Falkirk Council Structure Plan.

#### *Falkirk Council Local Plan*

7a.4 Policy EQ17 - 'Antonine Wall' states:

*The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*

- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.*

7a.5 The proposed restoration scheme and access road upgrades are not considered to impact upon the setting of the Antonine Wall which lies approximately 1.8km to the south of the existing quarry void. The proposal accords with Policy EQ17.

7a.6 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 Councils 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.7 The proposed restoration scheme and access road improvements are considered to have beneficial impacts on the character of the countryside by helping to reduce the visual impact of the existing quarry void and by reducing airborne dust levels and improving drainage along the access road. The proposal accords with Policy EQ19.

7a.8 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.9 The existing Cowdenhill Quarry void is located within the Cowden Wildlife site. It is considered that the restoration scheme would have a beneficial impact upon the wildlife site in general due to the anticipated increase in biodiversity on completion of restoration. The proposal accords with Policy EQ24

7a.10 EQ25 - 'Biodiversity' states:

*The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) *Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) *The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) *Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design. The Council will prepare Supplementary Planning Guidance on the incorporation of biodiversity into development; and*
- (4) *Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued.*

7a.11 The applicants have provided extensive information in relation to biodiversity and protected species. This information has been reviewed by Falkirk Council's Biodiversity Officer as well as having been considered by Scottish Natural Heritage (SNH). It is considered that the proposals safeguard existing biodiversity and habitat provision whilst promoting biodiversity through new planting and seeding to create grassland and wildflower areas. The proposal accords with Policy EQ25.

7a.12 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.13 The restoration proposals include re-grading of the existing Doups Burn to aid natural drainage of the existing quarry void. This re-grading work has been considered in detail by SEPA and Falkirk Council Flooding Officers. It is considered that there would be no detrimental impact on landscape integrity, water quality, aquatic or riparian ecosystems or recreational amenity levels as a result of this work and that the overall drainage work would actually improve the natural drainage of the area, helping to prevent flooding in the surrounding area. The proposal accords with Policy EQ27.

7a.14 EQ33 - 'Cumulative Impact of Mineral Workings' states:

*Proposals for new or extended mineral workings will be assessed in terms of their cumulative impact on all settlements within 5km where there are existing workings or unimplemented consents in the area.*

7a.15 Whilst this application proposes only the restoration of an existing quarry void and the upgrading of the existing access road, the access road improvements are required by the developer to facilitate the development of a new hardrock quarry at Tomfyne Farm. The development at Tomfyne Farm is being assessed by North Lanarkshire Council, however its development does raise concerns regarding the cumulative impact of multiple quarries in close proximity. It is therefore considered appropriate to ensure the closure of Cowdenhill Quarry by way of a suitably worded legal agreement. The applicants have confirmed their willingness to enter into such an agreement and therefore the proposal accords with Policy EQ33.

7a.16 EQ36 - 'Restoration and Aftercare of Surface Mineral Workings' states:

- (1) Where the Council intends to grant permission for mineral extraction, conditions and/or Section 75 agreements will be imposed to ensure satisfactory restoration and aftercare of the land.*
- (2) Restoration and aftercare schemes should secure opportunities for landscape improvement, habitat creation and the promotion of biodiversity (see Policy EQ25), and countryside access and recreation (see Policy EQ29).*
- (3) Restoration should be appropriately phased to minimise the impact of the workings during the extraction period.*
- (4) Appropriate financial guarantees will be required which are sufficient to secure the full implementation of the required restoration and aftercare scheme, allowing for inflation over the lifetime of the permission.*

7a.17 The proposed restoration scheme secures opportunity for landscape improvement habitat creation, biodiversity promotion and countryside access provision. The proposal generally accords with the terms of Policy EQ36.

7a.18 The proposed development accords with the terms of the Falkirk Council Local Plan.

7a.19 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan - Proposed Plan (April 2013) and the letters of representation received during the course of the application.

### ***Assessment of Representations***

7b.2 The vast majority of representations submitted relate to the proposals for a new quarry at Tomfyne Farm and not to the proposed restoration at Cowdenhill Quarry. Issues raised by objectors in relation to the previous poor management and operation of the site by Skene Group and the subsequent issues relating to dust, vibration and noise are not material planning considerations. Comments made in relation to the proposed Tomfyne development are summarised in paragraph 6.1 of this report, such as roads congestion, drainage visual and ecological impacts are noted but cannot be taken into account during the assessment of this application.

7b.3 No outright objections were submitted to the proposed restoration scheme, however, a number of representations did question the links between the Cowdenhill restoration scheme and the separate Tomfyne application. For the avoidance of doubt, Falkirk Council Development Services consider that, whilst there is a physical link between the two applications in the form of surface overburden material from Tomfyne being proposed to be utilised to aid restoration of Cowdenhill, restoration of Cowdenhill Quarry is not solely reliant on planning permission being granted at Tomfyne. It is considered that restoration in some form at Cowdenhill can still be achieved through enforcement of conditions attached to planning permission F/99/0026.

### ***Falkirk Local Development Plan - Proposed Plan***

7b.4 The Falkirk Local Development Plan – Proposed Plan was approved by the Council for consultation on 6 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. In relation to the proposed development, the Proposed Plan generally reflects the policies contained within the existing adopted Falkirk Council Local Plan. The proposed development accords with the terms of the proposed plan.

## **7c Conclusion**

7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

## 8. RECOMMENDATION

8.1 It is recommended the Committee indicate it is minded to grant planning permission subject to:-

- (a) The satisfactory completion of an obligation within the terms of Section 75 of the Town & Country Planning (Scotland) Act 1997 to prevent future extraction from Cowdenhill Quarry whilst any quarry exists at Tomfyne Farm. And thereafter, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following conditions:-
- (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) Prior to the extraction operations commencing at Tomfyne Farm the following details shall be submitted to and approved in writing by this Planning Authority:
    - (i) A timescale for the restorations of Cowdenhill and the proposed period of vegetation establishment;
    - (ii) Details of the final re-graded landform for the Doups Burn corridor;
    - (iii) A method statement for the regrading/levelling of the remainder of the quarry area and the regrading of the Doups Burn corridor;
    - (iv) A method statement for the hydro-seeding of the quarry face together with a specification of the seed mix proposed;
    - (v) Final confirmation of proposed management and treatment of water into the Doups Burn;
    - (vi) A detailed specification for all areas to be tree and shrub planted;
    - (vii) A fully detailed maintenance schedule for the initial maintenance to aid establishment of all planted and seeded areas for a 5 year period following completion of planting / seeding; and
    - (viii) A method statement on the management and eradication of the Japanese Knotweed at the southern end of the site.

Thereafter, the restoration works shall be carried out in accordance with the details unless otherwise agreed in writing with the Planning Authority.

- (3) Prior to extraction operations commencing at Tomfyne Farm full details of road markings and proposed signage shall be submitted to and approved in writing by the Planning Authority , thereafter the development shall be carried out in accordance with these details unless otherwise agreed in writing by the Planning Authority.
- (4) The hours of operation for restoration works shall be restricted to 0700 hours to 1830 hours Monday to Friday inclusive and 0700 hours to 1300 hours on Saturday.
- (5) The access road from the A803 shall be maintained in a tidy condition, free from mud or slurry throughout the period of restoration and quarry operations at Tomfyne Farm and prior to the commencement of development at Tomfyne

Farm, details of operations and measures to be taken to minimise dust generation including vehicle sheeting and the use of water bowsers to dampen road surfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter the site shall be operated in accordance with these details unless otherwise agreed in writing by the Planning Authority.

- (6) Prior to the commencement of development at Tomfyne Farm, a wheel wash facility in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority shall be installed on the site access road leading from the A803 in a position to be agreed with this Planning Authority. Thereafter the wheel wash facility shall be maintained in an efficient working order for the use of all heavy goods vehicles leaving the Tomfyne or Cowdenhill Quarry sites. Such facilities shall be retained, maintained and in operation for the duration of the restoration and quarrying operations.
- (7) All access road upgrade and bunding works shall be completed prior to extraction operations commencing at Tomfyne Farm as proposed under North Lanarkshire application reference 12/0729/FUL or other permissions granted for quarrying operations at Tomfyne Farm, whichever is the sooner.
- (8) Any mud, slurry or spillages deposited on the public highway (A803) as a result of quarry or restoration operations shall be removed by the operator to the satisfaction of the Planning Authority.
- (9) Unless otherwise agreed in writing by the Planning Authority, the following blasting limitations shall be adhered to in full:
  - (i) Any blasting operations shall take place five minutes either side of 1000 hours Monday - Saturday inclusive and no blasting shall occur on Sundays or public holidays. In the event of a blast failure, one blast shall be permitted five minutes either side of 1100 hours or 1200 hours and at no other time;
  - (ii) There shall be no more than one blast per day;
  - (iii) Blasting shall be carried out such that no component of peak particular velocity measured at any vibration sensitive building shall exceed 12mm/sec;
  - (iv) All blasting shall be carried out in accordance with current regulations for the use of explosives at quarries;
  - (v) All blasting shall be by down the hole initiation;
  - (vi) There shall be no storage of explosive material on site at any time;
  - (vii) In the event of emergency, where, in the interests of safety, blasting outwith the permitted times is considered necessary, the operator shall ensure that the Planning Authority is advised as soon as practicable of the nature and circumstances of such events;
  - (viii) All blasting shall be carried out in accordance with the requirements of the Director of Development Services, Falkirk Council, which would include prior notification of the intention to blast of at least 3 days, to the Environmental Health team.

