

**REPORT TO FALKIRK COUNCIL  
ON THE PROPOSED FALKIRK  
LOCAL DEVELOPMENT PLAN 2 EXAMINATION**

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## Examination of conformity with the participation statement

### Legislative context

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the person appointed by Scottish Ministers to firstly examine whether the council has consulted and involved the public in the plan's formulation, in the way it said it would in the participation statement which was current at the time of the proposed plan's publication.
2. Councils are required to produce a development plan scheme at least annually. The development plan scheme should include a programme for the preparation and review of the plan, and must contain a participation statement. The planning authority is then required to adhere to its commitments in the participation statement in regard to when, how and with whom consultation takes place.

### The participation statement

3. The relevant participation statement, against which I must assess conformity, is contained within section 7 of the Falkirk Development Plan Scheme, dated May 2018.
4. The participation statement identifies seven principles for community involvement, which have informed the detailed commitments over who and how different groups will be involved at each stage of the plan's formulation.
5. Five main groups to be targeted for consultation are identified by the participation statement. These are:
  - Public sector:
    - Scottish Government (including executive agencies of the government such as Historic Environment Scotland and Transport Scotland);
    - key agencies such as Scottish Natural Heritage, Scottish Environment Protection Agency, Scottish Water, Scottish Enterprise, SEStran, NHS Forth Valley);
    - neighbouring local authorities (i.e. Clackmannanshire Council, Fife Council, North Lanarkshire Council, Stirling Council, West Lothian Council); and
    - other public sector organisations such as Scottish Canals, Sportscotland, Forestry Commission.
  - Private sector:
    - landowners;
    - developers and housebuilders;
    - key local companies and businesses;
    - transport companies (e.g. Network Rail, First Bus, Scotrail);
    - energy and utility companies (e.g. Scottish Power, National Grid);
    - telecommunication companies; and
    - mineral operators.

- Other organisations:
  - Environmental and amenity organisations (e.g. Central Scotland Green Network Trust, RSPB, Scottish Wildlife Trust, Civic Trust);
  - transport organisations (e.g. SUSTRANS);
  - business organisations (e.g. Falkirk BID); and
  - housing associations.
  
- Community organisations and representatives:
  - community councils;
  - local councillors;
  - local MPs and MSPs;
  - residents associations and groups;
  - local amenity and interest groups; and
  - churches and faith groups.
  
- Individuals.

6. Figure 3 in the participation statement provides a list of specific participation measures which the planning authority committed to undertake at each stage of the plan's production.

#### The report of conformity

7. Section 18(4)(a)(i) of the Act requires the authority to submit a report to Scottish Ministers, to demonstrate the extent to which the authority has satisfied the provisions of section 19(4) (outlined above). Accordingly, Falkirk Council has submitted a 'Statement of Conformity with Participation Statement' which fulfils the requirement of section 18(4)(a)(i).

8. The statement provides an overview of the steps taken at each stage of plan formulation, with appendix 1 providing details of the actions it has taken in line with the specific commitments in the participation statement. I note also that separate detailed reports have been prepared in relation to the consultation undertaken for the pre-main issues report and main issues report stages. An overview of how the principles for community involvement have been adhered to, which were established in the participation statement, is provided in appendix 2.

#### Reporter's conclusions

9. The participation statement's consultation commitments were wide-ranging and sufficiently comprehensive to ensure the five main target groups had ample and meaningful opportunities to be involved with and influence the plan's formulation. These commitments exceeded statutory requirements by a considerable margin.

10. I am satisfied that the council's statement of conformity demonstrates that it has adhered to undertaking consultation in complete accordance with the commitments specified in the participation statement.

11. During the main issues report consultation, I consider the council exceeded the necessary consultation requirements set out in its participation statement. Specifically, and despite the participation statement commitment to hold a 'roadshow' consisting of a

staffed exhibition at various locations across the council area, I find that the council's decision to hold a staffed exhibition in 21 separate locations demonstrates that a particular effort was made to encourage and facilitate engagement with the plan process.

12. I find it significant to note that there are no outstanding representations before me which challenge the adequacy of the consultation stages or effectiveness of engagement carried out by the council.

13. All told, I find that the council has consulted and involved the public in the plan's formulation, in a way which is consistent with what its commitments in the participation statement. The examination of the proposed plan can therefore proceed.

*Christopher Warren*

Reporter

<b>Issue 1</b>	<b>Vision</b>	
<b>Development plan reference:</b>	Chapter 2 Vision (pages 7-12)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Homes for Scotland (00284)  Ogilvie Homes Ltd (00614)  The Grangemouth Chemical Cluster Companies (TGCCC) (00878)  RSPB (00977)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The vision for the area as set out in Chapter 2.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Housing</u></p> <p>Homes for Scotland (00284/3003/001) - The overall vision is supported however the substance of the plan does not match the ambitions expressed. Paragraph 2.03 reads negatively in this regard. With the housing market recovering, the plan provides an opportunity to build on this and unlock new sites for development. The acknowledgement of infrastructure issues is welcomed and the plan provides an ideal opportunity to address these.</p> <p>Ogilvie Homes Ltd (00614/3007/001) - The Council's objective to "enable continued population and household growth, and the delivery of housing to meet the full range of housing needs" fails to make clear that a generous and effective housing land supply is a key component of any strategy aimed at growing the population. Effective housing sites should be provided within all towns and villages to ensure all communities benefit from growth.</p> <p><u>Miscellaneous</u></p> <p>The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001) - References to the petrochemical complex in page 8 of the Vision should be amended to include a reference to the chemical industries in the area.</p> <p>RSPB (00977/3002/002) - Paragraph 2.01 does not mention important designated wildlife sites in the Falkirk area, for example the Forth of Firth Special Protection Area. The estuary and its wildlife are internationally important. Paragraphs 2.02-2.06 lack reference to information on biodiversity and natural environment. Page 12, Sustainable Place, second objective, last sentence, has an error and should read "avoid damage to the environment and communities" rather than "avoid damage to the environment of communities".</p>		

**Modifications sought by those submitting representations:**

Housing

Homes for Scotland (00284/3003/001) - Amend paragraph 2.03 to reflect a less negative view of housing and the housing market. The housing supply target and housing land requirement should be changed and additional effective land allocated for housing, as per other representations on housing land.

Ogilvie Homes Ltd (00614/3007/001) - Amend table on page 11 under 'Thriving Communities' to make clear the Council's commitment to providing for effective and generous housing opportunities within all communities across the plan area.

Miscellaneous

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001) - Amend 5th sentence in paragraph 2.01 to read: "Grangemouth hosts the largest chemical and petrochemical complex in Scotland."

RSPB (00977/3002/002) - In paragraph 2.01, include reference to the area's designated wildlife sites, including the international importance of the Forth Estuary. In paragraphs 2.02 – 2.6, include information on biodiversity and the natural environment. On page 12, Sustainable Place, second objective, last sentence, amend "avoid damage to the environment of communities" to read "avoid damage to the environment and communities".

**Summary of responses (including reasons) by planning authority:**

Housing

Homes for Scotland (00284/3003/001) - Paragraph 2.03 is considered to be a balanced summary of the challenges and opportunities associated with the delivery of housing in the area. It emphasises the need to plan positively for housing whilst acknowledging some of the obstacles in terms of infrastructure capacity, low market demand in some areas, and environmental and sustainability concerns. The Council does not agree to modify the plan in response to this representation.

Ogilvie Homes Ltd (00614/3007/001) - The Council considers that the wording of this high level objective is appropriate in that it articulates the overall desired outcome – facilitating population and household growth, and meeting people's housing needs. Issues around the generosity and effectiveness of the land supply are more detailed issues which are dealt with within the housing element of the spatial strategy, and in Policy HC01. The Council does not agree to modify the plan in response to this representation.

Miscellaneous

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001) - The Council does not take issue with this minor change. It is not regarded as a notifiable change.

RSPB (00977/3002/002) - Additional text to address RSPB's concerns could be added as follows:

- Insert in paragraph 2.01 after the second sentence: "It hosts many important designated wildlife sites, not least the internationally important habitats along the Forth Estuary".
- Insert in paragraph 2.02 after second sentence: "It supports a range of habitats and species that are locally, nationally and internationally important".
- Under the 'green network' objective in the vision (page 12) change the "environment of communities" to "the environment and communities"

These are not regarded as notifiable modifications.

**Reporter's conclusions:**

Housing

1. We have considered strategic housing land matters under Issue 2. There we have made various findings and recommendations relating to the need to increase the housing supply target and, in turn, the amount of land allocated for housing development to meet the revised housing land requirement.

2. However, even in this context, I do not find the proposed plan's vision portrays an unduly pessimistic situation, at odds with Falkirk's development potential. I consider that paragraph 2.03 is well balanced; the constraints to development that are alluded to are largely matters of fact, but the paragraph nevertheless concludes that "we must plan positively to create significant new housing..." and "...ensure that infrastructure is available or can be provided...". Paragraph 2.03 does not therefore suggest that development should be resisted, but simply recognises that there are challenges to overcome in achieving the plan's vision.

3. I agree with the council that the suggested amendment to the objectives table on page 11 of the plan would not align well with what are high level objectives. Whilst land supply issues are of importance to the plan, this is a relatively detailed point which is better captured elsewhere. Issue 2 addresses these points, and I do not consider it necessary for an amendment to be made to the overarching objectives.

Miscellaneous

4. Given the national and local importance of the Grangemouth complex, it is logical to accurately reflect the breadth of the industry located here in paragraph 2.01, and I have recommended an amendment to this paragraph accordingly. I note the council has no objection to this.

5. The vision section (with the exception of the objectives table, page 12) provides limited reference to the importance and value of the natural environment locally. The RSPB has requested this be addressed, and I support the council's suggested additions/ amendments (with one minor amendment), which I have included in my recommendations. These revisions would ensure that the vision text is more reflective of the proposed plan's objectives which then follow.



**Reporter's recommendations:**

1. Amend the fifth sentence in paragraph 2.01 to read: "Grangemouth hosts the largest chemical and petrochemical complex in Scotland...".
2. Insert in paragraph 2.01 after the second sentence: "It hosts many important designated wildlife sites, not least the internationally important habitats along the Forth Estuary".
3. Insert in paragraph 2.02 after second sentence: "The area supports a range of habitats and species that are locally, nationally and internationally important".
4. Under the 'green network' objective in the vision (page 12) change the "environment of communities" to "the environment and communities".

<b>Issue 2</b>	<b>Strategic Housing Land</b>	
<b>Development plan reference:</b>	<u>Chapter 3 Spatial Strategy</u> Housing (pages 18 - 19) <u>Chapter 4 Policies</u> Homes and Communities Housing Policies HC01-HC03 (pages 43 - 44)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Homes for Scotland (00284) AWG Property & Mactaggart & Mickel Homes (03035) Bellsdyke Consortium/Forth Valley NHS (02716) Cala Homes (West) Ltd (00512) Craigrossie Properties Ltd (00904) Gladman Developments Ltd (01258) Miller Homes (02869) Stewart Milne Homes (00371) Wallace Land Investments (00001) Taylor Wimpey UK Limited (00198) Muir Homes Ltd (01160) Ogilvie Homes Ltd (00614) Grangemouth (including Skinflats) Community Council (02723) Persimmon Homes (East Scotland) Ltd (00712) Scotland Fire and Rescue Service (00331) Robert Alistair Young (02192) Reddingmuirhead and Wallacestone Community Council (00426) Hansteen Land Ltd (00772) A&S R&W S&C Community Councils (03034) Margaret Higgins (02960)		
<b>Provision of the development plan to which the issue relates:</b>	The housing elements of the Spatial Strategy, as set out in Chapter 3 and particularly Table 3.2, including overall housing targets and requirements, the overall provision of land to meet those targets, the effectiveness of the supply, and the flexibility allowance. Related policy provisions relating to housing land (HC01), windfall housing (HC02) and affordable housing (HC03).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Housing Supply Target and Methodology</u></p> <p>Homes for Scotland (00284/3003/002) - The Housing Supply Target (HST) at less than half of the pre-recession rate lacks ambition at a time when the home building sector is recovering.</p> <p>Concern is expressed on the use of the National Register of Scotland (NRS) 2012 population projections which are based on recessionary trends and the latest projections now indicate a more rapid rate of household growth in Falkirk. The HNDA base date is 2012 and by calculating the HST from 2020, 8 years of unmet need are unaccounted for. SPP paragraph 114 states that the HNDA and the LDP should be closely aligned. Recent</p>		

precedents regarding Clydeplan SDP and Stirling LDP support this.

Empty Homes should not be used to suppress the HST and they should not be factored into the HST. While the starting point of the HST is a need for 9407 units from 2012 - 2030 with 125 added for demolitions this gives a figure of 9534 or 530/yr. This however is still only 53% of peak pre-recession completions. It is noted that Scottish Government completions are different from Falkirk Council's records.

Homes for Scotland's MIR response suggested at least 600 units/yr which between 2012 and 2030 would deliver 10800 units which also takes account of higher 2016 household projections and strikes a balance between ambition and deliverability. The plan also places too high a reliance on existing supply which contains many sites of questionable effectiveness.

The HST should be calculated from the base date of the HNDA at 2012 to 2030 and total 10800. A generosity margin of 18%, which reflects the average under performance of completions compared to the adopted LDP target between 2014 and 2017, should be applied giving a Housing Land Requirement of 9592 once completions from 2012 are accounted for. Comparing this to the 2017/18 Housing Land Audit (HLA)(CD50) and new allocations and windfall results in a shortfall of approximately 3000 new homes.

AWG Property & Mactaggart & Mickel Homes (03035/3001/004) - The housing supply target and requirement is too low. The HST has been reduced to 450 as a result of the deletion of housing sites rather than being used to inform the site selection process. The reduction from 480/yr has not been fully explained. The affordable element has not been reduced and the target is unlikely to be achieved particularly post 2021. The lack of private sites will reduce the delivery of affordable housing.

The approach in Technical Report 3 (CD34) to deliver housing to meet the downward trend in household formation is not supported and this can be countered by more ambitious targets and a range of deliverable sites to increase supply and help to slow or reverse price rises.

There has been an under delivery of sites in LDP1 yet these are the basis of 92% of the supply.

A robust explanation of the generosity figure should be provided in the plan in accordance with SPP and an explanation for the changes to the rate and a 20% rate should be applied as in the June 2018 Committee draft.

Bellsdyke Consortium/Forth Valley NHS (02716/3003/002) - The proposed plan should adopt a more positive growth strategy. The plan suppresses the housing supply target in not closely aligning it with the HNDA and by removing a number of allocations. The Council's spatial strategy of restricting growth in Larbert and Stenhousemuir is unsustainable and will not deliver the housing land requirement. In response to recent completions and market evidence the target should be increased to 600/yr. The Council should not continue to focus on strategic growth areas which have failed to deliver and should instead focus on sites which are or can be made deliverable and effective. The generosity allowance should be increased to 20% to ensure sites can come forward.

Cala Homes (West) Ltd (00512/3003/002) - The proposed plan suppresses the housing supply target in not closely aligning it with the HNDA (CD29) and in removing a number of

proposed sites. Homes for Scotland's submission is also fully supported.

The proposed target is 15% below recent completion levels and 45% below peak levels and will suppress the recovery in new house building levels. The target does not address need identified in the HNDA from 2012 to 2020 and the target should more closely match the HNDA period as set out in SPP (CD1). The calculation of the target between 2020 and 2040 is also questioned. The target should be increased to 10800 for 2012 to 2030 and the generosity allowance increased to 20% which reflects the past shortfall in meeting the current target of 18% identified by Homes for Scotland.

The Homes for Scotland approach of setting the requirement over the period 2017- 2030 is also supported which equates to a requirement for 9592 units taking into account completions and the generosity allowance.

Craigrossie Properties Ltd (00904/3003/003) - A windfall allowance should not be included in Table 3.2 and this output should instead contribute extra flexibility to the supply.

The generosity allowance should be increased to 20% to ensure a wider range and choice of sites. This will also help to contribute to the maintenance of the five year land supply and population and household growth. An additional site at Greenwells Farm North should be allocated for development to address the resulting shortfall in supply.

Gladman Developments Ltd (01258/3005/006) - While the vision is supported the detail in the plan does not reflect the plan's ambitions. Although the HNDA has been assessed by the Centre for Housing Market Analysis the data used to inform it is based on recessionary periods. The household projections are therefore taking into account lower levels of housing need than is realistic. There is an issue with unmet need in the HNDA and its relationship with the HST dates. There are also concerns about the level of generosity and the lack of robust explanation as required by SPP. Concern is expressed for the amount of the proposed supply rolled forward into the plan, the number of large sites and the age of some of the allocations. There is also little evidence that the ambitious affordable housing element of the target is achievable.

Homes for Scotland's representation is adopted and endorsed.

Additional sites should be allocated providing greater range and choice given the Council's reliance on large sites and the continuing housing land shortfall.

Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002) - There are significant issues with the methodology used to define the housing supply target, housing land requirement and the effective housing land supply. The proposed target bears no close or clear alignment to the evidence base in the HNDA from 2012 – 2030 and the housing supply target should take into account completions from 2012 – 2017.

The Council has incorrectly calculated the generosity allowance by first assessing land supply and then applying an allowance based on that supply, contrary to SPP. The shortfall in the last three years has been 18% against the adopted LDP target of 675/yr and this should be the generosity allowance.

The Council will not meet its housing land requirement to 2030 and the Council should

therefore make additional housing land allocations.

Muir Homes Ltd (01160/3001/003) - Sufficient land is not made available to maintain an effective 5 year housing land supply. The target has been reduced to 450 which is less than half the output in the pre-recession peak. The target should be increased to meet demand and additional sites allocated which are sustainable and effective green field sites.

Ogilvie Homes Ltd (00614/3007/004) - The Plan proposes to reduce the housing supply target by 225/yr which represents a reduction of 2250 over 2020 to 2030. The flexibility allowance is also decreased from 17% to 14%. No explanation is provided to support this reduction and the plan should revert to an allowance of 17%. The annual target should be increased to 675/yr and the housing land requirement adjusted accordingly. The plan fails to identify sufficient housing sites to deliver the future needs of the area and additional sites should be allocated.

Ogilvie Homes Ltd (00614/3006/003) - The housing supply target should be ambitious and realistic and seek to deliver a higher level of growth. A higher target would also be supported by applying the higher HNDA baseline figure of 561/yr for 2016-2021 rather than averaging the figures over a 20 year period. The target should be 600/yr with a generosity allowance of 20%.

The downgrading of Denny/Dunipace to an area of medium growth potential from High in the MIR is objected to. The most up to date 2017/18 HLA indicates that large housing sites are the main source of completions, the windfall rate in Denny has only been 1.8/yr and only around 190 units are identified in the urban capacity study for the area. There are also limited brownfield opportunities in Denny/Dunipace.

Additional sites outwith the core development areas should be allocated to ensure an even spread in population growth and to support the sustainable growth of settlements. The identification of additional land will also support the delivery of affordable housing.

Persimmon Homes (East Scotland) Ltd (00712/3011/002) - The housing supply target has been reduced from 9600 to 9000 for the period 2020-2040. Even without this reduction the Council has a deficit in its effective land supply and further sites should be allocated. The target does not reflect recent housing land audits and is based on an historic HNDA and is not reflective of market and demographic conditions. The loss of units agreed at Committee was 1520 with 350 units added. The additional sites do not compensate for the loss of units at MU06, MU07 and H07 and the Council still has a shortfall of 570 units. The target should be increased to at least 9600 and the flexibility allowance should be 20%.

The affordable housing target is high and evidence is required to indicate that funding is available for a significant proportion of the target to ensure it is achievable.

Scotland Fire and Rescue Service (00331/3003/002) - The housing supply target should be increased to 550 – 600 homes/yr and the generosity allowance should be 20% as in the June 2018 Committee Report on the Draft Proposed LDP2. This would be realistic and ambitious seeking to deliver a rate above the recent 500 homes average. No evidence has been provided to justify the reduction in the generosity allowance from the June draft plan to 14% in the approved proposed plan. The Council has removed 700 allocations from the June Committee Draft reducing the allocations to 491 units. It is

unclear how the proposed requirement will meet the projected population and household growth identified in the plan.

Affordable housing is expected to deliver 46% of the target and significant development will be required to meet this figure which is considered unlikely given recent delivery rates.

The HNDA uses projections from 2012 and does not factor in any backlog between 2012 and 2020. The amount of housing should not be reduced to reflect the downwards trend in household formation and the Council should set ambitious targets to meet housing need. Recent and predicted completions in the HLA are significantly lower than the current LDP target and the HLA identifies a current shortfall of 482 homes. Even using the proposed lower target there will be a shortfall in supply of 1040 homes from 2012. The LDP should therefore be amended to add allocations and an increased generosity allowance and housing land requirement to meet the shortfall.

Taylor Wimpey UK Limited (00198/3005/006) - In line with the Geddes Housing Land Supply Statement (RD7) the HST is incorrect and does not adequately reflect the provisions of the HNDA. The target should not be reduced below recently achieved completion rates. The target should be more ambitious and plan for the continued improvement in market conditions. The target should be set at 600/yr and further allocations should be made to meet it. The affordable/private split should be 180-200 affordable and the remainder private. The generosity allowance is too low and given the adopted LDP's failure to meet its housing land requirement the figure should be 20%.

The effectiveness of existing sites is questioned and a number of sites in the 2017/18 HLA appear to be constrained which could remove an additional 600+ units from the supply.

Unless the windfall rate can be supported by robust justification of past completions or the identification of sites through an urban capacity study a windfall allowance should not be relied on.

Robert Alistair Young (02192/3004/004) - The HST is for 2020-2030 however the HNDA base date is 2012. This will result in eight years of demand not being included in the HST. The HNDA and HST periods should be aligned as per recent development plan approvals for Clydeplan and Stirling. The HST for 2012-2030 should be 10800 which is 600/yr which is supported by recent completion data. The HLR should include a generosity allowance of 20% as the plan relies too heavily on existing housing land supply which is of questionable effectiveness. To meet the increased target significant additional sites should be allocated.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005) - The reduction in the housing supply target to 450 units per annum is supported. This change appears to reflect a detailed analysis of the changing demand for housing, and likely demographic shifts, within the Council area over the life of the proposed plan. However, there is some concern about the housing land requirement which is marginally above the identified supply. Some sites identified in past plans have ended up not being developed, leaving the Council with a housing shortfall. The Council must ensure it is able to demonstrate an effective land supply at the beginning of LDP2 and also for the duration of the plan. The existing shortfall has meant that the Reddingmuirhead and Wallacestone Community Council area has had a number of planning applications contrary to LDP1,

with the potential to undermine the plan strategy and reduce public confidence in the planning system. LDP2 should not afford opportunities for developers to exploit a potential shortage.

Housing Land Supply and Delivery

Homes for Scotland (00284/3003/003) - The proposed plan sets out a housing supply for 2020-30 of 5124. This period is incorrect and does not align with the HNDA. The supply figure in Table 3.2 of LDP2 therefore needs adjusted to address the period 2017-2030. Amending the figure is difficult as the housing supply situation as set out in Technical Report 3 (CD34) adjusts the 2016/17 HLA with some of the changes not fully explained. As some sites nearing completion in 2017/18 have been excluded it is not possible to rectify this by adjusting the programming. Instead the 2017/18 HLA should be used. In addition the new allocations in LDP2 have been programmed in. This gives a total programme for 2017-2030 of 5887. This identifies a shortfall of 3055 units.

The housing land supply is reliant on sites out with the more marketable areas and the failure to allocate land in Larbert, Stenhousemuir and Polmont is a serious flaw in the spatial strategy. Infrastructure concerns in some of these areas are recognised and these could be addressed at the proposed plan stage by engaging with the housebuilding industry before the examination process.

The Plan requires a fundamental rethink because of the significant shortfall and failure to allocate land in the more marketable locations.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005) - There is a question over the effectiveness of sites allocated at Committee and of sites already allocated. Gateside, Bonnybridge (MU20) is a constrained site with a number of issues including two high pressure pipelines and has been allocated for some time without coming forward for development. The Haining (H54) is also constrained and a number of issues are identified including landscape and canal setting and habitat issues. Parkhall Farm 3 (H15) has been identified although it also has significant issues relating to landscape, a SINC on the site, habitats and flooding.

Cala Homes (West) Ltd (00512/3003/003) - The reliance on existing land supply is questioned and the Council's deallocation and reprogramming of sites is an indication of the weaknesses in the existing supply. Homes for Scotland have identified the effective supply based on the 2017/18 HLA while Technical Report 3 is based on the previous HLA. Homes for Scotland's approach is endorsed which identifies a shortfall in supply between of 3055 units taking into account an effective supply of 5396, new allocations of 491, windfall allowance of 650 when assessed against a revised requirement of 9592 units.

The plan should be better aligned with market demand and additional land should be allocated in Larbert, Stenhousemuir and Polmont.

Craigrossie Properties Ltd (00904/3003/001) - The site at Parkhall Farm (Proposed Plan Ref H18) exclusively for amenity/community care housing and a care home will not deliver mainstream housing as care homes are not a residential use. As such, this site (H18), cannot contribute 70 units to the housing land supply as it is not a residential use. As it is not proposed for a residential use, this site (H18) should be removed from the housing allocations table.

Craigrossie Properties Ltd (00904/3003/004) - LDP2 should allocate sufficient sites to provide a 5 year land supply and the reliance on some of the large strategic growth areas is not appropriate. SPP requires a range of sites to be allocated. The deallocation of stalled sites and the removal of additional sites prior to publication is noted however these have not been replaced.

Ogilvie Homes Ltd (00614/3006/004) - The Council should consider other areas for housing growth rather than the dominant areas of the last 10 years. This will provide a more even spread of population growth and promote the sustainable growth of settlements. Although Denny is identified as an area with medium growth potential the 2017/18 HLA (CD50) only indicates 150 units in the second period of the plan 2030-2040. Denny was also identified as a high growth potential area at the MIR stage.

Hansteen Land Ltd (00772/3003/002) - The issue facing LDP2 is a lack of effective housing land and there is now a cumulative shortfall which requires to be addressed. A review of the housing land supply in the 2017/18 HLA indicates that the Council's current assessment of effective land supply should be reduced to 1997 units or 2.96 years if only sites in the control of a housebuilder or developer are included. Gilston can be allocated without undermining the LDP strategy and would contribute to the effective housing land supply.

Grangemouth (including Skinflats) Community Council (02723/3002/006) - The plan does not address the redevelopment of existing areas which is particularly relevant to Grangemouth which has approximately 53% flats with associated problems. The population is declining and the lack of housing proposals in Grangemouth will not address this issue. This contributes to people commuting in and out of Grangemouth so the town does not benefit from the jobs provided by industry and it increases pollution. The town centre could be redeveloped with less shops and more non flatted housing. The major hazard zones which affect Grangemouth should not impede housing as correct design and materials can mitigate the effects of a blast wave, as is used elsewhere for earthquakes. The zones appear not to limit industrial expansion in Grangemouth.

Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003) - The housing land supply identified in Appendix 6 of Technical Report 3 is contrary to that agreed with Homes for Scotland in the 2017/18 HLA and there is a significant shortfall in housing allocations. Reviewing the supply from 2017-2030 indicates an existing supply of 5396, new housing of 491 and a total of 5887. The windfall growth rate is accepted and should be 650 for 2017-2030. Using these figures there is a shortfall of 1777 units to 2030 and an additional shortfall between 2030 and 2040 of 3076.

Significant new allocations will be required.

Persimmon Homes (East Scotland) Ltd (00712/3011/003) - The effective supply in the 2016/17 HLA (CD49) is only 57% based on the number of sites which are backed by housebuilders. There is no justification for the reduction in the generosity allowance from LDP1 and an over reliance on existing and constrained sites. The HLA and LDP2 process has not accurately assessed the effectiveness of the housing land supply. Further allocations are therefore required.

Taylor Wimpey UK Limited (East Scotland) (00198/3005/007) - Support the acknowledgement that the population will increase in paragraph 2.03. To support this, the



Council must reconsider the effectiveness of all allocated sites to deliver within the plan period and support the release of sites that can be proven to be available and deliverable within and beyond the plan period.

Taylor Wimpey UK Limited (00198/3005/006) - The 2017/18 HLA (CD50) includes a number of sites which appear constrained and are not therefore capable of being effective within the required 5 year period. These sites would remove in excess of 600 units from the effective supply exacerbating the projected shortfall at the plan's adoption.

A&S R&W S&C Community Councils (03034/3001/002) - Table 3.2 confirms that 70 additional units are required in the Braes and Rural South area and this equates to 7 units/yr, which can be provided on other sites in the area, including windfall sites. The need for additional housing sites has reduced between 2020 and 2030 and Site H21 Hillcrest is not required. There is therefore no justification for allocating Site H21 as a new site.

Margaret Higgins (02960/3001/002) - There is no shortfall in housing land supply, and not sustained de-population. This is evidenced by submissions made to Falkirk Council from Shieldhill and California Community Council.

#### Policy HC01 – Housing Land

Homes for Scotland (00284/3003/004) - The policy is in principle welcomed however the wording should reflect a greater urgency in addressing the shortfall. Whilst the delivery of new sites should not restrict the availability of active allocated sites if they are inactive this should not be a reason for refusal. In any event infrastructure capacity would be a material consideration for a planning application and cannot be adequately addressed in this policy.

Gladman Developments Ltd (01258/3005/007) - Policy HC01 should be amended to make it clear that past completions will be factored in to the HLA in calculating whether the target of 4500 is being met. The role of SPP in relation to planning applications where there is a shortfall should be included in the policy.

Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004); Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited (00198/3006/004) - The policy should be amended to reflect the proposed changes to the target. The policy should seek to maintain at least 5 years effective land supply and take account of housing completions to date. It should also require proposals to demonstrate their effectiveness and not restrict development because of impacts on infrastructure requirements for allocated sites.

Ogilvie Homes Ltd (00614/3007/005) - The housing target of 4500 will be insufficient to meet the future housing needs of the Council and the target should be increased to 6750 for the period 2020 – 2030. Part 2 of the policy fails to set out a commitment to maintain at all times an effective and generous five year land supply as required by SPP (CD1).

Taylor Wimpey UK Limited (00198/3005/009) - The Council has failed to ensure there will be a minimum of 5 years effective land supply on the plan adoption date. This arises because of the failure to identify enough effective sites, a shortfall identified in the Geddes supporting statement (RD7) of 1777 units between 2017-2030 and the questionable effectiveness of sites in the 2017/18 HLA (CD50). There is also uncertainty of the ability to deliver an effective supply between 2030 and 2040 with a requirement in

this period of 4054 units identified. The target for 2020 to 2030 is incorrect and does not concur with the HNDA (CD29).

Persimmon Homes (East Scotland) Ltd (00712/3011/004) - Policy HC01 should be amended to reflect a higher target of at least 9600. In addition the reference to windfall addressing any shortfall should be deleted.

Robert Alistair Young (02192/3004/005) - Given the underperformance of the adopted LDP the policy should be amended to ensure that a minimum of a five years supply is maintained which would also ensure that the target is achieved. The policy should also make additional sites available if there is a clear shortfall in the five year effective land supply.

#### Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008) - Amend the policy to broaden the range of sites to better assist the maintenance of the five year housing land supply.

Taylor Wimpey UK Limited (00198/3005/010) - The estimation of annual completions from windfall developments must be supported by robust justification in terms of past completions or through an Urban Capacity Study. The windfall allowance should not be relied on to maintain an effective supply and the deliverability and effectiveness of sites to deliver this is questioned.

Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005) - The title of Policy HC02 should be amended to make the policy apply to windfall within the urban and village limits and the reference to LDP policies should be for “relevant” policies only. The text in paragraph 4.32 should refer to the potential for windfall development outwith the urban area as well and that unplanned sites may include greenfield sites.

#### Policy HC03 – Affordable Housing

Homes for Scotland (00284/3003/005) - The thresholds are broadly accepted. The current SG12 Affordable Housing (expressed as SG6 in LDP2) states that viability statements will be taken into account in determining applications and this should be included in Policy HC03. The Supplementary Guidance (SG) should be re-consulted on after the plan is adopted and both the plan and SG should reflect that different approaches may be appropriate with social rented accommodation not viable in every location such as Bonnybridge where RSL’s are not interested in developing sites for social rent. The higher threshold of 25% is noted in Larbert/Stenhousemuir, Rural North, the Braes and Rural South where the supply of sites is limited and allocating more sites in these areas would increase the number of available sites for affordable housing.

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Taylor Wimpey UK Limited (00198/3006/006); Wallace Land Investments (00001/3003/007) - Amend paragraph 4.33 after Policy HC03 by deleting the reference to the housing target of 4500 between 2020 and 2030 and the reference to buybacks as a delivery mechanism.

**Modifications sought by those submitting representations:**

Housing Supply Target and Methodology

Homes for Scotland (00284/3003/002) - Recalculate the housing supply target, requirement and generosity allowance for 2017 - 2030 based on the 2017/18 Housing Land Audit and a base year of 2012. Replace Table 3.2 Housing Allocations by Settlement Area.

Homes (All Tenure)

(A) HST	10,800
(B) less completions (2012/13-2016/17)	2,671
(C) HST less completions (2012/13 - 2016/17) (A-B)	8,129
(D) plus 18% generosity margin (18% of C)	1,463
(E) Housing Land Requirement 2017-2030 (C+D)	9,592

Settlement Area	2012-2030			
	Completions 2012 to 2017	Effective Supply 2017 to 2030	Additional Housing 2017 to 2030	Total Housing
Bo'ness		574	100	674
Bonnybridge & Banknock		911	10	921
Braes and Rural South		924	70	994
Denny & Dunipace		1,197	0	1,197
Falkirk		1,116	230	1,346
Grangemouth		14	11	25
Larbert & Stenhousemuir		432	70	502
Rural North		228	0	228
Windfall Allowance				650
<b>Total</b>	<b>2,671</b>	<b>5,396</b>	<b>491</b>	<b>6,537</b>
Housing Supply Target				8,129
Housing Land Requirement				9,592
Shortfall/ Surplus				-3,055

AWG Property & Mactaggart & Mickel Homes (03035/3001/004) - Increase the target to 550 to 600/yr and revert to a 20% generosity allowance and subsequent changes to all references in the plan to the target. Identify additional sites to meet the target.

Bellsdyke Consortium/NHS Forth Valley (02716/3003/002) - Amend the plan by increasing the housing supply target to 600/yr and increase the generosity allowance to 20%.

Cala Homes (West) Ltd (00512/3003/002) - Amend the housing supply target to 10800 and the requirement to 9592 for the period 2017-2030 as suggested by Homes for Scotland.

Craigrossie Properties Ltd (00904/3003/003) - Amend Table 3.2 by deleting references to a windfall allowance. Increase the generosity allowance to 20%. Allocate an additional site at Greenwells Farm to address the deallocation of sites.

Gladman Developments Ltd (01258/3005/006) - Amend the housing supply target to 10800 and the requirement to 9592 for the period 2017-2030 as suggested by Homes for Scotland. Identify additional land for housing.

Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002) - Amend the target to 7046 for 2017-2030 and the requirement to 8314 with an 18% generosity allowance. For 2030-2040 the target should be 4054 and the requirement 4784. Amend Table 3.2 as specified in paragraph 4.3 of the supporting statement (RD4,5,6,8). Allocate additional sites to address the shortfall and amend Technical Report 3 accordingly.

Settlement Area	2017-2030			2030 - 2040
	Effective Supply 2017- 2030	Additional Housing 2017 to 2030	Total Housing 2017 - 2030	Growth Potential
Bo'ness	574	100	674	
Bonnybridge & Banknock	911	10	921	
Braes and Rural South	924	70	994	
Denny & Dunipace	1,197	0	1,197	
Falkirk	1,116	230	1,346	
Grangemouth	14	11	25	
Larbert & Stenhousemuir	432	70	502	
Rural North	228	0	228	
Windfall Allowance			650	
<b>Total</b>	<b>5,396</b>	<b>491</b>	<b>6,537</b>	<b>1708</b>
Housing Supply Target			7046	4054
Housing Land Requirement			8314	4784
Shortfall/ Surplus			1777	3076

Amend text in the Spatial Strategy to reflect the change in the target and requirement by amending paragraphs 3.13 to 3.18 as detailed in the representation regarding the Spatial Strategy. Delete Map 3.3 and replace with new map identifying allocations for 2017-2030. The changes acknowledge that additional sites have been identified, that additional housing may be delivered through windfall sites and that significant new sites will be required for 2030 to 2040 and all settlement areas will require further land releases. The plan should acknowledge that other tenures such as shared equity and low cost housing with subsidy may contribute to the affordable supply and where land is required green belt sites may be released.

Muir Homes Ltd (01160/3001/003) - Increase the housing supply target and allocate additional sustainable and effective greenfield sites to ensure that a five year effective land supply is maintained.

Ogilvie Homes Ltd (00614/3006/003) - Amend the housing supply target to 600/yr with a generosity allowance of 20% and allocated additional housing land to meet the target.

Ogilvie Homes Ltd (00614/3007/004) - Increase the housing land target to 675/yr and the generosity allowance to 17%. Identify additional housing sites to deliver the target.

Persimmon Homes (East Scotland) Ltd (00712/3011/002) - Amend the housing supply target to be at least 9600, increase the generosity allowance to 20% and allocate further housing sites including MIR site 147 at Standrigg Road. Make subsequent changes to Map 3.3 and Table 3.2.

Scotland Fire and Rescue Service (00331/3003/002) - Amend the plan by increasing the housing supply target to 550-600 homes/yr and increase the generosity allowance to 20%. Allocate additional housing sites to meet the target.

Taylor Wimpey UK Limited (00198/3005/006) - Increase the housing supply target to a minimum of 600/yr. Amend the private/ affordable provision to no more than a 70/30 split. Increase the generosity allowance to 20%. Reassess and confirm the effectiveness of all sites that contribute to the housing land supply. Replace any shortfall from the removal of non-effective sites through the allocation of additional land. The windfall allowance should not be relied on without robust evidence.

Taylor Wimpey UK Limited (00198/3005/007) - Identify and safeguard additional land in excess of the 5 year requirement to ensure a 5 year minimum supply can be maintained at all times. If there is a failure in the effective land supply the Council must support the release of additional sites.

Robert Alistair Young (02192/3004/004) - Amend the housing supply target to 10800 from 2012 to 2030 equating to 600/yr with a generosity allowance of 20% and increase the housing land requirement for the same period to 12960.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005) - Maintain the reduced housing supply target of 450/year and continue to resist housing development within the Reddingmuirhead and Wallacestone areas.

#### Housing Land Supply and Delivery

Homes for Scotland (00284/3003/003) - Use the 2017/18 Housing Land Audit as the basis for the agreed effective housing land supply and include completions back to 2012 in the calculation.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005) - Review the effectiveness of the housing land supply including sites MU20, H54 and H15.

Cala Homes (West) Ltd (00512/3003/003) - Endorse the approach suggested by Homes for Scotland in considering existing supply and allocate additional sites in Larbert, Stenhousemuir and Polmont.

Craigrossie Properties Ltd (00904/3003/001) - Remove Parkhall Farm 5 (H18) from the housing land supply calculations.

Craigrossie Properties Ltd (00904/3003/004) - Provide additional sites to address the deallocation of sites.

Ogilvie Homes Ltd (00614/3006/004) - Identify Denny as an area with high growth potential after 2030.

Hansteen Land Ltd (00772/3003/002) - Amend the plan by allocating Gilston as a mixed use site.

Grangemouth (including Skinflats) Community Council (02723/3002/006) - Amend the plan to enable the redevelopment of Grangemouth's housing stock to meet the Council's objective in the Main Issues Report Vision paragraph 2.15.

Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003) - Use the 2017/18 Housing Land Audit as the basis for the agreed effective housing land supply and include completions back to 2012 in the calculation as detailed in Annex 1 of the Supporting Statement (RD4,5,6,8). Make additional allocations to address the shortfall.

Persimmon Homes (East Scotland) Ltd (00712/3011/003) - Allocate the additional MIR site 147 at Standrigg Road to address the shortfall in the housing land supply.

A&S R&W S&C Community Councils (03034/3001/002) - Delete the proposed housing site H21 Hillcrest or reduce it in scale to 19 units.

Margaret Higgins (02960/3001/002) - Delete the proposed housing site H21 Hillcrest.

Policy HC01 – Housing Land

Homes for Scotland (00284/3003/004):

- Amend Section 2, sentence one delete the word "maintain" and insert "...provide a minimum of...".
- At the end of sentence one add "...to ensure that the Housing Supply Target is met in full over the development plan period".
- Delete sentence two and insert "If, during the period of the plan, it is demonstrated that a shortfall in the five year supply of effective land emerges then additional sites for housing will be made available where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy."
- Delete all 6 bullet points.

Gladman Developments Ltd (01258/3005/007):

- Amend Section 2 first sentence to state that the Council will maintain "at least a five year supply of effective housing land".
- Make it clear that past completions will be factored in to the HLA in calculating whether the target of 4500 is being met.
- Include the test in SPP that where a shortfall arises decision makers should "take into account any adverse impacts which would significantly and demonstrably outweigh

the benefits” of the proposal.

Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004); Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited (00198/3006/004):

- Delete the reference to the supply of 4500 and reference instead the housing land requirement of 8314 for the period 2017-2030.
- Include a requirement to maintain at least a 5 year effective land supply and take account of completions to date.
- Delete the reference in bullet point 3 to protecting infrastructure capacity so that the allocation of allocated sites is not impeded.
- Delete bullet point 5.
- Amend bullet point 6 to remove references to timescale requirements and restricting planning permission.
- Make consequential changes to paragraph 4.31.

Ogilvie Homes Ltd (00614/3007/005):

- Amend Section 1 by increasing the target to 6750
- Amend Section 2 of the policy to reflect the requirements imposed on the Council under the terms of SPP (CD1) to maintain a 5 year effective land supply at all times.

Taylor Wimpey UK Limited (00198/3005/009):

- Amend section 1 of HC01 to reflect a higher housing target which addresses the shortfall at the adoption date and ensures that a minimum of five years effective land supply is maintained at all times.

Persimmon Homes (East Scotland) Ltd (00712/3011/004):

- Amend Policy HC01 Section 1 to indicate that the housing supply target should be at least 9600.
- Delete the fourth bullet point in Section 2 which refers to windfall sites.

Robert Alistair Young (02192/3004/005):

- Amend Policy HC01 to ensure a minimum of a five years supply of effective housing land is sustained.
- Make available additional housing sites subject to the required criteria if there is a clear shortfall in the five year supply of effective housing land.

#### Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008):

- Amend the first sentence after “Housing development on sites within...” insert “and adjacent to...”

Taylor Wimpey UK Limited (00198/3005/010) - Amend the terms of the policy to ensure that the Council justifies the proposed windfall allowance with robust data on past completions or through an Urban Capacity Study.

Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005):

- Change the title to “Windfall Housing within the Urban and Village Limits”.
- In bullet point 6 insert "relevant" before "LDP policies".

Policy HC03 – Affordable Housing

Homes for Scotland (00284/3003/005):

- Inserting the following sentence after sentence two. "Viability Statement(s) will be taken into account as a material consideration in determining the planning application."
- Amend paragraph 4.32 first sentence by inserting "...or out with..." after "...may arise within..." and before "...the urban area...".
- Insert "...from 2017 to 2020." at the end of the first sentence.
- In sentence two after "...brownfield sites..." insert "... but may include greenfield sites...".
- In sentence three delete "500" and insert "650", delete "2020-2030" and insert "2017 to 2030".
- In sentence four add "...within the Urban and Village Limits..." after "...windfall sites...".

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Wallace Land Investments (00001/3003/007); Taylor Wimpey UK Limited (00198/3006/006):

- Amend paragraph 4.33 by deleting "...with 2050 of the 4500 housing supply target for 2020-2030 to be affordable. A proportion of this affordable housing may be delivered by other mechanisms such as buybacks."

**Summary of responses (including reasons) by planning authority:**

Housing Supply Target and Methodology

Homes for Scotland (00284/3003/002); Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002, 00198/3005/006, 00198/3005/010); Cala Homes (West) Ltd (00512/3003/002); Bellsdyke Consortium/Forth Valley NHS (02716/3003/002); Craigrossie Properties Ltd (00904/3003/003); Gladman Developments Ltd (01258/3005/006); Robert Alistair Young (02192/3004/004); Muir Homes Ltd (01160/3001/003); AWG Property & Mactaggart & Mickel Homes (03035/3001/004); Ogilvie Homes Ltd (00614/3007/004), (00614/3006/003); Persimmon Homes (East Scotland) Ltd (00712/3011/002); Scotland Fire and Rescue Service (00331/3003/002) - The representations made generally challenge the Council's calculation of the target and the reduction in the target from the adopted Local Development Plan. The level of generosity is also challenged. All suggest the target should be at least 550/yr or higher and the generosity allowance should be between 18 to 20%. At the same time a number of developers want specific sites allocated to deliver the increased target and these are considered under the relevant settlement based housing issue. The calculation of the target is set out in Technical Report 3 (CD34). It follows a similar methodology to the adopted local development plan which was also based on a 20 yr time period (2014



2034).

Target Methodology

Concerns are expressed by representees that the target should have used more up-to-date household projections and the HNDA figures have not been used correctly. They consider that the target should be calculated from 2012, taking into account completions between 2012 and 2017 and thereafter the housing land supply from the 2017/18 HLA up to 2030.

The Housing Supply Target has been calculated using the HNDA (CD29) as the baseline but addressing the time period 2020 to 2040. The HNDA was assessed as robust and credible by the CHMA on 2<sup>nd</sup> August 2016 (CD30). It is recognised that the National Records of Scotland (NRS) projections are based on past trends however the Falkirk Council area continues to show little sign of returning to higher annual completion figures and it was considered appropriate to use the NRS principal projections. The NRS population and household projections are 25 year projections so the 2012 (mid yr) projections run to 2037. In agreement with the CHMA they were extrapolated to 2039/40 to cover the whole proposed plan period. This indicated a higher figure than the 2014 projections. The 2016 household projections are marginally higher than the 2012 projections but were not published until 28/3/18. The 2012 based projections are therefore a sound basis on which to carry out the HNDA.

Population projections 2012	Population projections 2014	Population projections 2016	Household HNDA (2012 base projected to 2039/40)	Household projections 2014	Household projections 2016
2037	2039	2039	2039	2039	2039
173130	170870	171697	80931	80334	81544
Source NRS					

The HNDA identified the number of households and their tenure from 2016 to 2040 based on the 2012 household projections.

Backlog

The base date for adoption of the proposed local development plan (LDP2) is 2020 and the housing supply target (HST) was therefore assessed from this date. Homes for Scotland contend that 8 years of unmet need between 2012/13 and 2019/20 is not taken into account. The base date in the model is the date of the current household projections at the time the model was issued it does not imply that the calculation will be from this date as all local authorities will be using the model for different timescales. The CHMA did not at any time query Falkirk Council’s use of the model in this way.

The base year for the calculation of the target is appropriately set at 2020 and looks forward to the delivery of housing for 2020 -2040. Backlog need is included in the HNDA figures and ensures that the calculation of the overall housing need and demand estimate takes this into account. The HNDA identified a backlog of 767 households in housing need at 2012. The backlog need is made up of live homeless cases averaged over 3 years and concealed and overcrowded households and support/special forms of housing. All backlog need is apportioned to the social rent sector. This is set out in appendix 3 of the HNDA (CD29). While the need identified for 2012 to 2020 is not used in the

calculation of the target on-going completions address housing need in the period 2012/13 to 2019/20 and this is a function of the development plan and not the HNDA. Past rates of completion are not relevant to the target for the Proposed Plan. The total need identified in this time period (avg 600/yr) (HNDA Appendix 3.2 Scenario 2 CD29) is also significantly lower than the adopted LDP target of 675/yr however there is no suggestion from developers that this is used to replace the current target when identifying any shortfall. It is not appropriate to apply current population and household projections retrospectively to an earlier plan period covered by the Structure Plan target to 2014 and then the Local Development Plan target as this implies that the target is being recalculated for these time periods. Indeed up to 2014 there was an oversupply based on the residual Structure Plan target set from 2001.

### SPP and HNDA guidance

SPP (CD1) paragraph 114 states that the HNDA, development plan and local housing strategy *processes* should be closely aligned. The HNDA and Local Housing Strategy (LHS CD47) are required to be carried out every 5 years and are therefore unlikely to align in a fixed time period with the LDP process. However SPP states that the processes should be aligned and not the time period. The Falkirk LDP2 process and the HNDA and LHS processes are closely aligned using the HNDA as the basis for calculating the HST. The SPP offers no detailed guidance on the methodology for deriving the target. In paragraph 115 it acknowledges that the target should be based on evidence from the HNDA and that it is a policy view taking into account a wide range of factors. Paragraph 116 states that the plan should indicate the number of new homes to be built within the plan period, it does not specify that completion rates in previous years should be taken into account as its focus is on looking forward. In paragraph 120 it states that the target and requirement should be set out up to year 10. Beyond year 10 and up to year 20 the plan should provide an indication of the possible scale and location of the housing land requirement. SPP does not specify that the target should be calculated based only on years 1 to 10 of the plan.

The HNDA Manager's Guidance provides further guidance on the calculation of the target. It notes in paragraph 11.1 that "HNDA's should be undertaken every 5 years and be capable of looking forward 20 years from the year of plan approval" and in paragraph 13.8 that "the HST should normally be expressed over a period of 5, 10 and 20 years in line with the planning timeframes associated with LHS and Local Development Plans" (CD58). This is clear evidence that it is appropriate to consider the 20 year plan period in the calculation of the target.

The calculation for LDP1 was also based on 20 years and it was not the subject of any specific representations and the methodology was noted in the examination report (Paragraph 15, page 24 CD13). The same approach was therefore adopted for the Proposed Plan.

### Calculation of the Housing Supply Target

The target is derived from the HNDA taking into account a number of factors as discussed in Technical Report 3 Section 4 (CD34). It is derived for the period 2020 to 2040 and takes the total housing need identified in Figure 3 Technical Report 3 between 2020/21 and 2039/40 of 8365 as the basis for the calculation. This indicates an average over this 20 year period of 418/yr with 173/yr for the social sector and 245/yr for the private sector. This is in contrast to Homes for Scotland and others who identify a rate of

600/yr based on the recent completion rates identified by the Scottish Government Housing Statistics Division and spread this over 18 years between 2012 and 2030 to indicate a housing supply target of 10800 for 2012-2030. For the financial yr 2016/17 the Scottish Government figure was 613 although this dropped to 390 for 2017/18. While the Scottish Government figures are based on Council returns they include returns for Council housing and RSL builds direct from the provider rather than the completions in the HLA which are based on completion certificates. The HLA also contains a small number of housing units from conversions. The equivalent figures based on the Council's data collection for the financial year would be 621 and 400 respectively. There will therefore be a difference in the figures which for the HLA are also mid-year figures. Homes for Scotland make no split between the affordable and private sector or carry out an assessment of the factors identified in SPP and HNDA guidance of wider economic, social, and environmental factors, issues of capacity, resource and deliverability (SPP paragraph 115 CD1). Their figure is not derived from the HNDA which indicates a base rate for the time period suggested by Homes for Scotland of 523/yr (average 2012-2030 based on HNDA CD29) and also reflects one high year of completions based on Scottish Government figures rather than the completion data produced by the Council.

Once the HNDA figures were identified a view was taken of the potential impact of demolitions, the empty homes initiative and the Council's buyback policy and these are discussed in Technical Report 3.

Empty Homes Initiative

The Empty Homes Initiative has returned 391 units to the housing land supply to date (December 2018).

Empty homes back into market	
Tax Yr	
2013/14	45
2014/15	105
2015/16	90
2016/17	61
2017/18	50
2018/19 Dec 18	40
	391

SPP notes that the target can include a contribution from other forms of delivery such as empty homes brought back into use (note 51, paragraph 116). The Initiative has delivered an average of 65 units/yr back onto the market. The target calculations (Appendix 1 Technical Report 3) estimated that 400 units would be returned to the market between 2016 and 2020 with a further 650 over the following 20 years. This is an average of 44/yr. In acknowledging that only some vacant stock will be returned to the market the remainder of 644 is added to the private sector to increase this element of the target. Recent Council Tax data (March 2019) indicates that there are currently 724 properties which have been empty for 6 months or longer and the Council is assisting 180 property owners to return their properties to the market. The addition of 644 empty homes estimated to not return to the market over the lifetime of the plan to the private sector target is therefore almost as high as the up-to-date total empty homes figure.

Buybacks

The target does not include any figure for buybacks beyond 2020 as the next SHIP was not confirmed at the time however the current Strategic Housing Investment Programme (SHIP) Table 1, page 5 (CD48) includes 95 units/year to contribute to the affordable housing land supply in this way. The addition of buyback properties to the housing supply is therefore expected to continue. The Proposed Plan (para. 3.16) indicates that this would also increase the private sector element of the target as properties are removed from the private sector supply into the affordable sector. The continuation of this policy means that up to 100 units per year of the affordable element of the supply will be delivered in this way effectively increasing the private sector element of the target. Technical Report 3 paragraph 4.27 also outlines this approach.

Demolitions

The calculation of the target takes into account the potential for demolition of housing stock from 2025 onwards. Demolitions have taken place in the past and between 2006 and 2009/10 438 demolitions were carried out almost all of which were in the affordable housing sector. The Council recognises that difficult to let and ageing stock could be demolished in the future and a small allowance of 625 units is added to the affordable supply as most demolitions are anticipated to be in the public sector.

The baseline in the HNDA of 418/yr between 2020 – 2040 was therefore increased as indicated in Figure 13 of Technical Report 3 (CD34) taking into account the potential for demolitions in the future and continued steady progress in the empty homes initiative in accordance with SPP. This indicated a housing supply target for 2020 to 2040 of 9000, 450/yr with 205 for the affordable sector and 245 for the private sector. As indicated previously there is some scope for the elements within the target to be adjusted based on the continued delivery of affordable housing through the buyback policy which would increase the private sector element of the target.

The delivery of the target relies on the housing land supply. Technical Report 3 identifies in paragraph 4.14 that between 2008 and 2015 the average rate of completions was 477/yr. In the last 5 years to June 2018 the rate has been 525/yr with 103/yr affordable and 422/yr private completions. Figures have however dropped again in 17/18 with 437 completions and 2018/19 looks like it will be similar with completions from July 2018 to March 2019 at 305 units. The majority of completions in this five year period (60%) have been in the Larbert and Stenhousemuir and Polmont (Maddiston) settlement areas where a small number of large scale developments will be completed in the next 2-3 years. This is also evident over the last 10 years with 61% of all completions between 2008 and 2018 being in the Larbert and Stenhousemuir and Polmont settlement areas. In contrast as noted in Paragraph 4.17 of Technical Report 3 between 2001 and 2008 large sites in Larbert and Stenhousemuir and Polmont only accounted for 28% of completions. In a weaker housing market developers appear to have contracted to focus on these highly marketable areas and this has concentrated most development here with pressure on both primary and secondary schools as well as health care facilities and parking such as at Polmont Station. The Council considers that a period of consolidation is necessary before further significant development takes place in these settlements and that an appropriate range of housing sites exist across the Council area to deliver the housing supply target.

Completions 2008 – 2018 mid yr.

Settlement Areas	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	08-18
Bo'ness	73	12	16	28	8	0	2	0	37	81	257
Bonnybridge and Banknock	39	31	32	2	9	32	43	36	8	34	266
Denny	21	11	13	2	17	41	33	21	86	93	338
Falkirk	86	86	55	41	75	91	55	92	94	57	732
Grangemouth	2	10 5	5	28	0	9	56	0	1	0	206
Larbert and Stenhousemuir	17 0	11 5	16 6	96	19 0	14 4	18 4	17 4	18 2	10 6	1527
Polmont	64	15 1	13 5	11 8	17 1	20 4	20 0	21 4	12 4	64	1445
Rural North	0	0	2	0	4	7	2	0	1	1	17
Rural South	9	25	13	1	8	0	3	3	10	1	73
Total	46 4	53 6	43 7	31 6	48 2	52 8	57 8	54 0	54 3	43 7	4861

Source: Building Standards/HLA

The suggested shortfall of up to 3000 units by Homes for Scotland and others cannot be accommodated in the Falkirk Council area particularly in the areas that developers are most interested in. Appendix 5 of Technical Report 3 highlights infrastructure issues in individual settlements and the need for consolidation in these areas. The allocation of further land in pressured areas would not speed up the delivery process or encourage developers to build across the Council areas where infrastructure capacity is available. The Education Background Paper (CD54) highlights the potential issues in the School Estate from the non-allocated sites being promoted by developers. Continued pressure would be put on areas which have seen continued development as noted above. The proposed target of 450/yr reflects past build rates and the capacity of individual settlements to accommodate further growth and takes into account the factors identified in SPP Paragraph 115 (CD01) and the HNDA Guidance (CD58). For these reasons, the Council does not agree to modify the plan in response to these representations.

Contribution of Windfall Allowance

The windfall allowance included in Table 3.2 of the Proposed Plan of 50/yr reflects the windfall rate between 2012 and 2017 (Appendix 3 CD34) of 65/yr. The Urban Capacity Study Update (CD35) also indicates that there continues to be scope for additional sites to deliver through the windfall policy. SPP (paragraph 117) also indicates that an estimate of windfall can be included in the housing land requirement. For these reasons, the Council does not agree to modify the plan in response to these representations.

Generosity

A range of generosity allowance is suggested in submissions of 17% to 20% to reflect the current plan which has an allowance of 17% and the June Committee Draft of 20%. Homes for Scotland suggest 18% is appropriate and this is supported by a number of developers. Homes for Scotland consider that this reflects the underperformance of

completions compared to the adopted LDP target between 2014 and 2017. Developers consider that a robust explanation for the level of generosity is required and the level of generosity has been wrongly calculated based on land supply contrary to SPP.

Technical Report 3 identifies that the generosity allowance is 14% and this is similar to the Main Issues Report which identified an allowance of 15%. SPP paragraph 116 states that the plan should indicate the number of new homes to be built over the plan period and this figure should be increased by between 10-20% to ensure a generous supply of land for housing. In paragraph 117 it states the requirement can be met from a number of sources. SPP does not specify the process of identifying the generosity allowance and the assessment of existing supply to meet any requirement is appropriate.

The Council therefore undertook a review of the existing land supply and its effectiveness before deciding what a reasonable generosity allowance should be, considering both the availability of sustainable housing land in the area and the legitimate concerns of local communities regarding housing growth and its impact on local infrastructure. The Council also reviews the effectiveness of the existing land supply on an annual basis through the housing land audit process. It has been clear that a number of allocated local plan sites have not been effective and are proposed for deallocation. Some sites are also allocated but because of uncertainty around the delivery of housing units they do not currently make any contribution to future supply. This applies to Portdownie, East Bonnybridge, Falkirk Town Centre sites and the Carron Centre, Falkirk. A thorough review of sites coupled with realistic expectations of delivery means that the available supply has been assessed to remove uncertainty. The Council's approach has been to address the generosity allowance at the same time as considering the adequacy of the supply. SPP does not rule out this approach.

Homes for Scotland highlight that the generosity allowance should reflect the shortfall between 2014 and 2017 with completions for this period of 1661 against a target of 2025. The Empty Homes Initiative also returned 256 units to the market between 2014 and 2017 (tax year) further reducing the shortfall. As discussed previously SPP notes that other delivery mechanisms can be used to deliver the target.

The housing market in Falkirk continues to see a slow recovery with completions still significantly below the housing supply target in the adopted local development plan. The proposed target and generosity allowance will meet the needs of future households. The base HNDA figure has itself been increased with a further generosity allowance added. A higher generosity allowance and the allocation of additional land would not necessarily lead to higher completion rates which have remained low since the recession in 2007/08. The existing housing supply, windfall and new allocations totalling 5125 demonstrate an adequate supply to meet the target of 4500 in the first ten years of the plan. The generosity allowance is within the range specified by SPP. The 14% allowance reflects the Council's support for further housing development expressed in the Plan to meet the housing supply target at the same time as acknowledging concerns about housing developments and infrastructure pressures. For these reasons, the Council does not agree to modify the plan in response to these representations.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005) - The support for the reduction in the target to 450/yr is noted. Kim Cranmer (03002) and Kate Connochie (03003) also express support for this approach. The Council is required to allocate sufficient land to meet the housing land target identified in the Proposed Plan. It will continue to use the annual housing land audit process to assess the effectiveness of

the existing housing land supply and has excluded a number of allocated local development plan sites from making any contribution to the supply and these are also proposed for deallocation. The housing market has contracted since 2007/08 so that development has been targeted in the Polmont and the Lower Braes as well as Larbert and Stenhousemuir in particular. The shortfall in the five year land supply has also resulted in a number of planning applications for housing in the area. The Proposed Plan seeks to balance the needs of local communities with the requirement to identify housing land where there is capacity for such development to take place and has not allocated sites in the Community Council area. Falkirk Council acknowledges that speculative pressure from developers in areas of high market interest is difficult for local communities to address. Policy HC01 sets out the criteria for considering sites where there is a shortfall in the supply to ensure development is only taken forward on sustainable sites. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Affordable Housing Target

Gladman Developments Ltd (01258/3005/006); Ogilvie Homes Ltd (00614/3006/003); Persimmon Homes (East Scotland) Ltd (00712/3011/002); Scotland Fire and Rescue Service (00331/3003/002); Taylor Wimpey UK Limited (00198/3005/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/004) - Representees consider that the ambitious affordable housing element of the target may not be achievable and that additional private housing allocations are required to support it. Evidence is also needed to show that funding is available to meet a substantial proportion of the target. It is suggested that the affordable element of the target should be 200/yr only out of a total target of 600/yr. Alternatively the affordable element of the target should have been reduced when the overall target was set at 450/yr.

The majority of affordable housing development in the Council area has either been delivered on standalone RSL or Council owned sites. Between July 2012 and June 2017 there were 556 affordable housing completions with 71% delivered on standalone sites and unconnected to any planning consent for private housing. Three private sites also made a commuted sum payment totalling £468000 which has not yet been allocated but will make a contribution to affordable housing delivery. While private housing sites have the potential to make a substantial contribution to the affordable housing stock they have not done so to date. The Proposed Plan therefore continues to support the delivery of affordable housing on private sites and expects sites to deliver units going forward. The Proposed Plan (paragraph 3.16) and Technical Report 3 (paragraph 4.27) acknowledge the delivery of affordable housing could also be met from other mechanisms. SPP also notes that the target can include a contribution from other forms of delivery (note 51, paragraph 116). Technical Report 3 notes that around 100 new build affordable housing units/yr could be delivered annually and that delivery could include the reconfiguration of existing stock and the continuation of the buyback policy. It is not therefore anticipated that all the affordable housing will be new build so that while the element of the target indicated to be for affordable delivery appears high it will come from a number of mechanisms. Therefore potentially 1000 units over ten years could be delivered by means other than new build. The Strategic Housing Investment Plan (SHIP) is updated annually. It is difficult to predict when some sites will come forward however regular monitoring seeks to address uncertainties in the supply of sites and to ensure that funding is available to take sites forward. For these reasons, the Council does not agree to modify the plan in response to these representations.

Social Housing Completions	Social	Standalone Sites	Private Sites	Private Sites
2012/13	80	36	44	Overton, Bellsdyke
2013/14	143	88	55	Bellsdyke, Carrongrove
2014/15	146	146	0	
2015/16	149	87	62	Bellsdyke
2016/17	38	38	0	
	556	395	161	
Source Building Standards/HLA				

Housing Land Supply and Delivery

Homes for Scotland (00284/3003/003); Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003); Cala Homes (West) Ltd (00512/3003/003); AWG Property & Mactaggart & Mickel Homes (03035/3001/005); Bellsdyke Consortium/Forth Valley NHS (02716/3003/002); Craiggrossie Properties Ltd (00904/3003/004)

Housing Land Audit and Source of Supply Figures

Representees consider that the 2016/17 HLA should not have been used or adjusted. Instead the more up to date 2017/18 HLA should have been used as the basis for the housing land supply with the period between 2017 and 2030 considered for the plan delivery. The housing land supply is contrary to that agreed with Homes for Scotland. As the 2016/17 was amended to exclude some sites it has not been possible to fully assess the Council's approach.

The 2017/18 Housing Land Audit (HLA) (CD50) was not published in time to provide background information for the Proposed Plan which was scheduled to go to Committee in June 2018 with the associated Committee lead in time. It subsequently went to Committee in August 2018 but there was no opportunity to amend the plan at this stage. LDP2 relies on the 2016/17 Housing Land Audit (CD49) which was agreed with Homes for Scotland except for a dispute over 3 sites, none of which were in the effective supply. An amended version of the Audit was produced for the proposed plan to reflect real changes to sites within the plan such as the deallocation of sites and to exclude sites nearing completion on the basis that the proposed plan considered the period 2020 – 2030. The HLA is shown in Appendix 6 of Technical Report 3 and a full list of the adjustments after 2020 made to the HLA is shown in Figure 20 of Technical Report 3 after paragraph 7.6. The adjustments made reduced the supply within the Proposed Plan period by 221 units and excluded 430 units within the 2016/17 to 2019/20 time period (CD57). The submission by Homes for Scotland (RD2) and the Geddes Housing Land Supply Statement (RD4-8) referenced by a number of developers assess the 2017/18 HLA and add in the proposed housing sites in the Proposed Plan. These figures for the 2017/18 HLA do not exactly match the 2017/18 HLA which was agreed with Homes for Scotland. The table below indicates the developer's figures and the agreed figures to 2027+ including an indication of delivery between 2027 and 2030.



Homes for Scotland HLA 2017/18 Appendix 1RD2 Geddes Consulting RD4-8			Falkirk Council HLA 2017/18 CD50	Indicative	
2017 - 27	2027 - 30	2017-30	2017- 27	2027- 30	2017- 30
4938	458	5396	5085	369	5454

The Council considers that the 2016/17 HLA is the most appropriate HLA for the proposed plan as the 2017/18 HLA was not approved in time to be taken into account. It was adjusted to provide an up-to-date picture and avoid confusion with sites however the original HLA has been available on the website (CD49). The 2018/19 HLA has not yet been approved. For these reasons, the Council does not agree to modify the plan in response to this representation.

Delivery of Housing and Effectiveness of the Existing Land Supply

Representees consider that the reliance on the existing land supply and the Council's deallocation of sites indicates the weakness in the supply. There are a number of sites in the supply and in the new allocations which are not considered effective. Some developers consider that additional sites should be allocated in the areas of high market demand while others consider that a wider spread of sites across other settlements is preferable.

Delivery of Housing

The delivery of housing has been slow to return to pre-2008 completions. Between 2001 and 2008 the average yearly completion rate was 835 units/yr. This dropped to 477 units/yr between 2008 and 2015 (Technical Report 3, paragraph 4.14 CD34). More recently completions in the Council area over the last five years to June 2018 were 525/yr. The delivery of affordable homes has been concentrated on standalone sites although commuted sums will also support their delivery. The housing land audit process has been used to actively discount ineffective sites and exclude them completely from the housing land supply since 2012 even where they are allocated LDP sites. The Council recognises that a number of allocated housing sites have failed to deliver and proposes to deallocate 15 sites totalling over 1500 units including two strategic growth areas (SGA's) at Bo'ness and Slamannan. These are not therefore included as contributing sites in the adjusted 2016/17 or later Housing Land Audits. In addition it is proposed to remove 1300 units from the SGA at Whitecross. Two SGA's at Bonnybridge and Banknock and at Portdownie are retained. Portdownie is not shown as making any contribution to the housing land supply and its effectiveness will continue to be reviewed annually through the housing land audit process. A range of sites across the Council area are allocated where there is infrastructure capacity and in recognition of the need to spread housing growth across the Council area and not just concentrate it at Larbert and Stenhousemuir and at Polmont and the Lower Braes.

A number of allocated sites out with most popular areas for development are not being brought forward by developers even though they are not significantly constrained. These include sites at Cauldham in Falkirk, Rosebank in Denny, and at Dennyloanhead and Airth. Developers may be making legitimate business decisions on the best time to bring sites forward for development however an increase in the allocation of sites will not necessarily resolve this situation. The Housing Land Audit is based to a large extent on developer's and landowner's views on their sites. Where progress appears to be made on bringing a site forward for development this will be reflected in the HLA. This can include

evidence of pre-app. discussions, progression through the PAN process to an application, progressing a building warrant and the purification of conditions for any consent. The Council has therefore taken an active approach in removing sites from the established supply and not including them in the annual housing land audit and considers that the housing supply has been through a robust review. Sites are considered capable of becoming effective within the life of the Proposed Plan. Technical Report 3 Figure 8, paragraph 4.17(CD34) highlights that the majority of completions come from sites of 50 or more units and this is reflected in the allocation of sites. Smaller sites can also come forward under the windfall policy. The Council has therefore pro-actively reviewed the housing land supply to ensure that sites are capable of delivery and for these reasons does not agree to modify the plan in response to these representations.

#### Effectiveness of Supply

Hansteen Land Ltd (00772/3003/002); Persimmon Homes (East Scotland) Ltd (00712/3011/003); Taylor Wimpey UK Limited (00198/3005/007, 00198/3005/006) - Representees considered that both the 2016/17 and 2017/18 Housing Land Audits were flawed and included a number of sites which should not have been considered effective.

The 2016/17 HLA was agreed with Homes for Scotland with the exception of 3 sites out with the effective land supply. It was then used to calculate the existing housing land supply. The HLA process enables sites to be reviewed annually and sites are assessed against the effectiveness criteria in PAN 2/2010 paragraph 55 (CD5). SPP (paragraph 120) (CD01) also notes that the local development plan should allocate a range of sites which are effective or expected to become effective in the plan period. PAN 2/2010 highlights ownership as a consideration however it acknowledges that sites can be in the ownership or control of a party which can be expected to develop it or release it for development. The Council has consistently reviewed the effectiveness of the housing land supply through the housing land audit process and in addition fifteen sites are proposed to be deallocated from the plan and they are not therefore included as contributing sites in the adjusted 2016/17 or later Housing Land Audits.

