

John Morris

From: Crawford, Grahame
Sent: 19 December 2018 16:07
To: Duncan, Angus
Cc: Roddy.Macleod@miller.co.uk; Paul Doran; Steedman, Russell; seidel, julie; Campbell, Donald; Paterson, David
Subject: RE: Miller Site, Borrowstoun Road, Boness
Attachments: Road Adoption Drawing 141017 E10317-1501K.pdf

Angus,

I have attached a copy of the approved adoption layout for the above site under road construction consent CC/15/0007.

You will see the parking court at the south west corner of the site and the new path, giving an alternative, although slightly longer link, to be created along the landscaped area to the south of the site from the east end of the site, linked to the Kinglass Cottage right of way, along to the south of Henry Street. Neither will be adopted and I am assuming that they would fall to the factors for the development for future maintenance.

The path you are talking about was removed from the plans at planning stage as there was no legal right for Miller Homes to construct an access to or path over an adjoining site not in their ownership and for health and safety reasons in respect of the pit shaft and other workings on the adjoining site. That land has been subject to a number of planning applications over the years, it is now the subject of planning application P/18 /0384/PPP which is being dealt with by David Paterson in Development Management.

Off more immediate concern to me is the fact that the present owner has the land fenced off for health and safety reasons, I understand from consultations on the current and previous planning applications, that there is a pit shaft and the remains of an underground water tank within the site. I know from site meetings with the architect concerned, that the owner is continually having to repair the fence on the site, individuals keep breaking it down to get access. The fence on the east side of the site was taken down by Miller Homes to allow the culverting of the watercourse between the two sites. It was only recently, as part of required site reinstatement works, that Miller Homes, having completed the landscaping, reinstated the fencing on the east side of the adjoining site. That fencing belonging to the owner of the adjoining site.

We all have responsibility for health and safety and until such time as the shaft and other structures are properly located and remediated it would be unwise to encourage access into the area. Miller Homes have already had to redesign their site at this location to backfill and cap a mine shaft which is now within the said parking court on their site. If Falkirk Council enforce the removal of this fence under the Land Reform (Scotland) Act legislation, do we as a council have any liability should someone get into difficulty within the presently enclosed site.

I have discussed the matter with Paul Doran, the senior engineer with Miller Homes. He raised the same issues as were raised at planning stage when the link was removed and expressed concern about their legal position, if Miller Homes open up the site boundary fence with the obvious dangers on the site. He did add that Miller Homes would have no difficulty removing the fence and constructing the short length of footpath to the boundary, once Miller Homes are satisfied as to their legal position. I understand you are dealing with Mark Hall of Miller Homes in respect of this.

Within the terms of the road construction consent CC/15/0007, issued to Miller Homes, under the Roads (Scotland) Act 1984, section 21, I cannot ask or instruct Miller Homes to open the fence and in view of the foregoing, I would bow to good health and safety practice and suggest that we as a council should not be

requiring them to do so. Particularly as they are reinstating a fence, they sought permission to remove, to allow them to carry out engineering works.

I understand that the owner of the adjoining site has stated that he would be happy to give access through his site as part of his planning application approval, however I would suggest again, on health and safety grounds and on potential costs to the Council, in the terms of remediation should the shaft be in the area of the proposed link, that the matter of the link should be left until the site is remediated and developed.

Grahame.

From: Duncan, Angus
Sent: 18 December 2018 09:14
To: Crawford, Grahame
Subject: RE: Miller Site, Borrowstoun Road, Boness

Sorry Grahame, I was just speaking to Crawford from Enviro Health and typed Crawford... Sorry!

From: Duncan, Angus
Sent: 18 December 2018 09:09
To: Crawford, Grahame
Subject: RE: Miller Site, Borrowstoun Road, Boness

Morning Crawford,

It wasn't Right of Way but access via Open Space between their site and Braefoot Road. They have erected a fence with no gap which is contrary to Land Reform (Scotland) Act legislation. I have asked them to take down a 1.5m section of the chespale fence

Regards
Angus

From: Crawford, Grahame
Sent: 14 December 2018 11:19
To: Duncan, Angus
Subject: Miller Site, Borrowstoun Road, Boness

Angus,

I have had the site manager on the telephone, he apparently has enforcement documents from you about rights of way at the site.

Can you please update me on the circumstances.