Reason(s):-

- (1) As these drawings and details constitute the approved development.

- (2) To ensure suitable restoration of the site is achieved.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that occupants of nearby properties are safeguarded against excessive noise intrusion.
- (5-6,8) To safeguard road safety and air quality.
- (7) To ensure that the access road is upgraded to an acceptable standard.
- (9) To ensure that safe working practices are adhered to and environmental amenity levels are safeguarded.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 12, 13A - 23A, 24B, 25A, 26 - 31 and supporting documents.
- (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.

.....  
**Director of Development Services**

**Date: 21 May 2013**

## LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Local Development Plan, Proposed Plan (April 2013).
4. Letter of Objection received from Mr & Mrs R Main, Orchard Grove, Bonnybridge, FK4 1UA on 10 August 2012.
5. Letter of Objection received from Mrs M Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
6. Letter of Objection received from Mrs Isobel Brady, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
7. Letter of Objection received from Mr Allan Jenkins, 19 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
8. Letter of Objection received from Mr Alexander Reid, 20 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
9. Letter of Objection received from Janet McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
10. Letter of Objection received from Mrs Hannah Boyle, 11 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
11. Letter of Objection received from M Wales, 4 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
12. Letter of Objection received from Mr George McGuire, 17 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
13. Letter of Objection received from Elizabeth Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
14. Letter of Objection received from Mr and Mrs A Small, Fairview Cottage, Wellpark Road, Banknock, Bonnybridge, FK4 1TP on 15 August 2012.
15. Letter of Objection received from Mr and Mrs Tweedie, 5 Braeface Road, Banknock, Bonnybridge, FK4 1UB on 15 August 2012.
16. Letter of Objection received from H Swierczek, 1 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
17. Letter of Objection received from Mr Graeme Mathews, 7 Braeface Road, Banknock, Bonnybridge FK4 1UB on 15 August 2012.
18. Letter of Objection received from Jean McLeod, 17 Mill Road, Banton, Kilsyth, G65 0RD on 12 September 2012.
19. Letter of Objection received from Mr Robert Barrons, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
20. Letter of Objection received from J McCormick, 16 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
21. Letter of Objection received from L Allison, 17 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
22. Letter of Objection received from Mrs Glynis Walker, 33 Lammerknowes Road, Banton, Kilsyth, G65 0QT on 14 September 2012.
23. Letter of Objection received from Jean Fitzpatrick, 3 Lammerknowes Road, Banton , Kilsyth, G65 0QT on 14 September 2012.
24. Letter of Objection received from Owner/Occupier, 3 Auchemrinoch Farm Road, Banton, Kilsyth, Glasgow on 14 September 2012.
25. Letter of Objection received from Mr George Neilson, 28 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
26. Letter of Objection received from Mr John Millan, 1 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
27. Letter of Objection received from McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 14 September 2012.

28. Letter of Objection received from Owner/Occupier, Kepperline, Main Street, Banton, Kilsyth, Glasgow G65 0QY on 14 September 2012.
29. Letter of Objection received from Owner/Occupier, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
30. Letter of Objection received from Ashleigh McCann, Brookleigh, 4 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
31. Letter of Objection received from Mr Gavin McClure, 1 Hillview, Banton, Kilsyth, G65 0QY on 14 September 2012.
32. Letter of Objection received from Sheona Brown, No. 3 Auchenrivoch Farm Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
33. Letter of Objection received from Mr Charlie Mooney, 37 Livingstone Park, Kilsyth, Glasgow G65 on 14 September 2012.
34. Letter of Objection received from Heather Walker, 7 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
35. Letter of Objection received from Mrs Debbie Robertson, 12 Mill Road, Banton, Kilsyth, G65 0RD on 14 September 2012.
36. Letter of Objection received from Mr William Bell, 1 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
37. Letter of Objection received from W Watson, 21 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
38. Letter of Objection received from Mr John Allison, 17 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
39. Letter of Objection received from Mr Colin Ramsay, 14 Mill Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
40. Letter of Objection received from Alison Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
41. Letter of Objection received from Mr John Lang, 27 Valleybank, Banton, Kilsyth, Glasgow G65 0RM on 14 September 2012.
42. Letter of Objection received from Owner/Occupier, 2 Orchard Road, Shalford, Guildford, Surrey GN4 8ER on 14 September 2012.
43. Letter of Objection received from Mr Patrick Tierney, Ard-Na-Bhreac, 35 Coneypark Crescent, Banknock, Bonnybridge FK4 1TU on 26 July 2012.
44. Letter of Support received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 28 August 2012.
45. Letter of Objection received from George and Janette Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 31 July 2012.
46. Letter of Objection received from Owner/Occupier, 28 Ludlow Road, Guildford, Surrey, GL2 7NR on 14 September 2012.
47. Letter of Objection received from G A Man, 30 Panmure Terrace, Barnmill, Dundee DD5 2QR on 14 September 2012.
48. Letter of Objection received from Karen Leadbetter, 4 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
49. Letter of Objection received from Mr Richard MacDonald, 42 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 14 September 2012.
50. Letter of Objection received from Janet Barrows, 18 Mailings Road, Banton, Kilsyth, Glasgow G65 on 14 September 2012.
51. Letter of Objection received from Mrs S Bryce, 12 Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.
52. Letter of Objection received from S Hawthorne, 6 Valleybank, Banton, Kilsyth, Glasgow G65 0RH on 14 September 2012.
53. Letter of Objection received from Dianne Dixon, Parkview, Mailings Road, Banton, Kilsyth, Glasgow G65 0QP on 14 September 2012.

54. Letter of Objection received from J Wilson, 23 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
55. Letter of Objection received from June Maden, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
56. Letter of Objection received from Mrs C McGhee, 24 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 1 August 2012.
57. Letter of Objection received from Mr Robert Benians, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
58. Letter of Objection received from Mr Craig Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
59. Letter of Objection received from Alanna Campbell, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
60. Letter of Objection received from Lorna Pritchard, 17 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 13 August 2012.
61. Letter of Objection received from E Love, 16 Hollandbush Crescent, Banknock, Bonnybridge FK4 1LD on 3 September 2012.
62. Letter of Support received from Mr & Mrs Neil Jack, 32 Ardgay Drive, Bonnybridge FK4 2FH on 21 August 2012.
63. Letter of Objection received from T Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
64. Letter of Objection received from Mrs Margaret Rennie, 11 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
65. Letter of Objection received from E Watson, 15 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
66. Letter of Objection received from Mrs H Provan, 17 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
67. Letter of Objection received from Mr B Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
68. Letter of Support received from Drumglass Builders Ltd, F.T.A.O. John Rafferty, Drumglass Steadings, Drumglass, Croy on 30 August 2012.
69. Letter of Support received from Mr John Rafferty, 9 Drumglass View, Croy, Near Kilsyth, G65 9TL on 30 August 2012.
70. Letter of Support received from The Cloybank Estate, F.T.A.O. John Penman, Cloybank Estate, Braeface Road, Banknock, FK4 1UE on 30 August 2012.
71. Petition of Support with 118 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
72. Petition of Support with 299 signatories received from Mr Raymond McClurg, Bluebell House, Bonnybridge FK4 2HN on 30 August 2012.
73. Petition of Objection with 89 signatories received from J Dickinson, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
74. Letter of Objection received from Lisa Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
75. Letter of Objection received from T R Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
76. Letter of Objection received from Lorna Wilson, 11 Valleybank, Banton G65 0RH on 13 September 2012.
77. Letter of Objection received from Margo McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.
78. Letter of Objection received from Alyson Shearer, 2B Station Road, Kilsyth G65 0AB on 13 September 2012.
79. Letter of Objection received from James McGhee, Lochbrook, Banton, Kilsyth G65 0QY on 13 September 2012.

80. Letter of Objection received from Samuel McIntyre, 10 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 13 September 2012.
81. Letter of Objection received from Graham Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
82. Letter of Objection received from William Tierney, 5 Valleybank, Banton, Kilsyth Near Glasgow G65 0RH on 13 September 2012.
83. Letter of Objection received from Lilian Maxwell, Kinsale, Main Street, Banton, By Kilsyth, Glasgow G65 0QN on 13 September 2012.
84. Letter of Objection received from Gordon Patton, 26 Valleybank, Banton, Kilsyth G65 0RH on 13 September 2012.
85. Letter of Objection received from Barry Thomson, Braeriach, Main Street, Banton G65 0QN on 13 September 2012.
86. Letter of Objection received from Owner/Occupier, Mansard, 98 Main Street, Banton G65 0QN on 13 September 2012.
87. Letter of Objection received from Phyllis Hutchison, Shelley Cottage, Main Street, Banton G65 0GN on 13 September 2012.
88. Letter of Objection received from Don Maxwell, Kinsale, Main Street, Banton G65 0QN on 13 September 2012.
89. Letter of Objection received from Lynne Gracie, 28 Mill Road, Banton, Kilsyth G65 0RD on 13 September 2012.
90. Letter of Objection received from Catherine Keir, 3 Annbank, Banton, Kilsyth G65 0QN on 13 September 2012.
91. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
92. Letter of Objection received from Kenneth Hutchison, Shelley Cottage, Main Street, Banton G65 0QN on 13 September 2012.
93. Letter of Objection received from Jean Jack, Leaview Cottage, Main Street, Banton G65 0GN on 13 September 2012.
94. Letter of Objection received from Mr P Bryce, 12 Mailings Road, Banton G65 0GP on 13 September 2012.
95. Letter of Objection received from J Gracie, 20 Mailings Road, Banton, Kilsyth G65 0RH on 13 September 2012.
96. Letter of Objection received from Gillian Rennie, 11 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
97. Letter of Objection received from Elizabeth Allison, 17 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
98. Letter of Objection received from Christine McCulloch, 30 Mailings Road, Banton, By Kilsyth, Glasgow G65 0QP on 13 September 2012.
99. Letter of Objection received from Karen Jarvie, 28 Mailings Road, Banton G65 0GP on 13 September 2012.
100. Letter of Objection received from Elizabeth Block, Helenslea, Main Street, Banton, By Kilsyth G65 0QY on 13 September 2012.
101. Letter of Objection received from Rhiannon Williams, 25 Valleybank, Banton G65 0RH on 13 September 2012.
102. Letter of Objection received from W Dunsmore, Roselea Cottage, Main Street, Banton G65 0GN on 13 September 2012.
103. Letter of Objection received from Susan Price, 25 Lammerknowes Road, Banton, G65 0QT on 13 September 2012.
104. Letter of Objection received from Lynn Pearson, Glenburn, High Banton, Kilsyth G65 0RA on 13 September 2012.
105. Letter of Objection received from Mr & Mrs A Crichton, 29 Lammerknowes Road, Banton, Kilsyth, Glasgow G65 0QT on 13 September 2012.

