



**Clackmannanshire  
Council**

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

Comhairle Siorrachd  
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

# Planning Committee

**Thursday 4 November 2021 at 1.00 pm**

**Venue: Via MS Teams**

Date	Time
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## **Planning Committee**

Subject to paragraphs 3.28 and 11.4 of the Scheme of Delegation, the Planning Committee has responsibility for taking decisions on planning applications and enforcing planning laws, and;

Carrying out the local authority's function in relation to street naming under section 97 of the Civic Government (Scotland) Act 1982; and

Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Development and Environment Services related to Building Standards.

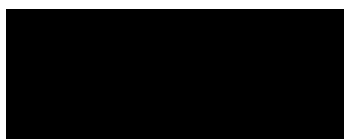
**Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.**

**Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacks.gov.uk](http://www.clacks.gov.uk)**

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**27 October 2021**

**A MEETING of the PLANNING COMMITTEE will be held Via Ms Teams on THURSDAY 4 NOVEMBER 2021 at 1.00 PM.**



**PETE LEONARD**  
**Strategic Director (Place)**

**B U S I N E S S**

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1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meeting held on 20 May 2021 (Copy herewith)	05
4. Street Naming Report for Development of Land at Former Bowling Green, Green Loan, Pool of Muckhart – report by Allan Finlayson, Planning and Building Standings Team Leader (Copy herewith)	07
5. Planning Appeal Decision ref 20/00214/FULL – Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households and Siting of 2 No Static Caravans and 4 No Touring Caravans With Related Infrastructure (Retrospective) – Renewal of Permission For A Further 2 Years – Cow Wood, Forestmill, Clackmannanshire – report by Grant Baxter, Principal Planner (Copy herewith)	15
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## Planning Committee – Committee Members (Membership 10 – Quorum 4)

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### Councillors

### Wards

Councillor	Donald Balsillie (Convenor)	2	Clackmannanshire North	SNP
Councillor	Jane McTaggart (Vice Convenor)	3	Clackmannanshire Central	SNP
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Denis Coyne	5	Clackmannanshire East	CON



**MINUTES OF MEETING of the PLANNING COMMITTEE held on MS Teams, on  
THURSDAY 20 MAY 2021 at 1.00 PM**

**PRESENT**

Councillor Donald Balsillie (Convenor)  
Councillor Jane McTaggart  
Councillor Martha Benny  
Councillor Denis Coyne  
Councillor Dave Clark (S)  
Councillor Helen Lewis  
Councillor Derek Stewart

**IN ATTENDANCE**

Emma Fyvie, Senior Manager, Development (Place)  
Allan Finlayson, Team Leader, Planning and Building Standards  
Keith Johnstone, Principal Planner  
Lee Robertson, Solicitor, Legal and Governance (Clerk to the Committee)  
Gillian White, Committee Services, Legal and Governance

**PLA(21)14 APOLOGIES**

Apologies for absence were received from Councillor Tina Murphy, Councillor Chris Dixon, Councillor Kenneth Earle and Councillor George Matchett QPM. Councillor Dave Clark attended as substitute for Councillor Earle.

**PLA(21)15 DECLARATIONS OF INTEREST**

None.

**PLA(21)16 MINUTES OF MEETINGS**

The minutes of the undernoted meetings were submitted for approval:

- (a) Local Review Body 14/01/20
- (b) Local Review Body 22/09/20
- (c) Local Review Body 21/01/21
- (d) Planning Committee 01/04/21

**Decision**

The minutes of the meetings as noted above were agreed as a correct record.

**PLA(21)17 PLANNING APPLICATION**

**Planning Application Ref: 20/00220/FULL - Erection of Reserve Gas Generation Facility with a Proposed Generation Capacity of 22.5 MW With Associated Infrastructure Including Ancillary Buildings, Access, Fencing and Landscaping on Land South Of Hennings Wood, Collyland Road, Fishcross, Clackmannanshire**

The report, submitted by the Principal Planner, provided an assessment of the above application for planning permission having consideration to the provisions of the Local Development Plan and any other material considerations, including the advice from consultees. It provided a recommendation on the application. The proposal was for a Major Development as the development comprises an electricity generating station with a capacity that exceeds 20 Megawatts. The application had to be reported to Committee for determination rather than be determined by Appointed Officers as set out under the Council's Scheme of Delegation.

**Attending**

Stuart MacGarvie, MacGarvie and Co Limited (Agent for the Applicant – Fishcross Generation Ltd)

Paul Edney, owner of The Woods Caravan and Lodge Park, Fishcross (Objector)

The report was introduced by Keith Johnstone, Principal Planner. Mr Johnstone also presented photographs of the site in lieu of a site visit. Members of the Planning Committee had the opportunity to put questions to Mr Johnstone.