The 2017/18 HLA was agreed with Homes for Scotland with the exception of four sites, two of which made no contribution to the supply. The exclusion of sites not controlled by a housebuilder/developer from the established supply is not supported. The representation from Hansteen Land Ltd reduces the total supply to 4821 out of 5865 units in the established supply in the 2017/18 HLA. The total effective supply is also reduced to 1997 units or 2.96 years based on being developer/householder controlled. The housing land requirement can be met from a number of sources as specified in paragraph 117 of SPP (CD01) and include sites that are expected to become effective in the plan period rather than only those in the five year land supply in the HLA. The existing land supply in the Proposed Plan is based on the 2016/17 HLA (CD49) and it is acknowledged that the housing land supply in the 2017/18 HLA is lower than the 2016/17 HLA. This indicates the fluctuating nature of the effectiveness of sites and the need for the annual review of the housing land supply through the housing land audit process. The allocation of the Gilston site (Site Ref 95) for housing would also lead to its effectiveness being assessed on an annual basis. For these reasons, the Council does not agree to modify the plan in response to these representations.

Margaret Higgins (02960/3001/002) - The 2016/17 HLA notes that there is a shortfall in the effective housing land against the adopted local development plan target. The 2017/18 HLA also acknowledges that there is a shortfall. The Proposed Plan seeks to ensure there is not a shortfall in the future by allocating sufficient land for the Council area

against a revised target of 450/yr. While there will be differences of population growth within the Council area with some parts showing a declining population, mainly due to the lack of new housing and smaller households, small area statistics can have inaccuracies. There may also be occasions when the boundaries of settlement areas for statistical purposes have changed over time. The overall Falkirk Council population does however continue to grow and the Hillcrest site H21 will make a contribution to that supply. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Effectiveness of Individual Sites

Craigrossie Properties Ltd (00904/3003/001) - The site at Parkhall Farm 5 (H18) is allocated as a housing site. It is minded to grant subject to the conclusion of a Section 75 agreement. The indicative numbers on the planning application are for 60 retirement flats, 56 amenity and community assisted housing and an 80 bed care home. The indicative number of units for the site in the proposed plan is 70 units which excludes the care home element of the proposal. For these reasons, the Council does not agree to modify the plan in response to this representation.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005) - The site carried forward from LDP1 at Gateside, Bonnybridge (East Bonnybridge) (MU20) is recognised as a constrained site and does not make any contribution to the existing housing land supply. The Haining (H16) (is a large 4.6 ha site and it is shown as making a small contribution in the 2016/17 HLA of 20 units in 2023/24. Parkhall Farm 3 (H15) is a new allocation for 60 units. LDP2 recognises that significant work will be required to address issues in this area and will require a masterplan for each site in the Maddiston East SGA. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Distribution of Growth

Ogilvie Homes Ltd (00614/3006/004) - Denny is recognised as having potential for further development in Technical Report 3 Appendix 5 (CD34) however completions in the area have been historically low with 198 completions between 2012 and 2017. Completions have improved in the last two years with 274 completions to 2018. It is therefore accepted that the town has the potential to deliver further housing in the medium to long term subject to infrastructure issues being resolved such as the completion of the Denny Eastern Access Route (DEAR). The HLA can only indicate sites with planning permission or in the adopted plan so cannot give an indication of future potential of an area. The town is identified as having long term potential and for these reasons, the Council does not agree to modify the plan in response to this representation.

Grangemouth (including Skinflats) Community Council (02723/3002/006) - The Council has not identified any specific proposals to redevelop existing housing areas in Grangemouth. Should redevelopment of existing housing stock be proposed the policy framework within the Plan exists to support this, particularly as a large part of the Council housing stock is out with any consultation distances (CD122). The Plan also supports the redevelopment of the town centre which is identified as Proposal MU18 in Appendix 1 of the Plan. The town will continue to be constrained by a number of factors including the consultation distances around major hazard sites which restrict a wide range of development such as housing or business depending on the vulnerability of users and the proximity to the major hazard sites. Housing is classified as a more vulnerable use than

industrial uses which is why there are greater restrictions on housing near major hazard sites. The major hazard sites are not only associated with explosive risk and the consultation distances made up of three zones seek to model the extent of any impact should there be a toxic gas release from the sites or fire or explosions. For these reasons, the Council does not agree to modify the plan in response to this representation.

A&S R&W S&C Community Councils (03034/3001/002) - The inclusion of an additional 70 units in Table 3.2 is not an indication of a requirement for the Braes and Rural South for 70 units. It relates to a specific site allocation (Site Ref 142 H18) to contribute to the overall supply of housing in the Council area. The windfall allowance of 50/yr will generate housing development but it cannot be relied on alone to deliver enough housing growth and additional sites are therefore required including the continuation of existing housing sites into the Proposed Plan. This includes the Hillcrest site (Site Ref 056 H21). For these reasons, the Council does not agree to modify the plan in response to this representation.

### Policy HC01 – Housing Land

Representees require the policy to be amended to reflect suggested targets and for the policy to note that a minimum of a five year effective land supply should be maintained at all times. The bullet points should either be deleted or adjusted to place less restrictions on development coming forward where there is a shortfall.

Homes for Scotland (00284/3003/004) - Policy HC01 correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD01). There is no other mechanism to make sites available and the policy establishes the criteria by which sites will be considered through the planning application process should there be a shortfall in effective land. The criteria limit the scope of sites coming forward with the aim of supporting existing allocated sites, taking into account infrastructure issues, delivering brownfield sites within the established village and urban limits and ensuring proposals are proportionate to any shortfall. Further housing land should only be released where it is capable of addressing a shortfall timeously and in a sustainable way. For these reasons, the Council does not agree to modify the plan in response to this representation.

Gladman Developments Ltd (01258/3005/007); Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004); Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited (00198/3006/004) - Policy HC01 (page 43) addresses the need to maintain a five year housing land supply as indicated in SPP paragraph 123 (CD01). The housing land audit process includes an assessment of the next five years delivery based on the housing supply target. The established practice is to consider the projected completions against the 5 year target. The role of SPP is noted in the first bullet point in part 2 of the policy.

Infrastructure capacity should be available or achievable for any development however for sites addressing a shortfall allocated sites should not be prejudiced as this will only serve to further restrict housing supply. The policy seeks to address the shortfall proportionately to ensure that a sustainable approach is taken to the release of additional housing land. Given that the shortfall is assessed on an annual basis through the housing land audit process and changes to the supply can occur within short time periods it is appropriate to consider when the shortfall will be addressed and to consider limiting planning permissions to ensure an immediate shortfall is addressed. In paragraph 4.31

after Policy HC01 the reference to maintaining a five year effective land supply is in accordance with SPP. While the plan period is not noted it is considered to be 2020-2040 and not 2017-2030. The reference to “supply” in the last sentence references the previous sentence which uses the term “effective land supply”. There is no need to repeat it. For these reasons, the Council does not agree to modify the plan in response to this representation.

Ogilvie Homes Ltd (00614/3007/005) - The increase of the target to 6750 is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. The policy correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD1). For these reasons, the Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198/3005/009) - The increase of the target is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. For this reason, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3011/004) - The increase of the target is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. The need to address any shortfall within the urban and village limits through windfall sites is considered valid as the most sustainable sites are likely to be within existing settlement areas and this accords with the principles set out in SPP paragraph 29 (CD1). For these reasons, the Council does not agree to modify the plan in response to this representation.

Robert Alistair Young (02192/3004/005) - The policy correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD01). There is no other mechanism to make sites available and the policy establishes the criteria by which sites will be considered through the planning application process should there be a shortfall in effective land. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008); Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005) - Policy HC02 refers to the urban and village limits within the first paragraph of the policy and it is not considered necessary to include this in the title. Under part 6 it is taken as read that only relevant policies would apply to a site's consideration and the majority of policies in the Plan take this approach. Policy HC02 (page 43) supports windfall sites within the urban and village limits as the most sustainable sites are likely to be within existing settlement areas and this accords with the principles set out in SPP paragraph 29 (CD1). Sites out with the urban and village boundaries are appropriately assessed against Policy HC05 Housing in the Countryside and other LDP policies in relation to green field development. Policy HC01 also includes criteria to consider sites out with the settlement boundaries where sites to address any shortfall do not come forward through Policy HC02. The amendment of paragraph 4.32 to reference sites out with the urban area and in greenfield locations is not therefore supported. The reference to the windfall allowance between 2017 and 2030 is noted however the windfall allowance is addressed in Table 3.2 for the years 2020-2030. For

these reasons, the Council does not agree to modify the plan in response to these representations.

### Policy HC03 – Affordable Housing

Homes for Scotland (00284/3003/005) - Policy HC03 sets out the percentage of affordable housing on sites within the Council area and Supplementary Guidance (SG) addresses the detail of the delivery of the affordable housing policy including the viability of sites. The viability of sites is therefore established as a relevant factor in planning applications through SG12 and does not require to be detailed in the policy. The current SG is SG12 Affordable Housing and this will be replaced by SG06 Affordable Housing. The programme for the revision of this SG aims to have it adopted alongside the development plan in 2020 and a full consultation will take place on the proposed document. The SG accepts that a range of options are available for the delivery of affordable housing including discounted sale. Link Housing delivered affordable housing on a site in Bonnybridge in 2015 which included mid-market rent properties and the Council is also developing two sites in the town as part of the SHIP (CD48). It is acknowledged that the delivery of additional private sites in the areas with a higher percentage contribution could increase the supply of affordable housing however these areas have infrastructure constraints that require to be addressed in the short to medium term. For these reasons, the Council does not agree to modify the plan in response to these representations.

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Wallace Land Investments (00001/3003/007); Taylor Wimpey UK Limited (00198/3006/006) - It is appropriate for Paragraph 4.33 of the Proposed Plan (page 44) to reference the housing supply target and the buyback policy. The delivery of affordable housing through buybacks is recognised by the Scottish Government as an appropriate mechanism to deliver affordable housing and is included in the Council's SHIP programme (CD48). The Proposed Plan (paragraph 3.16) and Technical Report 3 (paragraph 4.27) (CD34) acknowledge the delivery of affordable housing could also be met from other mechanisms. SPP also notes that the target can include a contribution from other forms of delivery (note 51, paragraph 116). Technical Report 3 notes that around 100 new build affordable housing units/yr could be delivered annually and that other delivery could include the reconfiguration of existing stock and the continuation of the buyback policy. For these reasons, the Council does not agree to modify the plan in response to these representations.

### **Reporter's conclusions:**

#### **Housing supply target and methodology**

1. Due to the significant number of unresolved representations on this matter, and the nature of the disagreement over the strategically important issue of what would be an appropriate housing supply target for the proposed plan, a hearing was held on 20 November 2019. The hearing session was used to explore the issue in more detail, so that I could fully understand the reasons for the disagreement and the respective positions of parties.

2. By way of follow-up to the hearing session, I sought further information from the council and Homes for Scotland. This request was principally focused on the calculations used to set the housing supply target, applying the different methodologies proposed by

parties and/or discussed during the hearing. This has enabled me to reach my conclusions on the issue with clarity over the implications of the various approaches to setting the housing supply target, as advocated in representations and/or discussed at the hearing.

#### Target methodology

3. The Housing Needs and Demands Assessment (HNDA) 2016 is cited by the council as the main source of evidence, in setting the housing supply target in the proposed plan. This is to be expected, given that Scottish Planning Policy (SPP) recognises the importance of the HNDA for this purpose.

4. Some doubts have been expressed in representations, over the extent to which the HNDA should be relied upon for this purpose. This was discussed in more detail in the hearing session. Although the HNDA was published in 2016, the base year of the projections it provides is 2012. There has been some criticism that the HNDA is therefore grounded in recessionary trends, reflected in the 2012 population and household growth predictions which informed the assessment.

5. I agree with the representations which assert that the scenarios considered by the HNDA were limited in their range, and that a higher growth / migration scenario would have been helpful, at least for comparative purposes. However, there is no dispute that the HNDA has been accepted as robust and credible by the Scottish Government. Scottish Planning Policy is clear in paragraph 113 that in these circumstances, "...the approach used will not normally be considered further at a development plan examination".

6. In this context, I would expect to be presented with a compelling body of evidence to demonstrate why the HNDA should not be relied upon, to support any request to deviate from the approach used by the HNDA. I have noted that the 2016 household projections are higher than those from 2012, (81544 by 2039 relative to the previous 2012 projection of 80931 (extrapolated to 2039/40)), but the increase is relatively modest, and I do not consider the difference to be of a scale that would raise wider doubts over whether reliance on the HNDA can still be had.

7. It has been argued in representations that there is evidence that the housing market in the Falkirk area has strengthened, and I have been referred to recent annual housing completion rates, the rapid build-out rates on specific sites, and mortgage providers' increased willingness to lend to buyers, amongst other factors, as indicators of this. Whilst I agree that these are potentially indicators of market improvement, the evidence is largely anecdotal. During the hearing the council's position was clear, that despite the assertions being made by the housebuilding industry, it was not seeing any particular signs of housing market strengthening.

8. All told, I consider that there is evidence of increasing market strength. However, I do not find this evidence to be sufficient to imply that reliance upon the HNDA would be inappropriate. I am satisfied that despite positive market signals, the HNDA continues to provide the best available evidence of needs and demands for the purpose of this examination, and to inform the setting of the housing supply target in the proposed plan. The council's reliance on the HNDA is not a deficient approach, and I find no reason to find the HNDA deficient itself. Economic factors should still be a consideration when setting the housing supply target, and I return to this later in my conclusions below.

9. Reliance on the HNDA evidence base is appropriate only if the evidence it presents is also properly interpreted. Representations have focused heavily on how the HNDA has been interpreted by the council, in setting the housing supply target, and this is a more widely and deeply-held objection than the reservations expressed in regard to the HNDA itself.

10. The proposed housing supply target of 4500 for the 2020 to 2030 period has been derived from the 2016 HNDA. I note this housing supply target has been subject to some adjustments to take account of other factors (which I return to later in my findings). Despite this and when those adjustments are accounted for, the figure of 4500 requires some further explanation to understand how it relates back to the HNDA.

11. The council's approach has been to take a base date of 2020, as this is the anticipated year of the plan's adoption. Using the predicted needs and demands identified in the HNDA from 2020 onwards, the council has based its calculation of its housing supply target on a 20 year period (to 2040). Whilst this reflects the period to which the proposed plan's vision and strategy relate, the primary focus of the plan is intended to be the 2020 – 2030 period (as acknowledged in paragraph 1.02 of the proposed plan).

12. I do not consider there to be any reason in principle why evidence of need beyond 2030 should not at least be a consideration in the setting of a housing supply target. The HNDA provides estimates of needs and demands up to 2040, although it is important to acknowledge that beyond 2037, the figures are based on assumptions rather than evidence. The HNDA predictions essentially assume a continuation of previous years' need and demand, as no population or household projections were available for the full period.

13. Whilst the needs and demands for the 2030 – 2040 period can legitimately be a consideration in the setting of the housing supply target, I have difficulty with the council's decision to allow that later period to have a direct bearing on the housing supply target up to 2030. An explicit requirement of SPP paragraph 120 is that a housing supply target is required to be set up to year 10 from the expected year of adoption. Paragraphs 114 and 115 of SPP make clear that the HNDA and development plan processes should be closely aligned, and the housing supply target should be based on evidence from the HNDA. The effect of the council's approach, which is based on taking the average needs and demands identified across an extended period from 2020 to 2040, has the effect of lowering the housing supply target to 2030. This is because the projected need and demands are lower beyond 2030.

14. Whilst the proposed plan provides a housing supply target for 2020 to 2040, and also 2020 to 2030 (which is exactly half of the 20 year target), the post-2030 component of the target has no obvious utility, other than providing an indication of the scale of housing required beyond year 10. No land has been allocated to meet the post-2030 housing supply target, and there is no requirement to do so because SPP requires the housing supply target to be established up to year 10.

15. It seems to me that by subsuming the indicative scale of housing envisaged between 2030 and 2040 into the housing supply target, and extending the target period to 20 years from the date of adoption, this generates some tension with the provisions of SPP referred to above. By calculating the housing supply target based on the average needs and demands from 2020 to 2040, the housing supply target to 2030 is lower than it



otherwise would be. It therefore does not accurately reflect the evidence of needs and demands up to 2030, which is the period the housing supply target should be concerned with addressing. I consider that by expressing a housing supply target over an extended period (i.e. beyond 2030), the proposed plan would be likely to generate confusion, and it would detract from the purpose of the housing supply target.

16. During the hearing session the council confirmed that a main aim, in setting its housing supply target, was to meet the needs and demands identified in the HNDA. The proposed target does not, however, take account of the number of completions relative to needs and demands identified by the HNDA for the 2012 to 2020 period.

17. Scottish Planning Policy, paragraph 114, requires the HNDA and development plan (and local housing strategy) processes to be closely aligned. I have also been referred to paragraph 9.1 of the HNDA manager's guide (2014), which states that "While it is expected that there is a clear alignment between the HNDA and the HST [housing supply target] the two are not the same and are therefore are not expected to match".

18. The point was clearly made by participants at the hearing, that in order for there to be alignment, the housing supply target must align with the base date of the HNDA. The council has argued that SPP does not preclude the approach it has taken, which applies a start date of 2020 and accounts for needs and demands identified in the HNDA from 2020 onwards. Whilst I accept that this specific approach is not explicitly precluded, I cannot see how sufficient alignment between the HNDA and housing supply target is achieved, if the housing supply target adopts a later base date. By referring only to HNDA evidence for 2020 onwards, I accept that this would align with the proposed adoption date of the proposed plan, but I am not persuaded that this is an appropriate interpretation of the HNDA. By not taking account of the needs and demands identified by the HNDA for the 2012 to 2020 period, the proposed plan is not able to ensure that these needs are met.

19. I note the council considers that ongoing completions will meet this pre-2020 need, but there cannot be certainty that this will be met in full; indeed all indications are that this is highly unlikely, based on available annual completions data. The effect of only taking account of HNDA projections for 2020 onwards is that some residual needs and demands would be unmet, unaccounted for, and so essentially 'written off'.

20. Extracts from the Stirling local development plan examination report have been included within the 'housing land supply statement' (documents RD4 – RD8) prepared by Geddes Consulting for four housebuilders. The reporter in the Stirling LDP examination concluded that the housing land calculation should be based on the HNDA's base year, and should take account of subsequent known completions. I asked the council for its views on the implications of that finding in the Stirling LDP examination. Whilst I agree with the council that it does not set a precedent which must necessarily be followed, conversely I have not been presented with clear justification for why it would be more appropriate to deviate from that approach in this case.

21. In conclusion, I find that in order for the proposed plan to be sufficiently aligned with the HNDA, the housing supply target should be derived from the same base year (2012) as that used by the HNDA. In my view, this is the best way in which the development planning process can take proper account of the HNDA's evidence, and the full extent of needs and demands it has identified. The council has acknowledged that a primary aim of the housing supply target is to meet identified needs and demands. I find that the only

way of achieving this aim is to take account of the full period considered by the HNDA, but I do not consider that needs and demands predicted to arise after 2030 should be accounted for by the housing supply target. The housing supply target should not extend beyond year 10 from anticipated adoption, although clearly information in the HNDA for the post-2030 period remains relevant, and should inform the indication of the possible scale of development for the period 2030 – 2040, as required by SPP paragraph 120.

22. To reiterate paragraph 9.1 of the HNDA manager's guide, the HNDA and housing supply target are not the same, and are not expected to match. The above conclusion does not therefore necessarily determine what the housing supply target should specifically be, but I do find it essential for the overall calculation of the housing supply target to take the 2012 – 2020 period into account, both in terms of the needs and demands identified for that period, and the number of completions to date since 2012.

23. Whilst the unresolved representations on this matter share the same view that a 2012 base date should be applied to the housing supply target calculation, there is not one single view on how completions since 2012 ought to be accounted for in the calculation. This is an important issue however, as depending on what completions are compared against, there is considerable variation in the residual figure (whether a shortfall or surplus) to be factored into the housing supply target. This is a matter which was explored in more detail during the hearing session, and I sought a range of calculations based on different approaches / assumptions through a further information request, as a follow-up to the hearing discussion.

24. Looking at the overall HNDA trajectory between 2012 and 2030, this shows that needs and demands are relatively greater in the period 2012 to 2021/22, compared to the period beyond that. To take account of this, I find the most logical response would be to compare the known annual completion rates since 2012 to the average need for the corresponding time period. Any shortfall would be added to the housing supply target, or any surplus would be deducted. The average need for the remaining period to 2030 would form the basis of the housing supply target, subject to any further adjustments to account for other relevant factors.

25. Homes for Scotland have indicated that the above approach, which compares completions to the HNDA evidence from 2012, is its second preference. Its first preference would be to compare completions since 2012 against its suggested housing supply target for the 2012 – 2030 period, which includes an allowance for market uplift of a scale not reflected in the HNDA, or in the housing supply target in the proposed plan. The target advocated by Homes for Scotland is 10,800 for 2012 – 2030, equal to 600 units per annum. However, I do not consider it justified to retrospectively apply a housing supply target to this earlier period, regardless of how high or low that target may be. It seems to me to be unreasonable to measure performance against a target which did not apply at the time.

26. An alternative approach could therefore be to compare completions since 2012 to the LDP1 target, but LDP1, which was adopted in 2015, is not based on the 2016 HNDA. Given it is reflective of an entirely different evidence base, in my view it would not be appropriate for that target to influence the calculation of a new target. Indeed I consider this would give rise to further difficulties in regard to there being a clear alignment between the HNDA and proposed housing supply target.

27. In regard to taking account of completions, I conclude that there is a compelling case

for completions since 2012 to be accounted for. Given the strength of the case made in representations over the importance of alignment with the HNDA (with which I agree), I find it to be appropriate to compare completions to date against this same evidence base. Comparing completions to an existing or proposed housing supply target, regardless of the figure, would detract from this alignment.

28. The proposed plan has taken account of the 2016-17 housing land audit (HLA), which has completion data up to June 2016. The 2017-18 housing land audit was submitted as an examination document, which updates completions data up to June 2017. As completion figures are taken mid-year, this needs to be reflected when calculating the housing supply target. Representees have pointed out minor discrepancies between numbers of completions in the HLAs compared to figures held by the Scottish Government. The council has explained why these differences occur. As they are negligible, and as the use of HLAs provides consistency between years, for the avoidance of doubt I have used HLA completion figures.

29. Regardless of which audit the calculations are based upon, the overall difference to the annualised housing supply target would be minimal, and I do not ultimately consider the choice of HLA to be of any particular significance to my findings in this regard. There is logic however in using the most up-to-date information, as the figures presented in the plan will require revision in any event. Had this not been the case, I would not consider the plan to be deficient because of its reliance on the earlier HLA.

Calculation of the housing supply target

30. Based on my conclusions above, if the housing supply target mirrored the needs identified by the HNDA for the 2012 – 2030 period, taking account of completions it would be calculated as follows:

		<b>Dwellings</b>
A	Housing need and demand 2012 – 30 (HNDA scenario 2)	9407
B	Completions 2012/13 – 2016/17	2671
C	Housing supply target 2017 – 30 (A-B)	6736
D	Annualised housing supply target (C/13)	518

31. Adjustments to this figure, based on a range of potential factors, may also be appropriate. Paragraph 115 of SPP identifies “...wider economic, social and environmental factors, issues of capacity, resource and deliverability...” as relevant considerations.

32. The council’s technical report 3 explores a range of issues, which are broadly consistent with the types of overarching considerations referred to in SPP. I find it significant to note that the council’s technical report concludes that the only factor that should affect the housing supply target is accounting for net demolitions. This has the effect of increasing the housing supply target, albeit relatively modestly.

33. The council’s case, particularly as articulated during the hearing, intimated that the housing supply target of 450 per annum in the proposed plan was a deliberately cautious approach, which has taken some account of constraints to development in the area. This included factors such as education capacity, environmental constraints and wider

community concerns relating to the potential scale of development. It was on the basis of the council's concerns over these issues that it resolved to remove some sites from the proposed plan, which had been preferred sites in the Main Issues Report.

34. The council was free to select the sites it preferred to allocate, and to exclude sites which it did not consider should be allocated. It is within the council's gift to exercise judgement on site suitability, although of course those judgements may be challenged by parties, with unresolved representations considered through the examination process.

35. However, the council has clarified that in response to the decision to not allocate certain sites which were preferred in the Main Issues Report, the proposed housing supply target was also revised down to account for the resultant reduction in the housing land supply. I agree with representees that this is not an appropriate approach for the council to have adopted; diagram 1 on page 30 of SPP makes clear that the setting of the housing supply target comes before the identification of land, as does a fair reading of SPP paragraph 120.

36. In the circumstances where the council did not support the allocation of certain sites, in my view it was obliged to allocate alternative sites to ensure that sufficient land overall was still identified to meet the housing supply target (and housing land requirement). The value and purpose of the setting of a housing supply target would be significantly undermined if it was permissible to reduce it in order to reflect the scale of proposed allocations. It should be the target which is driving decision-making over allocations, rather than the other way round.

37. Had the council identified strategic constraints which it considered should be factored into the setting of the housing supply target, thereby demonstrating that a lower / constrained housing supply target would be justified, it would have been free to present this. However, no evidence of this nature has been presented in technical report 3, or in any other submissions. The council's finding that certain individual sites should not be allocated because of constraints and/or other concerns, does not justify a wider conclusion that the entire planning authority area (which is a single functional housing market area) is affected by strategic or otherwise insurmountable constraints. Alternative sites should have therefore been sought to be allocated in other locations, rather than any reduction in the housing supply target.

38. I accept the council's point that the proposed 2020 – 2030 housing supply target of 4500 can still be related back to the HNDA, based on its approach of taking the average need for the 2020 – 2040 period, as shown in appendix 1 of technical report 3. However, as I have concluded that the housing supply target should be calculated in a different way to the calculation presented in appendix 1, it is important to consider what influence any other factors should have. Based on the above, I find no justification for constraining the housing supply target to reflect constraints affecting the functional housing market area as a whole.

39. I have already referred to the case made by Homes for Scotland and others, which contend that there are economic factors which would justify an uplift in the housing supply target. Whilst I have concluded above that the HNDA can be relied upon, this does not preclude these factors from still potentially having a bearing on the target.

40. Representations have highlighted that recent annual completion rates have exceeded the council's proposed annualised housing supply target. During the hearing, it

was pointed out that recent completions have averaged 525 per year, which is closely aligned to the average annual need identified by the HNDA for the full 2012 – 2030 period. Based on my own calculations and for the avoidance of doubt, average completions between 2013/14 and 2017/18 equate to 525 per year.

41. It has been argued that this provides evidence of market strengthening, and that subject to there being a sufficiently generous land supply, there is no reason why this rate of development could not be sustained. The case for a modest uplift to the housing supply target has been made on this basis.

42. I agree that the completion rates indicate that there has been considerable market recovery since the recession, noting that in 2011/12 there were only 316 completed homes. However, I am not persuaded that the more buoyant recent completion rates justify an element of uplift to the housing supply target. The completion rates must be considered in the context of the HNDA's trajectory of needs and demands between 2012 and 2030. As already explained above, this trajectory is not linear; the needs and demands until around 2021 are markedly greater than subsequent years.

43. The HNDA average for 2012 – 2021 is 589 units per annum. For 2022 – 2030, the HNDA average falls to 434 units per annum. The current relatively higher needs and demands are likely to be supporting recent completion rates, although completions have still been less than the HNDA trajectory. As the HNDA predicts a reduction in needs and demands over later years to 2030, this reduces my confidence that a comparable level of completions would be likely to be sustained across the plan period (excluding taking account of any unmet needs and demands from earlier years).

44. Representees have contended that there is a disconnect between the housing supply target and the amount of employment land and planned investments by major employers in the area. It has been argued that the housing supply target should be increased to reflect the ambitious levels of employment development being planned for. I have not been referred to any substantive evidence that employment land uptake or business / industrial investment in the Falkirk area is being constrained by a limited availability of housing. Whilst it is important that growth plans are complemented in other ways, including by new homes, I find no clear basis to conclude that the proposed plan requires modification for this reason.

45. Overall, I conclude that there are not any economic factors which would warrant departing from the evidence and projections contained in the HNDA. I do not find that current market behaviour would provide adequate justification for a higher housing supply target to 2030, given the weight I attach to the HNDA and the trajectory of needs and demands it provides.

#### Empty homes initiative

46. The effect of the council initiative to bring empty homes back into use can legitimately be accounted for when calculating the housing supply target. This is outlined in Scottish Planning Policy, in a footnote (51) to paragraph 116.

47. The effect of this initiative is however challenged in representations. It has been asserted that the adjustments made to the housing supply target would not be the net effect of the initiative.

48. In response to my further information request, based on the adjusted period of 2017 to 2030, the council has calculated that the initiative would return 791 empty properties into occupation. The HNDA identified a total of 1694 empty homes, so the council has then added the residual number of empty homes (i.e. the 903 empty homes not anticipated to be addressed by the initiative) to the housing supply target.

49. I find there is a lack of clarity over the overall effect of empty homes and the initiative to bring them back into use. This is further indicated by submissions by Homes for Scotland in response to the further information request. I agree with representees that there will be some degree of 'churn' in housing stock, with some properties becoming empty at the same time as the initiative is addressing existing empty homes. I consider it likely also that a proportion of empty homes will naturally be brought back into use over time, without council intervention. Whilst I do not have sufficient evidence before me to find that the initiative is making a quantifiable net positive impact on the housing supply, I also find the council's revised approach to be counterintuitive. The existence of empty homes would not normally be factored into the housing supply calculation, so it seems to me to be somewhat perverse to adjust the housing supply target upwards on the basis that a (clearly worthwhile) initiative is unable to bring all empty homes identified back into active use.

50. Overall, the net effect of the initiative is not known, whilst increasing the housing supply target could be seen as penalising the council for its efforts to address empty homes. Given that housing land audits do not monitor empty homes, it would not be possible to adjust the residual housing supply target annually to reflect the impact of the initiative. Drawing all of the above points together, I conclude that no adjustment should be made to account for the empty homes initiative in this instance.

#### Buybacks

51. Whilst paragraph 115 of Scottish Planning Policy expects the housing supply target to be separated into affordable and market sectors, an overall all-tenure housing supply target is required. It is against this single overall figure in the plan that the adequacy of the supply of effective land will be assessed, which emphasises the importance of having a single figure.

52. For this reason, I do not consider it necessary to more closely examine the effect of any buybacks, which take properties out of the private sector housing stock, bringing them into the affordable sector. Consequently, there is no net effect on overall supply and no adjustments to the housing supply target are required.

#### Demolitions

53. The council's technical report 3, in figure 13, takes account of the effect of demolitions. Demolitions are anticipated to take place from 2025 onwards. Whilst these demolitions will principally focus on social housing stock, an adjustment to the overall, all-tenure housing supply target is more appropriate than just the affordable component, because the all-tenure figure is the one against which the adequacy of housing land supply is assessed.

54. In response to my further information request, both the council and Homes for Scotland have provided figures to account for demolitions over the 2017 – 2030 period. I favour the council's approach which takes account of programming of demolitions, as I

cannot see any reason why regard should not be had to this evidence. The council has not however accounted for demolitions which have occurred to date since 2012. Homes for Scotland has identified this figure to be 33 dwellings, which when added to the programmed demolitions identifies 158 demolitions in total.

55. Taking all of the above into account, I recommend that the all-tenure housing supply target should be calculated as set out in the table below:

*Calculation of all-tenure housing supply target:*

		<b>Dwellings</b>
A	Housing need and demand 2012 – 30 (HNDA scenario 2)	9407
B	Completions 2012/13 – 2016/17	2671
C	Demolitions	158
D	Housing supply target 2017 – 30 (A-B+C)	6894
E	Annualised housing supply target (D/13)	530

The market / affordable split

56. Paragraph 115 of Scottish Planning Policy states that the housing supply target should be separated into affordable and market sectors, based on HNDA evidence. This split should be provided for each functional housing market area, which is straightforward in this case as the Falkirk administrative area is a single functional housing market area. An all-tenure approach to meeting the housing supply target is still of overarching importance, as it is the overall target against which the adequacy of effective housing land will be assessed.

57. The split put forward by the council in the proposed plan is inevitably focused on the 2020 – 2030 period, and the target it derived for that period. In light of conclusions above on that matter, and having regard to representations on the proposed market/affordable split, it is necessary to examine whether the split proposed in the plan (as a proportion rather than the precise figures) is appropriate.

58. I sought further submissions from the council and Homes for Scotland, in order to identify an appropriate tenure split for a housing supply target based on a period of 2012 – 2030. Both responses relied upon HNDA appendix 3.2, but did not use figures from the same rows in the table, to calculate the market / affordable split. The council stated that the ‘social rent’ and ‘BM (below market) rent’ rows should be combined to establish the proportion of affordable need. Homes for Scotland based its calculations on the ‘scenario market’ and ‘scenario subsidy’ rows. I therefore also sought clarification on how each of these rows in HNDA appendix 3.2 should be interpreted, and asked for views on which would best reflect the overall needs and demands, split by market and affordable tenures, as calculated by the HNDA.

59. The council has explained that the ‘scenario market’ and ‘scenario subsidy’ rows do not represent the final stage in the model provided by the HNDA, as further adjustments have then been applied to the figures set out in those rows, based on income and affordability assumptions. The ‘scenario market’ and ‘scenario subsidy’ rows only estimate numbers of households that would or would not be able to afford to purchase a property on the open market. It does not account for those who would not be able to buy, but would be able to rent privately. Homes for Scotland’s interpretation of the figures broadly aligns with the council’s explanation.

60. Homes for Scotland has outlined aspects where the assumptions applied by the HNDA, and reflected in the figures set out in the final rows of appendix 3.2 (as favoured by the council), are sensitive to minor adjustments in variables. It has also provided evidence of an improved lending situation relative to that in 2015 (the HNDA's base date), which assumed that a 25% deposit would be required. I agree with Homes for Scotland that this figure may be conservative, but whilst I acknowledge that some lenders may now accept a smaller percentage deposit, this does not take account of any eligibility restrictions or other conditions which may apply to such mortgage products, and so it cannot be assumed that this factor alone would make a meaningful impact on the percentage of the population which could ultimately afford to buy a property.

61. Homes for Scotland have referred also to the Help to Buy and First Home Fund schemes as improving the ability of some households to purchase a property. My understanding is that the Help to Buy scheme was already available at the time the HNDA was produced, so its impact should have already been accounted for.

62. Findings in the Scottish Household Survey indicate a small rise in home ownership since 2014 (from 60% in 2014 to 62% in 2018), as well as a greater rise for 16-34 year olds. These figures are however national statistics, and it is not possible to deduce from this that the same percentage growth in home ownership has necessarily occurred in the Falkirk housing market area. Even if it has, in my view this would not be so substantial as to potentially invalidate or override the assumptions applied by the HNDA model.

63. In earlier submissions, Homes for Scotland had drawn support from the terms of policy HC03, because its calculation of the affordable proportion of the housing supply target fell within the same range as the affordable housing contributions required by policy HC03. Policy HC03 applies principally to market-led developments, which are not the only source of affordable housing. Once planned and potentially 100% social / affordable housing schemes are accounted for, I consider that this indicates that the proportion of affordable housing completions would be expected to be somewhat higher than the level sought by policy HC03.

