

**TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013**

**APPEAL UNDER SECTION 47(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 BY DART ENERGY (FORTH VALLEY) LTD CONCERNING COAL BED METHANE PRODUCTION, INCLUDING DRILLING, WELL SITE ESTABLISHMENT AT 14 LOCATIONS AND ASSOCIATED INFRASTRUCTURE AT LETHAM MOSS, FALKIRK, AND POWDRAKE ROAD, NEAR AIRTH, PLEAN**

**(REFERENCES PPA-240-2032 AND PPA-390-2029)**

**HEARING STATEMENT**

**BY**

**CONCERNED COMMUNITIES OF FALKIRK  
(AND SUPPORTERS)**

**1. Introduction**

- 1.1.** This statement has been prepared on behalf of Concerned Communities of Falkirk (“CCoF”) and others for the hearing sessions to be held in March and April 2014 into the appeal by Dart Energy (Forth Valley) Ltd (“the Appellant”) under section 47(2) of the Town and Country Planning (Scotland) Act 1997 against the deemed refusal by Falkirk Council and Stirling Council of its applications for planning permission with references P/12/0521/FUL and 12/00576/FUL respectively.
- 1.2.** CCoF objected to the planning application made to Falkirk Council (“the Application”), made representations to the Directorate for Planning and Environmental Appeals (DPEA) following the lodging of the appeal in June 2013, and at the pre-examination meeting convened by the DPEA on 4 December 2013 expressed their wish to participate in the hearing sessions.
- 1.3.** This statement and CCoF’s case in the hearing sessions are fully supported by the following community councils in the area of Falkirk Council which also oppose the appeal:
- Airth Parish Community Council
  - Avonbridge & Standburn Community Council
  - Blackness Community Council
  - Bo’ness Community Council
  - Bonnybridge Community Council
  - Larbert, Stenhousemuir & Torwood Community Council

- Reddingmuirhead & Wallacestone Community Council and
- Shieldhill & California Community Council.

They are also supported by the members of the now defunct Grangemouth & Skinflats Community Council (which objected to the Application while still in existence), by the West Fife & Coastal Villages Community Councils Forum and by many individual objectors.

- 1.4.** This statement adopts by reference the description that was included in CCoF's inquiry statement of the origins of CCoF in connection with the Application.
- 1.5.** It sets out the particulars of the case which CCoF and its supporters intend to put forward in the hearing sessions.
- 1.6.** It names the persons who are to speak on behalf of CCoF at the hearing sessions, as well as the "other persons", in terms of Rule 4(5)(c) of the Hearing Sessions Rules, who may speak in respect of CCoF's case.
- 1.7.** It also lists the documents to which CCoF may refer at those sessions, in addition to the documents already lodged by and on behalf of CCoF during the course of the appeal to date (listed as *CCoF 1* to *CCoF 107* in a consolidated list of documents submitted to the DPEA on behalf of CCoF and copied to the other parties by Ian Cowan, Highland Environmental Law, with an email dated 17 December 2013) and those so lodged in connection with the inquiry sessions (listed as *CCoF 108* to *CCoF 239* in a second document list lodged therewith on 5 February 2014). The additional documents to be referred to by CCoF representatives at the hearing sessions are listed in Appendix 1 hereto (numbered *CCoF 240* and so on).
- 1.8.** CCoF reserves the right to add to or amend this statement once we have seen the other parties' hearing statements.
- 1.9.** As an entirely voluntary organisation with no public funding, CCoF have to raise all the funds required to pay for their legal support and representation. As a consequence it is possible that CCoF may have to restrict their case by withdrawing from one or more of the hearing sessions. Parties will be notified as soon as it becomes clear that such a restriction is necessary due to insufficient funds.
- 1.10.** In this hearing statement, "the Development" means coal bed methane production, including drilling, well site establishment at 14 locations and associated infrastructure at Letham Moss, Falkirk, and Powdrake Road, near Airth, Plean.

## **2. CCoF's participation in the hearing sessions**

**2.1.** CCoF wish to participate in all the hearing sessions and discuss the following topics, as specified in the procedure notice issued by the DPEA on 18 December 2013:

1. Roads and traffic
2. The regulatory framework, including:
  - The Joint Statement of Common Understanding
  - Relationship of the planning permission to other permissions
  - Restrictions on planning permission (permitted development)
  - Timescale of the development (relationship to PEDL licence area, first phase?, timescale for each stage)
  - Regulatory guidance (eg SEPA)
  - Monitoring
3. Habitats and ecology
4. Landscape and visual impacts
5. Planning conditions and legal agreement(s).