The Committee then heard representations from Stuart MacGarvie, Agent for the Applicant, and Paul Edney, Woods Caravan Park, Objector. The members of the Planning Committee had the opportunity to put questions to both parties.

**Motion 1**

That the Committee refuses the application subject to the reasons set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Dave Clark.

**Motion 2**

That the Committee approve the application subject to mitigation conditions being applied.

Moved by Councillor Derek Stewart.

Motion 2 was not seconded and did not proceed.

**Voting**

For motion 1	6 votes
Against Motion 1	1 vote
Abstain from Voting	0 votes

**Decision**

On a division of 6 votes to 1, the Committee agreed to REFUSE the application for the reasons set out in the report.

**Action**

Principal Planner

Ends: 14:31 hours

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**Report to Planning Committee**

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**Date of Meeting:** Thursday 4<sup>th</sup> November 2021

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**Subject:** Street Naming Report for Development of Land at Former Bowling Green, Green Loan, Pool of Muckhart

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**Report by:** Allan Finlayson, Planning & Building Standards Team Leader

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**1.0 Purpose**

- 1.1. To decide on the name of new streets for the development of land at former Bowling Green, Green Loan, Pool of Muckhart.
- 1.2. In order to assist the decision process, the report sets out the results of the consultation exercise seeking suggested names for new streets in the development.
- 1.3. This development consists of the erection of 50 dwellings, the layout of which lends itself to a single new street. A location plan, Appendix 1 and a site layout plan, Appendix 2 are enclosed for ease of reference.

**2.0 Recommendations**

- 2.1 It is recommended that the Committee consider the suggestions included in Appendix 3 and approve a new street name.

**3.0 Considerations**

- 3.1. The consultation and research process involved contacting the Ward Councillors, the Community Council, local schools and known heritage groups and other interested parties. A full list of the consultees' responses is enclosed at Appendix 3.
- 3.2. The Council is committed, via a Tri-Council agreement (Clackmannanshire, Falkirk and Stirling) to adopting particular street naming and numbering conventions and must therefore consider these prior to approving a street name or number. Guidance within that convention states that consideration should be given to ensure names are distinctive... *"no repeating or similar sounding names within the same scheme, development, or area. The practice of using the same name for several streets, differentiated by suffixes such as 'street', or 'road', etc, perhaps within a larger multi-street development, is not acceptable. This is to*

*minimise any potential confusion that may arise in delivering services, particularly emergency service response, in areas with similar sounding street names".*

- 3.3. Accordingly, the "officer comments" column in Appendix 3 identifies proposals that are considered to be suitable or not relative to the guidance included within the Tri-Council Conventions.
- 3.4. The Royal Mail Address Development Centre will still require to be consulted on any chosen name by the Committee to ensure that it is acceptable to them.

#### **4.0 Sustainability Implications**

- 4.1. The recommendation does not have any significant implication. The consultation and research procedure ensures that community participation has been undertaken.

#### **5.0 Resource Implications**

- 5.1. There are no financial implications with regard to this report.
- 5.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.3. There are no staffing implications with regard to this report.

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence



(2) **Council Policies** (Please detail)

Tri-Council Street Naming and Numbering Conventions.

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Appendix 1 - Location Plan
- Appendix 2 - Site Layout
- Appendix 3 - Consultee Returns

**11.0 Background Papers**

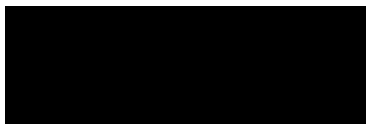
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