64. In conclusion, I consider it appropriate to rely upon the HNDA findings (which have been accepted as robust and credible) in setting the market / affordable split. I favour the use of the final rows in HNDA appendix 3.2 (as used by the council) because it reflects the full application of the scenario model. Whilst I appreciate that these figures are sensitive to relatively minor adjustments in the assumptions being applied, this properly reflects the model's findings. I do not consider it would be justified to base the market / affordable split on figures which are in effect part of the calculation, rather than the findings of the HNDA.

65. Whilst the council and Homes for Scotland have taken different approaches to further adjustments to the split identified in the HNDA (to account for demolitions, buy backs and empty homes) these ultimately have little bearing on the percentage split indicated by the 'raw' HNDA figures. I therefore conclude that the market / affordable split in the housing supply target in the proposed plan, if expressed as a percentage, remains appropriate and can be applied to the revised housing supply target. This equates to 46% affordable, and 54% market housing, so applying this to the revised annualised housing supply target of 530 homes, the target would be for 244 of these homes to be affordable.

66. I do however acknowledge that needs and demands for different tenures are likely to



vary over the course of the plan period. Therefore I reiterate that it is the overall, all-tenure housing supply target against which the number of completions and availability of effective land should ultimately be tested, regardless of tenure.

### The housing land requirement

67. Paragraph 116 of Scottish Planning Policy (SPP) requires the housing supply target for the plan period to be increased by a margin of 10 to 20%. This establishes the housing land requirement, which is set in order to ensure that a generous supply of land is provided.

68. There is considerable freedom available to the council over the selection of the exact margin within the 10 to 20% range. SPP advises that this will depend on local circumstances, but it does stipulate that the plan should provide a robust explanation for the chosen margin.

69. The plan does not provide this required robust explanation for the 14% margin used, instead relying on a more generic statement regarding providing sufficient generosity. A number of representations have asserted that the chosen margin of 14% is too low and unjustified, and have presented arguments in favour of a higher margin.

70. Although not stated in the plan, the council has explained that the margin has been set to reflect the housing supply it has identified. Whilst I agree with the council that this approach is not explicitly precluded by SPP, as with the council's approach to setting the housing supply target, I consider that SPP makes it sufficiently clear that the expectation is for the target and housing land requirement to be set first. The housing supply then needs to be identified to achieve this, with the supply target and land requirement influencing decisions over the inclusion of sites and consideration of other forms of delivery.

71. In my view it is illogical to take a supply-led approach to the setting of the housing land requirement. The housing land requirement is intended to be the driver for ensuring a sufficiently generous supply of land is available to meet the housing supply target. If the housing land requirement is derived from the identified supply, rather than the opposite way round, the housing land requirement cannot have directly informed decision-making over which sites ought to be allocated.

72. LDP1, adopted in 2015, set a generosity margin of 17%. Representees have pointed out that as the majority of sites to be allocated in the proposed plan are carried over from LDP1, there is no justification for lowering the margin. This is seen as particularly being the case given the 'best' sites identified in LDP1 may already have been developed.

73. I have also been referred to the approach taken in the examination of the Stirling LDP, which took account of past performance by comparing annual completion rates relative to the previous housing supply target. The underperformance, converted into a percentage, was found to be a suitable generosity allowance.

74. I recognise that the council has tried to take a realistic view over which sites within the established supply are likely to deliver housing during the plan period, and which sites may continue to be constrained. Whilst this is an eminently sensible approach to take, I do not consider that this should have a bearing on the choice of generosity margin. Once

the housing supply target and housing land requirement have been set, this is the point at which the nature of the established supply should be considered in detail, and more sites allocated if needed.

75. All told, I find that the council has not presented a sufficiently robust justification for the 14% generosity margin it proposes. The option of taking account of past performance has logic, but I do not support this approach because LDP1 had a significantly higher housing supply target than even the revised housing supply target I have recommended for the proposed plan. There are many factors which can influence under-performance relative to a housing supply target, and it is not necessarily as a consequence of a failure of the council to provide a sufficiently generous supply of land (and I maintain this view despite recent appeal decisions which have found there to be less than a five-year effective housing land supply).

76. I consider that the most compelling case presented in submissions is for the continued use of a 17% generosity margin. This is because of the relatively high proportion of allocated sites which are being carried forward from LDP1, which have not to date been developed. Through this examination process we will seek to allocate further appropriate sites to meet the revised housing supply target and the housing land requirement. This will alter the proportion of previously allocated sites relative to newly allocated sites. Some of the allocated sites in LDP1 have already been developed, and I find it to be a reasonable assertion that many of those sites were the most attractive to developers, for whatever reason. This would counterbalance a case for a lower generosity margin based on the inclusion of new sites through the examination process, given that broadly speaking, the sites carried forward are the residual rather than optimum opportunities from LDP1.

77. I recommend that a generosity margin of 17% be applied to the housing supply target, in order to set the housing land requirement which should be met by the plan. This margin should be added to the residual housing supply target from 2017 to 2030 of 6894, to reflect and align with the adjustments to the period to which the target should apply to (as explained above and also set out in my recommendations below).

78. The outcome of my finding is that the housing land requirement for 2017 – 2030 is for 8066 dwellings.

## **Housing land supply and delivery**

### Housing land supply

79. Table 3.2 of the proposed plan sets out the number of units that are anticipated to be provided in each settlement area, in order to meet the housing land requirement. Given my findings above and my recommendation that the housing land requirement should be increased quite significantly compared to the figure in the proposed plan, it is inevitable that table 3.2 does not present a land supply situation which would be sufficient to achieve the revised housing land requirement. This illustrates the extent of the potential shortfall of housing land, which we have sought to address by recommending the allocation of appropriate additional sites through this examination process. The additional sites that we have recommended be allocated on this basis need to be accounted for in table 3.2, and these are reflected in the modifications I have made to table 3.2 as outlined in my recommendations below.

80. Representees have questioned the validity of the figures within the 'existing supply (2017)' column of table 3.2. The council has explained that these figures have been derived from the 2016/17 housing land audit (HLA), but various adjustments were made to the HLA figures by the council, which are not reflective of the HLA's findings.

81. The rationale for these adjustments was discussed at the hearing session. I acknowledge that the council made these adjustments in good faith, with the aim of providing as realistic and up-to-date a supply position as possible in the plan. However, I find the approach does give rise to some difficulties.

82. Firstly, I find the council's approach does, to some extent, undermine the importance and value of the housing land audit process. Whilst housing land audits have limitations, and at best can still only provide an estimate of the land supply situation at a given snapshot in time, its value is in the collaborative way in which the HLA is produced, with assessments and estimations of site effectiveness and programming being (with a small number of exceptions) agreed by housebuilding industry representatives. A particular advantage of the HLA process is also that individual sites can be 'tracked' from one year to the next, with any adjustments to site programming or effectiveness being made in the relevant HLA. Making such changes outside of the HLA process lacks transparency and, without the involvement of the housebuilding industry (which in effect 'validates' the HLA process), the adjustments made by the council are not sufficiently robust, in my view.

83. The perceived need for the council to make adjustments to the HLA figures is partly borne out of the proposed timeframe for the housing supply target and housing land requirement. Above, I have considered this matter in detail and rejected the council's case for the target to apply from 2020 onwards. As the council had proceeded on this basis however, the council had sought to not take account of sites which may be completed in part or in full ahead of 2020.

84. Whilst logical in that context, it seems to me that this further highlights the somewhat fundamental difficulties of trying to set a target that ignores the pre-2020 housing situation. By reverting to taking account of the predicted needs and demand since 2012, as well as completions, this also enables reliance to be had on housing land audits to provide the mechanism for annual monitoring of the supply situation, as intended by Scottish Planning Policy. This means that adjustments to the supply situation outwith the HLA process are unnecessary, and I recommend that table 3.2 should reflect HLA findings without any subsequent adjustment.

85. Whilst some representations have questioned the accuracy of the housing land audits, I note that both the 16/17 and 17/18 HLAs have been agreed with Homes for Scotland, with the exception of a small number of specific sites in the 16/17 audit. I consider that the audits provide the best available evidence, and I find it significant that both audits have largely been agreed (with projected completions agreed in full in the 17/18 audit).

86. It has been suggested in a representation that sites should not form part of the established supply, unless they are under housebuilder control. I find no reason why such sites should be excluded from the established supply, potentially unless where the relevant landowner is explicitly objecting to the allocation. As the council has pointed out, paragraph 117 of Scottish Planning Policy identifies the breadth of sources of housing which can contribute to the housing land requirement, and I am satisfied that sites not currently in developer control can fairly be included in the established supply.

87. A number of representees have accepted that a windfall allowance is appropriate when setting out the supply situation, although it has also been suggested that no allowance should be made. Again, SPP paragraph 117 acknowledges that a windfall allowance can be made, subject to the anticipated contribution being robust and evidence-based. Based on past delivery of homes on windfall sites between 2012 and 2017 presented by the council, I am satisfied that the proposed allowance of 50 per year is justified.

88. As already referred to above, the proposed plan has been based on the 2016/17 HLA, although the council has submitted the 2017/18 HLA to the examination. The council has quite reasonably based the plan on the earlier of these two audits, on the basis that the associated timeframes and lead-in times for committee approval of the proposed plan did not provide sufficient opportunity for updates to be made to reflect the 2017/18 audit. That said, it is logical to base revisions to table 3.2 on the most up-to-date HLA, given revisions are required to the table in any event.

89. As part of the further submissions I sought following the hearing, I requested updates to the table based on HLA information. The updated table 3.2 set out in my recommendations includes the existing supply in each settlement area based on the 2017/18 HLA, without any further adjustments to the figures. The council provided updated figures for the existing supply column in its further information response. These had incorrectly also accounted for sites anticipated to come forward beyond 2030.

90. The council provided amended supply figures in January 2020. Those amended supply figures are broadly comparable to those presented by Homes for Scotland and others, although there are some relatively minor discrepancies. Representations have identified double-counting of two sites, because they are identified both in the HLA and as 'additional housing' because they are new allocations. In light of this, the updated table 3.2 in my recommendations accounts for this and reflects the Homes for Scotland and Geddes Consulting representations, which are supported by a full schedule of existing sites and their programming.

91. The proposed plan should give an indication of the possible scale and location of the housing land requirement beyond year 10 (in this case, 2030) and up to year 20 (2040), as required by paragraph 120 of SPP. The council is not however required to identify sites to meet this indicative housing land requirement for 2030 to 2040.

92. The council's approach in the proposed plan had been to look ahead to 2040, and then use these overall figures as a basis for setting the housing supply target to 2030. Whilst I have found that approach to be inappropriate, the figures used by the council do provide some basis for estimating an indicative housing land requirement for the 10 years beyond 2030.

93. It is important to acknowledge that there are, however, inherent limitations in the HNDA and other evidence when looking this far ahead; the figures used from the HNDA by the council were extrapolated to cover this full period. Given also that this figure is an 'indication' of the 'possible' scale, I do not consider that there is a need for the same degree of precision as for the 2017 – 2030 calculation (and nor would it be possible).

94. Based on the HNDA estimates, and applying the same generosity margin of 17%, a rounded indicative figure of 4500 units between 2030 and 2040 would be a reasonable housing land requirement. This also aligns with the figure estimated by the council in the

proposed plan, albeit derived in a different way.

95. Table 3.2 in the plan outlines the ‘growth potential’ of settlements over the 2030 – 40 period, with each settlement being categorised as having either low or medium growth potential. These terms are not quantified, and are intended to be broad indications of where future longer-term growth may be most capable of being accommodated.

96. Representations have sought changes to the growth potential of settlements. I have been referred to the growth potential outlined in LDP1 which indicates higher potential in some locations than indicated in the proposed plan, despite being based on the same assessment. However, I consider this to be a legitimate judgment for the council to make, and whilst being based on the same assessment, the council will have been able to have regard to where sites have subsequently been developed, as well as emerging and changing pressures and constraints in different areas. I do not find there to be a sufficient basis for me to recommend changes to the growth potential column of table 3.2.

### Settlement growth options

97. There have been wide-ranging representations which seek the allocation of various specific sites, across the plan area. We have considered each of these sites, and the related unresolved representations, under the applicable issue (which the council has logically presented by settlement / area), and therefore I have not drawn any site-specific conclusions under this issue, notwithstanding that specific sites have been referred to. This is in order to avoid duplication and potential confusion.

98. As a consequence of my recommended changes to the approach to setting the housing supply target and housing land requirement, both figures increase substantially. The established supply identified by the plan falls short of what is now required.

99. In order to address this shortfall in land supply relative to the revised housing land requirement, there is a need where possible to allocate additional suitable housing sites through this examination.

100. There are limitations to what can be achieved through the scope of the examination process however. It is relevant to note the terms of Circular 6/2013 ‘Development Planning’, which states in paragraph 118 that: “Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites”.

101. Where the environmental information and evidence of public engagement accompanying a suggested allocation is sufficient, this enables us to give further consideration to whether that site should be allocated in the plan. The council’s submissions make clear however that some settlements and areas would be more constrained than others, due to a variety of infrastructure issues such as education capacity, as well as community concerns over the rapid scale of growth in some areas. This latter point has been expressed in representations from individuals and community councils.

102. During the hearing session there was a more focused discussion on the broad locational options for providing additional housing land, should it be found to be needed. The council provided a fair and balanced appraisal of the challenges and opportunities for

providing additional housing land across the whole area. I took from this discussion that there are not any locations where no further development at all could be accommodated, but that some settlements and areas have more scope for growth than others.

103. We have considered every site which is being promoted for allocation on its individual merits, also informed by the submissions and evidence relating to the relative capacity of individual settlements to accommodate further growth. We have also sought to avoid any significant deviation away from the proposed plan's spatial strategy, and the approach to new development outlined in the plan's settlement statements. We have addressed these matters as appropriate in our findings for each settlement. We have, however, taken a coordinated rather than piecemeal approach to recommending the allocation of additional sites, in the context of the hearing discussion and the plan's spatial strategy.

104. Specific reference has been made to the education background paper (CD54) prepared by the council. This was compiled after the preparation of the proposed plan, so it has not informed the plan or any decisions by the council over which sites should be allocated.

105. In response to the further information request (FIR) which I issued subsequent to the hearing, the council has provided a full list of sites which have been taken into account in the school roll projections provided by the education background paper. This has not been confined only to sites which are proposed to be allocated, and the clarification provided by the council over which sites have been accounted for is helpful to our assessment of individual sites.

106. It is also important to note the council's position, set out in its FIR response, that "The projections are intended to provide a broad indication only of the potential pressures on school capacities should these sites be developed". It is not therefore intended to be a definitive position, and nor does the paper's finding suggest a moratorium on development in any settlements or areas. Taken at face value, I find the paper provides a useful indication of the nature of pressures on local schools, but I am mindful also of the pragmatic view of the council expressed during the hearing which was that, within reason, solutions to educational capacity constraints can often be found. The broad indication of capacity pressures provided by the paper has fed into our assessment of individual sites where appropriate, but I do not consider any more detailed scrutiny of the paper's findings would be warranted given its intended purpose.

107. We have considered all site options in the round, and selected what we consider to be the most appropriate additional sites, based on the evidence before us and exercising our professional judgement. We have sought to align our recommendations on additional site allocations with the proposed plan's spatial strategy, in locations where the evidence before us suggests that development can most readily be accommodated. We have also recommended the allocation of sites which have recently been granted planning permission for housing developments (either by the council or through an appeal). We have been able to identify and recommend the allocation of sufficient sites, which we consider are likely to be effective or capable of becoming effective during the plan period, to address the housing land shortfall that would otherwise result from the revised housing land requirement. This is reflected in the modifications to table 3.2 of the proposed plan, outlined below.

Policy HC01 – Housing Land

108. A number of representations seek an amendment to policy HC01 in regard to the housing supply target it refers to, and the period to which that target applies. In light of my findings above, and for consistency with the modifications I recommend to the housing section of the spatial strategy on page 18 of the proposed plan, a modification is necessary.

109. Representees have also sought modifications to the second part of the policy, which provides criteria that are intended to apply to proposals in the event that less than a five-year effective supply exists.

110. The council considers that the policy wording, which states that it "...will maintain a 5 year supply of effective housing land" is consistent with the requirement of Scottish Planning Policy paragraph 123. Having reviewed the exact terms of this paragraph in SPP, it makes clear that "at least" five years' worth of effective land should always be maintained, which is consistent with the suggestion in representations that it should be seen as a minimum requirement.

111. In order for decision-making on housing proposals to continue to be plan-led, and to minimise the occurrences of proposals being brought forward under the auspices of there being less than a five-year effective supply, it is clearly in the council's interests to also treat this requirement as a minimum and aim to provide a more generous effective supply if at all possible. I recommend that for consistency with SPP paragraph 123, policy HC01 should state that at least 5 years' supply of effective housing land will be maintained.

112. An amendment has been sought to state that when the adequacy of the effective supply is being assessed, this will take account of completions to date. This would avoid a situation where the council considers the supply relative to the annualised or remaining housing supply target, without also having regard to any possible backlog from earlier years. Homes for Scotland have approached this slightly differently, with suggested wording linked to the requirement for there to be a five-year effective supply, to clarify that this is in order to ensure the housing supply target is met in full over the development plan period.

113. Given that the council's ability to support the achievement of the overall housing supply target is largely focused on the required maintenance of an adequate supply of effective housing land, I favour the wording of Homes for Scotland in this regard. In the current absence of any definitive Scottish Government policy or guidance on how the effective supply should be calculated, I do not consider it would be correct for me to recommend a modification to the policy which would stipulate that a particular approach to calculating the effective supply must be followed. It is possible that circumstances in the future (for instance a change in market conditions or future national policy on this issue) may indicate or dictate which approach to calculating the effective supply should be followed.

114. In the circumstances prevailing in relation to this area and on the evidence presented to me, I consider that the wording proposed by Homes for Scotland would provide an important clarification regarding the purpose and importance of maintaining a sufficient effective housing land supply. In practice, notwithstanding that I accept that there may be legitimate reasons to calculate the effective housing land supply in different

ways, I recognise that initially at least, this modified wording may indicate that completions would need to be taken into account in assessing the adequacy of the effective supply. That is currently however a matter which would be more appropriately left to the council and others to consider in the formulation of the annual housing land audits.

115. Section 2 of policy HC01 sets out criteria against which proposals would be assessed, in the event that the housing land audit indicates that less than a five year effective supply exists. A wide range of amendments to these criteria have been sought by representees, up to and including their deletion in full.

116. The policy as worded states that the housing land audit will be the basis for determining the adequacy of the effective supply. Changes to this wording have been sought. Whilst the housing land audit will often provide the best evidence of the current land supply situation, this may not always be the case. If for example, an audit was disputed by Homes for Scotland, or it was not sufficiently up-to-date, it may be appropriate to rely on other evidence. I therefore find an amendment to the policy is justified, to refer to the housing land audit as the primary (so therefore potentially not the 'only') source of evidence for establishing the effective land supply.

117. In the event of there being an emergent shortfall in the effective housing land supply, the bullet points in section 2 of policy HC01 are intended to apply locational criteria and other considerations, against which housing proposals would be assessed. The difficulty with this approach is that Scottish Planning Policy paragraph 125 states that: "Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant".

118. SPP paragraphs 32-35 do not alter the primacy of the development plan, but paragraph 33 makes clear that: "Where relevant policies in a development plan are out-of-date ..., then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

119. Policy HC01 is a policy for the supply of housing land, and therefore it would be deemed to be out-of-date in the circumstances where the bullet-point criteria in section 2 of the policy would otherwise only become relevant. It seems to me, however, that the bullet points would largely be superfluous even if they were capable of being relied upon in the determination of a planning application for residential development in the presence of an effective housing land shortfall. The reason for this is well articulated by the first bullet point, which makes clear that in such circumstances, it would need to be established whether a proposal would constitute sustainable development. It correctly identifies SPP criteria and other LDP policies as providing the framework for such an assessment. I find that the content of the first bullet point should therefore continue to be reflected by the policy.

120. LDP policies which are not specifically for the supply of housing land would continue to be considered up-to-date even if there was an effective housing land shortfall. I consider that the second, third and fourth bullet points are all adequately addressed by other LDP policies which would continue to be up-to-date:

- The second bullet point states that housing proposals should not be directed to sites that are allocated for another purpose. Policies JE01 and JE02, for example,



safeguard business sites, whilst policy PE16 protects designated open space.

- The third bullet point requires necessary infrastructure to be available or provided, without impeding the development of allocated sites. In a situation where a shortfall in the effective supply existed, I cannot agree that allocated land should necessarily be given priority in this way. In any event, there are wide ranging policy provisions to ensure the individual and cumulative impacts of development upon infrastructure are fully taken into account, comprised principally of policies IR02, IR03, IR05, IR10 and IR11.
- The fourth bullet point seeks to limit the release of sites outwith urban and village limits to circumstances where the shortfall would not be likely to be met by windfall development. Regardless of how windfall sites are accounted for when establishing whether or not there is a shortfall, policy PE14 makes clear that land outwith these boundaries is classed as countryside, and specific restrictive criteria apply to all developments.

121. The fifth and sixth bullet points appear to be respectively focused on ensuring that permission is not granted for more housing than is necessary to address the shortfall, and to ensure that development comes forward sufficiently quickly, again to address (or contribute towards addressing) the shortfall. I consider that such matters would be capable of being material considerations in circumstances where section 2 of policy HC01 would apply. I find it would therefore be helpful for these matters to continue to be referred to by the policy. Even though the policy would be classed as out-of-date where these matters would be relevant, I consider it would be appropriate for the policy to nevertheless indicate that these matters would be material considerations. This clarity would potentially assist prospective developers, and would be legitimate considerations even though the weight which could be given to the policy's provisions would have diminished.

122. Based on the foregoing assessment and in response to the representations made on this policy, I recommend modifications to the policy to remove the superfluous criteria in section 2 of policy HC01, particularly given that they would be regarded as out of date in the only circumstances in which they would be relevant. The modifications have no effect upon the reliance which could still be had on the wider policy provisions of the LDP, whilst reflecting the significant weight which would also need to be given to the presumption, as explained by SPP paragraphs 32 – 35.

#### Policy HC02 – Windfall Housing

123. I find the terms of this policy to be clear and whilst the suggested minor edits to the title of the policy and to criterion 6 would provide some additional clarity, I do not consider such amendments to be essential.

124. A representation has sought the policy's provisions to be expanded, to include sites adjacent to as well as within identified urban and village limits. I find that such a change would blur the distinction provided between policy HC02 and HC05 (Housing in the countryside'), as the urban and village limits effectively determine which of these two policies should be applied. For this reason, I do not support the suggested modification.

125. The windfall allowance in respect of the land supply calculation has been raised. This has been addressed in my findings above. As the council has stated, this relates

principally to the information presented in table 3.2 of the plan. I do not consider this matter has any direct relevance to the provisions of policy HC02.

126. A consequential amendment to paragraph 4.32 is necessary, to reflect the amended period to be applied to the housing supply target and housing land requirement.

Policy HC03 – Affordable Housing

127. An amendment to the policy has been requested, so that the policy itself acknowledges that viability will be taken into account. The council’s response clarifies that the intention is to include this and other considerations in supplementary guidance.

128. The policy makes clear that supplementary guidance will set out the approach to affordable housing provision. The policy sets the overarching percentage of affordable housing which will normally be required in different settlement areas, which is essential to be within the plan. More detailed factors which may influence the final affordable housing requirement for a specific proposal can legitimately be deferred to supplementary guidance. It would go beyond the scope of this examination to specify the content of this supplementary guidance, or the process for its formulation and adoption. However, I am satisfied that the policy is sufficient and that supplementary guidance can ensure there is a pragmatic approach to its implementation.

129. Comments relating to the ambitious affordable housing targets in some areas are noted, as is the assertion that this indicates a need for further allocations in such areas. This point has been borne in mind when assessing sites for possible allocation, alongside the wide range of other considerations which are relevant to this process.

**Reporter’s recommendations:**

1. Replace paragraph 3.13 with the following text:

“We therefore need to provide for new housing. Based on the Housing Needs and Demand Assessment, a **housing supply target of 6,894 new homes has been set for the period 2017-2030** to facilitate this growth, of which 3,723 would be market housing and 3,171 affordable housing. This converts to **an annual target of 530 homes, of which 244 would be affordable**. To ensure that the housing land supply is sufficiently generous to allow for delays or problems in the delivery of sites, **a flexibility allowance of 17%** has been added giving an **overall housing land requirement for 2017–2030 of 8,066**. This generosity margin is the same as that used in the previous LDP1, to reflect that a large number of allocated sites in this plan have been carried forward from the previous plan.”

2. In the first sentence of paragraph 3.14 replace ‘2020’ with ‘2017’.

3. Amend the last sentence of paragraph 3.15 to read: “Policy HC01 outlines the approach that will be taken in the event of a shortfall emerging during the plan period.”

4. Add the following sentence to the beginning of paragraph 3.17: “In the longer term, during the 2030-40 period it is currently broadly estimated that there may be a housing land requirement of around 4,500.”

5. Amend table 3.2 as follows:

Settlement Area	2017-2030			2030-40
	Existing supply (HLA 2017/18)	Additional housing	Total housing	Growth potential
<b>Bo'ness</b>	574	750	1324	Medium
<b>Bonnybridge &amp; Banknock</b>	911	10	921	Medium
<b>Braes &amp; Rural South</b>	924	750	1674	Medium
<b>Denny &amp; Dunipace</b>	1197	130	1327	Medium
<b>Falkirk</b>	1116	230	1346	Medium
<b>Grangemouth</b>	14	41	55	Low
<b>Larbert &amp; Stenhousemuir</b>	432	130	562	Low
<b>Rural North</b>	228	0	228	Low
<b>Windfall Allowance</b>		650	650	
<b>Total</b>	<b>5,396</b>	<b>2,691</b>	<b>8,087</b>	
			Shortfall (-) / surplus (+)	
<b>Housing Supply Target</b>	<b>6,894</b>		<b>+1,193</b>	
<b>Housing Land Requirement (17% margin)</b>	<b>8,066</b>		<b>+21</b>	

6. Amend Map 3.3 'Spatial Strategy – Housing' to reflect recommended amendments to table 3.2.

7. Revise the first sentence of Policy HC01 (1) to read: "The housing supply target is 6,894 homes for the period 2017–2030".

8. Revise Policy HC01 (2) as follows:

"The council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land.

If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall."

9. Delete the bulleted criteria in Policy HC01 (2).

10. Amend the third sentence of paragraph 4.32 to read: "The LDP assumes that such sites will yield a contribution of around 650 homes over the period 2017-2030 ...".

11. Replace the second sentence of paragraph 4.33 with the following text: "The Housing Needs and Demand Assessment demonstrates the continuing need for new affordable housing in the area. Out of the 6,894 homes required by the Housing Supply

Target between 2017-2030, 3171 of these are anticipated to be affordable.”

12. Any other consequential amendments required as a result of the foregoing modifications.

<b>Issue 3</b>	<b>Bo'ness Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u> Bo'ness and Muirhouses (pages 62 - 63) Drum Farm Major Area of Change Development Guidance (pages 64 - 65) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Bo'ness (page a01) Mixed Use – Bo'ness (page a09) <u>Proposals Map 6</u> Bo'ness, Blackness and Muirhouses</p>	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>AWG Property &amp; Mactaggart &amp; Mickel Homes (03035) Stewart Milne Homes (00371) Miller Homes (02869) Comstock Group (03031)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of specific sites for housing in Bo'ness and the adjacent village of Muirhouses, as identified in the Bo'ness Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-allocated Site – Crawfield Road (Site Ref 102)</u></p> <p>AWG Property &amp; Mactaggart &amp; Mickel Homes (03035/3001/001) - A site at Crawfield Road, Bo'ness should be allocated for residential development. The inclusion of the site was supported by Council officers in the draft Proposed Plan that was presented to the Council in August 2018, having been assessed by officers as the best long term option for growth in the town. However, the site was removed by Elected Members in approving the plan. The site remains suitable as a strategic growth area, capable of delivering a significant number of new homes including affordable housing, and without its inclusion the Council will fail to deliver its spatial strategy and will be unable to maintain an effective 5 year housing land supply over the life of the plan. The effectiveness of alternative sites inserted by the Council is questioned. Without the additional growth represented by this site, it is unclear how the infrastructure upgrades mentioned for Bo'ness in the plan can be funded. A supporting document is provided demonstrating the site's effectiveness and suitability, and including an illustrative masterplan and an indication of phasing and delivery (RD9).</p> <p><u>Non-allocated Site - North Bank Farm (Site Ref 103/217)</u></p> <p>Miller Homes (02869/3002/001) - A site at North Bank Farm, Bo'ness should be allocated as a housing proposal. Two options are presented: Option A comprises a site for 200 homes; Option B comprises a larger site for 400 homes. There is a significant shortfall in the housing land supply and the allocation of land in this location would assist the plan to</p>		

achieve its housing land requirement in full. The proposals would be in keeping with the Council's strategy of focusing new development to the south east of Bo'ness.

An Indicative Development Framework, Development Framework Report, Site and SEA Assessment Review, Statement of Site Effectiveness and Education Statement have been produced for each site, which have been informed by technical assessments (RD10-RD20). These demonstrate how mitigation of visual impacts can be secured through not developing the southern extremity of the site, and including a strong landscaping scheme along the north and east boundaries. The proposals include the improvement and realignment of Borrowstoun Road, including a link through to the Drum South site which will have wider benefits. Schools have sufficient capacity or capacity can be made available through developer contributions. The site is effective and can be developed in the plan period.

Comstock Group (03031/3001/001) - The development potential of land at North Bank Farm and at the North Bank farm steading is highlighted. A review of the landholding suggests that the farm house and outbuildings are of low utility for modern agricultural use and could be redeveloped as a quality steading development. The surrounding land should also be identified for development in line with the Council's aspiration for growth in south east Bo'ness and to provide the necessary flexibility in housing land availability.

Allocated Mixed Use Site MU02 – Drum Farm South (Site Ref 064)

Miller Homes (02869/3002/002) - Proposal MU02 Drum Farm South should incorporate a vehicular and pedestrian link to the south to safeguard potential expansion of the Bo'ness South East Strategic Growth Area, specifically connecting to the land promoted by Miller Homes at North Bank Farm in their representation 02869/3002/001 (RD16).

Non-allocated Site – Stacks Farm (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001) - Land at Stacks Farm, Bo'ness, comprising sites previously referred to as East Muirhouses and Carriden Brae North, should be allocated for residential development. The submission proposes the site at East Muirhouses as a first phase of 120 units, with Carriden Brae North as a second phase of 80 units. This will help to address the significant housing shortfall identified in separate representations.

The submission is supported by a Development Framework Report, detailed technical reports and a more detailed masterplan showing how the site could be delivered (RD21-RD34). The development could enhance the green network in accordance with the plan's policies. Although it is in the green belt, it will not compromise the landscape setting or lead to coalescence. The site has the landscape capacity to accommodate development. Access to the site can be provided at any one of a range of access points. The site will also deliver affordable housing. The Council acknowledges that Bo'ness is relatively unconstrained in terms of infrastructure. The various detailed technical assessments confirm the suitability of the site for residential development, particularly with regard to heritage, landscape, ecology, flood risk and education.

**Modifications sought by those submitting representations:**

Non-allocated Site – Crawfield Road, Bo'ness (Site Ref 102)

AWG Property & Mactaggart & Mickel Homes (03035/3001/001) - Insert additional site at

Crawfield Road, Bo'ness as a housing proposal, with a capacity of 450.

Non-allocated Site - North Bank Farm, Bo'ness (Site Ref 103/217)

Miller Homes (02869/3002/001) - Insert additional site at North Bank Farm, Bo'ness as a housing proposal, either Option A for 200 units, or Option B for 400 units.

Comstock Group (03031/3001/001) - Insert additional site for residential development at North Bank Farm, Bo'ness including highlighting the potential for redevelopment of the farm steading.

Allocated Mixed Use Site MU02 – Drum Farm South (Site Ref 64)

Miller Homes (02869/3002/002) - Amend the development guidance for the Drum Farm Major Area of Change (pages 64-65) to include the following: "Vehicular and pedestrian connection to the south to be incorporated into Masterplan to safeguard potential expansion of the Bo'ness South East Strategic Growth Area". Update the associated plan to include this connection to the south. Add the following to the site comments for Proposal MU02 in Appendix 1: "Link road to the south to safeguard potential expansion of the Bo'ness South East Strategic Growth Area".

Non-allocated Site – Stacks Farm, Bo'ness (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001) - Insert additional site at Stacks Farm, Bo'ness as a housing proposal, comprising a first phase of 120 units at East Muirhouses, and a second phase of 80 units at Carriden Brae North.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in Bo'ness

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Bo'ness is outlined in Appendix 5 of Technical Report 3 (Revised): Housing and Settlement Growth Options (CD34).

Bo'ness has a substantial existing supply of housing land which is being carried forward from LDP1, notably the Bo'ness South East Strategic Growth Area, comprising sites at Drum Farm (H01, MU02) and Kinglass Farm (H02, H03). The strategy for the town is to focus on the delivery of these greenfield sites, and in particular the successful completion of the long term, large scale masterplanned development at Drum Farm which has been stalled for several years, but which is now progressing. A change in the mix of uses at Drum Farm South (MU02) introduced by the Proposed LDP2 will add an additional 100 houses to its capacity, giving a total supply for the 2020-30 plan period of 484 houses. This is considered a substantial yet realistic level of growth for the town. The sites within the Bo'ness South East Strategic Growth Area are effective, comprising attractive and marketable greenfield land.

At the MIR stage, the Council considered the potential of the town to make a larger contribution to strategic housing requirements in the wider area, bearing in mind that infrastructure constraints, notably education and roads capacity, are less pressing here than many other communities in the Council area. A green belt release site at Crawfield Road (site ref 102), representations on which are considered below, was included as a

preferred site in the MIR (CD22, pages 24 -25). However, following consultation on the MIR, the Council decided that impacts on landscape and green belt from this or indeed other proposed large scale settlement expansions would be unacceptable, and that a strategy of consolidation should be pursued. The town does not benefit from access to a mainline railway station (the nearest facility being at Linlithgow) and consequently sustainable transport options are more limited than in other parts of the Council area.

#### Non-allocated Site – Crawfield Road, Bo'ness (Site Ref 102)

AWG Property & Mactaggart & Mickel Homes (03035/3001/001) - The Council does not consider the Crawfield Road site to be an appropriate housing allocation. The site has been subject to site assessment (CD33). Although it was identified as a preferred site at the MIR stage of LDP2, following consultation, the Council deemed that it should not be taken forward into the Proposed Plan. The site is part of a wider area which was considered, and rejected, at the previous LDP1 Examination in 2015. A planning application for the eastern half of the site was submitted in June 2019.