106. Letter of Objection received from Mary Lawrence, 21 Mill Road, Banton G65 0RD on 13 September 2012.
107. Letter of Objection received from James Jack, Leaview Cottage, Main Street, Banton G65 0QN on 13 September 2012.
108. Letter of Objection received from Ian Walker, 33 Lammerknowes Road, Banton G65 0QT on 13 September 2012.
109. Letter of Objection received from Mr Conor McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
110. Letter of Objection received from Mr Dominic McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
111. Letter of Objection received from Margaret McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
112. Letter of Objection received from Mr Alex McGrandles, 16 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
113. Letter of Objection received from Mr George Bateman, Woodglade, 5 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
114. Letter of Objection received from Diane Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
115. Letter of Objection received from Mr David Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
116. Letter of Objection received from C Bell, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
117. Letter of Objection received from Mr David A Ferguson, 21 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
118. Letter of Objection received from Owner/Occupier, 273 Ashdale Drive, Mossspark, Glasgow G52 1PN on 4 September 2012.
119. Letter of Objection received from Owner/Occupier, 30 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
120. Letter of Objection received from Mr Brian Tonner, 20 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
121. Letter of Objection received from Mr John Dempsey, 29 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 4 September 2012.
122. Letter of Objection received from Mr William Wilkie, 21 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 4 September 2012.
123. Letter of Objection received from Miss Gael Breakenridge, 9 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 6 August 2012.
124. Petition of Objection with 661 signatories received from Mr R Main, c/o BRACE, Mrs Agnes O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 3 September 2012.
125. Letter of Objection received from BRACE, c/o Mrs Agnes O'Donnell, Secretary, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
126. Letter of Objection received from Claud & Betty Wilson, Auchincloch House, Bonnybridge FK4 1UA on 16 August 2012.
127. Letter of Objection received from Claud & Betty Wilson, Cedarhill, Bonnybridge FK4 1UA on 16 August 2012.
128. Letter of Objection received from Mrs Cully, 16 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
129. Letter of Objection received from Betty Duffy, 1 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
130. Letter of Objection received from P Henderson, 24 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
131. Letter of Objection received from Mrs A O'Donnell, 3 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.

132. Letter of Objection received from Mrs Jean Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT.
133. Letter of Objection received from Mr James Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
134. Letter of Objection received from Mr Peter Ryan, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
135. Letter of Objection received from Miss Karen Duff, 19 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
136. Letter of Objection received from Janet McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
137. Letter of Objection received from Mr Matthew McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
138. Letter of Objection received from Michelle McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
139. Letter of Objection received from Mr Patrick McCluskey, 18 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 3 September 2012.
140. Letter of Objection received from M Macaulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge FK4 1TZ on 3 September 2012.
141. Letter of Objection received from Banknock, Hags & Longcroft Community Council on 18 July 2012.
142. Letter of Objection received from Elaine Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
143. Letter of Objection received from Robert Gracie, 6 Mailings Road, Banton G65 0QP on 13 September 2012.
144. Letter of Objection received from Mary MacDonald, 220 Kilsyth Road, Banknock, Bonnybridge FK4 1UF on 13 September 2012.
145. Letter of Objection received from Robert Black, 31 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
146. Letter of Objection received from Mrs C Walker, 27 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
147. Letter of Objection received from Elizabeth Pearson, 21 Lammerknowes Road, Banton, Kilsyth G65 0QT on 13 September 2012.
148. Letter of Objection received from Stuart Black, 4 Valleybank, Banton G65 0RH on 13 September 2012.
149. Letter of Objection received from Mark Aitchison, 33 Coneypark Crescent, Banknock, Bonnybridge FK4 1TT on 13 September 2012.
150. Letter of Objection received from Myra McCann, Brookleigh, 4 Hillview, Banton G65 0QY on 13 September 2012.
151. Letter of Objection received from Mrs A Edwards, 104 Main Street, Banton G65 0QW on 13 September 2012.
152. Letter of Objection received from W Lawrence, 21 Mill Road, Banton, Kilsyth G65 9RD on 12 September 2012.
153. Letter of Objection received from Robert Dawson, 11 Mill Road, Banton, Kilsyth G65 0RD on 12 September 2012.
154. Letter of Objection received from Barbara Anderson, 5 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
155. Letter of Objection received from Owner/Occupier, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
156. Letter of Objection received from Mark Hawthorne, 6 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
157. Letter of Objection received from G S Wilson, 9 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.

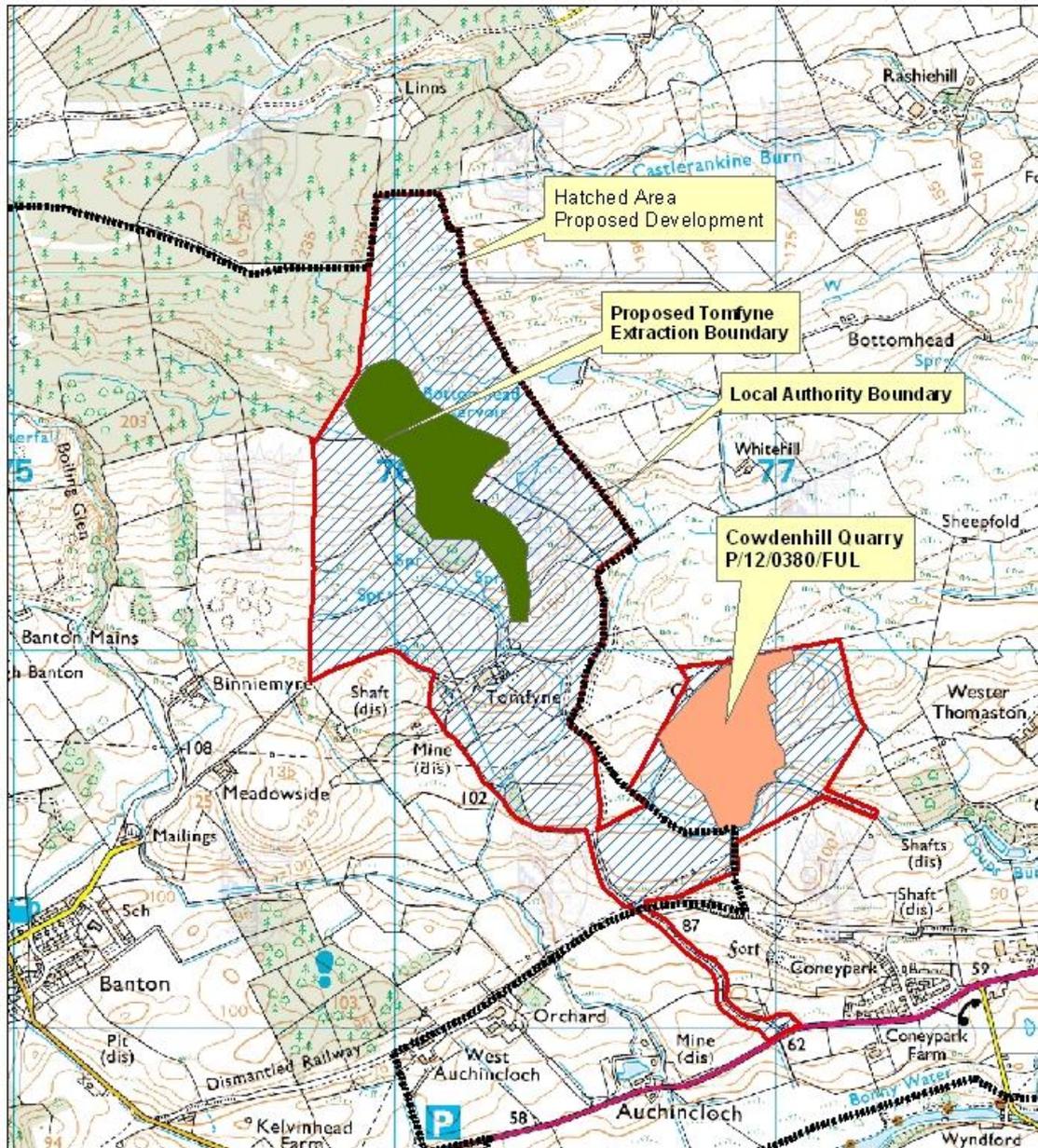
158. Letter of Objection received from James A Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
159. Letter of Objection received from Annie Harvie, 11 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
160. Letter of Objection received from Jean S Weir, 1 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
161. Letter of Objection received from Alastair MacRae, 20 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
162. Letter of Objection received from Iain D Cassidy, 1 Mailings Court, Banton, Kilsyth G65 0PP on 12 September 2012.
163. Letter of Objection received from Alison Kelly, 18 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
164. Letter of Objection received from Lesley Graham, 14 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
165. Letter of Objection received from Mrs Patricia Nelson, 15 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
166. Letter of Objection received from Elizabeth Bowe, 24 Valleybank, Banton, Kilsyth G65 0RH on 12 September 2012.
167. Letter of Objection received from Marie Russell, Ivy Cottage, Main Street, Banton, Kilsyth G65 0QY on 12 September 2012.
168. Letter of Objection received from Angela Ferrie, Homelea, Main Street, Banton , Kilsyth G65 0QY on 12 September 2012.
169. Letter of Objection received Mr John Weir 1 Valleybank, Banton, Kilsyth, Glasgow, G65 0RH on 12 September 2013.
170. Letter of Objection received Mr James Graham 14 Valleybank, Banton, Kilsyth G65 0RH on 1 September 2013
171. Letter of Objection received T Wales, 4 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.
172. Letter of Objection received from Anna Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
173. Letter of Objection received from Anne Dempsey 29 Coneypark Crescent, Banknock, Bonnybridge, Fk4 1TT on 31 August 2012.
174. Letter of Objection received from Patrick Tierney on 7 August 2012.
175. Letter of Objection received from Marie Grant, 18 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ on 27 August 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan P/12/0380/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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27 September 2013