**2.2.** CCoF will be represented at all the hearing sessions by Sir Crispin Agnew of Lochnaw QC (subject to sufficient funding), Ian Cowan of Highland Environmental Law, Mothiur Rahman, community rights consultant, and Jamie McKenzie Hamilton, a member of CCoF's core group. Other members of CCoF's core group may also appear as follows, subject to timetable alterations:

- Hearing session 1: Mr Trevor Taylor, businessman and resident of Moss Road, Airth Parish, with much experience of cycling and driving on local road network;
- Hearing session 1: Dr Fiona Williams, BSc (Physics), PhD (Particle physics), software developer and resident of The Inches, Larbert, with experience of cycling with young family and running on local road/path network;
- Hearing session 2: Mr Jim Doyle, BSc (Electronic Engineering), MSc (Electronic Instrumentation), engineer and resident of Kinnaird Village with good knowledge of the Applicant's (and predecessors') past and current operations in the area;
- Hearing session 3: Dr Carol Anderson, writer, academic and resident of Stenhousemuir with keen interest in local habitats and ecology; and
- Hearing session 4: Mr Neil Hunter, resident of Larbert, who took some of the photographs within PEDL133 area used in *CCoF 201*.

**3. CCoF's case at Hearing Session 1: roads and traffic**

**3.1.** CCoF consider that the impact on public access to footpaths and cycleways in the Proposed Development Area (PDA), including formal routes shown in *CCoF 240*, during both construction and operational phases of the Development, has not been sufficiently addressed by Chapter 12 of the Appellant's Environmental Statement (ES). For instance, paragraph 12.14 of the ES states that "the baseline use of core paths and access to the area is unknown".

**3.2.** CCoF believes, notwithstanding the views of Falkirk Council and Stirling Council as roads authorities, that increased use by heavy vehicles of local roads will increase:

- the risks to walkers, cyclists and other road users of personal injury or death in collisions,
- traffic noise and
- traffic fumes

on those roads, and will consequently have a significant adverse effect on public use of those footpaths and cycleways.

**3.3.** This will occur especially along lengths where they share those roads, in particular:

- where National Cycle Route 76 shares Moss Road (for approximately 500m where it crosses the M9 motorway);
- where National Cycle Route 76 shares the road linking Moss Road and Airth 6&8 (for approximately 600m);
- where National Cycle Route 76 shares Bogend Road (for approximately 900m from the point where it turns sharply south, near Rosehill, as far as Site L); and
- where the Letham Loop Walk follows the B9124, Moss Road and Linkfield Farm Road (for approximately 2.5km from Site C to Site F).

**3.4.** This impact would not be mitigated by any of the proposed planning conditions 33 to 40.

**3.5.** Falkirk Bicycle Club uses Moss Road and other roads in the Proposed Development Area (PDA) for its training runs. On Saturdays they have a training run for novices leaving Bellsdyke Road at 9.30am which is likely to be adversely affected by HGVs on these roads (*CCoF 309*).

**3.6.** In addition to the CCoF members named at paragraph 2.2 above, a committee member of Falkirk Bicycle Club, subject to agreement by the committee, may speak and answer questions about the routes used by the club, how often the club uses

those routes, how long they have been using them, what grades of cyclists use them and what the impacts on their enjoyment of those routes they expect the Development to have.

- 3.7. This impact was not assessed at all in the Applicant's ES. Cycling is barely mentioned.
- 3.8. CCoF are also concerned about the potential damage to public road surfaces from heavy traffic and how this will be remedied, the capacity for stretches of the Moss Road to safely accommodate HGVs at the same time as other traffic (in relation to which photographs of potential pinch-points will be produced), and the proliferation of additional roads for vehicular access to the various construction and operational sites in the PDA, including those from the B9124 to Sites A, B and E, from Linkfield Farm Road to Sites H, J and K, and from Shiels Farm to Sites M and N, during both construction and operational phases of the Development. These impacts are of particular concern to local farmers including CCoF witness Leslie Dick who use the existing road network more than most, and whose fields may be divided by new site access roads, and have not been adequately assessed in Chapter 12 of the ES.
- 3.9. CCoF are not satisfied that the proposed planning conditions 33 to 40 adequately mitigate these impacts either.
- 3.10. CCoF are also concerned about traffic congestion, particularly along Bellsdyke Road, during construction.
- 3.11. CCoF may refer to documents *CCoF 240 - 242* in this hearing session.