The site represents a significant incursion into the green belt and the Bo'ness South Local Landscape Area. The Council's site assessment highlights that it has a high sensitivity to landscape change and is highly visible locally due to the rising topography south of Crawfield Road. Significant landscape impacts could only partly be mitigated by landscaping. The site is a logical and integral part of the green belt, and the current green belt boundary along Crawfield Road is a robust one, compared with the southern edge of the proposed site which is merely a field boundary. The site does not represent a rounding off of the urban form, and its release is likely to create pressure for further release to the east of the A706 Linlithgow Road. Development would represent a significant loss of prime agricultural land (CD59). There is also concern about the proximity of the site to Bo'mains Meadow SSSI, and whether the greater disturbance to the site arising from encroachment of the urban area could be satisfactorily managed. The Reporters to the LDP1 Examination considered a larger site, including land to the east of the A706 as well as the Crawfield Road site. Their views concur with the Council's present assessment of green belt and landscape issues (CD13, pages 62-64).

There was substantial local objection to the site at the MIR stage of the plan. Some 22 representations and an online petition with 363 signatories opposing the site's allocation were received. The matters of objection are summarised in the Council's Report of Consultation on the MIR (CD27, pages 10-11) and highlight a range of environmental and infrastructure issues. 23 representations to the Proposed LDP2 have been submitted by local residents supporting the Council's position in retaining the green belt at Crawfield Road (CD183). They argue that the site is green belt, and its retention as such will protect its scenic beauty, retain valuable countryside, protect a Site of Special Scientific Interest, protect prime farmland, and protect the green belt thereby retaining the strong community feel of the town. They contend that development in the town should be focused on gap sites that promote regeneration, with the town's existing boundaries maintained, rather than destroying the green belt.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

For these reasons, the Council does not agree to modify the plan in response to these



representations.

Non-allocated Site - North Bank Farm, Bo'ness (Site Ref 103/217)

Miller Homes (02869/3002/001); Comstock Group (03031/3001/001) - The Council does not consider the North Bank Farm site, either Option A or Option B, to be an appropriate housing allocation. Option A was subject to site assessment (CD33, Site 103), albeit that the assessment was carried out on the basis of a slightly larger site originally submitted at the 'call for sites' stage. The eastern extension to form Option B, which was submitted in response to the MIR, has also been assessed (CD33, Site 217). Option A was identified as a non-preferred site in the MIR. A PPP application for Option A, and a full application for a road connecting Option A to the Drum South site (Proposal M02) were submitted in March 2019.

Individually or collectively, the sites represent a significant incursion into the green belt and the Bo'ness South Local Landscape Area. The site is an integral and logical part of the green belt, protecting its landscape setting, and the character and identity of the town. The current boundary of the green belt in this area is formed by the southern boundary of the Drum Farm South site (Proposal MU02) where there is a clear break of slope and a natural edge to the outward spread of the settlement. To the south of this, the land rises more steeply, up the visually prominent slopes around the North Bank Farm steading which sits on the skyline when viewed from the approach to the town along Grahamsdyke Road. Development on these elevated slopes, as proposed by Miller Homes, would be widely visible, and would have significant impacts on the landscape setting of the town. The sloping nature of the site would require an extensive cut and fill operation to create the necessary development platforms, creating artificial embankments which will exacerbate adverse landscape and visual impact. A satisfactory landscape fit cannot be achieved. Planting around the periphery of the site would not satisfactorily mitigate these impacts. Development would also represent a significant loss of prime agricultural land (CD59).

The only current access to the site is Borrowstoun Road which, eastwards of the current Miller Homes development, is a narrow derestricted road. This is proposed to be upgraded and re-aligned, but in addition to this the Council would require a suitable secondary access. The only option for this would appear to be to connect to the Drum Roundabout on the A993 Grahamston via the Drum Farm South site (MU02) (as shown in RD16). This option involves land outwith Miller Homes' control which may not be capable of being delivered. It would also require the full length of connecting road through Option B to be upgraded, whether Option A or B were chosen. Securing satisfactory access to the site, with the necessary connectivity, is therefore not straightforward. Even with the connection to the A993 through the Drum, the accessibility on foot of the site to the existing town, its facilities, and bus routes is rated as low.

Whilst school capacity is not generally an issue in Bo'ness, the most recent roll projections show that Grange PS, the non-denominational catchment primary school for the site, is projected to exceed its capacity over the coming years, due to the committed development which forms the Bo'ness South East Strategic Growth Area (CD54, Appendix 1). This may require alterations to the school to enhance capacity. A proposal of the scale envisaged at North Bank Farm will further exacerbate these pressures and make it likely that a full extension of the school will be required. Whilst this may be possible, and developer contributions sought to cover the cost, it illustrates the issues associated with allocating yet more development to the part of the town that has

experienced all of the growth in recent years.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

The representation by the Comstock Group seeks the allocation of North Bank Farm for housing, although it is not specific about the extent of the allocation sought. It does, however, specifically seek the redevelopment potential of the farm steading to be recognised. The Council's view is that any proposal for such redevelopment would best be assessed against Policy HC05 Housing in the Countryside, and the associated SG01 Development in the Countryside, rather than as a proposal. Sub section (3) of HC05 allows for sensitive redevelopment of redundant farm steadings, but the appropriateness and scale of any scheme needs to be assessed against the guidance in SG01.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Mixed Use Site MU02 – Drum Farm South

Miller Homes (02869/3002/002) - This representation is linked to Miller Homes aspiration for development at North Bank Farm, and seeks the addition of text under the Drum Farm South site which would allow for a vehicular and pedestrian connection through route to the land to the south. If the Reporter was of the view that North Bank Farm should be allocated, then the provision of such a link would be essential and the text amended as suggested, although as noted previously, the land is outwith Miller Homes' control and the delivery of the link could not be guaranteed. Should the site be rejected, there are concerns that the safeguarding wording as proposed could be seen as indicative of the Council's support for this as the long term future direction of growth for the town, which would not be reflective of the Council's position, and could undermine green belt policy. Nonetheless, the Council accepts that, irrespective of any future development, safeguarding the possibility of a future connection of Borrowstoun Road to the A993 Grahamsdyke Road via Drum Farm South could be sensible as such a link might improve overall connectivity in the east of the town. However, any modified wording should concern the road link only and make no mention of such a link serving potential future development.

Consequently, if the Reporter were minded to allocate land at North Bank Farm for housing development as per representation 02869/3002/001, the Council accepts that the changes sought under this representation would be a necessary consequence. If land at North Bank Farm were not to be allocated, and the Reporter was nonetheless minded to make the amendment, the Council would not take issue with this provided that the amendment made no mention of the link being to serve potential new development. This is not regarded as a notifiable modification.

#### Non-allocated Site – Stacks Farm, Bo'ness (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001) - The Council does not consider the Stacks Farm site to be an appropriate housing allocation. The northern part of the site, referred to in the MIR as Carriden Brae North (site ref. 104) was subject to site assessment (CD33), albeit that a more limited area (the southern section) is now proposed for development

under the current representation. The southern part of the site, referred to in the MIR as East Muirhouses (site ref 105) was also subject to site assessment. Both parts were identified as non-preferred sites in the MIR. The East Muirhouses site and the Walled Garden which forms part of the Carriden Brae North site, were also considered, and rejected, at the previous LDP1 Examination in 2015 (CD13, pages 66-68). The capacity of the site in the representation is variously stated as 200 or 250 houses. A proposal of application notice was submitted for the southern part of the site in May 2019.

Carriden Estate, within which the site is located, is a particularly attractive part of the Bo'ness South Local Landscape Area, and contributes significantly to the landscape setting of the town. It is a valuable part of the green network, comprising belts of long established policy woodland, the corridor of the Carriden Burn, and a network of core paths, which connect to the John Muir Way along the foreshore. Part of the woodland is a Wildlife Site. It is also of cultural importance as the designed landscape associated with Carriden House. The estate is not currently part of the green belt, but because of its importance to the town's identity and landscape setting, and its importance for recreation, the Council considers that it meets the criteria for such designation, and the green belt has accordingly been extended east of Carriden Brae and includes the site.

In terms of historic environment assets, the village of Muirhouses was originally built as the 'model' estate village for Carriden Estate, and the relationship of the estate to the village may be easily appreciated. The former estate buildings are all listed and the core of the village is a conservation area. The various environmental designations are highlighted in document CD60. The importance of Muirhouses Conservation Area is highlighted in the relevant character appraisal and management plan (CD61, CD62).

Development of the scale proposed will have a significant adverse effect on many of these assets. In landscape terms, although the woodland offers a reasonable level of containment which restricts visibility over the wider area, impact locally will be high, particularly from Carriden Brae. The creation of new access, either from Carriden Brae or from the A993, will involve loss of mature woodland, and the overall value of the estate as an amenity will be diminished. The integrity and setting of the category B listed walled garden will be adversely affected, not least by the formation of an access to the proposed development within it. The development would represent an extension to Muirhouses which is out of scale with the existing village, compromising its character and setting. The character and clarity of the designed landscape, and its relationship to the village, would also be compromised.

Access to the site is not straightforward. Two access points have been indicated on to Carriden Brae which is restricted in terms of carriageway and footpath widths, and alignment, with limited opportunity for improvement. The route is already heavily used by commercial vehicles accessing the foreshore industrial area, and the introduction of substantial additional traffic would exacerbate existing road safety and amenity issues in Muirhouses. The proposed access from the A993 would avoid Carriden Brae, but would involve substantial off-site works, and the loss of mature woodland. It will involve land which, according to the Development Framework Report, is outwith the landholding boundary. In terms of accessibility, the development would benefit from access to bus services in Muirhouses, but the village has no other services or facilities, and accessibility on foot to catchment schools and retail and other services in Bo'ness is low.

Whilst school capacity is not generally an issue in Bo'ness, the most recent roll projections show that Grange PS, the non-denominational catchment primary school for

the site, is projected to exceed its capacity over the coming years, due to the committed development which forms the Bo'ness South East Strategic Growth Area (CD54, Appendix 1). This may require alterations to the school to enhance capacity. A proposal of the scale envisaged at Stacks Farm will further exacerbate these pressures and make it likely that a full extension of the school will be required.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed.
2. When considering the suitability of potential sites for allocation, it is important that we have regard to any constraints to development in the area. At the hearing session for issue 2, the council identified Bo'ness, in broad terms, as facing relatively less acute pressures on services and infrastructure than many other parts of the Falkirk Council area.
3. In principle it is logical to favour the allocation of additional sites in areas where there are less known pressures or constraints. The spatial strategy in the proposed plan already broadly reflects these issues, and overall it directs new development to areas where the council considers it to be most appropriate, and capable of being accommodated. As Bo'ness has been identified as having some capacity for further development, I have had regard to this in my assessment of sites on which a housing allocation is being sought in representations. The suitability of any site for development must however be considered on a site-specific basis.
4. The council makes the general point that Bo'ness is less well served by public transport than some of the other towns in the Falkirk Council area. I accept that, and in particular note the lack of a railway station. However, Bo'ness is a town of significant size and would inevitably be an important part of the spatial strategy of the local development plan. Appropriate public transport interventions could be considered in more detail at the development management stage. That aside, I am not persuaded that its public transport links ought to render Bo'ness, generally speaking, to be considered less suitable for accommodating new housing than other settlements in the council area.

Non-allocated Site – Crawfield Road, Bo'ness (Site Ref 102)

5. The council's concerns about this site, in declining to accept the advice from its officers that it be included in the plan, seem to relate primarily to its landscape impacts and the attendant loss of green belt land. These concerns were shared by many members of the local community who are opposed to allocating the site. I agree that these are very important considerations for this site, as indeed they are for the other sites

I cover below.

6. From reading the representations supporting the council's position (CD183) and the council's summary (CD27) of the consultation responses on the Main Issues Report, it is clear that there are other concerns about the site. These include the loss of prime agricultural land, flood risk, impacts on wildlife - including the Bo'mains Meadow Site of Special Scientific Interest (SSSI) - and impacts on community infrastructure like schools, healthcare and roads. These are also important issues, and I address them below.

7. I also recognise that many of the respondents want the focus in Bo'ness to be on regeneration and the development of brownfield sites. Whilst the policies in the proposed plan support brownfield development, there are no detailed representations promoting alternative brownfield allocations in Bo'ness before me. As I note above, we conclude that the inclusion of additional housing sites across the council area is necessary; the appropriateness of the potential sites put before us must be considered on their individual merits, whilst having regard to wider strategic aims and locational principles in both the proposed plan and national policy. Taken in isolation from other considerations, appropriate brownfield sites may be preferable to greenfield release, but no such site options have been presented in Bo'ness. In any event, it is still legitimate to also contemplate a greenfield release where this would provide an appropriate development opportunity.

8. The site is on land which rises up to the south, beyond the site boundary to the road which runs east to west along the wooded ridgeline which forms the skyline. Crawfield Road provides open views of the site. So too does the road along its western boundary, although the A706 to the east is set behind a tree-lined hedgerow.

9. As a result, the site is readily visible and there would be significant landscape and visual effects. However, these would generally be restricted to the immediate environs of the site. Despite its elevation and aspect, the site is not especially prominent from further afield. The wooded ridgeline ultimately provides a very strong edge to the wider landscape setting of the town. Albeit there would be a very significant change to landscape character locally, the lack of wider landscape and visual effects limits the weight I attach to this issue.

10. The site is in the Bo'ness South local landscape area. However, so too is all the undeveloped (or unallocated) land south of the town. I find above that the landscape and visual effects of development of the site would be fairly well contained. Therefore, in the context of our findings in issue 2 that the inclusion of further housing sites is appropriate and that Bo'ness is in the council's view one of the least constrained settlements in infrastructure terms, I do not find that effects on the local landscape area should constrain the allocation of this site.

11. I would make a similar observation about the status of the site as prime quality agricultural land. This too is prevalent across nearly all of the farmland around Bo'ness. Paragraph 80 of Scottish Planning Policy presumes against development on prime agricultural land except in certain specified circumstances, which includes development that would be an essential component of the settlement strategy. The settlement strategy is set by the local development plan, and therefore the release of such land for development can legitimately be contemplated. In the context of our findings in issue 2, where we have recommended that the housing land requirement should be increased and additional appropriate housing sites allocated, it is reasonable to consider this site's

allocation, despite its being located on prime agricultural land. While I acknowledge that development of such land represents a loss of this important resource, this is almost inevitable if Bo'ness is to be able to accommodate further new housing sites. For these reasons, I do not consider that in this instance, the prime agricultural land classification should be an overriding constraint to the site's allocation.

12. Again, as with the local landscape area and prime agricultural land, green belt is a designation which applies to all of the undeveloped or unallocated land on the fringes of Bo'ness. Scottish Planning Policy, in paragraph 49, identifies the purpose of green belt as supporting the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space. This is given local expression by policy PE15 (Green Belt), the accompanying text for which also notes (in paragraph 4.16) that the primary purpose in the Falkirk area is to safeguard the identity of communities by preventing development which would reduce their visual separation. If the town is to further expand, it must be breached. In this locale, the topographic features separating the settlements of Bo'ness and Linlithgow play a large part in avoiding any sense of coalescence, thereby maintaining the green belt's integrity. As noted in paragraph 10, although there would be effects on the landscape setting of Bo'ness, these landscape and visual effects could be contained. In respect of access to the countryside which green belts can provide, the core paths which cross the site along the shelterbelt could be retained in the development layout. Drawing this together, I do not consider – in light of our conclusions on issue 2 – that the loss of green belt should be an overriding constraint on the site's allocation.

13. I note from the supporting document (RD9) submitted, along with the representations from AWG and Mactaggart & Mickel, that it is envisaged that open space and new paths would be provided along the southern part of the site. Although such details would be for a later stage in the planning process, this demonstrates the benefits, in terms of public access, which development of the site could bring. I consider that a thoughtfully designed and landscaped southern edge to the development would represent at least as strong a green belt boundary as is currently provided by Crawfield Road.

14. I am conscious that the Bo'mains Meadow SSSI lies adjacent to the site to the southwest, and I appreciate the concerns about potential effects on this important resource. However, I have seen no technical evidence underpinning these concerns. The SSSI is a small meadow which lies upslope of the proposed site. I therefore consider that it would be unlikely to be affected by nutrient-laden drainage from any housing development. It could conceivably be subject to some disturbance from public access, given its proximity to the proposed site. However, this could be controlled through site-specific development guidance, for example in specifying boundary treatments on this part of the site.

15. I am also aware that the proposed site may also provide supporting habitat to the Firth of Forth Special Protection Area. The proposed plan has been subject to Habitats Regulations Appraisal and, at the development management stage, the site will also require Habitats Regulations Appraisal. I therefore recommend site-specific guidance to this effect.

16. I have considered carefully the concerns raised about the effects on community infrastructure. The site is of significant size and appropriate provision would need to be made. There would, inevitably, be increased traffic levels on Crawfield Road and

surrounding roads. But I have seen no evidence which suggests this would exceed design limits or cause particular road safety concerns. Likewise I have no firm basis to conclude that there would be an unreasonable burden placed on the capacity of local healthcare services. In terms of education capacity, the council advises that Bo'ness is amongst the least constrained settlements. The council's own site assessment comments that any infrastructure constraints for the site are unlikely to be insurmountable. Should there be a need for improvements to local infrastructure like schools or the transport network, this could be considered in more detail (and any necessary improvements assured by planning conditions or obligations) through the development management process.

17. I observed some flooding due to rainwater run-off during my site inspection. SEPA commented, in response to the Main Issues Report, that there may be flooding within the site, but that the majority of it is likely to be developable. I am content that the detailed design of any development, informed by a flood risk assessment, could address this issue. As the council identifies, it could be the case that the current issue of surface water run-off from the site, and the contribution this currently makes to flooding problems on Crawfield Road, could be addressed.

18. The council has made us aware that an application for planning permission in principle on this site, for residential and associated development, was refused on 9 March 2020. Whilst no further details have been provided, evidently this will have been considered against the current adopted LDP, which identifies the site as green belt. The council refers above to the conclusions in the report on the examination of the adopted local development plan. The reporters made a strong recommendation to reject this site, largely on account of the landscape and visual effects, and the effects on the green belt, of developing it. I note that this recommendation was based on a larger site, and was set in a wider context of there being no need to allocate additional sites for housing development. In any event, I must reach my own view of the merits, now, of allocating the site.

19. It has not been argued by the council that the site would not be effective. The council does raise a concern that allocation of this site would lead to further pressure to release other land nearby. Given the extent of further farmland to the east and south of the site, I can appreciate the basis for such a concern. However, that would be a matter for future consideration and not in my view a strong basis for refusing to allocate the site for housing development at this time.

20. Taking all of the above into account, I recommend that the site be allocated for housing development. I am aware that the committee draft proposed plan, dated June 2018, included this site as an allocation for housing. This included detailed development guidance for the site (referenced as H07 in that document). I consider that the details provided therein remain appropriate, and therefore recommend that both the text and the illustrative site plan from the committee draft version be adopted.

#### Non-allocated Site - North Bank Farm (Site Ref 103/217)

21. There are two options put forward for development at North Bank Farm. Option A (11.52 hectares) is for around 200 homes. Option B (site 217) is a larger site (22.3 hectares) which would incorporate Option A but extend further to the east, for a total of around 400 homes. These proposals omit the land immediately surrounding the farm house and outbuildings.

22. Option A, as currently proposed in the development framework report submitted with the representation from Miller Homes, has a slightly different boundary to that assessed as site 103 in the Main Issues Report. The site would extend further to the east than site 103, but less so to the south. I understand that the planning application referred to by the council above was refused and is the subject of an appeal. A notice of intention to grant planning permission was issued in March 2020, which is material to our assessment of whether the site should be allocated. I have not however taken account of any information which may have been submitted in association with the appeal. The council has confirmed that the planning application for the connecting road was refused. I am not aware of any subsequent appeal against that decision.

23. To the west of the site is a recently completed housing development at Borrowstoun Road (site H02 in the proposed plan). This lies at a similar elevation to the higher, southern part of the site at North Bank Farm. To a certain extent, development at North Bank Farm would (particularly at the western part of the site) continue this pattern of recent development. It would also provide some continuity between site H02 and the site allocated as MU02 in the proposed plan, particularly in the area to the north of Borrowstoun Road.

24. The council is right to point out that the site is a prominent one. The land rises up fairly steeply from the agricultural fields (now proposed to be allocated as site MU02) and woodland to the north. I accept that development on the site may be relatively conspicuous when viewed from the north and east, for example when approaching Bo'ness along Grahamsdyke Road.

25. The indicative development framework submitted in support of the site shows planting along the southern, northern and eastern boundaries. This would keep the highest parts free from development and would assist in providing a landscape framework for the wider development. Nevertheless, the prominence of the site means there would still be notable landscape and visual effects. I find that those associated with option A would be significantly less than those with the larger option B site. Housing within the smaller site would restrict development to the western part, where it would have closer visual association with the existing housing on the H02 site.

26. Extending development across the whole site, under option B, would mean building on the generally more readily visible eastern half of the site. That part extends slightly higher up the hill and the northerly aspect (as opposed to the more northwesterly aspect on the western part) also makes this eastern part of the site more open. The eastern part is also slightly steeper, so more cut and fill might be needed to develop it. I do therefore have greater concerns about extending built development eastwards beyond the envelope of the already prominent buildings of the farm complex.

27. As with the Crawfield Road site I cover above, the land at North Bank Farm is of prime agricultural quality and lies within both the green belt and the local landscape area. However, as I note above, these constraints apply to all the options for the further expansion of Bo'ness which are before me, and I adopt the same conclusions on these matters as outlined in relation to the Crawfield Road site. Similarly, from a green belt perspective, at the North Bank Farm site the local topography is of importance in that it eliminates any potential impression of coalescence or loss of separation between Bo'ness and Linlithgow.

28. The representation from Miller Homes proposes that, with either option, there would



be a vehicular link to site MU02 which lies to the north. Given the scale of development proposed I agree that an appropriate secondary access could be beneficial. This would also benefit wider connectivity in this part of the town. A drawing is provided showing the proposed location for such a link, although I note that this appears to be beyond the site boundary for option A. In any event, the need for and precise location of such a link could be considered further at the masterplanning and development management stages. In my view, I consider that as a minimum, pedestrian/cycle links between this site and site MU02 would be desirable, to ensure a good standard of permeability and to promote active travel opportunities.

29. The land at North Bank Farm is under the control of a major housebuilder, and the council has not challenged the site on the basis that it would not be effective. As with Crawfield Road, it appears that any infrastructure issues which may present themselves would be capable of being overcome.

30. Albeit I recognise the landscape and visual effects and the loss of greenbelt and prime land which would occur, I am mindful of the need to identify additional land for housing and of our finding that Bo'ness is relatively less constrained, in infrastructure terms, than the other settlements in the council area. In balancing these factors, I find that allocating the western part of the site (option A) is justified. This would in my view be a proportionate response in recognising the development potential of the site yet minimising the landscape, visual and other effects of its development. Given the notably greater landscape and visual effects which would derive from developing all of the promoted land at North Bank Farm, I do not support Miller Homes' option B.

31. The representation from the Comstock Group appears to support development on the above sites at North Bank Farm, but also the redevelopment of the farm houses and outbuildings for residential use. In relation to the latter, given the much smaller site size I agree with the council that any proposal for their redevelopment could be considered under Policy HC05 (Housing in the Countryside) and its associated supplementary guidance (SG01: Development in the Countryside). I therefore do not consider it appropriate to allocate this further smaller area of land for housing development.

#### Allocated Mixed Use Site MU02 – Drum Farm South

32. In light of my recommendation above that a new site for housing be allocated at North Bank Farm, and my conclusion that providing a link road and/or pedestrian and cycle links between these sites could be beneficial, I recommend that the development guidance for site MU02 makes reference to such a link.

#### Non-allocated Site – Stacks Farm (Site Ref 104/105)

33. For the same reasons I set out above in relation to the other proposed additional housing sites in Bo'ness, I do not find that, in principle, the status of these sites being located on prime agricultural land counts strongly against them. I do however consider that, in this location, the (proposed) green belt does reflect that Muirhouses retains its own identity, despite its proximity to Bo'ness. Development of these sites would result in the substantial loss of remaining open space between the village and Bo'ness to the north, leaving only a small wedge of open space providing separation to the west of the village. The sense of coalescence would therefore be strong.

34. The representations support the alternative option put forward in the Main Issues

Report of a new strategic growth area based on these sites. The southern site ('East Muirhouses') would be phase 1 and the northern ('Carriden Brae North') (albeit excluding the northernmost part of it) would be phase 2.

35. The wooded nature of the estate lands east of the village of Muirhouses means that development on these sites would be fairly well-contained, with visual impacts being largely local. The proposed layout would largely avoid direct effects on the policy woodlands which frame these sites. There would, however, be loss of woodland in accessing the site at proposed access point B on Carriden Brae, south of its junction with the estate road. This would include the provision of any necessary visibility splays. There would also be a loss of woodland associated with access point A (should this be required) on to Grahamsdyke Road.

36. Even though the policy woodlands would be largely avoided, that does not mean there would be no adverse landscape effects. I appreciate that the former estate lands are not on the national inventory of designed landscapes. I note also the conclusions of Stewart Milne Homes' landscape capacity study (document RD27) which identifies these areas of farmland as having potential for development. Nonetheless they have landscape value in this attractive area of countryside. By developing on the agricultural land, the existing relationship between the open fields and the woodlands which surround them would be lost.

37. The council raises concerns about impacts on built heritage. The conservation area at Muirhouses and the presence of several listed buildings show the built heritage value of the village. I am not persuaded that the development of these sites would result in any significant adverse effects on the setting of the conservation area or of any listed buildings. One exception to this might be the walled garden, which could very well be adversely affected by development within or close to it. However, I am satisfied that these matters could be properly addressed at the development management stage, for example by pulling back development from the walled garden.

38. More generally, however, and relating back to my comments in paragraph 33 above regarding the green belt's function in this location and the potential for coalescence, I do have concerns about the effects of developing these sites on the character of Muirhouses. Although it appears on the same settlement map in the proposed plan as Bo'ness (to which it is very close), Muirhouses nonetheless has very much the feel of a small and separate village. Its distinctive built heritage contributes to this. What is proposed would, even if only the East Muirhouses site was developed, be a very significant expansion of the size of the village. Its historic core would, in consequence, become peripheral to the larger areas of development to the north and east. Its relationship with the former estate lands would also be significantly impacted. As a result, I tend to agree with the council that such development would be out of scale with the existing village. I am not persuaded that this would be in the interests of good placemaking.

39. I also share the council's concerns about the current limitations of Carriden Brae, in particular its narrow footpath provision. Improvements could be possible along the western site boundary, although this could affect some of the woodland on this boundary. But south of this, it is less obvious how footpaths could be widened, thus affecting the ability of new residents to safely and conveniently access the existing village core on foot. I noted at my site inspection a moderate amount of traffic on this road, including HGVs. That said, I also would concur with the council that there are few if any services or

facilities in the village anyway, which I think further lessens the case for supporting substantial new development here.

40. I have had regard to all of the supporting documents submitted by Stewart Milne Homes in support of their representation. I acknowledge the obvious benefits of the proposal in terms of delivering housing, including affordable housing. There would be other potential benefits such as new path provision which could facilitate access to the countryside, the deculverting of watercourses and the restoration of tree belts. However, notwithstanding our findings on issue 2, which I refer to above, I find that the disadvantages of developing these sites are such that neither should be allocated for housing development.

**Reporter’s recommendations:**

1. Allocate site 102, Crawfield Road, Bo’ness for housing, with an indicative capacity of 450 units. Development Guidance for this site to adopt the text and mapping from the proposed plan committee draft June 2018, pages 66 and 67. Make any other necessary consequential amendments to site reference numbers, tables etc. The following text should be added to “Other Requirements”: For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth Special Protection Area, either alone or in combination with other plans or projects.”

2. Allocate a site for housing development at North Bank Farm, Bo’ness, with the site boundary as per the boundary in document RD10 North Bank Farm Indicative Development Framework - Option A. Include the following information for this site in Appendix 1 of the plan:

LDP Ref : [council to confirm]  
 MIR Ref : 103  
 Site Name: North Bank Farm  
 Site size (ha) : 11.5  
 Housing capacity (units) : 200

Site comments:

New housing supply site. Masterplan required. Upgrade to Borrowstoun Road required and vehicular link(s) to Drum Farm South (MU02) should be explored. Pedestrian and cycle link(s) to MU02 required. Transport Assessment required. Mitigation measures may be required, which may include contributions to sustainable travel. Flood risk and drainage impact assessments required.

Planting required to establish robust realigned green belt boundary and settlement edge to south and east. 15% affordable housing required. Contributions to education provision required in accordance with the relevant supplementary guidance. Impact on other community infrastructure, including healthcare facilities, will also require to be assessed and mitigated as necessary.

Allocated Mixed Use Site MU02 – Drum Farm South

3. Amend the development guidance for the Drum Farm Major Area of Change (pages

64-65) to include an additional bullet point under “Key Principles” after the first bullet point:

- “vehicular link(s) to North Bank Farm [insert site ref] should be explored. Pedestrian and cycle link(s) to site [insert North Bank Farm site ref] required.”

4. Update the associated plan to include these connections to the south, to reflect recommendation (3).

5. Any other consequential amendments required as a result of the foregoing modifications.

<b>Issue 4</b>	<b>Bonnybridge and Banknock Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>                  Bonnybridge and Banknock (pages 66 - 67)                  Banknock Area of Change Development Guidance (pages 68-69)  <u>Appendix 1 Proposals and Opportunities</u>  <u>Schedule</u>                  Housing – Bonnybridge and Banknock (page a02)                  Mixed Use – Bonnybridge and Banknock (page a11)  <u>Proposals Map 1</u>                  Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood</p>	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Annemarie Ross (03017) Tom Ferraioli (02582) Bill Campbell (00487) Persimmon Homes (East Scotland) Ltd (00712) J B Bennett (Contracts) Ltd (00470) Stewart Homes (00456)		
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in Bonnybridge and Banknock, as identified in the Bonnybridge and Banknock Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Level of housing growth within Bonnybridge and Banknock</u></p> <p>Annemarie Ross (03017/3001/001); Tom Ferraioli (02582/3002/001) - Objection is made to the level of housing proposed by the Proposed LDP2 within the Banknock and Bonnybridge area for one or more of following reasons:</p> <ul style="list-style-type: none"> <li>• The planned further developments in the Bonnybridge and Banknock area (700 plus units) are unnecessary and take little or no cognisance of infrastructure, which is under great pressure in the area, particularly water and waste water provision, roads, local schools, and health facilities. On a related point, it is stated new housing development would be accessed by poorly maintained roads and exacerbate traffic congestion, air quality and road safety issues on local roads.</li> <li>• Loss of green belt, trees, walkways and cycle paths.</li> <li>• There is a lack of amenities, public transport, policing and local employment within Bonnybridge and Banknock area.</li> </ul> <p><u>Allocated Housing Site H08 – Banknock South</u></p> <p>Annemarie Ross (03017/3001/001); Tom Ferraioli (02582/3002/001) - Objection is made</p>		

to the allocation of the site for one or more of the following reasons:

- Local infrastructure, notably water and waste water provision, education and health facilities, have capacity issues which will be further exacerbated by the proposed development at the Banknock South site.
- Loss of greenbelt, trees, walkways and cycle paths.
- The site's development would increase traffic congestion on the motorway and the local road network, exacerbating air quality issues within Banknock
- There is a lack of amenities, public transport, policing and local employment for residents of future housing development.
- The site is at risk of flooding and includes the area of an old whisky bond which is also prone to flooding.

J B Bennett (Contracts) Ltd (00470/3001/001) - J B Bennett (Contracts) Ltd supports the continued allocation of the site at Banknock South. However, they object to the following aspects of the site's development guidance on pages 68-69 of the Proposed LDP2.

### Process

The current wording should be changed so that the development of J B Bennett's land can proceed independently of the Council's own land. The Banknock & Haggs SIRR Development Framework (CD63) hints that this is possible.

### Key Principles (Access Arrangements)

The first bullet states "access to be taken off reconfigured junction of Wellpark Road and Kilsyth Road. Vehicular access to/from John Bassey Drive and southern part of Wellpark Road not appropriate". This wording should be changed. Firstly, it would restrict development of J B Bennett's land until the north part of the site, in Council ownership, is developed. J B Bennett's access assessment (RD36) concludes some development on their land would not require improvements to the junction of Wellpark and Kilsyth Road. Thirdly, the wording excludes other options for access including via John Bassey Drive and Rowan Drive.

### Key Principles (Woodland)

The fifth bullet states "woodland to be retained along south part of site". This wording needs changed as some trees may need to be removed to facilitate development and accommodate on site drainage infrastructure, including sustainable urban drainage systems (SUDS).

### Key Principles (M80 junction 7 slips/A803)

The tenth bullet states "upgrading required to M80 junction 7 slip roads and their junction with A803 prior to commencement of development". This wording is overly restrictive and unreasonable. Similar restrictions have not been imposed on other sites which require motorway improvements. The wording is also inconsistent with the Banknock & Haggs Development Framework (CD63, paragraph 5.14.5). This suggests the upgrading will be front funded with its costs recouped from developer contributions.

Key Principles and Other Requirements (Water and Drainage)

Under Banknock (H08), the third bullet states “Development to be arranged around a managed SUDs wetland along Doups Burn. SUDS development should be integrated into the greenspace and not overly engineered in appearance”. Under Other Requirements, the second bullet states “Retrofit of existing surface water drainage required to create capacity for foul water flows from new development to connect to combined sewer”. Objection is made to these bullets as they would impose onerous requirements for water and drainage infrastructure and exclude alternative solutions.

Denny Eastern Access Road (DEAR)

Objection is made to the development guidance listing Denny Eastern Access Road (DEAR) as infrastructure to be funded by development within the Banknock Strategic Growth Area (Other Requirements, fourth bullet). The site’s development should not be required to make a financial contribution towards DEAR. The reasons stated are:

- The site’s development would be too remote from DEAR and therefore would have a ‘trivial connection’ with DEAR. Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited UKSC 66 (RD35) confirmed that contributions should not be sought for infrastructure where there is a trivial connection between development and infrastructure.
- The Delivery of DEAR Supplementary Planning Guidance Note (CD68, paragraph 1.1) does not include the site in a list of six sites that are required to contribute towards DEAR.
- The guidance note sets the contribution for Banknock South as £52,406.20. This is questionable given the site’s remoteness from DEAR. Any references to this contribution should, therefore, be removed from LDP2.

