

P53. SITE PREPARATION, THE DRILLING OF AN EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATION) TO REMOVE A CORE OF COAL FOR SAMPLING AND RESTORATION OF THE SITE FOLLOWING CESSATION OF DRILLING OPERATIONS ON LAND TO THE NORTH EAST OF GRANGEVIEW, FALKIRK FOR DART ENERGY (EUROPE) LTD – P/14/0038/FUL – CONTINUATION

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P38 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the preparation of a site, the drilling of an exploration borehole (requiring 24 hour operation), the removal of a core of coal for sampling and restoration of the site following cessation of drilling operations on a site approximately 500 metres west of the mudflats forming the Skinflats Nature Reserve/Special Protection Area (SPA)/Ramsar site and the bank of the River Forth on land to the north east of Grangeview, Falkirk.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee continue consideration of the application to await the outcome of the Public Inquiry into an application by the same applicant at another site.

By way of an amendment, Baillie Paterson, seconded by Councillor McLuckie, moved that the application be approved as detailed in the report.

On a division, 4 Members voted for the motion and 5 voted 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 the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) Falkirk Council as Planning Authority directs that unless the development hereby permitted has already begun, the permission will lapse after a period of two years beginning with the date of the permission. This direction replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the permission.**
- (3) Temporary measures to the surrounding road network as detailed in the RPS Technical Note dated 8 July 2014 shall be carried out, removed and the road reinstated to the satisfaction of Falkirk Council.**
- (4) Any plant or machinery to be installed within the site shall be removed on completion of mining operations.**
- (5) Before any excavation work is commenced on the site, a Site Management Scheme must be submitted for approval by the Planning Authority. The Scheme should detail:-**

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

Reason(s):-

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

- (2) To ensure that the Planning Authority can control the future use of the site.
- (3) To safeguard the interests of uses of the highway.
- (4) To ensure that the Planning Authority can control the future use of the site.
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To safeguard the environmental amenity of the area, due to the potential for disturbance to pink footed geese associated with the Firth of Forth SPA.

Informative(s):-

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