**4. CCoF's case at Hearing Session 2: the regulatory framework**

- 4.1. CCoF's case starts by taking up the Reporters' invitation to third parties in the appeal to make comments on the Joint Statement of Common Understanding between the Appellant and the two Councils as planning authorities ("JSCU").
- 4.2. It then describes how, in CCoF's submission, regulation of CBM development within the PEDL area has been inadequate and in some cases non-existent.
- 4.3. CCoF's case then goes on to describe a particular incident within the PEDL area.
- 4.4. CCoF's case will conclude that it is not possible or reasonable for local communities to place any reliance on the current regulatory framework as the answer to all their concerns, as the Appellant implicitly asks them to do.
- 4.5. The Joint Statement of Common Understanding

- 4.5.1. The JSCU sets out various positions adopted jointly by the Appellant and the two Councils (“the 3 main parties”). CCoF comments only on the agreed regulatory position, as set out in section 5 of the JSCU.
- 4.5.2. Paragraphs 5.6.1 and 5.6.7 of the JSCU consider SEPA and the Pollution Prevention and Control (Scotland) Regulations 2012 (“the PPC Regulations”), as does Appendix 1 to the JSCU, which is a letter from SEPA to the Appellant’s consultants dated 8 October 2013 (“SEPA’s October letter”). In this context, CCoF also comments on the letter sent by SEPA to the DPEA on 24 January 2014 (“SEPA’s January letter”).
- 4.5.3. CCoF also comments on section 1 of SEPA’s January letter and the Reporter’s subsequent decision on the need for a waste management plan (“WMP”) under the Management of Extractive Waste (Scotland) Regulations 2010.
- 4.5.4. *Paragraph 5.1.1* – The environmental and health impacts of venting and flaring are not adequately regulated under either the Energy Act 1976 or the Petroleum Act 1998.
- 4.5.5. *Paragraphs 5.1.2 and 5.6.3* – The Health and Safety Executive (“HSE”) is responsible for administering not only the Borehole Sites and Operations Regulations 1995, but also the Offshore Installations and Wells (Design and Construction etc.) Regulations 1996, Part IV of which is designed to ensure the integrity of onshore wells drilled with a view to extraction of “natural gas existing in its natural condition in strata”. It is deeply concerning that neither the two planning authorities nor the Appellant’s solicitor were aware of the 1996 Regulations until this year.
- 4.5.6. *Paragraph 5.6.1(iv)* – It is noted that in SEPA’s January letter, SEPA has suggested several corrections to this paragraph, including the deletion of a reference to the use of off-site conditions in the proposed permit under the PPC Regulations (“PPC permit”) to monitor air quality at the Gas Delivery and Water Treatment Facility (“GDWTF”).
- 4.5.7. *Paragraph 5.6.1(ii)* – There is no mention here of the regulation by SEPA of water impoundments in the form of the sumps that the Applicant would require, according to the WMP where they first appear to be mentioned, (a) for storage of untreated produced water pending treatment by mobile equipment until the GDWTF is up and running (i.e. for a limited period) and (b) permanently, for storage of treated produced water prior to discharge to the River Forth. This raises the question of whether the Applicant had even considered, before the 2010 Regulations were brought to its attention, whether or how it might need to store produced water either before or after treatment.
- 4.5.8. *Paragraph 5.6.7* – This paragraph lists aspects of the Development not covered by any other statutory regime. CCoF infers from this that the 3 main parties agree that the planning permission, if granted, should cover these aspects.