Mr Ian Dryden  
Development Manager  
Development Services  
Falkirk Council  
Abbotsford House  
Falkirk

Dear Mr Dryden

**Reference: Planning Application P/12/0380/FUL – Falkirk Council**  
**Reference: Planning Application P/12/00729/FUL – North Lanarkshire Council**

As you are aware, there are two planning applications currently under considered by Falkirk and North Lanarkshire Councils, as noted above. The cross-boundary nature of these applications brings predictable jurisdiction problems and regulatory governance issues. The proposed development of a completely new and unconnected quarry at Tomfyne Farm is a 'nuisance neighbour' development which goes against the wishes of my constituents, the local residents, within the Banknock and Coneypark villages. Under the conditions of the current applications there are no economic, financial or employment benefits to the communities from these applications.

As a means of mitigating the impact of another quarry onto the residents of Banknock and Coneypark, should Tomfyne Quarry application be allowed to open, I am proposing that the principal access into Tomfyne Quarry is from the current Mailings Road thoroughfare straight to site. There are a number of reasons for this suggestion.

1. At present the current access road into Cowdenhill Quarry has a large outcrop of Japanese Knotweed at its junction with the A803. This voracious and extremely damaging plant is of serious concern to nearby properties should it spread. The best methods of dispersal of this plant is through contamination of traffic, wildlife or nature. (Water/airborne) It exists precisely at the entrance into Tomfyne where all vehicular traffic is currently proposed, a point I stressed to our Planning Committee when considering the upgrade and restoration of Cowdenhill Quarry.
2. The proposed Mailings Road access is a shorter, more direct route into the proposed site of the quarry at Tomfyne. The facility to cause disturbance by dust and vibration is therefore decreased due to the closer proximity to the quarry site.
3. Principally, the primary reason for suggesting the Mailings Road access is to include both applications into one individual local authority jurisdiction. This has immense advantages to all parties.

Regulatory functions become much simpler and manageable if there is only the one responsible local authority, in this instance North Lanarkshire Council. Matters and concerns such as dust and air pollution can be monitored and enforced by North Lanarkshire Council. The question of 'over' quarrying of the site has only a single authority responsible for compliance. Transport issues – operating hours; vehicle road worthiness; noise, can all be managed by the one authority, North Lanarkshire, without the added complication of jurisdiction into the Falkirk region.

There have been numerous instances of breaches of ALL of these conditions during the operation of the Cowdenhill Quarry over the years.

- a. Over Quarrying: Current plans of Cowdenhill Quarry identifies the atrocious disregard to granted boundary permission to the Skene Group for Cowdenhill Quarry and is acknowledged by Falkirk Council's Planning Department.
- b. Air Quality Management: AQM's at Higgs and Banknock have regularly recorded air pollution levels higher than the permitted guidelines.
- c. Operating Hours Contravention: Lorries have continually breached their agreed hours of operation both as to start and finishing times, as well as weekend workings.
- d. Blasting & Vibration: As well as exceeding noise levels on a regular basis, blasting has been carried on out-with the proscribed permitted hours.

I am asking that the Planning Committee recognise the potential for serious long term disruption, again, to family life of my constituents in Banknock and Coneypark.

In concluding I would insist on mitigating these disturbances by inclusion of the new alternative access road proposal detailed.

Again I would be grateful if you would forward this paper to your opposite number in North Lanarkshire Council for deliberation prior to their Planning Committee meeting on Tuesday 2 October 2013.

Yours sincerely

**Martin Oliver**  
**Councillor**  
**Denny/Banknock Ward**

Mr Ian Dryden  
Development Manager  
Falkirk Council  
Abbotsford House  
Davids Loan  
Falkirk  
FK2 7YZ



Falkirk Council

29 September 2013

Dear Ian

**Reference: Planning Application P/12/0380/FUL – Falkirk Council**  
**Reference: Planning Application P/12/00729/FUL – North Lanarkshire Council**

In support of my colleague Cllr Oliver's letter to you regarding the two planning applications currently under consideration by Falkirk and North Lanarkshire Councils, as noted above, the cross-boundary nature of the applications will inevitably bring jurisdiction & regulatory governance issues. The development of a completely new and unconnected quarry at Tomfyne Farm is a 'nuisance neighbour' development which goes against the wishes of our constituents within the Banknock & Coneypark villages. There are no economic, financial or employment benefits to the local communities from these applications.

Cllr Oliver's suggestion of mitigating the impact of yet another quarry onto the residents of Banknock & Coneypark at Tomfyne is entirely commendable. His proposal that the principal access into Tomfyne Quarry be from the current Mailings Road thoroughfare straight to site has my total support. The reasons in support of this suggestion are as follows:

The access road into Cowdenhill Quarry has Japanese Knotweed at its junction with the A803. This extremely dangerous plant is of great concern to nearby properties should it spread. Known methods of dispersal of this plant include contamination through traffic, wildlife or nature. (Water/airborne) It exists in substantial quantities at the entrance into Tomfyne where increased vehicular traffic is proposed.

Cllr Oliver's knowledge of the Mailings Road access as a shorter, more direct route into the proposed site of the quarry at Tomfyne would seem a better solution to the problem of knotweed spread. Also, the facility to cause disturbance by dust & vibration is substantially reduced.

Cllr Oliver's primary reason for suggesting the Mailings Road access, to separate both applications into individual local authority jurisdiction has tremendous advantages when we speak of regulatory or enforcement issues. This is immensely advantageous to all parties; Falkirk & North Lanark authorities and the local communities, Banknock & Coneypark as well as Banton.

Regulation becomes simpler and more manageable if there is a single, responsible local authority, in this instance North Lanarkshire Council. Concerns such as dust and air pollution can be monitored and enforced by North Lanarkshire Council alone. The question of 'over' quarrying of the site has only a single authority responsible for compliance. Transport issues – operating hours; vehicle road worthiness; noise, can all be managed by the one authority, North Lanarkshire, without the involvement Falkirk Council.

*Councillor Brian McCabe*

*Independent - Denny and Banknock Ward*

There have been numerous instances of breaches of ALL of these conditions during the operation of the Cowdenhill Quarry over the years.

Municipal Buildings, Falkirk FK1 5RS

Telephone: 01324 506127

Fax: 01324 506151

Mobile: 07803 198696

email: [brian.mccabe@falkirk.gov.uk](mailto:brian.mccabe@falkirk.gov.uk)

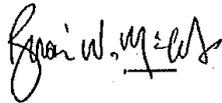
[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

- a. Over Quarrying: Extant plans of Cowdenhill Quarry illustrate the atrocious disregard of granted boundary permission to the Skene Group for Cowdenhill and is recognised by Falkirk Council's Planning Department.
- b. Air Quality Management: AQM's at Hags and Banknock have regularly recorded air pollution levels higher than the permitted guidelines.
- c. Operating Hours Contravention: Lorries have continually breached agreed hours of operation, both start and finishing times, as well as weekend working.
- d. Blasting & Vibration: Exceeding noise levels on a regular basis, blasting has been carried on out-with the proscribed permitted hours.