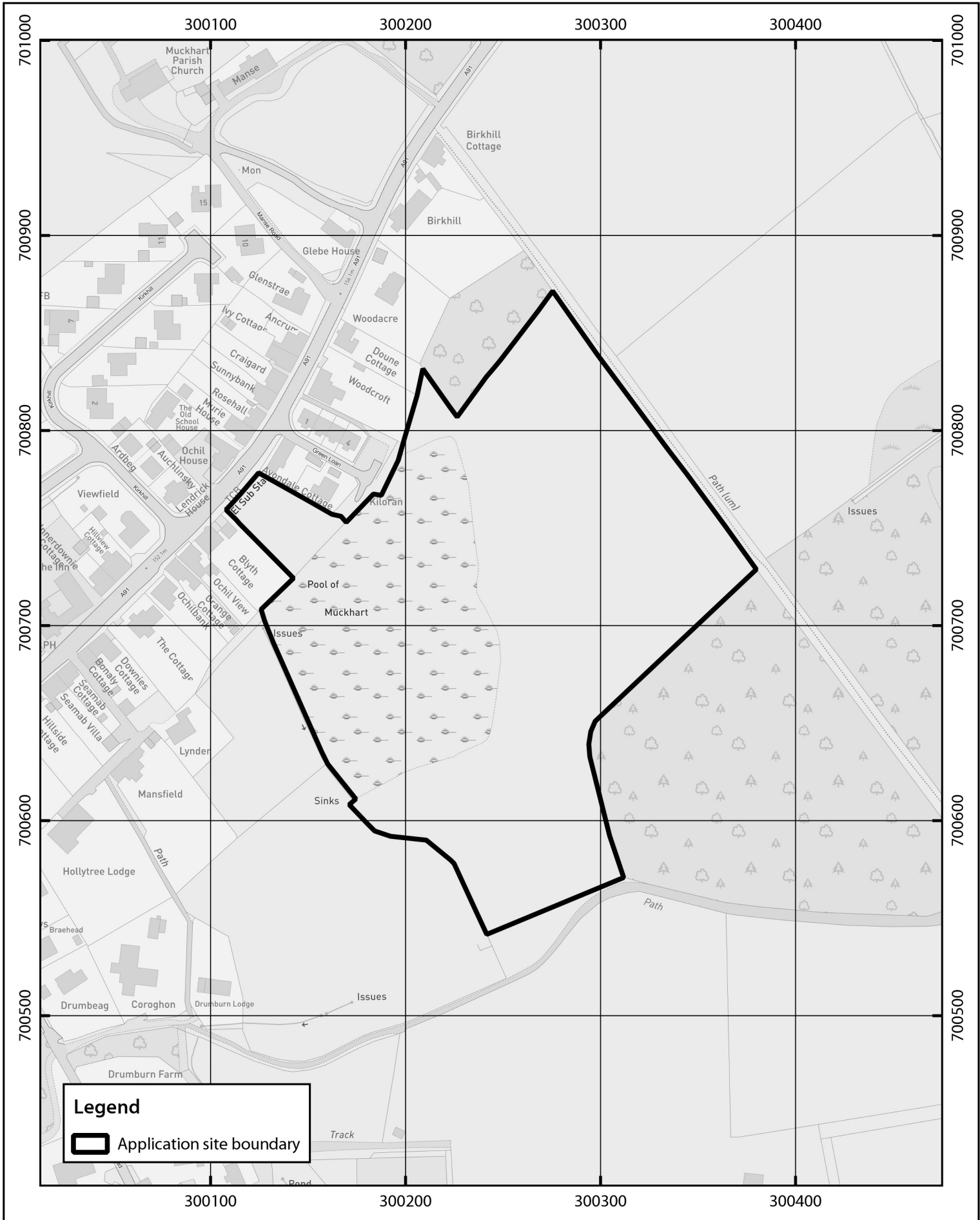
**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Allan Finlayson	Planning & Building Standards Team Leader	2621

**Approved by**

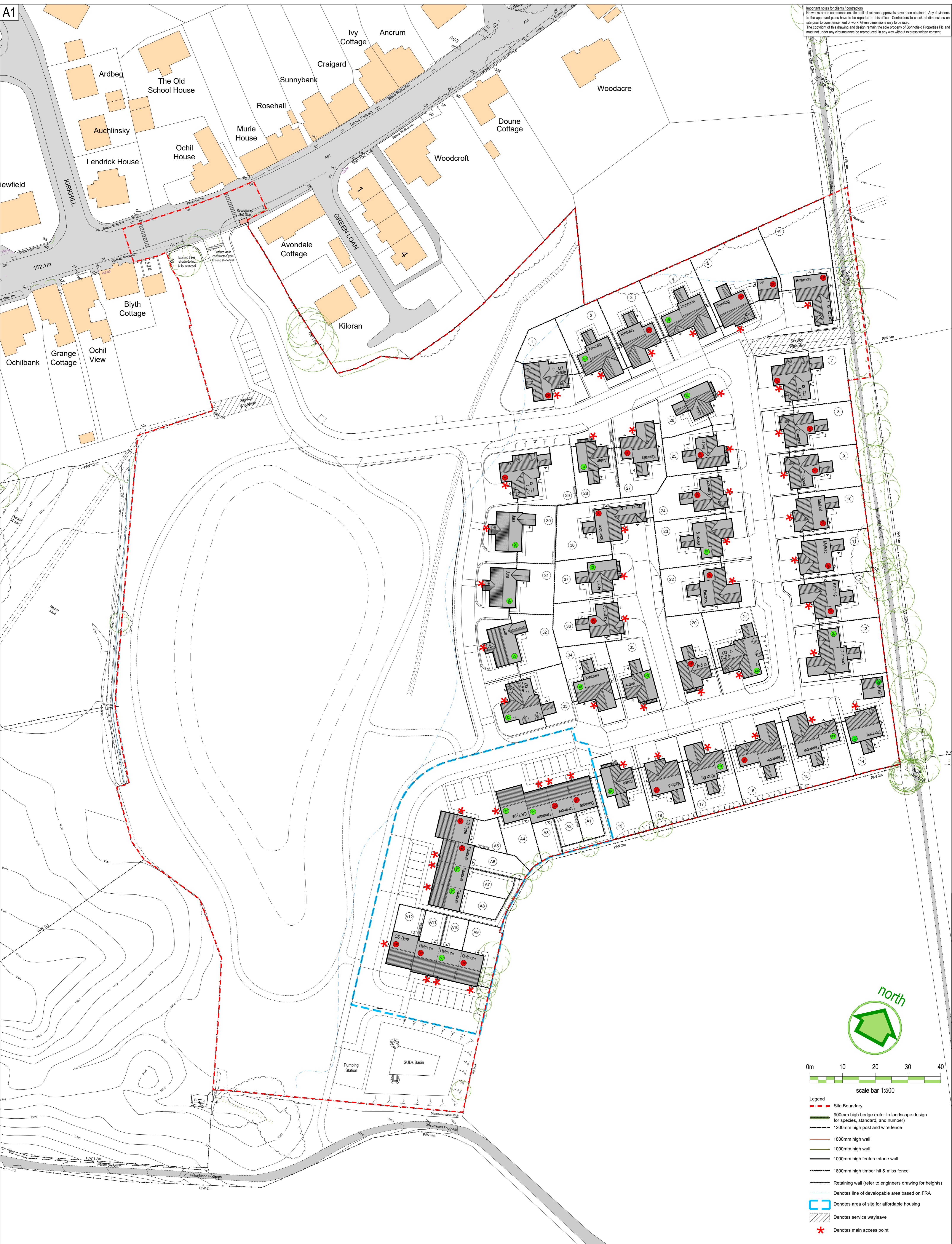
NAME	DESIGNATION	SIGNATURE
Emma Fyvie	Senior Manager Development	