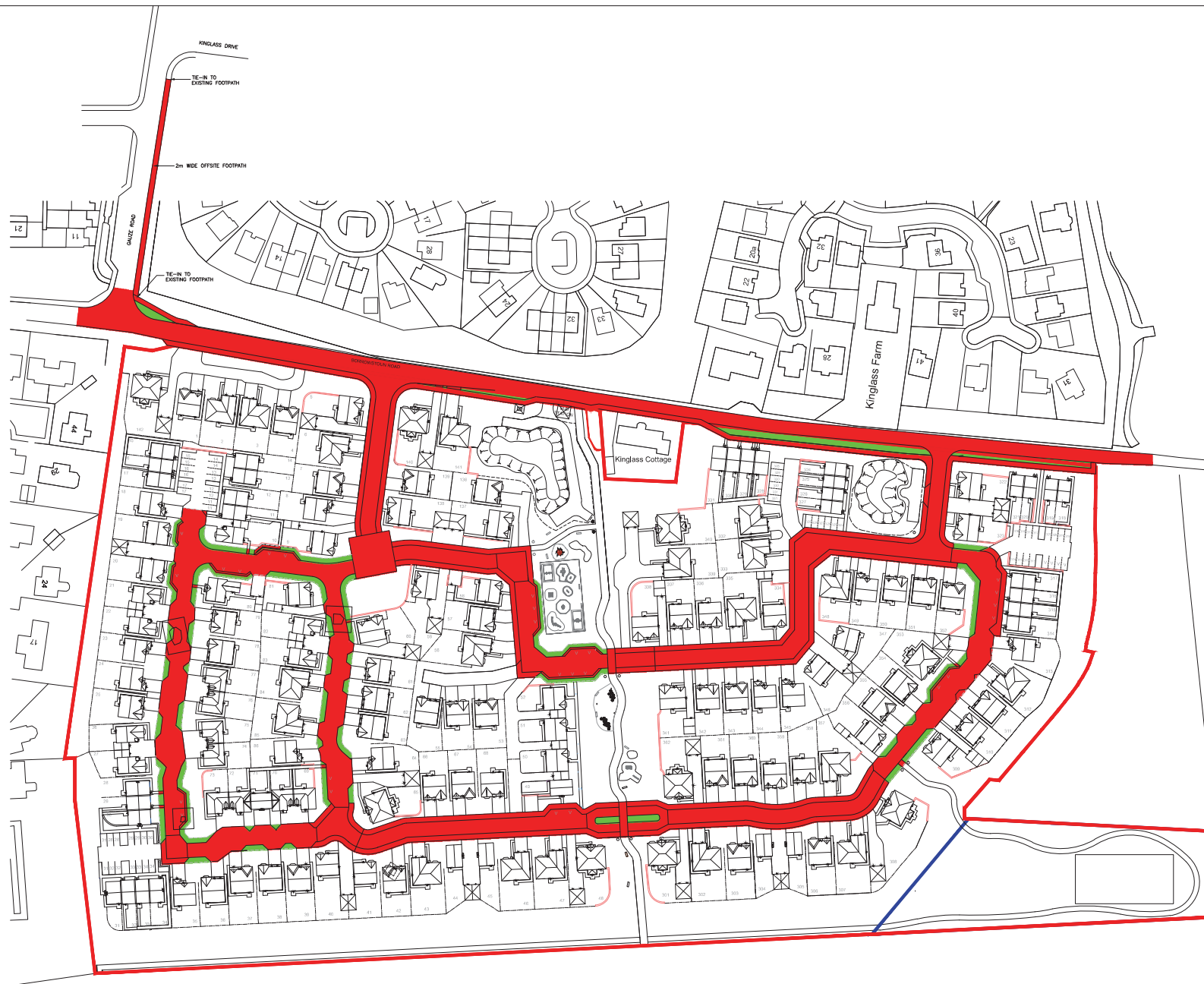
Many Thanks

Grahame.
07725162452

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Council.



1. ALL WORK TO BE CARRIED OUT TO THE SATISFACTION OF FAIRFAX COUNCIL DEPARTMENT OF TRANSPORTATION.
2. GIBTS'S AND CAPPING DEPTH TO BE CONFIRMED ON SITE. TAKEN AT 50m INTERVALS UNDER ALL PRIVATE ROADS.
3. ALL KERB LINES LESS THAN 12m RADIUS SHALL BE CONSTRUCTED USING RADIUS KERBS.
4. ALL KERBSING 90° INTERNAL OR EXTERNAL CHANGES IN DIRECTION SHALL BE FORMED USING STANDARD CORNER UNITS.
5. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ARCHITECT'S AND ENGINEERS DRAWINGS.
6. TRANSITION KERBS WILL NORMALLY BE REQUIRED EITHER SIDE OF KERB TYPE K2.

ADOPTABLE FOOTWAY & CARSHAGENY

ADOPTABLE GRASS SERVICE STRIP

K	CEILING TOOTHBOLT ADDED	10/23/79
J	UPDATES TO SUT BAYARD LAYOUT	11/28/79
I	UPDATES TO SUT NEW ARCHITECTS LAYOUT REV. X	12/21/79
H	AESTHETIC CHANGES TO THE WATCHING	10/27/79
G	BCC COMMENTS ADDRESSED	11/25/79
F	BCC COMMENTS ADDRESSED	10/28/79
E	BCC COMMENTS ADDRESSED	10/26/79
D	BCC COMMENTS ADDRESSED	11/23/79
C	UPDATES TO SUT NEW ARCHITECTS LAYOUT REV. U	12/23/79
B	ADDITION COMMENTS RECEIVED	11/22/79
A	FINAL LAYOUT BETWEEN PLOT 28-38 REVISED	11/29/79

DAVID R. MURRAY and ASSOCIATES



Client
MILLER HOMES EAST

Project
PROPOSED DEVELOPMENT AT
BOMAINS FARM, BOJ NESS

ROAD ADOPTION

1

Scale 1504			
Drawn by	Date 3/14/2005	Project Name	Page

Child	Date	Drawing No. E10317/1501	Rev. B
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K	Appel. ruc	Date		
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DO NOT SCALE - IF IN DOUBT - ASK