Allocated Housing Site H09 – Dennyloanhead

Bill Campbell (00487/3001/001) - The site at Dennyloanhead should be deleted, or areas of site with agricultural land should be excluded from development, for the following reasons:

- The development of agricultural land is unnecessary when there are sufficient brownfield sites available in the area;
- Local infrastructure, notably education, leisure, health and retail facilities, has been compromised by recent developments between Bonnybridge and Longcroft;
- The Council risks undoing its previous nature conservation work in the area by encouraging development in the green belt;
- The area is populated by deer, badgers, bats and a range of bird species;
- On elevated positions, the development will be visible from the Antonine Wall World Heritage Site;
- The proposed west and east site accesses onto the A803 Glasgow Road, and additional traffic generated by the development will increase road congestion and the probability of accidents;
- The Council has not held a public inquiry into the suitability of site nor has Planning Committee visited the site; and
- There are outstanding issues with a Section 75 agreement

Non-allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

Persimmon Homes (East Scotland) Ltd (00712/3009/001) - A site at Reilly Road should be allocated for housing development. The site's allocation will assist in achieving the housing land requirement in full and will provide additional flexibility in the land supply, particularly if current allocations remain stalled. The site is effective in terms of PAN2/2010's effectiveness criteria (CD5). Persimmon Homes has submitted supporting documents to demonstrate that the site is effective and in a good location. The documents' main points are summarised below:

Desk Based Archaeology Assessment (RD37): Parts of site overlies the site of a Roman camp and are within the Antonine Wall World Heritage Site Buffer Zone. As mitigation, Persimmon Homes proposes a stand-off area between development and the Roman camp. The assessment questions the buffer zone as a significant constraint, indicating that views from the wall to the camp and beyond are not of particular significance for understanding and appreciating both Roman structures. The site has potential for archaeology but this issue can be addressed through the planning application process.

Extended Phase I Habitat Survey (RD38): Breeding birds and badgers are stated as the only ecological constraints affecting the site's development. Measures are suggested to mitigate these constraints.

Stage 1 Flood Risk and Drainage Assessment (RD40): Based on conservative assumptions, including full culvert blockage, the assessment concludes most of the site would be suitable for development in terms of SPP's and Falkirk Council's policies on flood risk.

Geotechnical Desk Survey (RD39): Further investigations will be required to confirm potential ground constraints, including soil conditions, gas emissions, contamination and mining instability.

Transport and Access Appraisal Report (RD41): There are no transport or accessibility reasons to preclude the site's allocation for housing development.

Non-allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001) - A site at Milnquarter Farm, Bonnybridge should be allocated for housing development. The supporting reasons are:

- The site was previously allocated in LDP1 as an infill site;
- A planning application for the site was the subject of an appeal to Scottish Ministers. At this appeal, a Reporter recognised that the site is suitable for development subject to impacts on the Antonine Wall World Heritage Site and the transport network;
- A more recent planning application for the site for around 50 homes was informed by a detailed cultural impact assessment. This development would enhance the area's cultural assets;
- The Council has allocated its own site at Seabegs Road (Proposal H11), which, like Milnquarter Farm, is near the Antonine Wall World Heritage Site; and
- If additional housing sites are required under Policy HC01 Housing Land, then the Council should support suitable sites, such as Milnquarter Farm, for housing development



**Modifications sought by those submitting representations:**

Level of housing growth within Bonnybridge and Banknock

Annemarie Ross (03017/3001/001); Tom Ferraioli (02582/3002/001) - Reduce the level of housing proposed within Banknock and Bonnybridge.

Allocated Housing Site H08 – Banknock

Tom Ferraioli (02582/3002/001) - Amend Proposal H08 Banknock South by removing the area of the former whisky bond within the site's allocation.

Annemarie Ross (03017/3001/001) - None specified, but it is inferred that the current indicative capacity of the Proposed H08 Banknock South should be reduced. The current indicative capacity is stated as 200 units on page a02, Appendix 1 – Proposals and Opportunities Schedule.

J B Bennett (Contracts) Ltd (00470/3001/001) - Amend the Major Areas of Change: Development Guidance, page 68, as follows:

- Under Process, and at the end of the paragraph, insert the following sentence: "For the avoidance of doubt, each constituent site of Banknock South will be permitted to come forward as a separate planning application and with its own masterplan."
- Under Key Principles, Banknock South (H08), replace the first bullet with the following wording: "Access to be taken off reconfigured junction of Wellpark Road and Kilsyth Road via a reconfigured Wellpark Road junction, or such other access proposal that can be supported by a Transport Assessment."
- Under Key Principles, Banknock South (H08), amend the fifth bullet by adding the following text after the word "site"..."unless removal is warranted to allow for the site to be developed."
- Under Key Principles, Banknock South (H08), amend 10th bullet by deleting "prior to commencement of development."
- Replace under Key Principles, Banknock South (H08), second and third bullets and under Other Requirements, the second bullet with "The development should incorporate SUDS scheme that should, if feasible, include a wetland along the Doups Burn and should be integrated into the greenspace."
- Under Other Requirements, amend the forth bullet to read "Developer contributions will cover necessary education capacity improvements, and contributions to M80 Junction 7 upgrading."

Non-allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

Persimmon Homes (East Scotland) Ltd (00712/3009/001) - Insert additional site at Reilly Road, Bonnybridge as a housing proposal, with a capacity of 300 units. Amend Map 1 to extend the Urban Limit to the extent indicated on the Indicative Development Framework as shown in Appendix 1 to the representation.

Non-allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001) - Insert additional site at Milnquarter Farm, Bonnybridge as a housing proposal, with a capacity of 50 units.

**Summary of responses (including reasons) by planning authority:**Council's Approach to Housing Growth in Bonnybridge and Banknock

As a background to the Council's response on this issue, the general approach to the allocation of housing sites in Bonnybridge and Banknock is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

The Proposed LDP2 has carried over nearly all existing allocated sites in Bonnybridge and Banknock from LDP1, including the two Strategic Growth Areas at Banknock (MU04 and H08) and Dennyloanhead (H09). This represents a very substantial existing land supply (939 units). The two Strategic Growth Areas are progressing. A Development Framework for Banknock and Hags has been prepared (CD63), the two sites at MU04 Banknock North and H09 Dennyloanhead already have planning permission in principle (CD64 and CD65), and part of H08 Banknock South is included within the Council's Strategic Housing Investment Plan (CD48). The larger Bonnybridge East site (MU20) has been retained, although it is not deemed to contribute to the land supply because of key constraints and uncertainties about effectiveness.

Because of the high level of existing commitments, the strategy is to limit any further growth over and above these existing commitments. There are also key constraints affecting the area which make further significant growth potentially problematic such as the presence of the Antonine Wall, primary healthcare capacity constraints, and some school capacity constraints. Consequently, the only new site is H53 Cumbernauld Road, Longcroft, which for just 10 units.

Annemarie Ross (03017/3001/001); Tom Ferraioli (02582/3002/001) - The Council accepts that major growth is planned for the area, with much of this focused on the Banknock and Dennyloanhead Strategic Growth Areas. The sites are part of the housing land supply and necessary to meet the housing land requirement over the plan period. They have been carried over from LDP1 and the majority of this growth now has planning permission in principle. The sites have therefore already been subject to assessment through the LDP1 process, and the planning application process, and have been deemed suitable for development, subject to conditions.

Infrastructure required to support this growth has been assessed and planned for. Page 66, paragraph 5.09 of the Proposed LDP2 recognises that some additional infrastructure will be needed within Banknock and Bonnybridge. It notes the intention to upgrade the M80 Junction 7 slips with the A803 (Proposal IN04). The Council has secured a 100% grant from the Scottish Government's Housing Infrastructure Fund towards the costs of the upgrade. With the funding now in place, the upgrading is expected to be completed in 2020. The same paragraph recognises additional capacity will be needed at Bankier and Head of Muir Primary Schools (Proposals IN26 and IN28) while highlighting potential issues with local primary healthcare provision. Developer contributions can be sought to address infrastructure issues posed by development. Indeed these have already been secured through the PPP applications for Banknock North (MU04) and Dennyloanhead (H09).

With regards to other points, the Proposed LDP2 acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being (page 42, paragraph 4.29). Banknock and Hags are designated Air Quality Management Areas (AQMAs) as a result of air emissions from road vehicles. Action Quality Management

Plans have been prepared, and air quality continues to be monitored at two locations in Banknock and Hags (CD67, page 104). However, it has been reported in the Council's 2018 Air Quality Annual Progress Report (CD67, page 48) that the two locations are continuing to meet National Air Quality Standards. Specific issues with air quality and new development can be addressed by Policy PE26 of the Proposed LDP2.

The sites have good accessibility to employment and leisure opportunities being situated within the M80/M876 and A803 corridors. The Council accepts that new local facilities would be required to complement growth in the area, and has made provision in the Proposed LDP2 for a new neighbourhood centre at the MU04 site (page 69). Retail/local services are also specified for the H09 site (pages 70-71).

Policies PE20 and IR06 of the Proposed LDP2 will ensure issues regarding tree loss and impacts on active travel routes are given due consideration through the planning application process. Loss of green belt is not an issue as the allocated sites are not part of the green belt.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Housing Site H08 – Banknock South

Annemarie Ross (03017/3001/001); Tom Ferraioli (02582/3002/001) - Banknock South is an allocated housing site in LDP1 (CD12, page a1-02, H08), and previously was also included in the Falkirk Council Local Plan 2010. It has been fully assessed through successive development plan processes, and the Banknock and Hags Development Framework (CD63), and has been subject to further site assessment through LDP2 (CD33). This assessment has concluded that, although there are various constraints affecting the site, it should be carried forward into LDP2. The site is part of the housing land supply to meet the housing land requirement and will contribute to the regeneration of Banknock.

At the time of writing, the Council is preparing proposals for new Council housing within the northern half of the site. The Council is committed to delivering affordable housing at this site through its Strategic Housing Investment Plan (CD48, page 5, Table 1). The southern part of the site comprises brownfield land formerly occupied by the Bankier Distillery, and is being promoted for development by the owners J B Bennett (Contracts) Ltd.

The site's flood risk issues are well known. A Stage 1 Flood Risk Assessment (CD69) has been carried out for the site as part of the Banknock and Hags Development Framework (CD63). The assessment revealed that areas of the site liable to flooding are largely around low-lying land along Doups Burn and around the Bonny Water to the south. The 1 in 200 year flood extent at the site is shown on Figure 3 of the Development Framework (CD63). The Proposed LDP2 also acknowledges the flood risk issues. The key principles for the site, found on page 68 state: "development to avoid areas at high risk of flooding from Bonny Water and Doups Burn, as informed by flood risk assessment". The requirements for flood risk are addressed by Policy PE24, which takes a precautionary approach to flood risk in line with SPP (CD1, paragraphs 254-268). The siting of the development will be informed by relevant flood risk considerations.

The other issues raised in the representation relate more generally to allocated sites

within Bonnybridge and Banknock, which have previously been addressed.

For these reasons, the Council does not agree to modify the plan in response to this representation.

J B Bennett (Contracts) Ltd (00470/3001/001) - The Banknock South site is in control of two parties - Falkirk Council and J B Bennett (Contracts) Ltd - who wish to develop it for housing. The Banknock and Hags Development Framework provides a map indicatively showing the land ownerships of the site (CD63, page 44, Figure 9).

The Council would respond to each issue raised by J B Bennett (Contracts) Ltd under the following headings:

#### Process

The Proposed LDP2 does not preclude J B Bennett progressing proposals for its own site separately from the Council's land, although inevitably co-ordination between the two sites and the two landowners will be required. The current wording of the Proposed LDP2 states that each site will need its own detailed masterplan and does not insist on a combined application. The additional wording sought is not necessary. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Key Principles (Access Arrangements)

J B Bennett is likely to need a right of access over Council land to provide satisfactory access to development on J B Bennett's land. The right of access, however, can be negotiated with the Council outwith the planning process. John Bassey Drive and Rowan Drive are narrow residential streets with cars typically parked on either side. The southern part of Wellpark Road is a narrow country lane, with limited scope for widening. These means of access are not appropriate to serve the scale of development envisaged at the Banknock South site (200 units). The northern part of Wellpark Road is the most realistic option for access, although this would require upgrading. The junction of Wellpark Road and Kilsyth Road will need reconfigured to accommodate additional traffic generated by individual or cumulative development at the Banknock South site. The exact nature of the junction upgrade can be determined through the masterplanning of individual sites and the planning application process. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Key Principles (Woodland)

An area of woodland is found within the southern half of the site. The retention of this woodland is a key part of the site's open space and landscape strategy (CD63, page 39-40) which seeks to reconnect fragmented areas of woodland and habitat to provide attractive green space for amenity, path links and wildlife. Nevertheless, the Banknock and Hags Development Framework (CD63, page 40, Paragraph 5.7.11) acknowledges the site's development will inevitably involve some tree loss. It states masterplans should consider retention of good quality trees wherever possible, and outline proposals for tree removal and retention within a tree protection plan. The Council would have no objection if the reporter sees merit in amending page 68, key principles under Banknock South (H08), fifth bullet to read: "Woodland to be retained and enhanced along southern part of site where possible. Proposals for tree removal to be accompanied by a tree survey and tree protection plan". This amendment would ensure the Proposed LDP2 is consistent

with the Banknock & Haggs Development Framework.

#### Key Principles (M80 junction 7/A803)

The tenth bullet states “upgrading required to M80 Junction 7 slip roads and their junction with A803 prior to commencement of development”. Similar wording is stated as a key principle for Banknock North (MU04) (Proposed LDP2, page 68) but without the prepositional phrase “prior to commencement of development”. This phrase is a drafting error. It would be more appropriate for the planning application process to consider suspensive conditions for necessary road upgrades and the Banknock South site. Nevertheless, the issue of the M80 Junction 7 slip roads and A803 junction upgrading is likely to be resolved by the time proposals come forward for J B Bennett’s land. The Council has secured a 100% grant from the Scottish Government’s Housing Infrastructure Fund towards the costs of the upgrading. With the funding now in place, the upgrading is expected to be completed in 2020. Based on the foregoing, the Council would have no objection if the Reporter considered it appropriate to amend the tenth bullet to read: “upgrading required to M80 Junction 7 slip roads and their junction with A803.”

#### Key Principles and Other Requirements (Water and Drainage)

The Banknock South site’s flooding and drainage issues are well known to the Council. The site has been subject to a Stage 1 Flood Risk Assessment (CD69), and consultation with Scottish Water identified capacity constraints with the existing foul network. The constraints, however, can be resolved by creating additional capacity through removal of surface water run-off from the network. The solution would potentially involve surface water from development being treated by an on site SUDs wetland. As well as supporting sustainable flood risk management and place-making principles, the wetland would create a valuable and attractive wetland habitat within a central area of greenspace.

The Council believes the wording pertaining to a managed SUDs wetland and retrofitting of existing surface drainage is appropriate and reflects the outcome of detailed investigations that informed the Banknock & Haggs Development Framework (CD63). The wording also reflects the general guidance stated within the framework in relation to greenspace and drainage requirements (CD/63, page 40, paragraphs 5.7.12 and 5.10.1-5.10.2). For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Denny Eastern Access Road (DEAR)

By way of background, DEAR is a proposed relief road to the east of Denny. The purpose of the road is to alleviate traffic congestion at Denny Cross in Denny Town Centre which would be exacerbated by the traffic generated from housing development. Sections of DEAR have already been constructed, and funded by developer contributions. The Council has committed itself to front funding the final phases of DEAR and will continue to seek and collect contributions until its costs have been recouped.

The Council’s Supplementary Planning Guidance Note (CD68) explains how DEAR contributions will be fairly apportioned to development on a pro-rata basis. However, matters relating to the specifics of planning guidance, such as the methodology for apportioning contributions to specific sites, fall outside the remit of the Examination.

It is reasonable to reference contributions for DEAR under ‘other requirements’ on page

68 of the Proposed LDP2. The Banknock North and South sites would generate additional trips via Denny Cross. The sites are within the catchment of Denny High School, and pupils from the sites would travel to and from Denny High School via Denny Cross. The traffic impact on Denny Cross, and required DEAR contributions to address this impact, would be determined at the planning application stage through a transport assessment and through consultation with the applicant and the Council's Transport Planning Unit.

A DEAR contribution would likely be secured by a planning obligation made under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended (CD11). The Council will have regard to the policy tests of Circular 3/2012 (CD4) and the relevant provisions of the Proposed LDP2 when considering the appropriateness of the planning obligation. Based on the foregoing, the Council does not agree to modify the plan in response to this particular issue.

#### Allocated Housing Site H09 – Dennyloanhead

Bill Campbell (00487/3001/001) - The site is an allocated housing site within LDP1 (CD12), and previously was also included in the Falkirk Council Local Plan 2010. It has been fully assessed through successive development plan processes, and has been subject to further site assessment through LDP2 (CD33). The site was considered at the LDP1 Examination in 2014, and endorsed by Reporter (CD13, pages 69-85). Assessment has considered impacts on local infrastructure and the environment, and the site has been deemed suitable for development, subject to conditions. There are no new issues to consider in terms of the site's allocation. Accordingly, it is considered appropriate to carry the site over into LDP2.

The site was granted planning permission in principle in 2017 for 550 houses, a commercial block and associated infrastructure (CD64). The permission has further established the principle of this development as acceptable. The details of the development will be determined at a later stage through subsequent planning applications for the matters specified in conditions. The matters include landscaping, location of buildings, ecological impact assessments, road safety audits, details of access arrangements etc. In addition, the applicant has entered into a Section 75 obligation (CD66). Contributions for supporting infrastructure (including road improvements and additional school capacity) have been secured through this obligation

The Council accepts that new local facilities would be required to complement growth, and has made provision in the Proposed LDP2 (pages 70 and 71) for retail/local services at the H09 site. The nature and scale of this provision will be considered through planning applications for matters specified in conditions.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

Persimmon Homes (East Scotland) Ltd (00712/3009/001) - The Council does not consider the site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and was identified in the MIR as a non-preferred site (CD22). The site, previously known as Dykehead Farm, was considered at the Falkirk Council Local Plan Inquiry in 2009 (CD56, page 112). It was also considered and rejected through the

LDP1 process, although it did not feature as part of the LDP1 Examination.

The site is approximately 12 hectares of agricultural land at Dykehead Farm. It would represent a very substantial extension of the urban area into the countryside to the east of High Bonnybridge. It was acknowledged by the Reporters during the Falkirk Council Local Plan Inquiry as providing a “pleasant landscape setting” for the settlement of Bonnybridge, and that, if allocated, it would result in a substantial westward expansion of the built up area and not a rounding off (CD56, page 114, paragraph 6.5.11). The Reporters also commented that although the site has defensible boundaries to the north (a railway line and housing), to the south (a railway line), to the east (housing) and to the west (a road), the site’s development would significantly close the gap between Bonnybridge and the village of Greenhill. As well as visual impacts from local roads, the site is highly visible from the main Glasgow-Edinburgh railway line which forms the southern boundary of the site.

Impact on the Antonine Wall World Heritage Site is a major constraint on the site. The site boundary overlaps the World Heritage Site and the scheduled area of the Milnquarter Roman Temporary Camp (CD71). Approximately half of the site is within of the Antonine Wall World Heritage Site buffer zone. The indicative development framework within Persimmon Homes’ representation suggests the site’s development would potentially envelop the camp at the north eastern corner of the site and severely encroach on the setting of the camp and the World Heritage Site. The site also has potential for Roman archaeological finds owing to its close proximity to the Antonine Wall and the Roman Camp. This has been acknowledged by Persimmon Homes within its own Desk Based Archaeology Assessment (RD37).

Policy PE05 of the Proposed LDP2 has a presumption against development which would have an adverse impact on the Antonine Wall WHS, or its setting. The WHS buffer zone is an integral part of the designation, and whilst it does not act as an absolute barrier to development, it does provide an indication of the immediate setting of the WHS, where particular sensitivity is needed. The Council considers the scale and location of the development proposed would be a significant incursion into the WHS buffer zone, undermining its important role in protecting the setting of the Antonine Wall WHS, and compromising the setting of the Roman Camp which forms part of the WHS. The Council’s concerns are backed up by Historic Environment Scotland which has confirmed that the site’s development has the potential to adversely impact on the Outstanding Universal Value (OUV) of the WHS (CD70). It has also stated that it would likely object to development towards the eastern half of the allocation at the planning application stage due to significant impacts of the development.

The scale of the proposal raises education and healthcare capacity concerns. The site is within the catchment of Antonine Primary School. This school was extended in 2015 to deal with growth in the local area. While there is some capacity at present, a development of this scale is likely to create renewed capacity pressures (CD54, page 5). The school site is constrained by the presence of a part of the Antonine Wall WHS which is also a scheduled monument. It is not clear whether a further extension would be deliverable. Denny High School is facing long term capacity pressures, although this can be dealt with through developer contributions. Local GP services in Bonnybridge are also under pressure, with Bonnybridge Health Centre having no capacity to accept further significant growth.

The submitted Transport and Access Appraisal Report (RD41) is not a transport

assessment. A transport assessment would be required to identify the transport impacts of the proposed development on the local road network and identify mitigation measures to cater for the sustainable travel needs of the development. These measures would likely involve off-site road improvements given the scale of development envisaged and the generation of additional trips. The Council has also assessed the site as having low/moderate accessibility. The western part of the site is well over a 10 minute walking distance from Antonine Primary School.

The Council considers that substantial provision has been made for housing in the Bonnybridge and Banknock area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001) - The Council does not consider the site to be an appropriate housing allocation. A wider site, extending to the west, was subject to site assessment (CD178) and was identified in the MIR as a non-preferred site. This wider site has been considered and rejected on previous occasions, including at the Falkirk Council Local Plan Inquiry in 2009 (CD56, page 104) and also at the LDP1 Examination in 2015 (CD13, page 83). The wider site has also been subject to a 2011 application for planning permission in principle for residential purposes (P/11/0142/PPP) and a 2014 application for a distributor road and associated earth works (P/14/0046/PPP). The 2011 application site (CD77) includes the wider site and the allocation of H10 Broomhill Road.

The two planning applications were called in by Scottish Ministers and then refused by Scottish Ministers in 2016 [(CD72) and (CD73)], following the recommendations of the Reporter (CD74). The current representation proposes a reduced scale of site. This reduced site is the subject of a current 2018 application for planning permission in principle for residential use (CD75), which is as yet undetermined.

Although the site lies within the Urban Limit as defined in the adopted LDP1 as well as the Proposed LDP2, potential impacts on the setting of the Antonine Wall World Heritage Site and the associated scheduled monuments present a significant constraint to any development proposals in this location.

The site is located within the Antonine Wall WHS Buffer Zone, which at this point provides a visual connection between the wall itself and the associated Milnquarter Roman camp, which is a scheduled monument as well as a part of the WHS. The general location is important because it includes two sizeable re-alignments of the Wall, taking it from a scarp immediately above the valley floor of the Bonny Water to a higher ridge at Rough Castle. To the west, the Wall was tactically positioned to block passage across the valley and its associated bogs, but eastward this was no longer tenable and the adjustment to the higher ground maintained a military advantage. This was rather awkwardly achieved by the re-entrant that utilised the small ridge south of the Antonine Primary School. The two sectors represent the work of different units of the Roman army and it was there that one of the work squads was based in the temporary camp. The camp is positioned to dominate the gap and its topographical relationship to the Wall is crucial. Indeed, such clear views between a construction camp and a linear fortification at Milnquarter are



unparalleled elsewhere within the WHS.

When considering the 2011 and 2014 planning applications (CD74), the Reporter confirmed that residential development at the site would have an adverse effect on the setting of the Antonine Wall WHS and associated scheduled monuments, and accordingly the applications were refused. Stewart Homes have attempted to address the issues by proposing the smaller site which is the subject of this representation as well as the current 2018 planning application (CD75). However, Historic Environment Scotland continues to object to the reduced proposal on the grounds that it has the potential to adversely impact on the Outstanding Universal Value of the WHS, and on the setting of the related scheduled monuments. Their consultation response (CD76) refers back to the decision on the previous applications and contains an Annex explaining the background to their objection.

Discussions continue on the application, and it is possible that a solution could be negotiated whereby a further significant reduction in the development area could provide satisfactory mitigation. However, the extent of the site proposed for development through this representation remains unacceptable in terms of its impact on the WHS.

Stewart Homes attempt to make comparisons with the allocated site H11 Seabegs Road and question why it has been allocated despite abutting the WHS. However, the Seabegs Road site is a brownfield site (a former Council depot within an industrial estate) which was allocated in LDP1. As such, although it abuts the WHS, it is not part of the WHS buffer zone. At the LDP1 Examination (CD13, page 82, paragraph 13), the Reporter acknowledged that a sensitive development of the Seabegs Road site could improve the setting of the WHS. Historic Environment Scotland has not objected to the Seabegs Road site's continued allocation.

For these reasons, the Council does not agree to modify the plan in response to this representation.

### **Reporter's conclusions:**

#### Level of housing growth site within Bonnybridge and Banknock

1. With regard to the two representations objecting to the proposed level of housing development in Banknock and Bonnybridge, I note that most, but not all, of the housing sites allocated in the adopted 2015 local development plan have been carried over to the proposed plan, and that the only new site is for 10 units (H53). In particular, the key strategic growth areas - comprising Banknock (allocations H08 Banknock South and MU04 Banknock North) and Dennyloanhead (allocation H09) - have been carried over from the adopted local development plan and were also allocated in the 2010 local plan. In addition, sites H09 and MU04 both have planning permission in principle, while a development framework covering both H08 and MU04 has been adopted as non-statutory planning guidance (see paragraph 5 below). I therefore consider that there is a long-standing commitment to develop these sites for housing.

2. In terms of the request from Ms Ross (03017/3001/001) to reduce the number of housing units in Banknock, my reading of the representation is that this is based on concerns that this number of properties would result in unacceptable pressures on infrastructure and the local environment. While I acknowledge the many concerns expressed by both Ms Ross and Mr Ferraioli, I note that the housing proposed for H08

Banknock South is relatively low-density in nature at less than 20 houses per hectare overall. I also agree with the council that these pressures are recognised in the individual site assessments (CD33) and in the settlement statement on page 66 of the proposed plan. In addition, many of the measures necessary to address these, including developer contributions, are set out in the site-specific development guidance for the two strategic growth areas.

3. In regard to air quality concerns, I note that the two air quality management areas in this locale have met national air quality standards for at least four years, as of June 2018 (CD67). Although I accept that additional traffic would be anticipated from these developments, I note that policy PE26 (Air Quality) requires that impacts on air quality be taken into consideration in assessing development proposals. Similarly, policy IR05 (Transport Assessment) requires air quality impact assessments as part of the transport assessments required for development proposals where the increase in additional traffic volumes would affect the operation of the transport network. The proposed plan therefore requires that this issue be taken into account when applications for planning permission are progressed.

4. I also note that issues relating to road capacity, flooding and recreation are addressed in the site-specific development guidance. Finally, this guidance makes clear that recognised concerns around current transport infrastructure and sewer constraints will be addressed through the significant scale of housing regeneration proposed for this area.

5. Taking all these together, I consider that the principle of development in this area is well established and that the request for the reduction in housing numbers is not justified.

#### Allocated Housing Site H08 – Banknock South

6. This allocated site, 11 hectares in extent with an indicative capacity of 200 houses, has been carried forward from the adopted 2015 local development plan (formerly site H07) and was also included in the local plan (2010). I note that the proposed plan erroneously continues to refer to the site as H07 on page 68. The “Banknock & Haggs Special Initiative for Residential led Regeneration Development Framework 1st Alteration” (“the development framework”), which applies to both H08 (Banknock South) and MU04 (Banknock North), was prepared by the council in conjunction with the other landowners (including the representee), and adopted as non-statutory planning guidance in January 2015, following public consultation. Figure 9 of the development framework indicates the land ownership of site H08, with the council owning the northern half of the site and the representee owning the southern half.

7. I note that the representee has requested a number of modifications to the proposed plan’s development guidance for Banknock South (pages 68-69 of the plan) and I deal with each of these in the following paragraphs.

#### Process

8. The representation expresses concern, in light of the wording of the paragraph under the ‘process’ sub-heading, that proposals would not be able to be brought forward independently of those of the council, given the pattern of land ownership on the site. Figure 8 of the development framework sets out a possible staged approach to development of the site and its supporting infrastructure, with the northern part in phase 2 and the southern component in phase 3. However, the wording of paragraph 5.13.3 of

the framework makes it clear that this phasing plan is indicative only. I also note that the site-specific guidance states, under this paragraph, that further negotiations are required between the landowners to establish a framework for taking the constituent sites forward.

9. I do not read the wording of this paragraph as potentially restricting the representee's actions. Nowhere does it state that development of the southern component of the site is contingent on development on the northern half, only that negotiations are required between the landowners. I therefore consider that the additional wording sought is not necessary.

#### Key Principles (Access Arrangements)

10. The first bullet of the key principles states that access is to be taken off the reconfigured junction of Wellpark Road and Kilsyth Road; that vehicular access to/from John Bassy Drive and the southern part of Wellpark Road is not appropriate; and that a pedestrian/cycle link to John Bassy Drive is required. I note that the wording is the same as that for the Banknock Strategic Growth Area in the adopted local development plan. (In passing I note the erroneous spelling of "Bassy" used on page 68.)

11. At the site inspection I observed that Wellpark Road is a relatively narrow road which, at its northern end, serves a number of individual properties before, at its southern end, connecting into the existing housing development. There is no disagreement between the parties that the aforementioned junction requires upgrading, as does the northern part of Wellpark Road, to accommodate the additional vehicular traffic that would be generated from 200 housing units. Although there is no evidence before me as to the preferred timing of this upgrade, common sense would dictate that an improvement to the junction at Wellpark Road and Kilsyth Road should be available prior to the occupation of the completed housing units.

12. I note in passing that the aforementioned development framework, in figure 6, appears to identify a principal road link between Wellpark Road and John Bassy Drive. From the map in the proposed plan it also appears that vehicular access to the eastern part of the site from John Bassy Drive and Rowan Drive could be achieved. However, at the site inspection I observed (as the council has noted) that both John Bassy Drive and Rowan Drive comprise narrow residential streets with on-street car parking. I therefore consider that neither would constitute an appropriate access, however temporary.

13. I also agree that access to the allocated site from the southern part of Wellpark Road would not be appropriate, given that I observed at the site inspection that this section of road comprises a narrow lane which serves individual houses before entering the residential development. Opportunities for widening would be limited at this location. Accordingly, I consider that it would have difficulty in accommodating additional traffic.

14. The ownership of this site means that some aspects of its development may be quite complex, and that coordination between the landowners is likely to be required, including in regard to vehicular access. I consider that this requirement is acknowledged by the development guidance's statement that further negotiations are needed between the landowners to establish a framework for taking the constituent sites forward. While I acknowledge the concerns expressed in the representation regarding the timing of the southern part of the site's development, I do not consider that the wording of the site-specific guidance regarding access would act as a constraint in the way envisaged.

15. Drawing all of the above together, I find that the wording in this bullet point does not require to be amended in the way requested.

#### Key Principles (Woodland)

16. The development framework identifies the importance of this site for both woodland and wetland networks, including the aspiration to reconnect fragmented areas (paragraphs 5.7.4 and 5.7.10). At the site inspection I observed that the woodland is mainly confined to the south of Doups Burn, apart from vegetation bordering Wellpark Road and Wyndford Road. I therefore agree that, in the southern part of the site, some tree removal would be required to facilitate housing development and to accommodate other infrastructure such as drainage or sustainable urban drainage systems. I also note that this is generally recognised by the development framework, which suggests that outline masterplans should consider the retention of good quality trees wherever possible, outlining proposals for both tree removal and retention in an accompanying tree protection plan (paragraph 5.7.11).

17. I agree that the wording of the fifth bullet point could be interpreted in such a way as to constrain development on the site. I therefore recommend an amendment to the wording of the bullet point, as suggested by the council.

#### Key Principles (M80 Junction 7/A803)

18. The tenth bullet point under the development guidance for Banknock South requires upgrading of the M80 junction 7 slip roads and their junction with the A803, prior to commencement of development. I note the drafting error highlighted by the council and recommend that the phrase “prior to commencement of development” is deleted.

#### Key Principles and Other Requirements (Water and Drainage)

19. Policy IR10 (Drainage Infrastructure) identifies requirements for drainage infrastructure. At the site inspection I observed that Doups Burn runs through the middle of the site, roughly west to east, with the Bonny Water on the southern boundary. The stage 1 flood risk assessment (CD69) clearly shows the potential for flooding along both watercourses. The site-specific guidance, in the seventh bullet point, requires development to avoid areas at high risk of flooding from the Bonny Water and Doups Burn. The third bullet point also requires that development be arranged around a managed SUDS wetland along Doups Burn, and that SUDS development should be integrated into the greenspace and not be overly engineered in appearance. As sustainable urban drainage systems (SUDS) are a recognised method of mitigating flooding risk from increased surface water runoff, I do not consider this requirement to be overly onerous. Given the topography, much of the surface water runoff would likely originate in the northern half of the site, and I assume that the provision of such a system would therefore be the subject of negotiation between the landowners. I consider that the proposed amendment to the wording would not adequately address the issue and thus see no reason to amend the wording as requested.

20. The development framework identifies the existing sewerage system as a constraint on development (paragraph 3.5.3) and notes that detailed discussions with Scottish Water have informed a drainage strategy to facilitate additional capacity to accept foul water flows, based on the removal of surface water discharges to the combined sewer network. This requirement is summarised in the second bullet point under “Other

Requirements” of the proposed plan’s development guidance on page 68. There is no evidence before me from the representee regarding potential alternative solutions. It is also not clear to me how the proposed modified wording, which relates to sustainable urban drainage systems, would adequately address this issue. Equally, I do not consider that deletion would be appropriate. Accordingly, I do not agree to amend the wording of this requirement.

#### Denny Eastern Access Road (DEAR)

21. I note the request in the representation to delete the requirement for developer contributions to the Denny Eastern Access Road, on the basis of distance, Banknock South being approximately 4.5 kilometres from the access road. However, no transport evidence has been submitted to substantiate the representee’s argument that the connection is trivial. I am mindful of the information provided by the council regarding the likelihood that children from Banknock South will attend Denny High School, with consequent vehicular traffic impacts on Denny Cross. Whilst development on site H08 would, in my view, be likely only to have a slight individual effect at Denny Cross, I consider that any development which can be shown to cumulatively contribute to the pressure on the junction should be expected to make a proportionate contribution to the DEAR project, in order to address this constraint.

22. I accept that the relevant supplementary guidance identifies six sites where proportionate financial contribution to the Denny Eastern Access Road will be necessary, but note that it states that other sites may be taken into account in the future. Indeed, Banknock South (being one of those making up the Special Initiative for Residential led Regeneration) is identified in paragraph 3.4 of the supplementary guidance as being a likely contributing site.

23. On the basis of the information provided, I consider that the requirement for developer contributions to the Denny Eastern Access Road set out in the development guidance should be retained. I do however recommend that a modification be made to the requirement in the proposed plan to provide the council with some flexibility in this regard, to reflect that any contributions being sought towards the DEAR must satisfy the requirements of Circular 3/2012.

#### Allocated Housing Site H09 – Dennyloanhead

24. This allocated site, 30.9 hectares in extent with an indicative capacity of 550 housing units, has been carried over from the adopted local development plan (formerly site H08) and was also allocated in the Falkirk Local Plan 2010. There is therefore a long-standing commitment to develop this site for housing.

25. The representation has raised concerns that this allocation will result in a loss of agricultural land. However, my understanding from the examination of the adopted plan (CD13) is that this farmland is the site of a former colliery. In consequence, the site assessment (CD33) found that development at this location would provide the opportunity to remove existing contamination and make safe any unstable land.

26. The allocated site is not located within the green belt, and is outwith the buffer zone for the Antonine Wall World Heritage Site. Planning permission in principle was granted in 2017, subject to conditions requiring, amongst other things, ecological impact assessment and a site biodiversity action plan. These conditions also include

requirements for road improvements and design of accesses. I therefore consider that the ecological and other concerns raised by Mr Campbell will be addressed appropriately through these conditions.