A1

Important notes for clients / contractors  
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used.  
The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.



0m 10 20 30 40  
scale bar 1:500

**Legend**

- - - Site Boundary
- 900mm high hedge (refer to landscape design for species, standard, and number)
- 1200mm high post and wire fence
- 1800mm high wall
- 1000mm high wall
- 1000mm high feature stone wall
- 1800mm high timber hit & miss fence
- Retaining wall (refer to engineers drawing for heights)
- Denotes line of developable area based on FRA
- Denotes area of site for affordable housing
- Denotes service wayleave
- \* Denotes main access point



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Fax: 01324 574 890  
Email: larbert@springfield.co.uk

Revisions	Rev.	Date	Remarks

# APPENDIX 2

Project PM01 - Pool of Muckhart			
Drawing Site Layout and Access Points			
Scale 1:500@A1	Date May 2019	Drawn by LW	Checked by CP
Drawing no. PM01/SL&AP/01(J)	Rev		

### APPENDIX 3

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS	OFFICER'S COMMENTS
Susan Yule - Archives & Records Management Officer	(1) Bowling Green	To reflect the previous recreational use of the area.	(1) No conflict.
	(2) Dobie	The name of one of the men who was instrumental in creating the bowling green in 1948.	(2) No conflict.
	(3) Brown	The name of one of the men who was instrumental in creating the bowling green in 1948.	(3) No conflict.
	(4) Dewar	The name of one of the men who was instrumental in creating the bowling green in 1948.	(4) Possible conflict - Similar name already in existence in the same post code (FK14) is: <b>Dewar Street, Dollar</b>
	(5) Blyth	Reflecting the use of the site before it became a bowling green. Referring to the Blyth sisters who lived in Blyth cottage – one of the sisters grew vegetables in a market garden on the site in the early 1900s and sold the produce from her shop in Blyth cottage.	(5) No conflict.
	(6) Well/Dip-well	One of the main water sources in the village was at the bottom of Green Loan where there was a dip-well.	(6) No conflict.

Muckhart Community Council	(1) Cadell	Dr Grace Cadell (1855-1918) - one of the first Scottish women to study and qualify as a surgeon and an active suffragette. She lived her final years at Mossbank, in Yetts O'Muckhart.	(1) No conflict.
	(2) Paulin	George Henry Paulin (1888–1962) - a Scottish sculptor and artist of great note in the early 20th century. He was born in Muckhart Manse, the son of the Rev George Paulin who was minister in Muckhart church in 1888. In addition to the Muckhart war memorial he produced the Dollar War memorial.	(2) No conflict.
	(3) Drovers	In recognition of what may be a drover's fire pit, as uncovered by the archaeological investigation. The drover's route can still be walked at the back of Seamab.	(3) No conflict.
	(4) Boars Hill	A name with strong local historical and cultural significance. Muckhart, in Gaelic, is <i>Muc-Àird</i> : Muc = boar / pig and Aird = height respectively. <i>Muc-Àird</i> may also derive from the fact that the surrounding fields may once have been used for pig farming.	(4) No conflict.
	(5) Pool or Pool View	To highlight and reflect the area where the original 'Pool' of Muckhart was located.	(5) No conflict.
	(6) Meadowside	To highlight and reflect the natural, environmental setting of the development	(6) No conflict