- 4.5.9. CCoF notes that the list does not include gas delivery from the coal seams to the GDWTF. However, the first paragraph after the list states that the 3 main parties have failed to reach agreement on whether the impacts of gas emissions to air from “pipes, production wells and in-seam wells” are regulated by SEPA under the PPC Regulations. CCoF would wish to ensure that all parts of the gas delivery network between the coal seams and the GDWTF are covered by the eventual decision on this point.
- 4.5.10. CCoF notes that in SEPA’s January letter, SEPA narrates its changing position on the extent of its powers under the PPC Regulations, and concedes that it is “still working to develop its regulatory position”. It says that the scope of the PPC Regulations to regulate various aspects of the process is not yet completely clear. Again, it is a matter of great concern to CCoF, and of general public concern, that the regulatory authorities have not yet come to a joint view on this matter, despite having had well over a year to consider it. The impression given is that neither SEPA nor the planning authorities wish to be responsible for regulating gas emissions to air from the gas delivery network. This does not inspire confidence in the regulatory framework, nor indeed in the regulators themselves.
- 4.5.11. CCoF understand the reluctance of the Councils to take responsibility for this aspect. CCoF will lead evidence at the inquiry sessions that emissions to air from the gas delivery network may include not just methane, but a range of toxic gases, including radioactive gases. Such emissions are likely to be both planned (through venting and flaring) and unplanned (or fugitive). Local councils are not generally equipped to monitor air quality for such gases, and will need to buy in technical support if they are to assume this responsibility, at a cost to council tax payers. SEPA, on the other hand, does have more experience of regulating toxic gaseous emissions under the PPC Regulations, but it may have received legal advice about the widespread nature of the gas delivery network across the PDA that precludes it from assuming responsibility for anything more than the gas treatment process at the GDWTF. This apparent reluctance of the regulatory authorities to take responsibility for this aspect of the Development, whether for technical, financial or legal reasons, reveals a gap in the regulatory framework at a point where serious environmental and public health impacts could occur, namely the emission of a range of noxious gases to air from the gas delivery network. This is a matter of grave public concern.
- 4.5.12. The reluctance by Falkirk Council and SEPA to take responsibility for assessing risks to air quality from the Development is recorded in two response to Freedom of Information requests, one by Falkirk Council saying SEPA is responsible (*CCoF 211*), the other by SEPA saying Falkirk Council is responsible (*CCoF 215*).
- 4.5.13. In any event, CCoF have little confidence in Falkirk Council’s willingness to take action on air quality issues. Reference will be made to Falkirk Council’s 2013 Air Quality

Progress Report (CCoF 250) and national objectives for Local Air Quality Management (CCoF 251).

**4.6. Past regulation of CBM development in the PEDL area**

4.6.1. Nineteen of the 25 planning applications for previous stages of development within PEDL133 area were granted by officers of Falkirk Council under delegated powers. This means that elected members were unaware of much of this development. CCoF are of the view that this demonstrates inadequate oversight by the planning authority. Reference will be made to a spreadsheet of planning applications (CCoF 259).

4.6.2. The most extensive of these applications was application reference P/10/0840/FUL. Reference will be made to the planning officer's report (CCoF 260). CCoF is concerned that the officer did not have the requisite expertise to assess this application.

4.6.3. CCoF strongly suspects that there has been no oversight by HSE of well drilling or integrity at the pilot wells in PEDL133. Reference will be made to publicly available documents about regulation by HSE (CCoF 252, CCoF 253) that refer to the Offshore Installations and Wells (Design and Construction etc.) Regulations 1996, and to the response by HSE to a recent Freedom of Information request (CCoF 254).

4.6.4. CCoF are concerned that the development of PEDL133 area has not been adequately supervised by the regulatory authorities involved, and that these authorities have in some cases failed to comply with their statutory obligations. Reference will be made to a tale of environmental regulation applicable to the onshore hydrocarbon industry (CCoF 261).

4.6.5. The Applicant has told CCoF that data from abroad cannot be used to predict what will happen in Scotland with CBM production. This highlights the importance of reliable testing, monitoring and data gathering at the pilot sites at Airth. Unfortunately, SEPA has not required independent testing of produced water, because quantities fell below a certain value (CCoF 216); SEPA did not hold a list of chemicals that were used in drilling muds (CCoF 215); and SEPA did not perform any unannounced site visits to check compliance with licence conditions (CCoF 218).

4.6.6. No reliable baseline was established before the pilot phase began, and the lack of SEPA monitoring has meant that impacts from the pilot sites have not been adequately assessed.

**4.7. Incident at Kennet Borehole, near Arns Farm, Clackmannanshire**

4.7.1. In the Appellant's rebuttal statement (DE81) it is stated that 'the appellant currently has five "permanent" sites located in the Airth area where over the last 9 years water has been abstracted from the coal seam and gas produced by means of directional

drilling. Each of those wells was drilled, and each of those production sites has been operating without incident under the supervision of the existing regulatory regimes operated by the planning authorities, the Scottish Environment Protection Agency (“SEPA”), the Health and Safety Executive (“HSE”) and independent well examiners’.