27. The Section 75 agreement (CD66) was concluded in September 2017, which secures contributions for supporting local infrastructure (including road improvements, education and nursery provision, a community recreational facility, and an offsite footpath link) as well as ensuring the provision of affordable housing and M80/A803 infrastructure mitigation.

28. Taking these matters together, I consider that the principle of development at this site is well established and that the request for its deletion is not justified.

Non-allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

29. In issue 2, we have found that the housing land requirement should be revised upwards. It is therefore necessary for us to consider allocating some additional, appropriate sites for housing through this examination. This unallocated site, approximately 12 hectares in extent and proposed for 300 housing units, is outwith the settlement boundary and currently used for rough grazing. It is bounded by the Stirling to Glasgow and Edinburgh to Glasgow railway lines to the north and south respectively, to the east by housing and to the west by Greenhill Road, beyond which lies the village of Greenhill. Reilly Road runs east-west across the site. It was a non-preferred site in the Main Issues Report, and it has also been considered for housing, and rejected, at the 2010 local plan inquiry and 2015 local development plan examination.

30. The proposed site is not within the green belt but does provide a green buffer to the western periphery of the town. I note the council's concern about closing the gap between Bonnybridge and Greenhill but consider that housing in this location would be a logical extension to the west of Reilly Gardens, particularly as there is a clear boundary to the immediate west of the site formed by Greenhill Road and beyond it, the railway junction, which would limit any further extension to the west.

31. The site allocation, in its north-east corner, covers part of Milnquarter Roman temporary camp, a scheduled monument that is also included in the Antonine Wall World Heritage Site. In addition, the eastern half of the proposed allocation lies within the world heritage site buffer zone. Policy PE05 (Antonine Wall), supported by supplementary guidance 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' (CD21), presumes against development which would have an adverse impact on the world heritage site or its setting (including its buffer zone), while policy PE06 (Archaeological Sites) protects the scheduled monument and its setting.

32. Historic Environment Scotland, in its response to the Main Issues Report, considered that development towards the eastern half of the allocation would be likely to have such significant impacts that they would be likely to consider objecting to any forthcoming planning application for development of this scale in this location. I note that the indicative development framework (appendix 1 of the representation) indicates that the area of the monument to the south-east of Reilly Road would not be developed; the representee also states that a suitable stand-off distance could be developed in conjunction with the council. Whilst I agree that such setback could avoid direct damage to the monument and/or loss of its fabric, no dimensions for the stand-off area are provided. I note the representee's view that the proposed stand-off would accord with

that utilised in the construction of the adjacent housing to the north-east and north-west of the proposed site, but there is no information before me in this regard, and I therefore cannot comment as to its acceptability in this context. I also note Historic Environment Scotland's views (CD76) that housing units within 25-30 metres of the boundary of the scheduled area of the Roman camp could affect the setting of the monument by, for example, challenging it for dominance within its immediate setting. Although this advice was provided in relation to housing development proposed to the immediate north of the proposed allocation, I consider it pertinent to this proposal.

33. In addition, the framework shows a footpath running on the northern side of Reilly Road, which would cross the monument. I have assumed that construction of a footpath in this location would not affect the setting of the monument and/or the World Heritage Site. However, I consider, based on my own experience, that construction of a footpath/cycleway in this locale would require a certain amount of excavation. Although the monument in this location may have been affected by construction of the railway line, and such excavation could therefore fall within the vertical buffer zone (as set out in section 3.4 of the World Heritage Site supplementary guidance), the acceptability or otherwise of such excavation would require prior consultation with the council.

34. I note the representee's argument that the world heritage site buffer zone would not constitute a constraint on this development, given that views across the temporary camp from the wall would not be affected (RD37). However, the setting of the monument and world heritage site requires consideration of more than the view, and is a matter of the relationship between them. I do not consider that there is enough detailed information before me to rule out an adverse effect, including cumulative effects, on the setting of the world heritage site and monument.

35. Finally, I recognise the archaeological potential of the site; however, I consider that this could be dealt with by condition at the development management stage.

36. Drawing all of the above together, with the site allocation drawn as proposed, the potential for adverse effects on the monument, world heritage site and buffer zone are such that I conclude that it cannot be taken forward as sought. In coming to this view, I am informed by advice from Historic Environment Scotland (CD70). Despite our conclusions in issue 2 referred to above, in light of the difficulties associated with the boundaries of this site, I do not consider it appropriate for allocation at this time.

37. I note the council's concerns regarding primary education and health infrastructure capacity, and the difficulty of using developer contributions to overcome these issues in this locale. I also note the council's concerns about increased traffic levels that would ensue from the proposed allocation. Whilst it may be possible to resolve these constraints, in light of my finding in paragraph 35 and the international importance of the world heritage site, I consider that the site would not be appropriate for allocation as proposed.

#### Non-allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

38. The site at Milnquarter Farm (reference 178) assessed in the council's technical report 2 (CD33) measured 5 hectares in extent, with an indicative capacity of 98 homes. However, the representation seeks the allocation of a smaller area (approximately 1.5 hectares) of the overall site, for in the region of 50 homes. The representation also asserts that this site was previously allocated as an infill site in the adopted 2015 local

development plan. I have referred to the proposals map in the 2015 plan, which does not show the site as allocated.

39. The south-eastern boundary of the site allocation proposed in the representation appears to lie immediately adjacent to Milnquarter Roman temporary camp, a scheduled monument that is also included in the Antonine Wall World Heritage Site; the whole of the proposed allocation is within the world heritage site buffer zone. Policy PE05 (Antonine Wall), supported by supplementary guidance 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' (CD21), presumes against development which would have an adverse impact on the World Heritage Site or its setting (including its buffer zone), while policy PE06 (Archaeological Sites) protects the scheduled monument and its setting.

40. Historic Environment Scotland, in its response to the Main Issues Report, indicated that it did not wish to see site 178 allocated in the plan. The Main Issues Report identified site 178 as a non-preferred site but stated (in note 2) that, although the site was not proposed for allocation, limited development may be acceptable subject to assessment against detailed policies.

41. A planning application (reference P/18/0024/PPP), submitted in 2018 and currently awaiting determination, relates to the smaller site forming the basis of the representation. Although the site has been reduced significantly in extent, it remains close to the monument (some 25-30 metres distant) and within the world heritage site buffer zone. I note the views on the planning application provided above by the council as well as by Historic Environment Scotland (CD76). I am also cognisant of the findings of the reporter on the previous appeal, although I recognise that the area of the proposed allocation is smaller than that of the previous application. Whilst I accept that there would be no direct impact on the world heritage site and scheduled monument, on the basis of the evidence before me I consider that the setting of the world heritage site and scheduled monument could be adversely affected for the reasons provided. There is no evidence before me to contradict this view. I also note the advice from Historic Environment Scotland (CD76) that development could be progressed at the proposed site, with a small number of properties at the northern end of the site, advice which is echoed in the Main Issues Report (paragraph 39 above).

42. Drawing all of the above together, this smaller site is located within the settlement boundary, where development would normally be permissible providing it meets the relevant policies of the plan. In this context, and in light of the issues raised in paragraph 41 above, I consider that as the acceptability of development on the site appears to heavily rest on whether its layout, scale and form can respond positively to - and respect the setting of - the world heritage site, the site's ability to accommodate development would be more appropriately determined through the detailed development management process, rather than allocating the site without there being the same detailed information to hand. In any event, in light of this smaller site not having been part of any consultation process or strategic environmental assessment for the proposed plan, I do not consider it appropriate to recommend its inclusion at this stage, noting the requirements of circular 6/2013 'Development Planning', paragraph 118.

**Reporter's recommendations:**

1. On page 68, under Banknock South (H08), fifth bullet point, replace "Woodland to be retained along southern part of site" with "Woodland to be retained and enhanced along southern part of site where possible. Proposals for tree removal to be accompanied by a



tree survey and tree protection plan.”

2. On page 68, under Banknock South (H08), tenth bullet point, replace “Upgrading required to M80 Junction 7 slip roads and their junction with A803 prior to commencement of development with “Upgrading required to M80 Junction 7 slip roads and their junction with A803”.

3. On page 68, under ‘Other Requirements’, at the end of the fourth bullet point add “...as may be necessary and proportionate.”

<b>Issue 5</b>	<b>Maddiston and Rumford Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>  Braes and Rural South (pages 72 - 73)  Maddiston East Major Area of Change Development Guidance (pages 76 - 77)  <u>Appendix 1 Proposals and Opportunities Schedule</u>  Housing - Braes and Rural South - Maddiston/Rumford (page a03)  Business - Braes and Rural South (a16)  <u>Proposals Map 5</u>  Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Lionel McMillan (00497) Taslin Pollock (02967) Grahame Crawford (03025) Land Options West (00851) Manor Forrest (00455)		Messrs Robertson (02873) Craigrossie Properties (00904) Scotland Fire and Rescue Service (00331) Brightons Community Council (00123) Scottish Natural Heritage (00646)
<b>Provision of the development plan to which the issue relates:</b>	The overall approach to housing growth in Maddiston and Rumford and allocation of specific sites for housing in these communities, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Approach to Housing Growth and Infrastructure in Maddiston and Rumford</u></p> <p>Lionel McMillan (00497/3001/003) - There is an overall lack of infrastructure in the Braes area in comparison to similar sized settlements in the central belt. New housing will increase flooding through surface water run-off. Maddiston Primary School was not built to an adequate size. The community centre is at risk of closure through lack of funding, which is a vital part of community infrastructure.</p> <p>Taslin Pollock (02967/3001/001) - Concern is expressed that Maddiston is only afforded a single paragraph in the Braes and Rural South Settlement Statement, and that it is intended to increase housing in the Braes area. The plan should focus instead on increasing infrastructure, namely medical, schooling and shopping facilities. Given the recent fraud charges against councillors, no further building should take place until a public inquiry is carried out.</p> <p><u>Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)</u></p> <p>Grahame Crawford (03025/3001/001) - The southern part of Proposal H13 contains an area which was to provide the SUDS infrastructure and landscaped open space as part of the now completed development to the west under the permission granted to Barratt West Scotland in October 2007 (Ref 06/0457/FUL). To date the conditions of the planning</p>		

permission have not been complied with. The SUDS pond has been built but it has never been handed over to the developer for maintenance purposes, and is grazed by livestock which damage and contaminate the pond. The area has not been laid out as open space. This SUDS area should therefore be removed from Proposal H13, and the planning conditions attached to planning application 06/0457/FUL should be enforced.

#### Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Lionel McMillan (00497/3001/004) - Proposal H16 should be deleted as there would be impacts on ecology. In particular, the site was identified as a "migration area for insects" in the 1990s. The site would also result in an additional burden on infrastructure including schools, health services, roads, drainage and sewerage.

#### Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Lionel McMillan (00497/3001/001) - The Toravon Farm site (Proposal H17) and Manor Wynd should be connected to the A801 by a link road from Manor Wynd. The suggested location is shown in RD49. There are surface water drainage and road congestion issues at Vellore Road, and the gradient of Manor Wynd results in the area being inaccessible in winter. Photos (RD50-52 highlight concerns).

#### Non-allocated Site - Parkhall North (Site Ref 141)

Land Options West (00455/3006/001) - A site at Parkhall Farm North should be identified as a mixed use, phased residential-led urban expansion area, for up to 1200 units. Uses would include housing (including affordable/elderly care); canal related leisure and tourism; garden centre, sports and recreation facilities; neighbourhood centre; and greenspace, community park and play area. The development will provide enhanced greenspace and active travel links around the site. Phase 1 would deliver 428 units, with Phases 2 & 3 identified by an asterisk as an opportunity for the second 10 year period of the LDP. The representation has been informed by close examination of landscape issues, transport/ infrastructure issues and planning issues, and is supported by a range of documents (RD49), including a masterplan, phasing plan, MIR submission, landscape and visual assessment, ecological assessment, and transport statement. These confirm the suitability of the site for mixed use development.

The site offers numerous community benefits including a neighbourhood centre, health and fitness facilities, care home, canal related tourism and leisure, garden centre, 5-a-side football centre and healthcare facilities.

A range of developments have been granted permission adjacent to the site which further supports a mixed use allocation in this location. These are identified in Appendix 2 of the submission (RD49). Developments adjacent to the site include a canal hub (P/10/0761/PPP), a 50m roundabout (P/12/0694/FUL) providing access from the A801, and a holiday lodge development (P/13/0079/PPP and P/16/0064/PPP). These approved developments provide support for a wider release.

The site is deliverable and effective, and is within the control of parties who will release the site for development. The site is within a highly marketable location and relatively free from constraints

Part-allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001) - A site at Parkhall Farm North West should be identified for housing. The site is sustainable and deliverable, and would address the shortfall in housing land. The site was originally intended to be part of a wider expansion area at Parkhall, and is serviced by a roundabout and access spurs. It can be accessed in the longer term via the A801 to the east. An allocation in this location would be a sustainable development with available infrastructure. The proposal is proportionate to the scale of the shortfall of housing in the area and can be delivered in time to address this immediate shortfall in the Council's effective housing land supply.

Non-allocated Housing Site – Gillandersland (Site Ref 144)

Messrs Robertson (02873/3002/001) - A site at Gillandersland should be identified in LDP2 for housing. The Council's desire to maintain a 5 year housing land supply is supported, and it is considered that this site would make a positive contribution to the supply. The site is effective and deliverable in the short term.

Non-allocated Housing Site – Greenwells Farm North (Site Ref 138)

Craigrossie Properties (00904/3003/002) - A site at Greenwells Farm North should be allocated for residential development with a capacity for 90 units as part of a sustainable greenfield release. Craigrossie Properties are an established developer with experience of delivering housing sites. The site would assist in adding to the range of housing sites across the Council area, without undue reliance on larger, stalled sites. The site is effective.

Education capacity issues can be addressed by way of catchment review, in addition to developer contributions. Protected species and flood risk would be the subject of further assessment, but the development area would avoid any flood risk area or sensitive locations. The site can also be delivered without impact on the existing landscape or transport network. The site is adjacent to the village and would round-off the western settlement edge.

Allocated Business Site BUS22 - Maddiston Fire Station (Site Ref 140)

Scotland Fire and Rescue Service (00331/3003/001) - Proposal BUS22 should be changed to a housing allocation with an indicative site capacity of 90 units. The site is a large, brownfield site in a central location adjacent to the main street that runs through Maddiston. Its redevelopment offers the potential to restore the urban form of this central area, close to local shops as well as services such as the primary school and community centre. The surrounding area is residential in character and residential development is an appropriate land use for this location. Residential development will also assist in the prompt disposal of a vacant brownfield site in the village core, and offer improvements to open space and outdoor access, as well as developer contributions to community infrastructure.

The Proposed Plan and its supporting documents offer no evidence base on the need for new business/retail/community uses in this specific location or an indication that these are marketable or deliverable for this site. There is no assessment of the existing business/retail/community uses in the local area or evidence of a deficiency in facilities. The Proposed LDP2 does not indicate the type, scale or strategic need of the proposed

uses. Neither the site, nor the village of Maddiston, is mentioned within Falkirk Council's Technical Report 6 (Revised): Employment Land (September 2018) (CD38) as having any requirement to accommodate employment land. Indeed, the Council area has a supply of around 290 hectares of employment land, equivalent to 56 years supply.

Maddiston has an adequate provision of community facilities. Maddiston Community Centre is located close to the site, and the Primary School could be better utilised with more of its facilities and rooms used by the community. LDP2 should be supported by a robust evidence base that identifies deficiencies in community provision and examines the potential for existing facilities to deliver these, before allocating a very large site for speculative community use with no indication of funding or effectiveness.

No clear need for a new retail centre on the site was identified during the public consultation event held for the planning application process. There has also been no approach to the owners from retail operators. New retail units on the site would create two small centres for the village, with potential for retail units that may compete with existing provision nearby.

Brightons Community Council (00123/3003/004) - The Maddiston Fire Station site should include a high proportion of commercial business use to encourage economic and employment opportunity and diversity in the community.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003) - The development guidance for the Maddiston East Major Area of Change does not show, or make reference to, green network Proposal GN14. The proposed vehicular access crosses GN14, and could undermine the likelihood of it meeting the priorities set out for it in Table 3.1 of the Proposed Plan (page 16). GN14 should be shown in the development guidance and conversely, the proposed access from the A801 should be shown on Proposals Map 4 to ensure that there is a clear read across between different parts of the LDP.

**Modifications sought by those submitting representations:**

Approach to Housing Growth and Infrastructure in the Braes Area

Lionel McMillan (00497/3001/003) - Make provision for additional infrastructure in the Braes.

Taslin Pollock (02967/3001/001) - Change the focus in the Braes area from provision of new housing to provision new infrastructure, notably medical, schooling and shopping facilities.

Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)

Grahame Crawford (03025/3001/001) - Amend the boundary of Proposal H13 to remove the southern area which is subject to the provision of SUDs and open space as required by planning application 06/0457/FUL.

Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Lionel McMillan (00497/3001/004) - Delete proposal H16 Parkhall Farm 4.

Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Lionel McMillan (00497/3001/001) - Amend the Major Area of Change Development Guidance for Maddiston East to include a link to the A801 from Manor Wynd in conjunction with the development of Proposal H17.

Non-allocated site - Parkhall North (Site ref 141)

Land Options West (00455/3006/001) - Insert additional site at Parkhall North as a first phase of mixed use development, with a capacity of 428 houses, with subsequent phases identified indicatively as long term growth (up to 1200 units overall) for the second 10 year period of the LDP.

Part-allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001) - Insert additional site at Parkhall North West as a housing proposal, with a capacity of 200 units.

Non-allocated Site – Gilandersland (Site Ref 144)

Messrs Robertson (02873/3002/001) - Insert additional site at Gillandersland as a housing proposal.

Non-allocated Site – Greenwells North (Site ref 138)

Craigrossie Properties (00904/3003/002) - Insert additional site at Greenwells Farm North as a housing proposal, with a capacity of 90 units.

Allocated Business Site BUS22 - Maddiston Fire Station (Site Ref 140)

Scotland Fire and Rescue Service (00331/3003/001) - Amend Proposal BUS22 to a housing proposal with an indicative site capacity of 90 units.

Brightons Community Council (00123/3003/004) - Site comments within the allocation should express a clear focus on commercial business use.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003) - Amend the map as part of the Development Guidance for the Maddiston East Major Area of Change (page 77) to show Proposal GN14. Add the following text to Key Principles (Vehicular and Pedestrian Access, third bullet): "Delivery of this access should not undermine the delivery of green network priorities in Proposal GN14". Show the access from the A801 on Proposals Map 4.

**Summary of responses (including reasons) by planning authority:**Council's Approach to Housing Growth in Maddiston and Rumford

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

The Braes and Rural South has a generous existing housing supply of almost 700 units, of which a substantial proportion is provided by the Maddiston East Strategic Growth Area (Proposals H13-H18, H54) and the Whitecross Strategic Growth Area (Proposal H29), both of which have been carried forward, in amended form, from LDP1. The Maddiston East growth area has been increased through an additional greenfield release to the north for amenity/community care housing and a care home (Proposal H18). Otherwise a strategy of consolidation is being pursued on account of the rapid expansion of many of the Braes urban communities, and consequent pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which in the past has eroded the identity of what were once discrete settlements.

The main through route giving access to Maddiston and Rumford is the B805 which is subject to peak time congestion, and some junction capacity issues. Rail services may be accessed at Polmont station to the north, but parking capacity at the station is very limited, with no option to expand. There are also issues in the local drainage network.

Education capacity is perhaps the most pressing consideration in terms of any further housing expansion in Maddiston and Rumford, beyond that currently planned. The Education Background Paper (CD54) highlights the current situation. Maddiston Primary School is suffering acute capacity problems, with mobile classrooms in place and plans for a permanent extension in hand (Proposal IN30). This will accommodate existing planned growth only. The site is highly constrained with no room for any further extensions beyond this. Any further housing growth would necessitate a new school or major catchment rezoning exercise. Braes High School is subject also subject to long term capacity pressures, and this may necessitate an extension in due course.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank (CD55) and the lack of additional land at the health centre to expand. The rapid increase in patient numbers has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

Throughout successive Development Plan consultations, the community has highlighted the significant growth over recent years, and the inadequacy of existing community facilities such as the community centre in Maddiston. The community planning process is currently exploring potential solutions with other partners and the community as part of the ongoing locality planning exercise.

Lionel McMillan (00497/3001/003); Taslin Pollock (02967/3001/001) - The Council accepts that the Braes urban area has seen significant growth over the last 20 years, which has placed significant pressure on local infrastructure in terms of the road network, schools and community facilities. This is the reason for pursuing a strategy of consolidation, carrying forward the Maddiston East Strategic Growth Area with the addition of the site to the north-west for amenity/elderly care housing and a care home, with no other allocations. Meanwhile the Council and other partners are working to address infrastructure issues arising from historic growth. Maddiston Primary School will be extended. In terms of surface water drainage, Scottish Water has prepared an integrated catchment study, which includes the Maddiston area, with the aim of addressing local surface water flooding issues. Planning applications for LDP sites will

also require a flood risk assessment, and surface water drainage strategy. It is therefore considered that the current settlement strategy for the Maddiston and Rumford area takes due cognisance of the issues raised, and the coverage of these issues in the plan is sufficient. The Council does not agree to modify the plan in response to these representations.

Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)

Grahame Crawford (03025/3001/001) - The responsibility for maintaining the SUDS area within Proposal H13 is understood to lie with the Greenbelt Company. Falkirk Council have previously liaised with their representatives regarding the issues highlighted. The Council consider that the SUDS pond and surrounding land should continue to be included within the boundary of H13, as it is intended that the SUDS area will form a part of the open space and landscaping requirements for the site, and for the wider Maddiston East Strategic Growth Area. Inclusion within H13 also offers the potential for further enhancement of the space. Manor Forrest have submitted a representation of support of the LDP2 allocation and emphasise the site's continued deliverability.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Lionel McMillan (00497/3001/004) - Proposal H16 is an existing allocated site within LDP1, which is being carried forward into LDP2. Manor Forrest have submitted a representation of support of the allocation and emphasise the site's continued deliverability. In addition, the site has in the past had planning permission for residential use (now lapsed). The principle of the use of the site and its suitability for housing has been established, including assessment of biodiversity issues. It is acknowledged that the Maddiston SINC borders the site on the north and west side, but LDP2 requires a suitable buffer to be maintained and highlights the potential for enhancement of the SINC through riparian habitat restoration (Maddiston East Development Guidance, pages 76-77). Future applications may be required to undertake habitat or species surveys where appropriate. In terms of infrastructure capacity, upgrades to local infrastructure are in hand as previously described, and detailed issues can be dealt with through future planning applications. For these reasons, the Council does not agree to modify the plan in response to the representation.

Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Lionel McMillan (00497/3001/001) - Proposal H17 is proposed to be accessed from Vellore Road and Manor Wynd as detailed in the Maddiston East Development Guidance (pages 76-77) and the adopted Maddiston East Development Framework (CD78). The creation of a separate access road in from the A801, which would involve the formation of major roundabout on the A801, is not considered necessary or proportionate. Issues with capacity and surface water drainage at Vellore Road can be dealt with through suitable upgrades secured in conjunction with future planning applications. Applications would be accompanied by a surface water drainage strategy and flood risk assessment. Accessibility of the local road network in winter conditions is outwith the scope of the LDP. For these reasons, the Council does not agree to modify the plan in response to this representation.



Non-allocated Site - Parkhall North (Site Ref 141)

Land Options West (00455/3006/001) - The Council does not consider the site at Parkhall North to be an appropriate allocation for a mixed-use development. The site was subject to a site assessment (CD33) which highlights potentially significant impacts on landscape, ecology, and local infrastructure. The site was identified as a non-preferred option in the MIR. The site has been promoted unsuccessfully by the landowner in various forms through previous development plan processes. Most recently, the site was considered and rejected by the Reporters to the LDP1 Examination in 2015 (CD13, pages 163-166).

The site represents a significant incursion into the open countryside, which would result in significant landscape and visual impacts. The proposal effectively results in development of all land between Brightons/Rumford/Maddiston, the railway to the north, and the A801 to the east. The land form is characterised by prominent east-west ridges, which are particularly visually prominent from the adjacent settlements. Extensive mitigation would be required through new structure planting and leaving some areas undeveloped, but full mitigation could not be achieved. The site contains a number of areas of woodland (including areas of ancient and semi natural woodland) which are important in terms of their landscape and ecological value.

Development would have an adverse visual impact on the setting of the Union Canal, a scheduled monument, and its rural character. The Union Canal also forms part of the John Muir Way. The stretch of canal between the settlement edge of Brightons/Polmont and the A801 has a distinctly rural character, despite its urban-rural fringe location. Development would have an adverse impact on the setting of the Category B listed Haining, and associated non-inventory designed landscape. The LDP1 Examination Report (CD13 para 36, page 166) highlights the sensitivity of the site in this regard and concluded that the site would represent “a significant and highly visible and intrusive expansion of urban development into the open countryside east of Maddiston, Rumford and Polmont. As such, the sites also carry the probability of a major and negative impact on the character and landscape setting of these settlements, on the integrity and remaining value of the designated Green Network, and on the character, amenity and potential of the Union Canal.”

The Council’s site assessment highlights the presence of the Rumford East SINC, Union Canal and Maddiston SINC within or close to the site, as well as potential for presence of protected species. Whilst the potential impacts could be mitigated with retention of substantial greenspace and enhancement of the green network, a substantial urban development of this size would undoubtedly result in some impacts on protected sites and legally protected species, which would be hard to mitigate.

A site of this scale would generate the requirement for a new primary school. As highlighted previously there are significant issues regarding capacity at Maddiston Primary. Current roll projections highlighted in the Education Background Paper 2019 (CD54) show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for further expansion. A new school is not currently included within the proposed list of uses, nor alluded to in the masterplan. This scale of housing would also have major implications for Braes High School which is already subject to capacity pressures. It is not clear that the school could be extended to accommodate this scale growth. Even if these upgrades to the school estate were possible, the up front cost of the development would be likely to present serious viability issues.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Part-allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001) - The Council does not consider the unallocated part of the site at Parkhall North West to be an appropriate housing allocation. The site forms two distinct areas: an area allocated as Proposal H13 which the Council supports, and a larger area to the north west between Nicolton Road and the existing Parkhall Farm development, which is outwith the Urban Limit, unallocated and is not supported.. This unallocated area also forms part of the wider Parkhall Farm North site (Site Ref 141, 00851/3006/001) discussed above.

The site was subject to site assessment (CD33), and was identified at the MIR stage of LDP2 as a non-preferred site. It was considered at the previous LDP1 Examination and rejected by the Reporters. The LDP1 Examination Report (CD13 paragraph 32, page 165) highlights that that the site would not be a logical settlement extension, together with the landscape and visual impacts arising from development of this site, and the wider Parkhall Farm North site.

The unallocated part of the site includes a prominent ridgeline and whilst the lower part of the site to the west could probably be developed with limited landscape impact, development on the eastern part, on the slopes of the drumlin, is likely to have significant impact, and offers a poor landscape fit.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections highlighted in the Education Background Paper (CD54) show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for any further school expansion to accommodate pupils from a development of this scale. There may also be issues with regard to the capacity of Braes High School which is due to continue at high occupancy levels into the longer term.

Whilst access to the site is available from Glendevon Drive, the deliverability of a secondary access which would be necessary to provide the necessary road network connectivity for such a large development is unclear. The Development Framework indicates a connection into the Nicolton Road to the north. However, Nicolton Road is a narrow rural road and the feasibility of upgrading it to the necessary standard is unproven. Connecting the site to the A801 to the east is possible, but will involve land outwith the promoter's control and co-ordinating with the development of Proposal H18. There is no evidence of any such collaboration or an agreed route to date.

The Council considers that provision for new housing has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council

area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Housing Site – Gillandersland (Site Ref 144)

Messrs Robertson (02873/3002/001) - The Council does not consider the site at Gillandersland to be an appropriate allocation for housing development. The site has been subject to site assessment (CD33). It was identified as a non-preferred site at the MIR stage of LDP2.

Development would have a significant landscape and visual impact, due to the extent of the site, and the undulating topography. In particular, the western part of the site is elevated, rising to the north/west towards a ridgeline and the settlement edge of Maddiston, which forms the highest part of the site. The eastern part of the site rises steeply northwards towards the highest point of the site and the settlement edge. This part of the site would still be visually prominent, particularly when viewed from the surrounding road network.

In terms of ecology, both parts of the site contain mature tree belts and watercourses. These features have the potential to have biodiversity value as well as the potential presence of legally protected species. Whilst mitigation is possible, no surveys or further information were submitted with the representation to establish the nature of such impacts.

The allocation of this site will have a major impact on the local road network. Parts of the B805 corridor exhibit peak time congestion and the allocation of this site will add further to this congestion. As the site straddles the B805, a full roundabout would be constructed to access both elements of the proposed development site. Due to the levels of both parts of the site, it may well be difficult to secure a second point of access on each site, making any development potentially contrary to 'Designing Streets' policy. The site is also identified as being of low to moderate accessibility to local services in the site assessment with Maddiston Primary School being around 2km from the furthest part of the site.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections highlighted in the Education Background Paper (CD54) show that the primary school will be operating at close to capacity, even when the committed school is completed. There is also a lack of space within the curtilage of the school for further expansion to accommodate pupils from a development of this scale.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release in this location.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Housing Site – Greenwells North (Site Ref 138)

Craigrossie Properties (00904/3003/002) - The Council does not consider the site at Greenwells North to be an appropriate housing allocation. The site has been subject to site assessment (CD33). It was identified as a non-preferred site at the MIR stage of LDP2. The site was identified in the MIR (CD22) as a non-preferred housing site. The site was previously considered by the Reporters to the LDP1 Examination (CD13, pages 162-163).

The site would represent a substantial western extension of Maddiston/Rumford into the countryside, and would be capable of accommodating considerably more than the 90 units stated. The site is prominent, and landscape and visual impacts significant, as highlighted in the site assessment. It rises steeply from north to south. The previous LDP Examination Report highlighted the visual prominence of the site, the existing settlement edge and the lack of defensible boundaries. For these reasons, it is considered by the Council that landscape and visual impacts would be unavoidable, despite mitigation.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections highlighted in the Education Background Paper (CD54) show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for further expansion to accommodate pupils which would be generated by a development of this scale. Craigrossie Properties acknowledge the capacity issues at Maddiston Primary School, and request that these be dealt with by way of a catchment review. The site lies on the edge of the Wallacestone Primary School catchment area. Wallacestone Primary School does have some capacity, and it is possible that the site could be 'pre-zoned' to this catchment. The outcome of such an exercise cannot, however, be guaranteed, and the site falls more naturally within the Maddiston community.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area, and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release in this location.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS22 - Maddiston Fire Station

Scotland Fire and Rescue Service (00331/3003/001) - The site of the former Maddiston Fire Station is allocated under Proposal BUS22 in the Proposed Plan for business, retail and community uses. The Council considers that it should be reserved for these purposes, and should not be a housing allocation. The site was subject to site assessment (CD33). It was identified as a preferred new site for employment/community uses at the MIR stage of LDP2. A PPP application submitted by SFRS for housing on the site (P/17/0347/PPP) was refused at by the Council on the 20<sup>th</sup> February 2019. The principal reason for refusal set out in the committee report (CD180) was that the proposal was contrary to Proposal BUS22 in the Proposed Plan. The application is subject to a current appeal (DPEA Ref PPA-240-2059).

The site is a brownfield one, which has become vacant as a result of the closure of the Fire Service HQ. The site is located within the village core, close to existing shops and services, and presents an opportunity for community and employment uses at the heart of the community.

Maddiston is a community which has experienced rapid population growth over recent years, and is projected to grow further. The population has grown by around 17% between 2011 and 2016 as a result of significant new housing development. The Maddiston East Strategic Growth Area will also result in continued population growth with around 370 further new homes. The view of the community is that community infrastructure and employment opportunities have not matched this growth. Whilst a new primary school was built, and is being extended, other provision such as healthcare, recreational and shopping facilities have not been improved. The community centre is small and heavily used, residents have to travel to Polmont for GP facilities and indoor sports facilities, and there is no convenience store of any scale in the village. The closure of the Fire Service HQ resulted in a loss of local employment. These issues are compounded by the relative isolation of Maddiston within the Braes urban area, and levels of social and economic disadvantage which are higher than the Falkirk Council average.

The Maddiston and Rumford Community Action Plan 2014-2019 (CD179) identifies the key priorities for the village which include improving the quality of infrastructure and growing business and employment within the village. More recently, the Locality Planning process progressed through Community Planning Partnership has highlighted similar concerns of deficiencies in community infrastructure, and work is ongoing to identify ways of tackling these deficiencies. These may require land which is centrally located within the village.

The Council considers that the safeguarding of the site for employment/ community uses is important, pending the outcome of a detailed assessment of the shortfalls in community infrastructure within the village as part of the Locality Planning exercise, and the development of any associated funding bids to acquire all or parts of the site, and develop new facilities. Allowing the site to be developed for housing will result in the loss of this opportunity. The Council's position has been supported by Maddiston Community Council and Brightons Community Council.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections highlighted in the Education Background Paper (CD54) show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for any further school expansion to accommodate pupils from a development of this scale. Allocating this site for housing will put further pressure on the primary school.

In response to the representation from Brightons Community Council (00123/3003/004) seeking an emphasis on employment use on the site, the exact mix of uses on the site will be dependent on market testing and a full masterplan to be informed by the ongoing work of the Council and other partners in relation to the location and need of community facilities.

For the reasons set out above, the Council does not agree to modify the plan in response to this representation.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003) - This representation is partly accepted. The Council accepts that reference to Proposal GN14 within the Maddiston East Development Guidance may be useful. If the Reporter is minded to recommend that this change be made, the Council would not take issue with this. With respect to the other part of the representation, Proposals Map 5 already includes the roundabout spur and access from the A801 within the boundary of H18.

**Reporter's conclusions:**Approach to housing growth in Maddiston and Rumford

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed. Maddiston and Rumford fall within the Braes and rural south area.
2. The council has, in its response above, outlined a number of constraints to further development in Maddiston and Rumford. Whilst none of these matters appear to be insurmountable, as also indicated by the council at the hearing session, I recognise that this area has seen significant growth over recent years, and this has given rise to various concerns within the community (and as expressed in representations), including increased pressure on local services and infrastructure. Limited GP surgery capacity has been identified as particularly problematic.
3. The plan does identify Maddiston and Rumford as "a focus for housing growth", at paragraph 5.16 of the Braes and Rural South settlement statement. The proposed plan continues to allocate a number of sites for housing in the Maddiston East Strategic Growth Area, and a relatively significant scale of growth is planned, the majority of which has been carried forward from LDP1.
4. In the context that Maddiston will continue to see relatively major change during the proposed plan period, and given the nature and breadth of concerns raised during consultation stages over the effects of recent and planned growth, I consider the council's resistance to even more housing allocations in Maddiston and Rumford to be logical, beyond that already planned in the strategic growth area.
5. However, given our findings in issue 2 referred to above, this does not necessarily suggest that other sites would be unsuitable for development. In considering the potential for additional allocations, I must though be mindful of the effect that this may have upon the spatial strategy of the proposed plan, particularly when our recommended additional allocations elsewhere are taken in the round.