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**Report to: Planning Committee**

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**Date of Meeting: 4<sup>th</sup> November 2021**

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**Subject: Planning Appeal Decision - Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households) and Siting of 2 No Static Caravans and 4 No Touring Caravans With Related Infrastructure (Retrospective) - Renewal Of Permission For A Further 2 Years – Cow Wood, Forestmill, Clackmannanshire – 20/00214/FULL**

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**Report by: Grant Baxter, Principal Planner**

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### **1.0 Purpose**

- 1.1. This report advises Members of the recent appeal decision on the above proposed development and is for noting only.

### **2.0 Recommendations**

- 2.1. It is recommended that Members note the decision of the Reporter in respect of the planning appeal

### **3.0 Considerations**

- 3.1. Members will recall the decision of the Planning Committee at its meeting on 21<sup>st</sup> January 2021 to refuse the planning application, seeking an additional 2 year extension of the previous temporary planning permission for a gypsy/traveller site and associated caravans and infrastructure on land at Cow Wood, near Forestmill.
- 3.2. The Planning Committee's decision followed its previous decision in September 2017, to grant temporary permission for the development for a period of 3 years, subject to a number of planning conditions.
- 3.3. The Report of Handling to the Committee of 21<sup>st</sup> January recommended that the temporary permission be granted for an additional one year period, which was considered an appropriate period of time to allow the applicants to address outstanding planning conditions prior to any application for a permanent development was considered.
- 3.4. In refusing the application, the Committee considered the applicants had failed to comply with the conditions set out in the original three year consent, and did not consider that any additional time period should be granted.

- 3.5. The applicants lodged an appeal against the Council's decision to Scottish Ministers on 19<sup>th</sup> April 2021. The Reporter appointed by Ministers issued a decision on 30<sup>th</sup> July 2021 that overturned the Council's decision and allowed the appeal; granting planning permission for a two year period, and subject to other conditions limiting occupation of the site to two gypsy/traveller families, requiring details of planting and utilities provision, noise limits on machinery and retention of site enclosures.
- 3.6. In conclusion, the Reporter noted that, whilst the proposed development did not accord overall with the relevant provisions of the development plan, allowing the appeal was justified, taking account of the needs of the Gypsy/Traveller families involved and the potential for the provision of services and adverse visual effects to be satisfactorily addressed through conditions.
- 3.7. Whilst the Reporter's decision overturns that of the Council, Planning and Legal Services do not consider that there is any cause to challenge the basis upon which it has been made.
- 3.8. The Planning Service will continue to monitor the site, seek discharge of planning conditions and bring a report back to the Committee at the end of the two year period the Reporter has granted.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

- 5.1. Financial Details
- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes
- 5.3. Finance have been consulted and has agreed the financial implications as set out in the report. Yes

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )



- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes  No

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".