4.7.2. However, CCoF have been made aware of an incident at a well site in 2010. A member of the public contacted SEPA on 26 October 2010 to report a nuisance from the noise of tractors 24 hours a day for the previous two weeks, moving water from the Kennet borehole in tankers across the Kincardine Bridge. The incident is recorded by SEPA as Environmental Event ENV/0845997 in a report, a copy of which was obtained from SEPA under the Environmental Information (Scotland) Regulations 2004 (CCoF 255).

4.7.3. The report shows that groundwater was emerging under pressure from the well operated by Composite Energy (now taken over by the Appellant). A copy of the exchange of letters between SEPA and Composite Energy was also obtained from SEPA (CCoF 256). After a cursory investigation, no further action was taken by SEPA.

4.7.4. CCoF wishes to explore this further with SEPA in this hearing session

4.8. In relation to the timescale of the Development and its relationship to PEDL area, reference will be made to notes of a meeting between the Applicant and Larbert, Stenhousemuir & Torwood Community Council (CCoF 257).

4.9. In relation to regulatory guidance by SEPA, reference will be made to the minutes of a meeting of Larbert, Stenhousemuir & Torwood Community Council attended by SEPA (CCoF 258).

## **5. CCoF’s case at Hearing Session 3: habitats and ecology**

5.1. CCoF are concerned, broadly, that the Applicant has not placed sufficient importance on the habitats and ecology that the Development could affect, and that it has placed too much reliance on proposed mitigation. More specific points follow.

5.2. The Pow Burn is highly vulnerable to the Development. CCoF are concerned that the Applicant underestimates:

- the importance of the Pow Burn for the biodiversity of the area; and
- the significance of findings in the ES that water voles and signs of otters have been seen on the Pow Burn. We include research that records the presence of water voles (CCoF 244 and 246), and whilst the Applicant found evidence of

otters we do not agree with their conclusion that they do not feed or reside along the Burn.

- 5.3.** Letham Moss and Dunmore Moss are the only two raised bogs north of Falkirk and both are vulnerable to the Development. CCoF are concerned that the Applicant underestimates:
- the importance of this habitat for Large Heath Butterfly, a vulnerable species limited to raised bogs, and other invertebrates;
  - its potential vulnerability to groundwater pollution from the Development; and
  - its importance for carbon sequestration and therefore for climate change mitigation.
- 5.4.** Dunmore Woods may be vulnerable to the Development. CCoF are concerned that the Applicant underestimates their importance as habitat for Great Crested Newts. Amphibians are particularly sensitive to pollution.
- 5.5.** CCoF are also concerned about the effects on animal species generally, including bioaccumulation, of endocrine disruptors and group 1 carcinogens from the Development, and about the ecological impacts of suspended pollutants precipitating and settling on the bed of the River Forth around the discharge point(s).
- 5.6.** CCoF may refer to documents *CCoF 243 - 247* in this hearing session, as well as the submission of Larbert, Stenhousemuir & Torwood Community Council (*CCoF 229*).
- 6. CCoF's case at Hearing Session 4: landscape and visual impacts**
- 6.1.** CCoF are concerned that the ES underestimates the impacts of the Development on the landscape and visual receptors .
- 6.2.** The Applicant has overemphasised views from Cowie and Plean to the north-west looking south-east, which will be set against the existing industrial backdrop of Grangemouth. The Applicant has not given sufficient weight to views from the closest centres of population i.e. from Letham and Airth to the east looking west, and from Kinnaird Village and Stenhousemuir to the south looking north, which will be adversely affected by the Development. Reference will be made to photos used in *CCoF 201*.
- 6.3.** Letham Moss is a significant feature, arguably the centrepiece, in a wider area of countryside bounded by the M9 to the south-west and by the River Forth to the north-east that is very prominent for anyone travelling on the M9 or the railway between

Larbert and Stirling, particularly northbound, leaving Grangemouth/Larbert behind. As well as travellers making daily local or less frequent regional journeys, many thousands of tourists must use these routes every year heading from Edinburgh to Stirling and the Highlands. This travelling population is a sensitive visual receptor that will be transiently but significantly impacted by the emergence of a landscape dotted with wellheads, some very close to both the railway line and the M9, but it has been dismissed in the Applicant's ES.