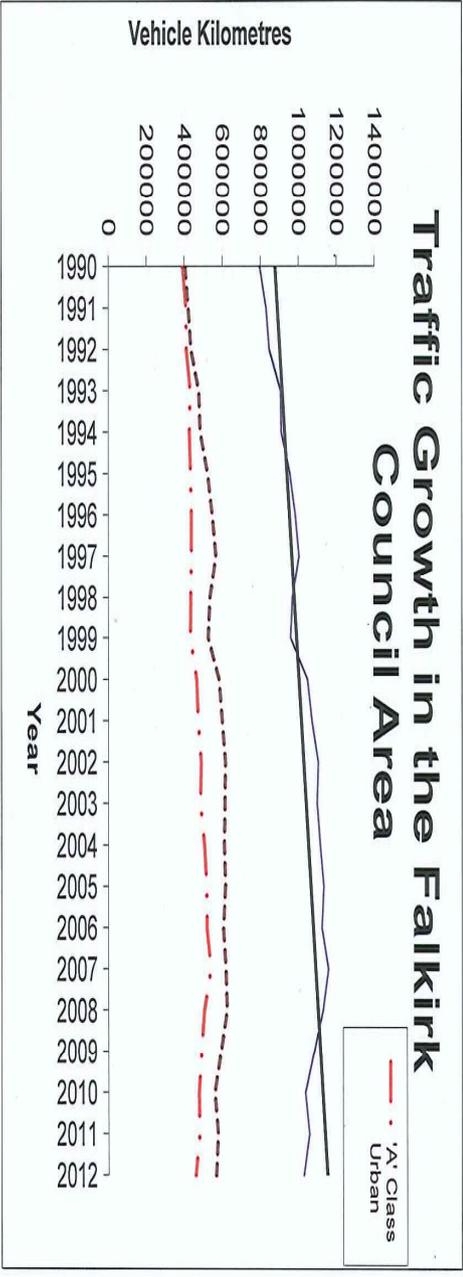
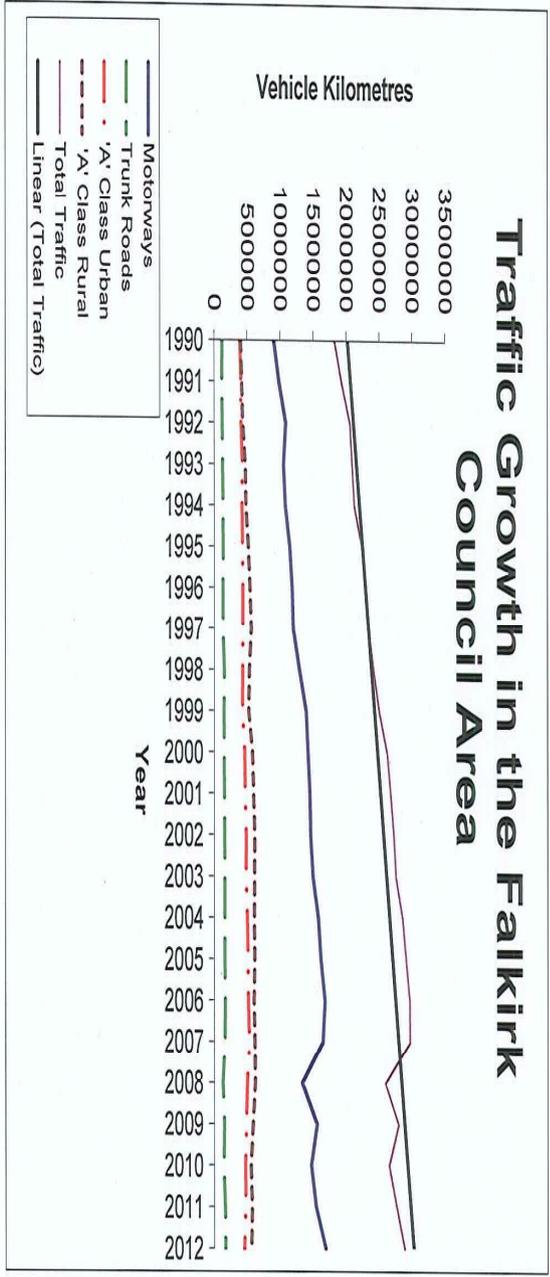
In support of my colleague, I am asking that the Planning Committee in recognising the potential for serious long term disruption again, to family life of constituents in Banknock & Coneypark, will consider the suggestion of the Mailings Road access mitigating measures.

I would be grateful if you would forward this letter to your opposite number in North Lanarkshire Council for deliberation prior to their Planning Committee meeting on Tuesday 2 October 2013.

Yours sincerely

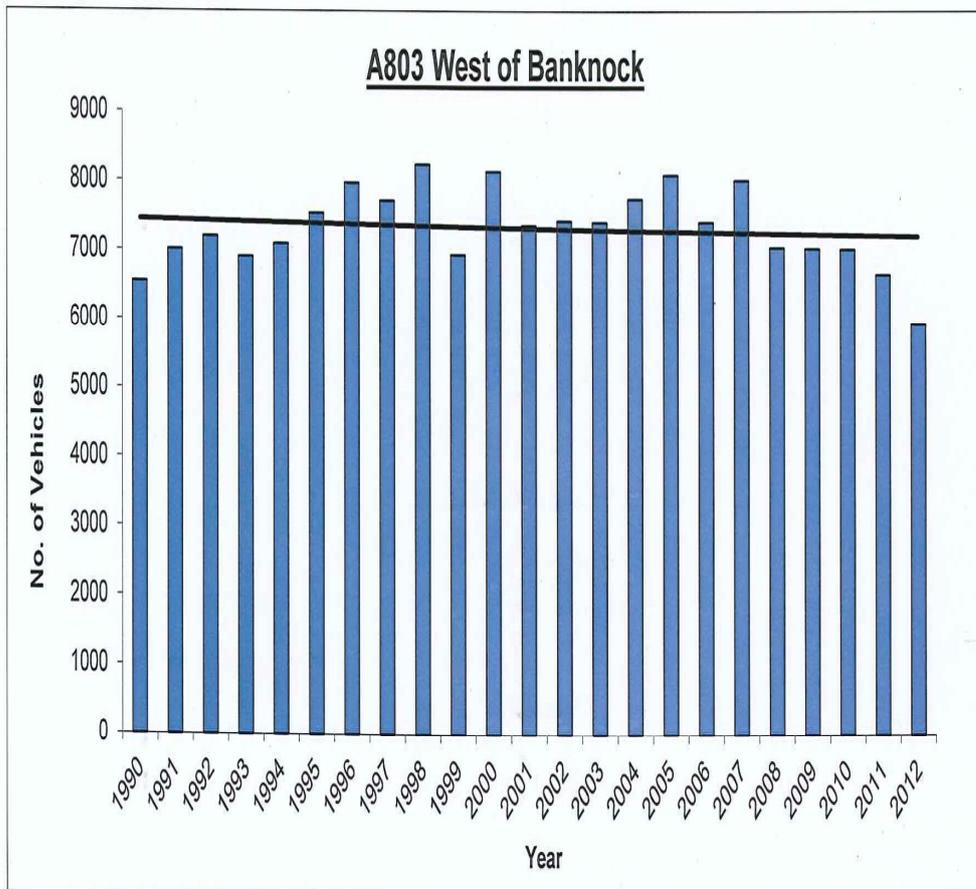


Councillor Brian McCabe,  
Non-Aligned Independent Group



### Traffic Voulmes - A803 Weat of Banknock

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Volume	6548	7012	7203	6906	7094	7535	7975	7721	8240	6939	8140	7367	7436
VKm	13,182	14,116	14,500	13,903	14,280	15,168	16,054	15,542	16,587	13,968	16,386	14,830	14,969
Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012			
Volume	7414	7756	8094	7416	8018	7044	7031	7019	6652	5929			
VKm	14,924	15,613	16,293	14,929	16,141	14,180	14154	14129	13390	11935			



**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF A SINGLE STOREY COTTAGE AND WORKSHOP AND ERECTION OF DWELLINGHOUSE AT CADGERSLOAN COTTAGE, BONNYBRIDGE FK4 2EU FOR DR PAUL FLANIGAN - P/13/0458/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 October 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application seeks detailed planning permission to demolish an existing single storey dwellinghouse and workshop and erect a replacement single storey dwellinghouse.
- 1.2 The application site lies within the countryside to the south of High Bonnybridge. The existing single storey dwellinghouse is derelict and the property is overgrown and in a state of disrepair.
- 1.3 The following submissions have been made by the applicant in support of the application: -
- The original proposal was to retain parts of the existing building and extend it and completely remodel the interior. A planning application was submitted on this basis (see paragraph 3.1 of this report);
  - Following further investigation into the condition of the building, it was apparent that the building was not worthy of retention. The current planning application is therefore for a replacement dwellinghouse;
  - The existing walls are constructed in a mixture of brickwork and stonework, random and in poor condition. They were constructed at a time when damp proof courses were not available. The random nature of the stonework will not create a suitable substrate for an injected damp proof course;

- The existing windows and doors would all need replacing due to their condition. Every opening would require complete rebuilding as they were inappropriately altered in the 1960's;
- The original timber floor is constructed over an unfinished solum so that all flooring and floor structure would have to be removed to form a new solum, with damp proofing and insulation. None of the original floor construction would remain;
- The existing slate roof would need to be stripped and redone;
- Once all this work is undertaken, there would be almost nothing left of the original building and what would be left would compromise the quality of the construction in terms of insulation, air tightness and damp proofing; and
- A new construction would be constructed to meet the current building regulations and fully address the thermal requirements and associated energy saving required.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it is contrary to the Development Plan.

## **3. SITE HISTORY**

- 3.1 Planning application ref: P/13/0063/FUL for alterations and extensions to the existing dwellinghouse was granted permission in March 2013.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that there are no roads related conditions to attach to any grant of permission.
- 4.2 Scottish Water have no objection to the application and have advised that there are no public sewers in the vicinity of the proposed development and the Carron Valley Water Treatment Works may have capacity to serve the proposed development.
- 4.3 The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of a factory or works, general mining and quarrying, made ground and other potential sources of contaminated land within 250 metres of the application site.
- 4.4 The Coal Authority consider that the content and conclusions of the submitted Mineral Report are sufficient to demonstrate that the application site is, or can be made, safe and stable for the proposed development. They therefore have no objection to the application.