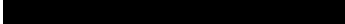
**11.0 Background Papers**

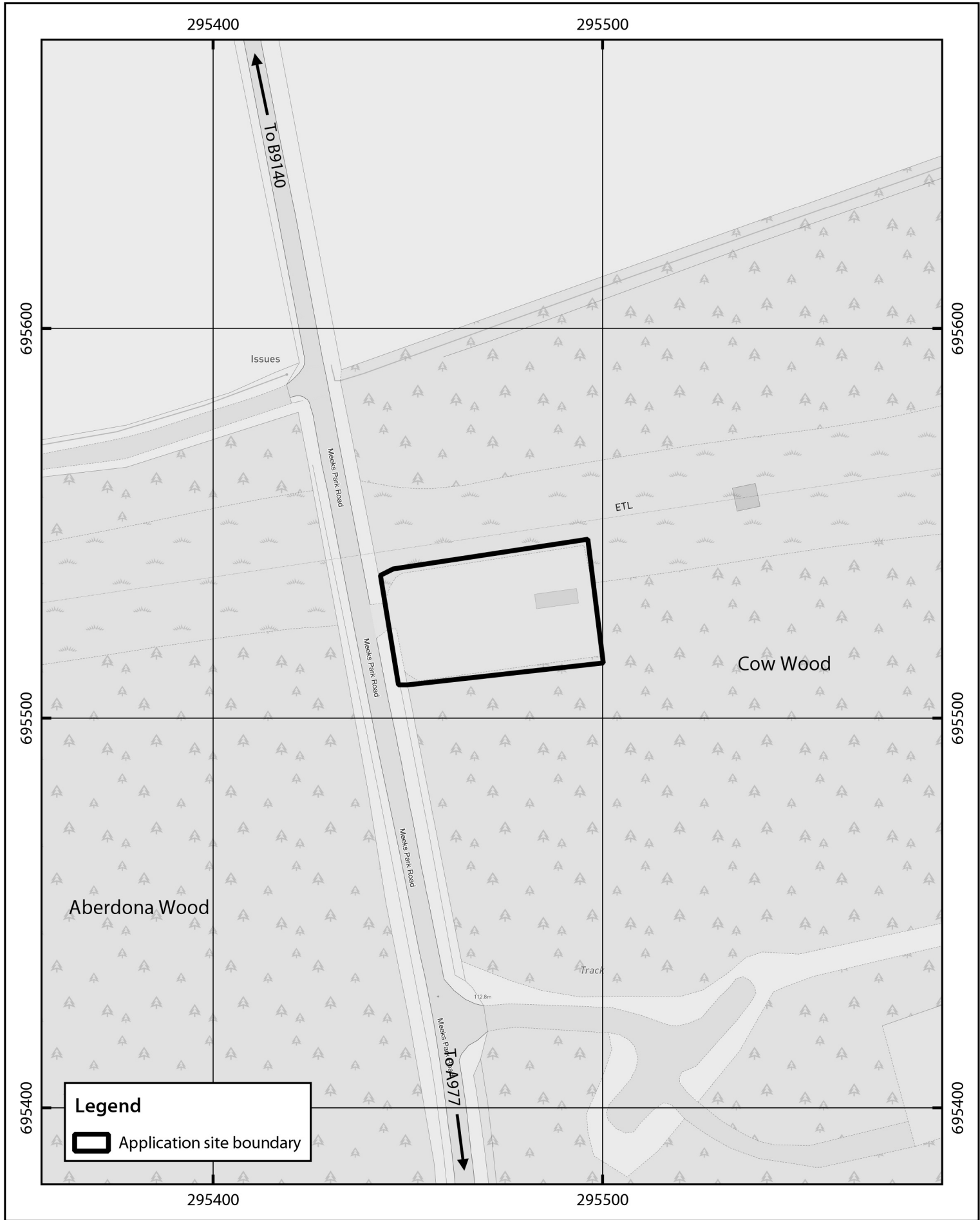
- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes  (please list the documents below) No


**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	2615

**Approved by**

NAME	DESIGNATION	
Allan Finlayson	Team Leader	
Emma Fyvie	Senior Manager Development	





Date:  
21 Oct 2021


**20/00214/FULL – Cow Wood, Forestmill**

Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households) and Siting of 2 No Static Caravans and 4 No Touring Caravans With Related Infrastructure (Retrospective) -  
Renewal Of Permission For A Further 2 Years

Ward: Clackmannanshire East

0 10 20 30 40 50 metres

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**Report to: Planning Committee**

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**Date of Meeting: 4<sup>th</sup> November 2021**

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**Subject: Scottish Ministers' Decision on Completion Notice -  
Erection of House - Modification to Approved House Type  
"C" (10 Gannel Hill View) (Planning Permission Ref No.  
05/00241/FULL) at 10 Gannel Hill View, Devon Village.  
Clackmannanshire**

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**Report by: Grant Baxter, Principal Planner**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to advise Members of the recent decision made by Scottish Ministers on the Completion Notice served by the Council on the owner of 10 Gannel Hill View, in connection with the construction of a house on that site. The report is for noting only and a further report will be brought to a future Planning Committee setting out options to secure completion of the house and removal of the static caravan from the site.

## **2.0 Recommendations**

- 2.1. It is recommended that Members note the decision of Scottish Ministers in respect of the Completion Notice, and the intention of officers to bring a report to a future meeting of the Planning Committee once the decision, and the recommendations of the Reporter to Scottish Ministers in respect of it, have been fully considered.

## **3.0 Considerations**

- 3.1. Members will be aware of the lengthy history in connection with both the incomplete house and the siting and occupation of a static caravan within this plot at 10 Gannel Hill View, Devon Village.
- 3.2. At its meeting of 24<sup>th</sup> January 2019, the Committee voted to delegate authority to the Development Services Manager and Legal Services Manager to serve a Completion Notice on the owner of the site, as the Committee was of the view that it would not be completed within a reasonable timescale. The Committee decided that the period for completion of the house specified in the Completion Notice would be two years.
- 3.3. The Council subsequently served a Completion Notice on the owner of the property (Mr Steve Smith), on 7<sup>th</sup> January 2020, requiring the works to build

the house to be completed by 9<sup>th</sup> January 2022 (two years from the Planning Committee's decision). The effect of the Notice would be that the planning permission would cease to have effect at the expiration of the specified period, and only that part of the construction completed would be deemed to be lawful.