- 6.4. CCoF reject the Applicant's assessment, in its Planning Statement, that its operations will *"be seen as minor elements within a wider landscape setting and will integrate with existing natural and / or man-made elements of the landscape"*.
- 6.5. CCoF will refer to the video of a flyover of a coal seam gas in the Surat Basin, Queensland (CCoF 248, a link to which was sent to all parties by email on 5 February 2014, as an inquiry session document)
- 6.6. CCoF will also refer to Falkirk Council's award-winning Green Space initiative (CCoF 249).

## **7. CCoF's case at Hearing Session 5: planning conditions and legal agreement(s)**

### **7.1. Condition 12**

- 7.1.1. The Officer's Report to Falkirk Council dated 21 November 2013 states that one of the issues of prominent concern is the possibility of the CBM processes causing the dewatering of local aquifers. It then goes on to say that this risk has been acceptably met because the "total dewatering volume proposed by Dart is sufficiently constrained by the capacity of the proposed treatment facility water capacity" and "through planning condition".
- 7.1.2. CCoF believe the planning condition referred to is draft Condition 12, Groundwater Monitoring Scheme. This obliges the Appellant, among other matters, to monitor and record for a period of not less than 12 months prior to the commencement of the development "the quality and quantity of the groundwater in order to establish the relevant base-line position" (our underlining).
- 7.1.3. The purpose of EIA is to assess significant environmental impacts of a development. If the baseline data has not been assessed we cannot see how it is possible to assess whether a particular impact may or may not be significant.

- 7.1.4. CCoF submit that the baseline position of the quality and quantity of the groundwater is a sufficiently serious matter that the permission should not be granted until the baseline information has first been collated to enable impact assessment.
- 7.1.5. In the alternative should the Reporters disagree with this position, CCoF submit that the monitoring arrangements are insufficient to provide certainty to residents, because of the lack of regulatory transparency.
- 7.1.6. CCoF will refer to its recent consultation response on the Community Empowerment (Scotland) Bill with regard to the lack of community participation in decision-making (CCoF 197). For reasons outlined there with regards to participatory processes we submit that Condition 12 should be amended so that any approved scheme for groundwater monitoring should include effective participation of CCoF, or other Designated Community Body, in addition to consultation with SEPA.
- 7.1.7. The monitoring regime should be reviewed every 6 months to take account of novel or emergent risks, and in light of new scientific evidence.
- 7.1.8. CCoF need assurances as to what measures are available as to the protection of the quality and quantity of the groundwater.
- 7.2.** CCoF submit that planning conditions should be imposed to cover:
- Land Contamination – over and above the existing contaminated land regime – specifically to monitor soil conditions for contamination at sensitive sites such as arable land; and to remediate contaminated within specified timescales
  - Buffer Zone, i.e. a zone bounded by a line drawn a set distance from certain sensitive receptors, including homes and schools, within which no part of the Development, on or under the surface of the land, should be allowed
  - Abandonment and Restoration of Well Sites following permanent cessation of CBM production by dewatering, irrespective of whether any subsequent application is made for CBM production by other means on and under the relevant land - including adequate and enforceable financial provision to ensure full restoration in the event of insolvency
  - Decommissioning and Restoration of GDWTF following permanent cessation of CBM production by dewatering, irrespective of whether any subsequent application is made for CBM production by other means on and under the relevant land - including adequate and enforceable financial provision to ensure full restoration in the event of insolvency
  - Air quality monitoring at sensitive receptors, such as Kinnaird Primary School

- Community Engagement, i.e. certain suspensive conditions should be discharged only after consultation with CCoF, or other Designated Community Body, and such a body should be involved in some environmental monitoring and auditing
- Limiting the number of HGVs using access roads in connection with the Development (through Traffic Management Plans or otherwise)
- Establishment, as a suspensive condition, of reliable baseline data for the matters mentioned at paragraph 4.6.5 (having regard to Planning Advice Note 51 in respect of the role of the planning system as it relates to environmental protection regimes)
- Incident notification to the relevant planning authority and CCoF or other Designated Community Body.

**7.3.** CCoF's proposals for other appropriate planning conditions are set out in Appendix 2 to this statement.

**7.4.** CCoF reserves the right to propose further planning conditions once we have seen the other parties' hearing statements.