## 5. COMMUNITY COUNCIL

5.1 The Bonnybridge Community Council have not made any representations.

## 6. PUBLIC REPRESENTATION

6.1 No public representations have been received in relation to the application.

## 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 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

7a.2 The application site lies outwith the urban limits, within the countryside, as defined within the Falkirk Council Local Plan.

7a.3 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - *The operational need for the additional house in association with the business*
  - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*

- *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
- *The restored or converted building is of comparable scale and character to the original building*
- *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

(3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7a.4 This policy provides for housing development in the countryside in certain circumstances. These circumstances include the rehabilitation of former residential properties subject to certain criteria being met. The condition of the existing building, as detailed in the submissions in support of the application (see paragraph 1.3 of this report) is noted. This serves to indicate that the existing building is incapable of rehabilitation but the policy does not provide for replacement dwellinghouses. The application is therefore contrary to this policy.

7a.5 Accordingly, the application does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Council Local Development Plan (Proposed Plan) and the consultation responses.

### ***Falkirk Local Development Plan (FLDP)***

7b.2 The FLDP was approved by the Council for consultation on 6 March 2013, with the period of 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.3 The application site lies outwith the urban limits, within the countryside, as defined within the FLDP.

7b.4 Policy CG03 – ‘Housing in the Countryside’ states:

*“Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
2. *Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment."*

7b.5 This policy differs from Policy SC3 of the Falkirk Council Local Plan in that it specifically provides for the replacement of houses in the countryside that are substantially intact (provided the replacement would be of a comparable size to the original). In this instance, the existing dwellinghouse is substantially intact, a single storey dwellinghouse would be maintained on the property and the footprint of the replacement dwellinghouse would be comparable to the original. The application therefore accords with this policy.

### **Consultation Responses**

7b.6 The consultation responses are summarised in Section 4 of this report. No objections to the application were received in the consultation responses and the matters raised could be the subject of conditions or informatives of any grant of planning permission.

### **7c Conclusion**

7c.1 The application does not accord with the Development Plan, for the reasons detailed in this report. However, the application complies with the Falkirk Local Development Plan (Proposed Plan), which is a material consideration. Furthermore, as the provision of the Proposed Plan to provide for replacement houses in the countryside has not been objected to, it is considered that significant weight can be given to this provision, in order to justify setting aside the terms of the Development Plan in this instance. The application is therefore recommended for the grant of planning permission subject to appropriate conditions.

## **8. RECOMMENDATION**

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions: -

- (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) Before the development commences, the exact details of the colour and specification of the proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Unless otherwise agreed in writing by this Planning Authority, before the development commences a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with any approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the proposed development.

**Informative(s):-**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02A, 03, 04A and 05.
- (3) The builder is advised to ensure that noisy work which is audible at the site boundary is only conducted between the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/Bank Holidays	1000 to 1600 hours

Any deviation from these hours is not permitted unless in emergency circumstances and with the prior written approval of the Environmental Protection Unit.

- (4) Scottish Water have advised that:-
  - There are no public sewers in the vicinity of the proposed development;
  - Carron Valley Water Treatment Works may have capacity to serve the proposed development;
  - In some circumstances it may be necessary for the developer to fund works on existing infrastructure to enable their development to connect;
  - Their current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require pumping arrangements installed, subject to compliance with the current water byelaws.
  - If the connection to public sewer and/or water main requires to be laid outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.



Pp

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Director of Development Services

Date: 21.10.13

**LIST OF BACKGROUND PAPERS**

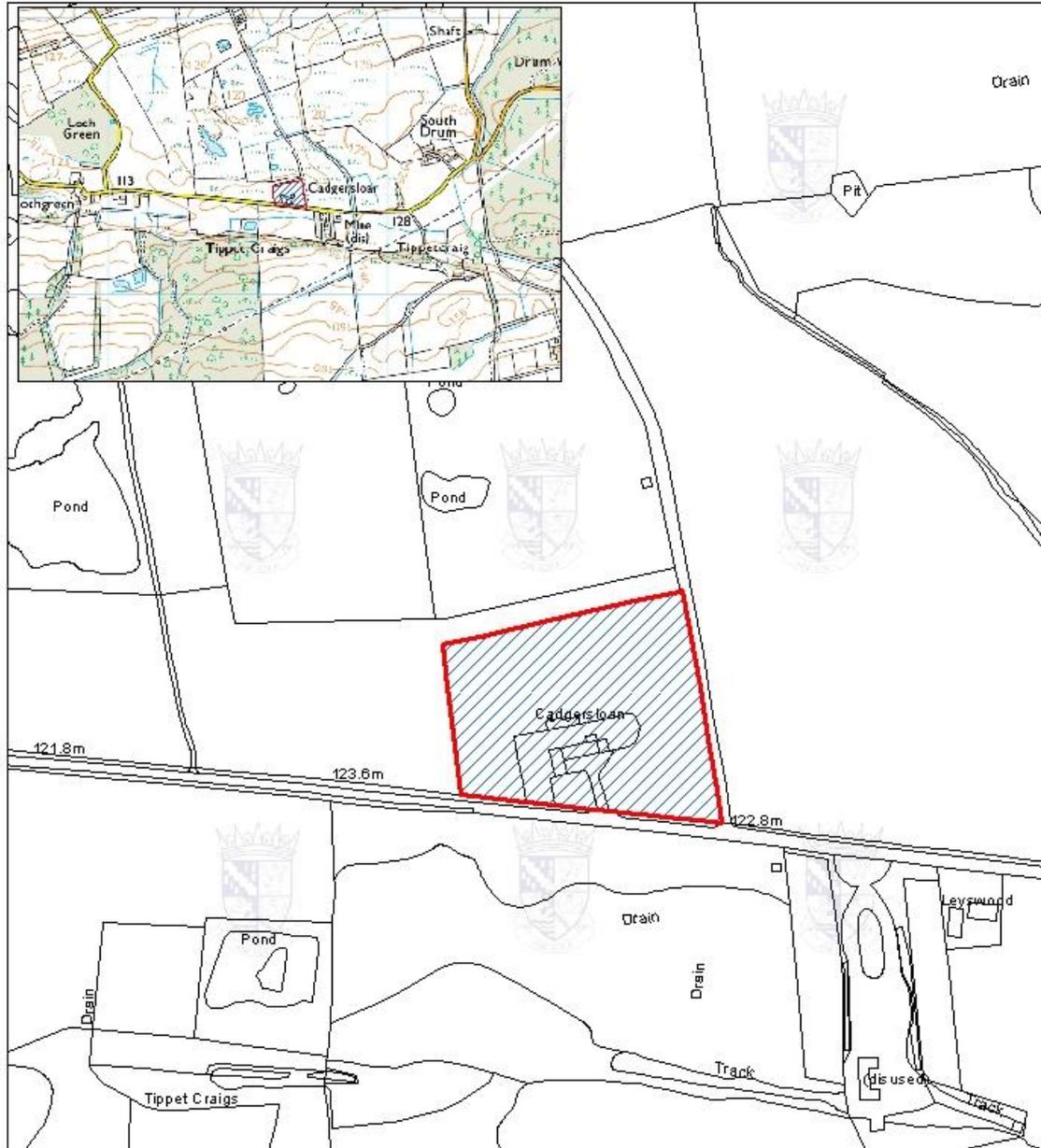
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan **P/13/0458/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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**FALKIRK COUNCIL**

**Subject:** FORMATION OF A MULTI USE GAMES AREA COURT (MUGA COURT) AT DUNCAN STEWART PARK, HIGH STREET, BONNYBRIDGE FOR FALKIRK COUNCIL – P/13/0419/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 October 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application seeks full planning permission to form a multi use games court (MUGA). The dimensions of the court would be 30 metres in length and 18 metres in width, and it would be enclosed by 0.9 metre high fencing, increasing in height to 3.7 metres at either end where there would be a goal and a basketball hoop.
- 1.2 The application site is a grassed portion of an open space area (Duncan Stewart Park, Bonnybridge) which has a playing field and an equipped play facility. The site lies adjacent to housing to the west and north, the Bonny Water to the east and Bonnyfield Nature Park to the south. The land rises to High Street to the north, from which the open space area can be accessed. The proposal includes a new path to link the MUGA to an existing bridge across Bonny Water and an existing path through the park.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Baillie Buchanan.

**3. SITE HISTORY**

- 3.1 There is no planning history for the application site.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have not raised any road related concerns. They advise that the proposed MUGA facility is on the flood plain of the Bonny Water and by connecting surface water drainage to the Bonny Water, with no apparent protection to the drainage system, there is the risk of water entering the pipeline serving the MUGA facility when water levels in the watercourse rise above the outfall invert. They note that the applicant may consider this to be a risk they are willing to accept.
- 4.2 The Environmental Protection Unit have advised that noise need not be considered a determining factor. They advise that a contaminated land assessment would be required if any made ground, suspect substances or odours are encountered during any works following commencement of the development.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on flood grounds, provided planning conditions are attached to prevent any land raising within the site boundaries or the erection of solid boundary fences or walls.
- 4.4 The Coal Authority have advised that the application site falls within the defined Coal Mining Development High Risk Area and that the coal mining legacy issue that may affect the site is the potential presence of historic underground coal mine workings at shallow depth. However, they understand that the proposal would not involve any significant foundations/earthworks or disturbance to the ground. They therefore consider that requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of the proposed development. They recommend that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council have not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One letter of objection has been received in relation to the application. This letter can be summarised as follows:-
- The objector agrees that the games court would be a positive for the park, but has a concern about it attracting more people. The objector considers this would cause stress to the objectors lives.
  - Existing problems with littering and anti-social behaviour.
  - The objector would like the Council to erect a more secure boundary fence around their property at 43 High Street to keep people away.