- 3.4. A Completion Notice cannot take effect until it has been confirmed by Scottish Ministers, who may also vary the time period specified in the Notice. In this case, Scottish Ministers appointed a Reporter from the Planning and Environmental Appeals Division (DPEA) to provide a report on the case, and this report was completed and submitted to Scottish Ministers on 20<sup>th</sup> July 2020.
- 3.5. The Reporter recommended that Scottish Ministers decline to confirm the Completion Notice, and the Scottish Government subsequently advised the Council in writing on 12<sup>th</sup> October 2021 that Ministers agreed with the Reporter's overall conclusions and have declined to confirm the Completion Notice.
- 3.6. The Reporter's recommendation to not confirm the Completion Notice is based on his view that the development on the site does not relate to Planning Permission 11/00020/FULL - Erection of House - Modification to Approved House Type "C" (10 Gannel Hill View) (Planning Permission Ref No. 05/00241/FULL) and that the structure on site is a breach of planning control which materially differs from that approved by the Council in 2011. Specifically, the Reporter considers that there is no evidence that the planning permission for the house, granted in 2011 was lawfully begun within the statutory three years from the date of consent.
- 3.7. The Reporter's makes comments and arrives at conclusions on a number of other matters, such as consideration of non-material variations, discharge of planning conditions and the Council's responses to requests for information during his consideration of the case. Officers of the Planning and Legal Services have concerns about these comments and conclusions, as they differ significantly from those arrived at by officers, and collectively appear to be given considerable weight in the Reporter's conclusion that the Completion Notice should not be confirmed by Scottish Ministers.
- 3.8. Set out below are notable examples of areas of concern with the Reporter's assessment and conclusions:
- 3.9. Lawfulness of the dwellinghouse at 10 Gannel Hill View
- 3.10. The Reporter acknowledges that the Council, as Planning Authority, is empowered by legislation to determine the lawfulness of development, however, arrives at his own conclusion that the dwellinghouse at 10 Gannel Hill View is not lawful (on the basis that planning permission 11/00020/FULL has lapsed) without seeking any clarification from the Council as to its view on this critical point.
- 3.11. The Reporter refers to the previous DPEA Reporter's decision to quash the Council's enforcement notice on the residential caravan at 10 Gannel Hill View, but fails to acknowledge that in quashing the enforcement notice, the previous Reporter concluded that the residential caravan was permitted

development on the basis that the dwellinghouse at 10 Gannel Hill View **was lawful**.

- 3.12. Officers are therefore concerned that in arriving at his conclusion that the house is not lawful, the Reporter has failed to take into account either the Council's view on this matter or that of the previous Reporter. A conclusion upon which the Reporter's recommendation not to confirm the Completion Notice mainly rests.
- 3.13. The Reporter's conclusions on the lawfulness of the existing house being built on site are fundamental to his recommendation not to confirm the Completion Notice and appear to officers to be based on a narrow assessment of evidence and without full consideration of the Council's or previous Reporter's views.
- 3.14. Notification of Development Commencement and Compliance with Planning Conditions
- 3.15. The Reporter has concluded that the failure of the applicant to notify the Council of the initiation of development is an indication that development did not commence. The Council has noted the failure of the applicant to submit such notification, however, Members should note in respect of the above, there is no provision in legislation to deem that a planning permission would fall or be revoked simply by the failure of the applicant to submit a Notification of Initiation of Development.
- 3.16. The Reporter has also concluded that the breach of planning conditions of planning permission 11/00020/FULL are an indication that planning permission 11/00020/FULL was not lawfully implemented. This view has been arrived at despite the Council providing the Reporter with reasoned justification for reaching a contrary conclusion.
- 3.17. Material variation from planning permission 11/00020/FULL
- 3.18. The Reporter acknowledges that the Council, as Planning Authority, is empowered by legislation to determine whether amendments to planning permission are material variations requiring further planning permission.
- 3.19. In contradiction to the above the Reporter has arrived at the conclusion that material variations to the approved dwellinghouse at 10 Gannel Hill View have been undertaken despite the Council confirming otherwise and without seeking clarification of the reasons for the Council's conclusions.
- 3.20. Criticism of the Council's response to requests for information
- 3.21. The Reporter is critical of the Council in stating that responses to all procedure notices were not provided and that not all requested information was supplied. Officers can confirm to Members that this is not the case and documented evidence to the contrary exists both on the Council's planning application file and on DPEA's case file.
- 3.22. Next Steps
- 3.23. On the basis of the above points, Members are advised that it is the intention of officers to seek external legal advice on the above matters and write to

Scottish Ministers seeking clarification of the considerations of the Reporter. These actions are considered necessary for the Council to have confidence or otherwise in the Reporter's conclusions in the best interests of all parties. Officers will update Planning Committee following conclusion of this process.