## APPENDIX 1

### List of additional documents to be lodged by Concerned Communities of Falkirk (“CCoF Documents”)

- CCoF 240 Map showing footpaths and cycleways in Proposed Development Area, 2014
- CCoF 241 Active travel case study AT13: Falkirk’s Take the Right Route Campaign, Central Scotland Green Network, ?2013
- CCoF 242 Booklet: Walk, ride and cycle in and around Airth Parish, Falkirk Council, 2010
- CCoF 243 Falkirk Area Biodiversity Action Plan 2010-2013, Falkirk Council, December 2010
- CCoF 244 The Biodiversity of Falkirk: an assessment of priority habitats and species, A.Perks, April 2000
- CCoF 245 A Survey of Great Crested Newts and other amphibians at The Pineapple, Airth, Technical & Safety Services, 2011
- CCoF 246 Powerpoint presentation of quotations from CCoF 243 and CCoF 244 with page references, J M Hamilton, 2014
- CCoF 247 Map showing ecologically designated sites in relation to Proposed Development Area, 2014
- CCoF 248 Video of flyover of coal seam gas field in the Surat Basin, Queensland, Australia <http://www.youtube.com/watch?v=1AeWYwBreEY>
- CCoF 249 “Falkirk Greenspace Clinches Quality in Planning Award” (Landscape Initiative, 2012)[http://www.landscapeinstitute.org/news/falkirk\\_greenspace\\_clinches\\_quality\\_in\\_planning\\_award](http://www.landscapeinstitute.org/news/falkirk_greenspace_clinches_quality_in_planning_award)
- CCoF 250 Falkirk Council 2013 Air Quality Progress Report
- CCoF 251 Local Air Quality Management: National Objectives, Defra website, 2014
- CCoF 252 The Regulatory Framework for Unconventional Gas – HSE’s perspective, presentation by HSE, October 2013
- CCoF 253 Onshore Oil and Gas Exploration and Development: Roles of regulatory agencies
- CCoF 254 Response by HSE to Freedom of Information request, November/December 2013
- CCoF 255 SEPA Environmental Event Report ENV/0845997

- CCoF 256* Letter from SEPA to Composite Energy, 16 December 2010; reply by Composite Energy, 14 January 2011
- CCoF 257* Notes of a meeting between the Applicant and Larbert, Stenhousemuir & Torwood Community Council, 14 January 2013
- CCoF 258* Minutes of a meeting of Larbert, Stenhousemuir & Torwood Community Council, 28 January 2013
- CCoF 259* Spreadsheet of CBM-related planning applications received by Falkirk Council, 1995-2012
- CCoF 260* Officer's report on planning application reference P/10/0840/FUL, 15 February 2011
- CCoF 261* Table of environmental legislation applicable to the onshore hydrocarbon industry (England, Scotland and Wales), found on HSE website
- CCoF 309* Image from Falkirk Bicycle Club website

## APPENDIX 2

### Planning conditions proposed by Concerned Communities of Falkirk

#### Definitions:

“CBM Production” shall mean the production of CBM by Dewatering.

“Unconventional Processes” shall mean either Dewatering or hydraulic fracturing processes.

“Dewatering” means the process of dewatering as defined in the Environmental Statement accompanying the planning application.

“Permanent Cessation” shall mean the exhaustion of CBM Production.

“Designated Community Body” means any community council, residents association or other community body designated by Falkirk Council or Stirling Council from time to time as a body for consultation in relation to any condition which requires approval.

#### **Condition 2: Parameters of methodology to release CBM**

The development hereby permitted does not include the use of hydraulic fracturing (fracking). Methodology to release Coal Bed Methane (CBM) shall be restricted to dewatering as defined within the Environmental Statement accompanying the planning application.

#### **Hydrology - Method Statements**

No development shall commence until all method statements required to meet the mitigation measures set out at paragraph 7.122 of the Environmental Statement, including processes to demonstrate compliance with such mitigation measures, have been agreed in writing with Falkirk Council and Stirling Council as Planning Authorities in consultation with with any Designated Community Group for incorporation into the CEMP.

#### **Review of Anticipated Significance**

No production of CBM shall begin until a scheme is in place for regular review of Table 7.11 of the Environmental Statement, in order to ensure that the mitigation measures proposed remain effective.