## 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 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

7a.2 The application site lies within the urban limits and an open space area as defined within the Falkirk Council Local Plan.

7a.3 Policy EQ1 'Sustainable Design Principles' states:

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

7a.4 This policy requires new development to achieve a high standard of design and compliance with the principles of sustainable development. The proposed MUGA is considered to be acceptable in design terms and able to respond positively to the park environment and its use as a recreational open space area. The facility would be readily accessible given the existing and proposed path links and its proximity to the town centre. The new facility would be maintained by Falkirk Council. The potential impacts of the development with regard to drainage, surface water management, flooding, traffic, road safety and noise have been assessed through consultation. The application is considered to accord with this policy.

7a.5 Policy EQ5 'Design and Community Safety' states:

*"Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) Boundaries between public and private space should be clearly defined;*
- (3) Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) Contributions to the provision of CCTV may be sought, where appropriate."*

7a.6 This policy states that development proposals should create a safe and secure environment for all users. The proposed MUGA would be centrally located within an existing recreational area, close to an equipped play facility and path links. It would have an open aspect and be overlooked to some degree by existing houses to the north. The application is therefore considered to accord with this policy.

7a.7 Policy SC7 - 'Established Residential Areas' states:

*"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."*

7a.8 This policy generally presumes against the introduction of uses within established residential areas that would be incompatible with the residential character and amenity of the area. The proposed MUGA would be located centrally within an existing park, it would not be lit (therefore it would not be expected to be used after dark) and the Environmental Protection Unit have previously advised that existing MUGA's in the Falkirk Council area have generated very few complaints. Any issues could be investigated and the facility monitored by the relevant authorities. In particular, the Council's Community Safety Team would report and follow-up on any anti-social issues if the need arises. Overall, and with these safeguards, the application is considered to accord with this policy.

7a.9 Policy SC12 - 'Urban Open Space' states:

*"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:*

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*

- (3) *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7a.10 This policy protects all urban open space areas which are considered to have landscape, amenity, recreational or ecological value. In this instance, the open space area would appear to function mainly as a recreational and amenity open space area. No significant effects on its amenity value are anticipated and the proposed development would reinforce and enhance the recreational value and use of the park. The application is therefore considered to accord with this policy.

7a.11 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the public representation.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 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.3 The application site lies within the urban limits and an urban open space area as defined within the FLDP. The FLDP contains similar policies to those of the Development Plan of relevance to the proposed development which the application has been assessed as complying with in this report.

### ***Consultation Responses***

7b.4 The consultation responses are summarised in section 4 of this report. No objections to the application have been received in the consultation responses and the matters raised could be the subject of conditions or informatives of any grant of planning permission.

### ***Assessment of Public Representations***

7b.5 The matters raised in the objection are summarised in section 6 of this report. The following comments are considered to be relevant in relation to those matters:-

- Amenity related concerns have been considered in this report.
- The concerns relate, to an extent, to existing issues rather than specifically to the proposed MUGA. Those concerns, which include anti-social behaviour, have been reported to the applicant (Corporate and Neighbourhood Services) for them to consider investigation as appropriate.

**7c Conclusion**

7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for grant of planning permission subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

**8. RECOMMENDATION**

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (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) There shall be no land raising associated with the proposed development.
- (3) There shall be no erection of solid boundary fences or walls in association with the proposed development.

**Reason(s)**

- (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.
- (2) To ensure that no floodplain is lost and nearby development is not placed at greater flood risk.
- (3) To ensure that the MUGA court is not potentially removed from the floodplain.

**Informative(s):**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05A, 06, 07, 08, 09, 10 and 11.
- (3) The applicant is advised to cease all work on the affected part of the site if any made ground, suspect substances or odours are encountered during any site works/operations following commencement of the development. In such circumstances the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land risk assessment and undertake any necessary remediation work, and only recommence the development with the prior written approval of this Planning Authority.

- (4) The applicant is advised to contact The Coal Authority if any suspected coal mining feature is encountered during the course of the development. The Coal Authority have recommended that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.
- (5) SEPA have advised that details of their regulatory requirements and good practice advice can be found on their website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).

Pp

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Director of Development Services

Date: 21 October 2013

#### **LIST OF BACKGROUND PAPERS**

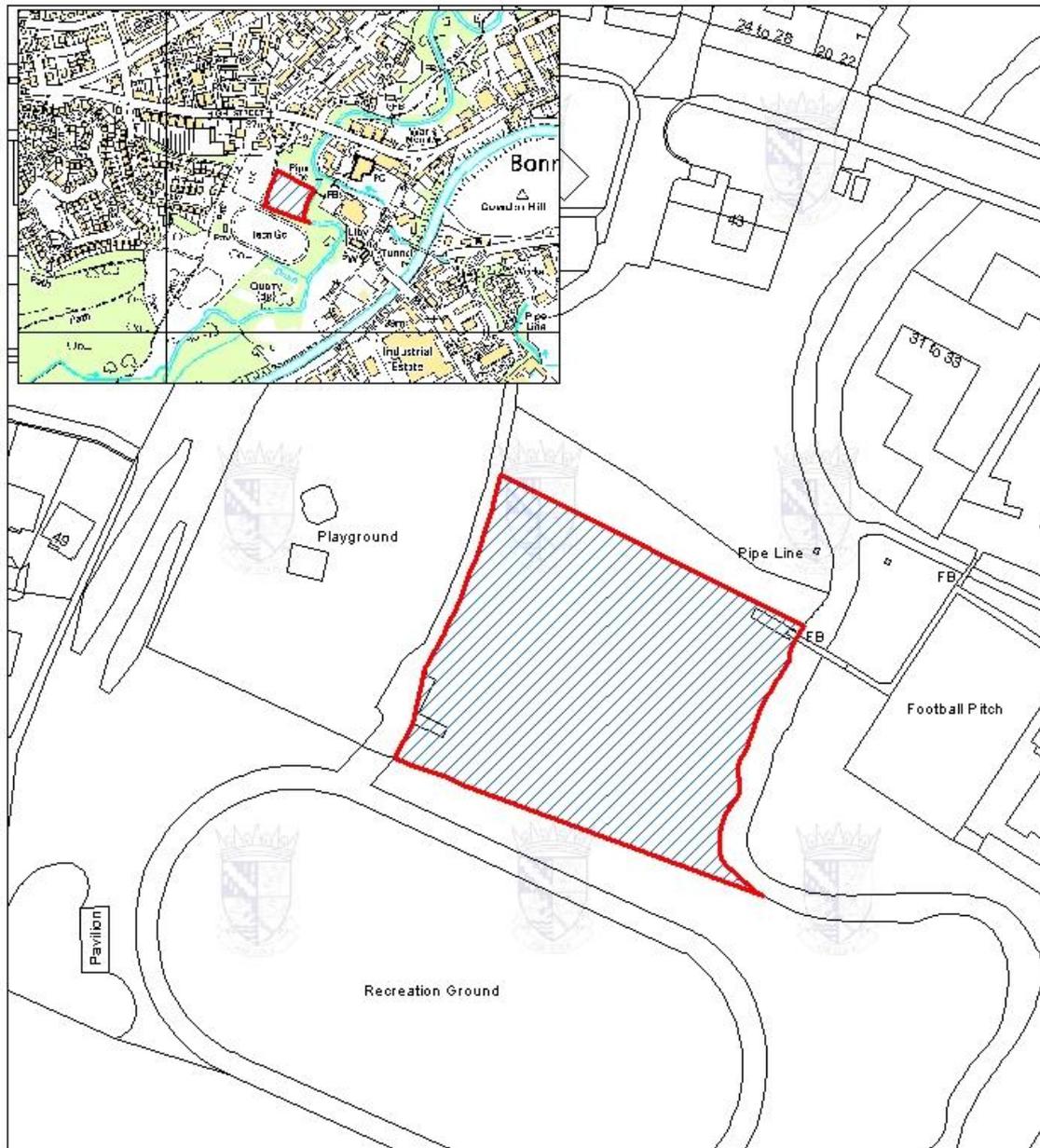
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan)
4. Letter of Objection from Mrs Elizabeth Irwin, 43 High Street, Bonnybridge FK4 1BX on 26 July 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan **P/13/0419/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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**FALKIRK COUNCIL**

**Subject:** FORMATION OF A MULTI USE GAMES AREA COURT (MUGA COURT) AT DUNCAN STEWART PARK, HIGH STREET, BONNYBRIDGE FOR FALKIRK COUNCIL – P/13/0419/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 30 October 2013  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application seeks full planning permission to form a multi use games court (MUGA). The dimensions of the court would be 30 metres in length and 18 metres in width, and it would be enclosed by 0.9 metre high fencing, increasing in height to 3.7 metres at either end where there would be a goal and a basketball hoop.
- 1.2 The application site is a grassed portion of an open space area (Duncan Stewart Park, Bonnybridge) which has a playing field and an equipped play facility. The site lies adjacent to housing to the west and north, the Bonny Water to the east and Bonnyfield Nature Park to the south. The land rises to High Street to the north, from which the open space area can be accessed. The proposal includes a new path to link the MUGA to an existing bridge across Bonny Water and an existing path through the park.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Baillie Buchanan.