#### 4.0 Sustainability Implications

4.1. None

#### 5.0 Resource Implications

5.1. Financial Details

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

#### 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

#### 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

**11.0 Background Papers**


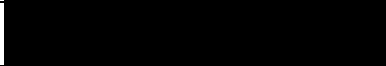
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

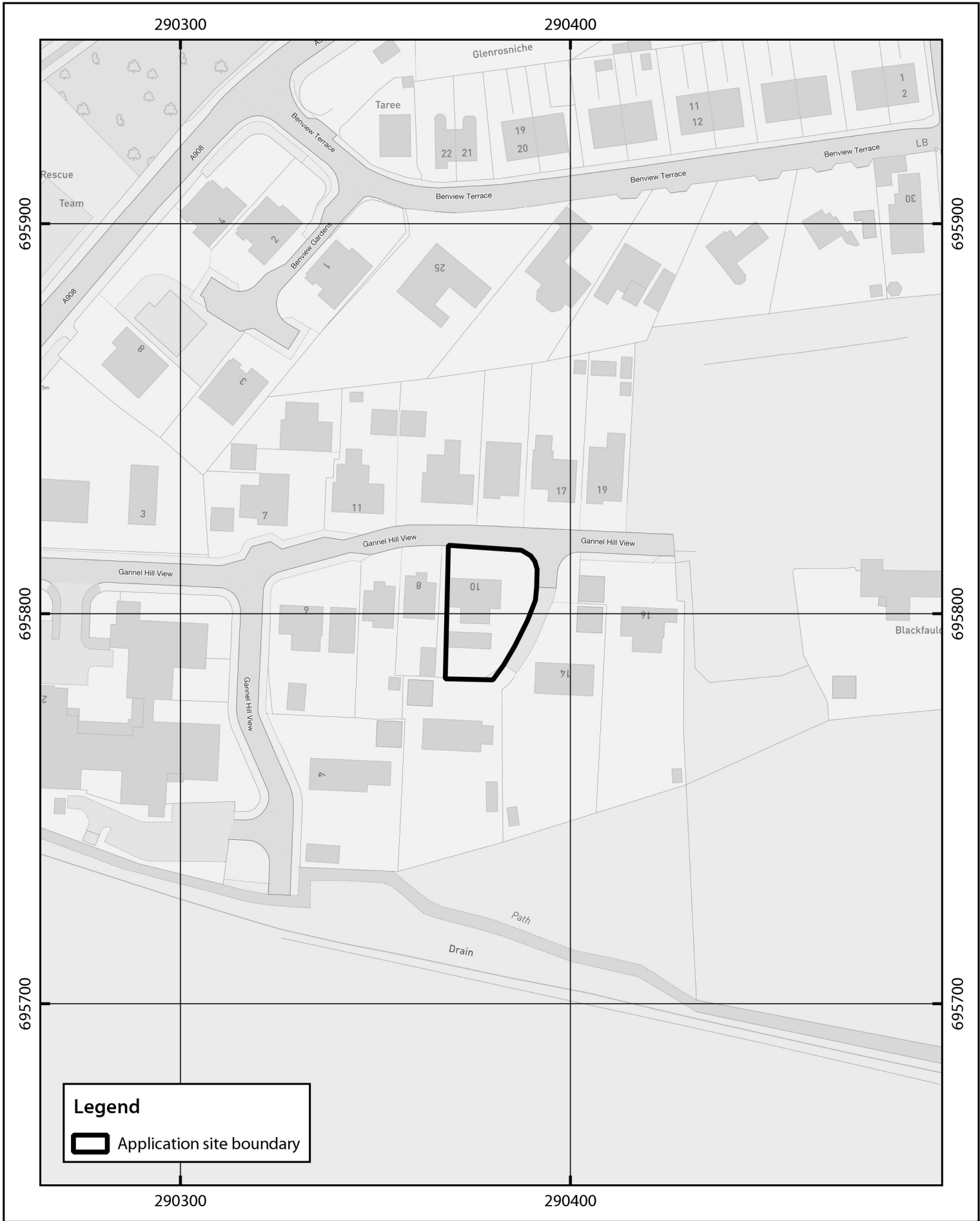
Yes  (please list the documents below) No

**Author(s)**


NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	

**Approved by**

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning and Building Standards Team Leader	
Emma Fyvie	Senior Manager (Development)	



**Legend**

 Application site boundary



**11/00020/FULL – Land At Blackfaulds, Fishcross**

Erection of House - Modification to Approved House Type "C" (10 Gannel Hill View) (Planning Permission Ref No. 05/00241/FULL)

Ward: Clackmannanshire Central  
 0 10 20 30 40 50 metres

OS Grid Ref: NS903958

Scale: 1:1,250

Date:  
21 Oct 2021

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