**3. SITE HISTORY**

- 3.1 There is no planning history for the application site.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have not raised any road related concerns. They advise that the proposed MUGA facility is on the flood plain of the Bonny Water and by connecting surface water drainage to the Bonny Water, with no apparent protection to the drainage system, there is the risk of water entering the pipeline serving the MUGA facility when water levels in the watercourse rise above the outfall invert. They note that the applicant may consider this to be a risk they are willing to accept.
- 4.2 The Environmental Protection Unit have advised that noise need not be considered a determining factor. They advise that a contaminated land assessment would be required if any made ground, suspect substances or odours are encountered during any works following commencement of the development.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on flood grounds, provided planning conditions are attached to prevent any land raising within the site boundaries or the erection of solid boundary fences or walls.
- 4.4 The Coal Authority have advised that the application site falls within the defined Coal Mining Development High Risk Area and that the coal mining legacy issue that may affect the site is the potential presence of historic underground coal mine workings at shallow depth. However, they understand that the proposal would not involve any significant foundations/earthworks or disturbance to the ground. They therefore consider that requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of the proposed development. They recommend that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council have not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One letter of objection has been received in relation to the application. This letter can be summarised as follows:-
- The objector agrees that the games court would be a positive for the park, but has a concern about it attracting more people. The objector considers this would cause stress to the objectors lives.
  - Existing problems with littering and anti-social behaviour.
  - The objector would like the Council to erect a more secure boundary fence around their property at 43 High Street to keep people away.

## 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 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

7a.2 The application site lies within the urban limits and an open space area as defined within the Falkirk Council Local Plan.

7a.3 Policy EQ1 'Sustainable Design Principles' states:

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

7a.4 This policy requires new development to achieve a high standard of design and compliance with the principles of sustainable development. The proposed MUGA is considered to be acceptable in design terms and able to respond positively to the park environment and its use as a recreational open space area. The facility would be readily accessible given the existing and proposed path links and its proximity to the town centre. The new facility would be maintained by Falkirk Council. The potential impacts of the development with regard to drainage, surface water management, flooding, traffic, road safety and noise have been assessed through consultation. The application is considered to accord with this policy.

7a.5 Policy EQ5 'Design and Community Safety' states:

*"Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) Boundaries between public and private space should be clearly defined;*
- (3) Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) Contributions to the provision of CCTV may be sought, where appropriate."*

7a.6 This policy states that development proposals should create a safe and secure environment for all users. The proposed MUGA would be centrally located within an existing recreational area, close to an equipped play facility and path links. It would have an open aspect and be overlooked to some degree by existing houses to the north. The application is therefore considered to accord with this policy.

7a.7 Policy SC7 - 'Established Residential Areas' states:

*"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."*

7a.8 This policy generally presumes against the introduction of uses within established residential areas that would be incompatible with the residential character and amenity of the area. The proposed MUGA would be located centrally within an existing park, it would not be lit (therefore it would not be expected to be used after dark) and the Environmental Protection Unit have previously advised that existing MUGA's in the Falkirk Council area have generated very few complaints. Any issues could be investigated and the facility monitored by the relevant authorities. In particular, the Council's Community Safety Team would report and follow-up on any anti-social issues if the need arises. Overall, and with these safeguards, the application is considered to accord with this policy.

7a.9 Policy SC12 - 'Urban Open Space' states:

*"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:*

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*

- (3) *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7a.10 This policy protects all urban open space areas which are considered to have landscape, amenity, recreational or ecological value. In this instance, the open space area would appear to function mainly as a recreational and amenity open space area. No significant effects on its amenity value are anticipated and the proposed development would reinforce and enhance the recreational value and use of the park. The application is therefore considered to accord with this policy.

7a.11 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the public representation.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 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.3 The application site lies within the urban limits and an urban open space area as defined within the FLDP. The FLDP contains similar policies to those of the Development Plan of relevance to the proposed development which the application has been assessed as complying with in this report.

### ***Consultation Responses***

7b.4 The consultation responses are summarised in section 4 of this report. No objections to the application have been received in the consultation responses and the matters raised could be the subject of conditions or informatives of any grant of planning permission.

### ***Assessment of Public Representations***

7b.5 The matters raised in the objection are summarised in section 6 of this report. The following comments are considered to be relevant in relation to those matters:-

- Amenity related concerns have been considered in this report.
- The concerns relate, to an extent, to existing issues rather than specifically to the proposed MUGA. Those concerns, which include anti-social behaviour, have been reported to the applicant (Corporate and Neighbourhood Services) for them to consider investigation as appropriate.

**7c Conclusion**

7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for grant of planning permission subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

**8. RECOMMENDATION**

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (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) There shall be no land raising associated with the proposed development.
- (3) There shall be no erection of solid boundary fences or walls in association with the proposed development.

**Reason(s)**

- (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.
- (2) To ensure that no floodplain is lost and nearby development is not placed at greater flood risk.
- (3) To ensure that the MUGA court is not potentially removed from the floodplain.

**Informative(s):**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05A, 06, 07, 08, 09, 10 and 11.
- (3) The applicant is advised to cease all work on the affected part of the site if any made ground, suspect substances or odours are encountered during any site works/operations following commencement of the development. In such circumstances the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land risk assessment and undertake any necessary remediation work, and only recommence the development with the prior written approval of this Planning Authority.

- (4) The applicant is advised to contact The Coal Authority if any suspected coal mining feature is encountered during the course of the development. The Coal Authority have recommended that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.
- (5) SEPA have advised that details of their regulatory requirements and good practice advice can be found on their website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).



Pp

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Director of Development Services

Date: 21 October 2013

**LIST OF BACKGROUND PAPERS**

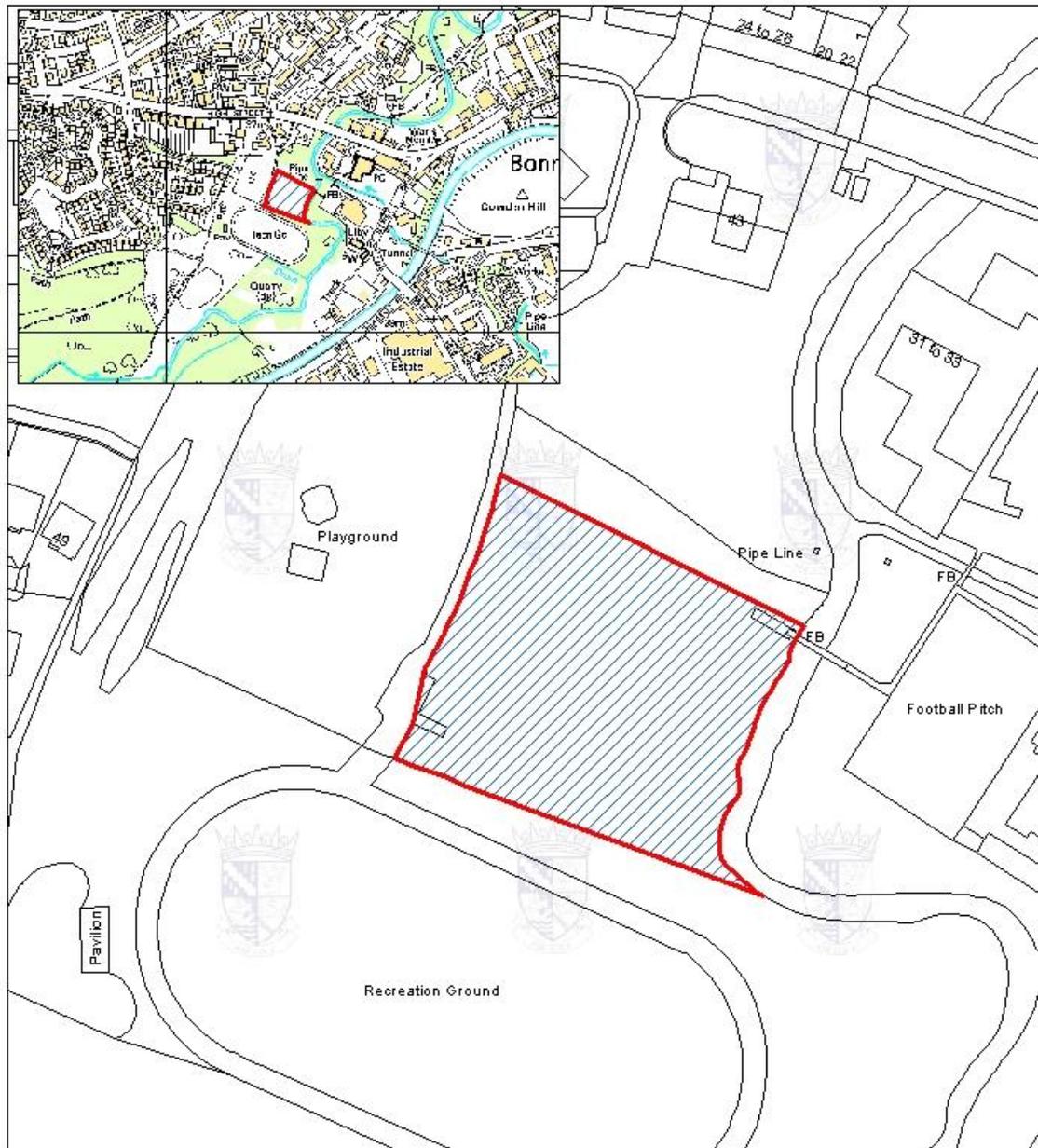
- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 3. Falkirk Local Development Plan (Proposed Plan)
- 4. Letter of Objection from Mrs Elizabeth Irwin, 43 High Street, Bonnybridge FK4 1BX on 26 July 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan **P/13/0419/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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