Allocated housing site H13 – Parkhall Farm 1 (site ref: 033)

6. A representation has raised concerns that a SUDS pond which serves an adjacent development lies within this site, and so this part of the site should not be allocated. The various compliance issues raised relate to an existing development and are not themselves within the scope of this examination.

7. However, I agree with the council that by incorporating this area into the proposed allocation, there is potential for enhancements to be made and open space to be provided. For this reason, I do not consider the extent of the allocation should be altered.

Allocated housing site H16 – Parkhall Farm 4 (site ref: 035)

8. The biodiversity of the site has been identified as a constraint to development by a representee. The site is allocated in the current local development plan, and so I accept the council's point that the principle of development on the site has already been established. Whilst an allocation could conceivably be removed where evidence of an insurmountable constraint comes to light, or if other circumstances dictated that its development would no longer be desirable, no such evidence is available in this instance.

9. Whilst the site is adjacent to the Manuel Burn corridor, which is identified as a Site of Importance for Nature Conservation (SINC), the site itself is not identified for any nature conservation interests. I am satisfied that the plan shows due regard to the SINC, with the settlement statement requiring that this is safeguarded and that a buffer between it and development of this site be provided.

10. The representee has also referred to infrastructure capacity issues affecting the site. However, whilst the council has identified similar issues, none of these are considered to be constraints to the development of this site, as matters can be dealt with and overcome as necessary through the determination of a planning application. I support that approach, which is consistent with my own finding above that none of the constraints affecting this area are presented as being irresolvable on a site-specific basis. No modifications are required.

Allocated housing site H17 – Toravon Farm (site ref: 037):

11. It should be noted that I have used site reference 037, rather than 047 referred to by the council, for consistency with the site reference number shown on the submitted site plan and used in the council's technical report 2.

12. A representee has asserted that the site should be accessed via a new road linking the A801 to Manor Wynd. The site, taken in isolation from other allocations which make up the strategic growth area, has an indicative capacity of 120 homes. Vellore Road provides direct access to the site from the B805, and I consider it to be of a satisfactory standard to serve the site alongside H14 (which appears to be substantially complete) and H16, with some improvements. The settlement statement states that these sites are likely to be required to make a contribution to the improvement of the road, which could also be used to address any drainage / surface water issues.

13. I consider it would be excessive to provide a new junction and link with the A805, and potentially undesirable, as it would be likely to generate through-traffic between Maddiston and the A805, in what is (or will be) a predominantly residential area.

14. Manor Wynd is relatively steep and I accept that in freezing conditions, this may make access difficult via that route. However, the same is true in many other locations locally and further afield, where roads are on a gradient. I do not consider this would be a reason to resist development of the site, and no modifications are required.

Non-allocated site – Parkhall North (site ref: 141)

15. This substantial site is being promoted for phased release for a residential-led mixed use development. It would incorporate and subsume site allocations BUS04 and H18 as part of an overarching masterplan for urban expansion over a total of approximately 60 hectares of land.

16. I note that as part of the proposed phasing of development, it is suggested that 428 homes could be delivered during the plan period to 2030. The total number of homes being sought on the site would ultimately be around 1200 units, to be delivered in future plan periods.

17. Whilst in issue 2 we have identified a need to identify some additional, appropriate sites, we have not found deficiencies in the proposed plan's spatial strategy. The suggested allocation is clearly of a strategic scale in its own right, and whilst the first phase of 428 units may not in itself exceed what could be contemplated as an additional allocation in the plan, allocating the full site as suggested would in effect commit the council to a particular strategic approach to growth in this area, well beyond the proposed plan period.

18. I do not consider our remit in this examination could reasonably extend to making strategic decisions over specifically where development and strategic growth should be located over the next 20 years. These are matters which must necessarily rest with the council, and may be considered again as part of the formulation of future iterations of the local development plan.

19. As I find it would be inappropriate to allocate a site of this long-term strategic scale and nature through the examination process, for this reason alone I do not support its inclusion in the plan. I have not therefore assessed the site's potential suitability for development in any further detail, as regardless of my findings, my conclusion that it would be inappropriate to recommend the allocation of a site of such strategic significance would remain the same. No modification is required.

Part-allocated housing site – Parkhall North West (site ref: 189)

20. A representation has been made, promoting land situated between Nicolton Road and development off Glendevon Drive, together with allocated site H13, as a single allocation. A development framework has been submitted to illustrate a possible site layout.

21. The part of the site which is already allocated as site H13 (and where the principle of development is therefore already established) is discreet from the larger parcel of land to the north west. There is no obvious reason why site H13 should be incorporated into the overall site being promoted, and so my findings relate to the area of land which is not already allocated.

22. In landscape terms, the western and southern parts of the site are relatively well contained by the surrounding topography. There is a telecommunications mast located on the highest point of the site, and any development on the surrounding slopes would be prominent. The development framework indicates that these parts of the site would be used as open space. A lower density of housing development is indicated in the north east corner of the site. Given its visual separation from other parts of the site however,



there is potential for this to have a more significant impact by extending the influence of development further into an otherwise rural setting.

23. There is already a roundabout on the eastern end of Glendevon Drive, with a spur which could be used to access the site. The council's Maddiston East Development Framework adopted supplementary planning guidance indicates that this spur would provide an opportunity to provide a link road to the A801. The proposed plan does not indicate this same direct link from the roundabout to the A801, but suggests a through-route may be achieved via sites H13, H15, H54, and H18.

24. As the council acknowledge, a connection to the A801 may be possible, in addition to the access point already available via Glendevon Drive, but the representee has not provided any indication of how or when this may be realised. The representee's development framework suggests a second access point could be taken from Nicolton Road, but I share the council's concerns regarding the adequacy of this route. Nicolton Road is narrow and it is unclear whether, at the very least, the section of the road immediately to the west of the proposed site could be satisfactorily upgraded to safely accommodate additional traffic. The councils' own development framework for Maddiston East sets out a preferred access option which involves a link to Nicolton Road as an 'additional emergency access road' rather than a main access point.

25. I have noted the education capacity constraints raised by the council, but I do not consider this would prevent the site's allocation. Appropriate measures, whether developer contributions or some form of on-site provision, could be explored at the detailed planning stage in order to address this issue if necessary to accommodate the development. The same would be true in regard to ensuring sufficient provision of primary healthcare capacity.

26. All told, whilst I consider this site offers some scope for development in landscape and visual terms, there are unresolved access constraints which I am concerned could not be satisfactorily overcome whilst reliance is placed on the use of Nicolton Road. Furthermore, I am mindful that the existing Maddiston East allocations in the proposed plan already allow for considerable growth. Whilst additional appropriate sites are required, I find that an additional substantial allocation in this location could lead to the scale of new development overwhelming the area and exacerbating community concerns regarding the scale and pace of growth. The site's allocation would not reflect the proposed plan's spatial strategy and I do not support the site's allocation on this basis.

27. I am aware that a Proposal of Application Notice was submitted to the council in November 2019. Whilst this indicates developer interest in the site, it does not alter the basis of my findings, and no modification is required.

Non-allocated housing site – Gillandersland (site ref: 144)

28. This site has been put forward as a possible housing allocation, although there is limited supporting information accompanying the representation.

29. The site is comprised of land on both sides of the B108. Existing development to the north west is partially visible over the ridgeline, although this is mainly confined to rooftops and fencing along the rear boundaries of properties on Forgie Crescent. Development of this site would result in the built extent of Maddiston extending down the southern slopes of the hill, into an area which has a predominantly rural character and

from where the settlement is not currently in view.

30. It is not clear to me whether vehicular access could be satisfactorily achieved. I also agree with the council that the southern and easternmost parts of the site would have relatively poor accessibility, in terms of their distance from facilities and services in Maddiston. The council has raised concerns relating to biodiversity, although I see no reason why potential impacts of this nature could not be avoided or mitigated at the detailed planning stage.

31. Overall, I do not find this to be an appropriate site for housing, due to the significant adverse landscape and visual effects which would arise from its development. Coupled to my other concerns regarding access and accessibility, and the lack of information generally to demonstrate that the site could be satisfactorily developed, I do not support its allocation and no modification is required.

Non-allocated housing site – Greenwells North (site ref: 138)

32. This site is being promoted as a housing allocation, and the representation is accompanied by evidence including an outline development proposal, site analysis, engineering assessment, landscape and visual appraisal and transport statement.

33. The council's own assessment of the site identifies the potential for significant landscape and visual impacts, due to its topography and visual prominence. The site's allocation has previously been considered and rejected as part of the LDP1 examination for these same reasons. It was also rejected as part of the local plan inquiry preceding that.

34. There is no doubt that the site is highly visible in wider views from the north and west, although Rumford, and the neighbouring settlements of Maddiston and Wallacestone can to some extent be characterised by development being located on steeply undulating ground, with some development inevitably being in elevated and more prominent positions. I do not consider that visibility of the site is, in itself, a reason to resist its development.

35. There is a well-defined urban limit on the west side of Maddiston / Rumford, and this site makes a positive contribution to the setting of the settlement in the wider landscape, and the release of this site would lead to an obvious encroachment into open countryside. Rather than being a 'rounding off' as contended by the representee, I consider this would be a prominent urban expansion. I do however accept that a new urban limit could be reinforced with careful attention to boundary treatments and planting.

36. In considering this site's inclusion as an allocation in light of our conclusions in issue 2 already referred to above, it is important that this is assessed in the wider context of development already being planned for nearby. Rumford and Maddiston have effectively become subsumed by each other and are not easily physically distinguishable. This is reflected by the urban limit on the proposals map. It is therefore appropriate to take account of the scale of development proposed across this area as a whole.

37. Substantial growth, including a significant component of residential development, is planned as part of the Maddiston East Strategic Growth Area. Coupled to the recent planning permission for residential development on the Maddiston fire station site (referred to below) there is already significant growth planned locally. This will inevitably

have implications for local infrastructure and facilities, although I find no reason in this regard to suggest that the Greenwells North site could not also be accommodated, subject to appropriate upgrades and/or contributions, despite the limited education and GP surgery capacity referred to by the council.

38. However, I attach weight to the council's strategy of focusing growth onto the Strategic Growth Area whilst otherwise providing a period of consolidation of development in this area. I am concerned that by allocating this site, this would serve to undermine the council's strategic approach for the area in the proposed plan. I find that the allocation of further land would promote a scale and pace of growth which would be excessive, having regard to the size and character of the settlements both currently and already planned for.

39. I do not consider the allocation of this site would be appropriate at this time, and no modification is required.

Allocated business site BUS22 – Maddiston fire station

40. A representation is seeking a change to the site's allocation, from business, retail and community uses to housing.

41. I have been made aware by the council that planning permission in principle was granted on appeal, on 17 January 2020, for 90 homes to be built on the site. I consider it appropriate for the site's allocation to align with this recent appeal decision. It would be illogical to continue to identify the site as outlined in the proposed plan in this context. I therefore recommend modifications to the plan, to allocate this site for housing, with a capacity of 90 homes.

Maddiston East Development Guidance

42. A representation by Scottish Natural Heritage requests that proposal GN14 is captured in the development guidance key principles, and also shown on the accompanying map. I note the council has no objection to this modification, and I support this amendment because it would improve clarity, whilst ensuring that the development guidance for this major area of change takes account of wider plan objectives.

43. The change requested to the proposals map (map 5), to identify the proposed new access point from the A801, is already shown. Therefore no modification to the proposals map is required.

**Reporter's recommendations:**

1. Amend map 5 to identify the BUS22 Maddiston fire station site as a housing allocation.
2. In Appendix 1, Housing, identify the Maddiston fire station site as an allocation, with a housing capacity of 90 units, and under site comments state "New housing supply site. Contributions towards the provision of education and health facilities required. 25% affordable housing required. Planning permission granted."
3. Amend the map as part of the Development Guidance for the Maddiston East Major Area of Change (page 77) to show Proposal GN14. Add the following text to Key

Principles (Vehicular and Pedestrian Access, third bullet): “Delivery of this access should not undermine the delivery of green network priorities in Proposal GN14”.

4. Any other consequential amendments required as a result of the foregoing modifications.

<b>Issue 6</b>	<b>Polmont Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>  Braes and Rural South (pages 72 - 73)  Gilston Major Area of Change  Development Guidance (pages 74 - 75)  <u>Appendix 1 Proposals and Opportunities</u>  <u>Schedule</u>  Housing - Braes and Rural South - Polmont/Laurieston/Westquarter (page a03)  Business – Braes and Rural South (a19)  <u>Proposals Map 5</u>  Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross</p>	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Susan Buchanan (02715)  Muir Homes Ltd (01160)  Hansteen Land Ltd (00772)  Goldcrest Partners LLP (03008)  George Hardwick (03027)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of specific sites for housing in Polmont, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-allocated Housing Site – Milnholm Riding Centre (Site Ref 135)</u></p> <p>Susan Buchanan (02715/3005/001) - A site at Milnholm Trekking Centre should be allocated for housing purposes (circa 10 units). Part of the site is brownfield and would therefore benefit from re-use. The site is accessible and effective. Flood risk within the site envelope can be addressed, and a flood risk assessment has showed that this constraint could be addressed for development of an adjoining residential development site.</p> <p><u>Non-allocated Site – Station Road, Polmont (Site Ref 136)</u></p> <p>Muir Homes Ltd (01160/3001/001) - A site at Station Road, Polmont should be allocated for housing purposes. The site is effective, and under the control of a housebuilder. The new proposed junction would improve road safety in the area, and the development would deliver much needed parking facilities for the station and local shops by including up to 100 parking spaces. Vehicular access from Station Road is deliverable, and with suitable design and mitigation would have a negligible effect on flood risk and habitat. The site will deliver open space and green infrastructure, and is in a sustainable location in relation to access to services and transport links.</p>		

Non-allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002) - A site at Haygate Avenue, Brightons should be identified for housing purposes. The site is capable of being accommodated within the landscape, with the addition of reinforced landscaping along the boundaries. The site can be accessed from Haygate Avenue. The site is in a sustainable location within easy walking distance of Polmont railway station, local shops, facilities, and bus services along Station Road.

Allocated Business Site BUS21 – Gilston, Polmont

Hansteen Land Ltd (00772/3003/001) - Proposal BUS21 Gilston should be identified as a mixed-use development for up to 500 units and business land. The site would make a significant contribution to the housing land supply. The site is effective and deliverable, in terms of the provisions of SPP and PAN 2/2010 Housing Land Supply and Affordable Housing, and is in the control of a single owner. The Council currently has an oversupply of business land, and Hansteen have attempted to market the site for its allocated purpose with no success.

Development of the site would integrate successfully with the existing settlement and would protect the landscape and townscape character. The site will also deliver green infrastructure including open space. The site is well connected to public transport links and active travel routes. The site can be absorbed in terms of current education capacity though provision of developer contributions.

Non-allocated Site – Polmont Park (Site Ref 195)

Goldcrest Partners LLP (03008/3001/002) - A site at Polmont Park, Polmont should be included in the LDP as an “Age Restricted Housing” allocation.

Non-allocated Site - Polmont Brethren Church (Site Ref 234)

George Hardwick (03027/3001/001) - An annotated proposals map has been submitted (RD56) showing an area, coloured in red. The area is surplus to Old Polmont Church’s requirements, as landowner, and too expensive for the Church to maintain. LDP2 should, therefore, identify the area for alternative uses. The Church is keen to explore the potential for housing development, but is also open to other uses including open space. The Church is mindful of the Antonine Wall World Heritage Site designation and would ensure proposals do not impact on the Wall and its setting.

**Modifications sought by those submitting representations:**Non-allocated Site – Milnholm Riding Centre (Site Ref 135)

Susan Buchanan (02715/3005/001) - Insert additional site at Milnholm Riding Stables as a housing proposal, with an approximate capacity of 10 units.

Non-allocated Site – Station Road, Polmont (Site Ref 136)

Muir Homes Ltd (01160/3001/001) - Insert additional site at Station Road, Polmont as a housing proposal for approximately 125 units.

Non-allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002) - Insert additional site at Haygate Avenue, Brightons as a housing proposal for approximately 25-30 units.

Allocated Business Site BUS21 – Gilston, Polmont (Site Ref 095)

Hansteen Land Ltd (00772/3003/001) - Delete Proposal BUS21 and replace with mixed use proposal forming a new Strategic Growth Area and comprising the following uses:

- Business (Class 4/5/6, leisure and tourism);
- Housing (indicative capacity 500) to include 25% affordable housing;
- Neighbourhood Centre (convenience retail/local services);
- Greenspace.

Amend the Gilston Major Areas of Change Development Guidance to allow for the inclusion of housing, as per the Proposed Plan Committee Draft which was presented to the Falkirk Council meeting of 27<sup>th</sup> August 2018.

Non-allocated Site – Polmont Park (Site Ref 195)

Goldcrest Partners LLP (03008/3001/002) - Insert additional site at Polmont Park as an “Age Restricted Housing” allocation.

Non-allocated Site - Polmont Brethren Church (Site Ref 234)

George Hardwick (03027/3001/001) - Insert additional site to the west of Old Polmont Church as a proposal for housing and community/open space uses.

**Summary of responses (including reasons) by planning authority:**

Council’s Approach to Housing Growth in Polmont

As background to the Council’s response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

The Braes and Rural South has a generous existing housing supply of almost 700 units which are focused on the two Strategic Growth Areas of Maddiston East and Whitecross, both of which have been carried forward, in amended form, from LDP1. Otherwise a strategy of consolidation is being pursued on account of the rapid expansion of many of the Braes urban communities, and consequent pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which in the past has eroded the identity of what were once discrete settlements.

Polmont is reasonably accessible to the trunk road network, although the local road network is subject to peak time congestion, and some junction capacity issues. Polmont rail station provides good access to the rail network, although parking capacity at the station is very limited, with no option to expand.

Education capacity is a key consideration in terms of the settlement strategy for Braes

and Rural South. The Education Background Paper (CD54) highlights the current situation. In Polmont, the main catchment primary school is St Margaret's which is close to capacity, while Graeme High School will begin experiencing pressures in 2020, operating at 85% capacity. This is expected to increase to 103% in 2024, as new development at Overton and Redding Park generates additional pupils.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank (CD55) and the lack of additional land at the health centre to expand. The rapid increase in patient numbers has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

#### Non-allocated Site – Milnholm Riding Centre (Site Ref 135)

Susan Buchanan (02715/ 3005/001) - The Council does not consider that the site at Milnholm Riding Centre should be allocated for housing. The site was subject to site assessment (CD33) and was identified in the MIR (CD22) as a non-preferred site.

The site is located within the green belt and the countryside, as defined on the existing LDP1 (CD12) and Proposed LDP2, Proposals Map 5. Whilst potential landscape and visual impacts could be partly mitigated with suitable structure planting, design and layout, the site nonetheless remains an integral part of the green belt which contributes to the identity and landscape setting of Grangemouth and has been subject to development pressure over the last 20 years. Its loss would undermine the function of the green belt. The site is also within a rural location, isolated from existing residential communities and amenities, with low accessibility to public transport and local services. As such the development would be largely car-dependent.

The site also lies within buffer zone of the Antonine Wall World Heritage Site Buffer Zone which is established to protect the landscape setting of the Wall. The impacts on the WHS would require thorough assessment to establish potential impacts and possible mitigation.

The site would be accessed via Smiddy Brae, a C-classified rural road. There are difficulties in respect of the road widths and visibility in the immediate vicinity of the site and weight restrictions in place.

The site lies adjacent to the River Avon and in close proximity to the confluence of the flood relief channel and Millhall Burn with the River Avon. Although the site lies just outwith the 1:200 year flood risk envelope, as shown on the SEPA Flood Map, a flood risk assessment would be required to assess the risk from the River Avon and the tidal interaction with this watercourse. A number of small piped drains are also known to cross the site in a northerly direction. The site falls within the current boundary of the Grangemouth flood protection scheme.

There would be a requirement for a significant habitat buffer between development and the River Avon to the north to provide a suitable habitat corridor. There is also the potential for the presence of protected species including bats, badgers, breeding birds, otter and kingfisher which have not been subject to survey.



The majority of site is in a major hazard consultation zone and a pipeline consultation zone which may restrict the scale of development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site - Station Road, Polmont (Site Ref 136)

Muir Homes Ltd (01160/3001/001) - The Council does not consider that the site at Station Road, Polmont should be allocated for housing. The site was subject to site assessment (CD33) and was identified in the MIR (CD22) as a non-preferred site. The site was previously considered, and rejected, at the LDP1 Examination in 2015 (CD13, paragraphs 16 - 24, page 180 - 182).

The site consists of a wedge of countryside between the Union Canal and the main Glasgow-Edinburgh railway line. It extends into the urban area, but in doing so provides a sense of physical separation between the communities of Polmont to the north and Brightons to the south. This wedge forms an important part of the green network, in landscape, visual and access terms. In particular, it contributes to the rural character and amenity of the Union Canal in this location, the canal network being a strategic tourism asset which the Council seeks to maintain and enhance through the LDP. This character would be lost if the site were developed, and the development would make no contribution to the canal. The Union Canal is a scheduled ancient monument, and its setting would be potentially adversely affected. The site is also part of the Polmont Burn corridor, which runs across the western part of the site. As shown in the Core Path Plan, a core path crosses the middle of the site (CD44, page 41) emphasising its importance for countryside recreation. The value of the site to local landscape and amenity was a key consideration for the Reporters at the LDP1 Examination (CD13, pages 180 - 182).

In terms of education capacity, the site lies within the catchment of Wallacestone Primary School which does have capacity for pupils which would be generated from the site. There are longer term capacity issues associated with Braes High School, although these could be dealt with through developer contributions.

The proposed access point to the site would be from Station Road at a section of the road that is narrow, with poor horizontal and vertical alignment, opposite a row of shops which benefits from adjacent on street car parking. The access would also have to cross the Polmont Burn to access the site. The developer has submitted a drawing to show an engineering solution to the access involving a traffic light controlled junction and a bridge crossing over the Polmont Burn. These major works will inevitably have an adverse impact on the character of Station Road which at this point is part of an Area of Townscape Value in the plan. Trees will be lost, and the habitat formed by the burn corridor is likely to be adversely affected. There may well be flood risk issues caused by the introduction of a culvert or bridge which would require a flood risk assessment. The on street car parking for the shops will be lost, albeit that compensatory parking is to be provided to the east of Station Road.

The Council's view that the site is not appropriate for housing is endorsed by Brightons Community Council.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of

consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no overriding justification for the release of the land for housing.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002) - The Council does not consider that the site at Haygate Avenue, Brightons should be allocated for housing. The site was previously considered as part of a previous submission by Muir Homes for Station Road, and rejected, at the LDP1 Examination in 2015 (CD13, paragraphs 16-24, page 180 - 182).

The site is a greenfield site, adjacent to the south side of Union Canal. Whilst the site is partly enclosed by hedgerows and mature/semi mature trees, it does not in any way represent a logical extension of the urban area, and a precedent would be set for development south/eastwards into the wider countryside. The proximity to the Union Canal also gives rise to potential visual impacts from canal users, and direct impacts on the setting of the canal, itself a Scheduled Monument. The Union Canal is a Core Path, and forms part of the John Muir Way, one of Scotland's long-distance routes, and as such is well used.

The Union Canal is an important wildlife corridor and designated as a SINC (Site of Importance for Nature Conservation). The site is also adjacent to the Rumford East SINC, which links the habitats of the Union Canal and the Gilston Burn. It is fringed by mature trees. There is potential therefore for a variety of ecological impacts. Suitable habitat buffers would be required reducing the developable area of the proposed site. There is potential for impacts on legally protected species including otter, water vole, breeding birds, badger, and bats. Protected species surveys will be required.

Access would have to be taken via Haygate Avenue which is a small residential cul-de-sac. This would be physically very difficult, due to the steep embankment alongside the canal, and there would be loss of canalside trees, with consequent impacts on ecology and amenity.

Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. Further investigation and a flood risk assessment would be required to assess the flood risk from the small watercourses along the eastern and southern boundary.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS21 – Gilston, Polmont (Site Ref 095)

Hansteen Land Ltd (00772/3003/001) - The Council considers that the Gilston site should be retained as a business site, and should not be reallocated for mixed use, including 500 residential units which would form a new Strategic Growth Area.

The site has been promoted in successive development plans for business use over the

last 18 years, and has been carried forward into the Proposed Plan as a key employment opportunity within the Eastern Gateway Strategic Business Location. The site has a complex planning history as a strategic development opportunity dating back to the 1990s. More recently, planning permission was granted on appeal in March 2009 for development comprising Classes 4, 5 and 6, garden centre, car showrooms, hotel, restaurants, and neighbourhood centre (P/07/0803/OUT). Detailed planning permission was also granted for the formation of access to the site (P/07/0802/FUL), works which are now completed. An application for approval of matters specified in Condition 5 of the PPP consent (P/12/0095/MSC) for the submission of a masterplan (CD79) was granted in August 2013. These applications were for the northern part of the site and excluded land to the south, as at that time the applicant did not have control over the entirety of the allocated site. Hansteen are now understood to have control over the whole site. An application (P/17/0332/PPP) was refused on 10<sup>th</sup> June 2019 for the northern site for up to 500 houses and business, retail, leisure and tourism uses (CD84). The wider site was considered at the LDP1 Examination, with Hansteen seeking the allocation to include residential use within the proposal. The Reporters rejected their representation, and the site was retained exclusively for business in LDP1 (CD13, pages 183 - 184).

Gilston is an important site in the portfolio of economic development opportunities within the Council area. It is part of the Council's TIF (Tax Incremental Finance) business case and, as such, business rates from future employment uses will contribute funding for key supporting infrastructure in the local area, such as the upgrade to the A801. It occupies a strategic location at Junction 4 of the M9, and forms a key part of the Eastern Gateway Strategic Business Location (Map 3.3, page 16). It is also recognised as a strategic tourism node, with the potential to accommodate gateway tourism services (Map 3.4, page 17 and Figure 3.2, page 18). The promotion of residential development as part of the mix is seen by the Council as conflicting with, and constraining the employment potential of the site.

The Council accepts that there is currently a generous supply of business land in the Council area, as evidenced in Section 5 of Technical Report 6 (CD38). However, only a small proportion of the business land in the Council is immediately available without constraint. Gilston's potential as part of the employment land supply has been assessed within Appendix 2, page 24 of Technical Report 6 (Revised): Employment Land (CD38) which concluded that the site be retained for business/industry/leisure/tourism/local retail. The site is serviced, with access spur and roundabout already in situ. The site is well located with good accessibility to the trunk and local road network. In addition, the size of the site ensures its flexibility in terms of the types of uses that can be accommodated, in particular Class 6 storage and distribution. This is one of the stronger sectors within the local economy and suitable land should be safeguarded and allowed for in terms of the Council's portfolio of employment land. Hansteen submitted marketing evidence as part of planning application P/17/0332/PPP (CD80) which purports to show that the site has been marketed with no success. However, efforts to market the site appear to have been largely passive, with advertising hoardings and a website to field enquiries.

It has also yet to be demonstrated how residential use could be successfully integrated across the whole site, without compromising the economic and environmental aspirations for the Gilston development. No overall indicative masterplan was submitted as part of this representation, nor indeed through application P/17/0332/PPP. A phasing and zoning layout submitted as part of application P/17/0332/PPP (CD81) excludes the southern site, and shows an area of primarily residential development in the northern section of the site, with business uses along the north-eastern frontage. The plan shows arrows connecting

through to future development area, the use as yet undetermined by Hansteen.

The LDP1 Examination Report (CD13, page 184, paragraph 34) highlighted, at that time, the lack of information submitted to show that housing could be integrated without inhibiting and constraining the economic development potential of the rest of the site and without causing significant prejudice to important aspects of the Vision and Spatial Strategy. The Reporter also highlighted the lack of a masterplan covering Gilston North and South which has not yet been produced as part of the LDP2 examination, nor planning application P/17/0332/PPP.

The representation seeks an allocation of up to 500 houses. This will have significant implications for community infrastructure. In terms of education, this could be accommodated within a permanent extension to St Margaret's Primary School, although the site is some distance from St Margaret's. However, the site is capable of accommodating significantly more than 500 units, which would require a new school to be built on the site. The continuing lack of clarity over the future of the southern part of the site means that an overall masterplan and confirmation of the total content of the site would be required to allow proper infrastructure planning. The representation does not address whether Hansteen would be willing to provide a new school on the site. Primary healthcare capacity issues in the Braes have been highlighted previously, and a development of this scale is likely to exacerbate these issues, pending the design and implementation of a solution, which may take some time. Lack of capacity at Polmont railway station car park is also an issue of concern.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. The introduction of a new Strategic Growth Area at Gilston would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Housing site – Polmont Park (Site ref 195)

Goldcrest Partners LLP (03008/3001/002) - The Council does not consider that the site at Polmont Park should be allocated for housing ('age restricted' as proposed in the submission or otherwise). The site was subject to site assessment (CD33) and was identified in the MIR (CD22) as a non-preferred site. The site was considered, and rejected, at the previous LDP1 Examination (CD13, pages 179 - 180).

The site does not represent a logical extension of the urban area. It is an integral and logical part of Polmont-Grangemouth green belt and helps to fulfil the functions of green belt, as set out in the SPP (CD01, paragraph 49). It directs development to the most appropriate locations, and protects and enhances the character, landscape setting and identity of Polmont. It also contributes to the separation of the settlements of Polmont and Grangemouth. The current green belt boundary is considered to be strong and defensible. The green belt in this location is relatively narrow, and any reduction in its extent is likely to threaten its viability. Development would represent a westward projection of the urban area into the green belt, leading to fragmentation of the green belt and partially isolating the important wedge formed by Gray Buchanan Park to the south from the wider Polmont-Grangemouth green belt. In landscape terms, whilst a degree of

enclosure is provided by boundary trees and walls, parts of the site are prominent when viewed from north and south. Development would adversely affect the landscape setting of Polmont.

The site is part of the Antonine Wall World Heritage Site buffer zone. The buffer zone is designed to protect the landscape setting of the Antonine Wall, and was delineated using a robust methodology including detailed landscape assessment and key visualisations. Details on the Methodology used can be found on Page 99-105 of the World Heritage Site Nomination Document (See extract CD82). The Council therefore considers that this site forms part of the landscape setting of the Wall. In particular, development of the northern section of the site closest to the WHS has the potential to have adverse impact on the setting of the Wall.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no overriding justification for the release of this site.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site - Polmont Brethren Church (Site Ref 234)

George Hardwick (03027/3001/001) - On behalf of Old Polmont Brethren Hall, George Hardwick seeks a change to the plan that would identify the site as housing, or alternatively other community or open space use. The Church is no longer in a position to maintain the land and is currently exploring other options. An area of land to the north west of the existing hall was granted consent for a private burial ground in 2014. This was granted on the basis that the plots would be marked by inset grave stones, enabling the site to continue to be read visually as open ground and not impact on the WHS. The site is in a sensitive area, being located in designated countryside, the green belt and containing a section of the Antonine Wall World Heritage Site (scheduled area) and Buffer Zone. It is understood the Church is considering different options for site, including a nature area and children's play area. The site is also covered by a Section 50 legal agreement (CD83) which was agreed at the time of the application for the Hall in the 1990s. This requires the submission site to be retained as parkland and open space.

The Council does not support a housing allocation for the site. The site lies within the WHS, and there would be unavoidable impacts on the Wall and its setting arising from housing development. Vehicular access to site is also likely to cross the WHS to the north. Whilst this is currently previously developed with an access track and some areas of hardstanding, development of any scale is likely to conflict with this designation, and give rise to both direct impacts and impacts on setting. The site is also a logical and legitimate part of the green belt, and is of low accessibility to local services including schools and transport connections.

The Council has Development Plan policies that would support appropriate proposals at the site. It would not be appropriate to allocate land when the intentions for that land and mix of uses are unclear. The Council has concerns an allocation would set a precedent for similar allocations of land that would potentially undermine the policies, settlement

strategy and protective designations of the LDP.

It is recommended that Old Polmont Church explore their aspirations through pre-application discussions with the Council's Development Management Unit once these aspirations are clearer and appropriate professional advice has been sought.

For these reasons, the Council does not agree to modify the plan in response to this representation.

### **Reporter's conclusions:**

#### Approach to housing growth in Polmont

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed. Polmont falls within the Braes and rural south area.
2. Polmont has a relatively good range of local services. Evidence relating to education capacity identifies some limitations and challenges locally, but these do not appear to be particularly acute and I find no reason to conclude that such matters could not be appropriately addressed through development management processes. Primary healthcare capacity is currently limited, and submissions suggest that the Meadowbank Health Centre is incapable of being physically extended. For significant additional development to be accommodated therefore, a suitable alternative site for a new health centre would appear to be required.
3. Polmont is highly accessible, with easy access to the M9 motorway, the green network which supports active travel, local bus services and Polmont Station which is served by regular train services to Edinburgh, Glasgow and Stirling. Representations have however identified that car parking at the station is problematic.
4. It is in this context that I have assessed the suggested additional allocations in and around Polmont, as set out below.

#### Non-allocated Housing Site – Milnholm Riding Centre (Site Ref 135)

5. This non-allocated site is located to the east of and outwith Polmont's settlement boundary and is proposed to have an indicative capacity of 10 housing units. The site, currently a disused riding and trekking centre, measures 2.9 hectares in area, and was identified as a non-preferred site in the Main Issues Report. The site is flat and most of it appears to comprise grazing pasture.
6. The site is located in the green belt to the south of Grangemouth, in the open countryside and outwith any delineated urban and village limits. Whilst in issue 2 we have found that the housing land requirement should be increased, and therefore additional appropriate sites for housing are required, I find the location of this site to be inappropriate for a new-build residential development because it would be in direct conflict with the plan's spatial strategy, including the provisions of policy HC05 (Housing in the Countryside) and policy PE15 (Green Belt). Whilst the integrity of the green belt would not be altogether lost by what would be a relatively modest development, a

residential development on this site would detract from the rural character of the locality, which provides important separation between Grangemouth, Old Polmont and Polmont. Given the scale and nature of industrial uses to the north, I consider that maintaining a strong rural edge to be important in this location. The suggested site's development would detract from this.

7. In terms of flooding, I note that the site lies just outwith the 1:200 year flood risk envelope, as well as the representee's assertion that a flood risk assessment carried out for the adjoining land suggests that development can take place outwith areas at particular risk of flooding. The River Avon runs immediately adjacent to its northern boundary; the river's confluence with the Millhall Burn and the Grangemouth flood relief channel lies approximately 120 metres to the northwest of the site. I note the council considers a flood risk assessment would be essential for these reasons, although no overriding flooding matters have been raised which would rule out development in principle.

8. Access to the proposed site is along the C-classified Smiddy Brae. At the site inspection I observed this to be a relatively busy road which is constrained by being narrow, with an alignment that tends to restrict visibility. At the eastern end of the site there is a connection from Smiddy Brae to Whole Flats Road (A905) via a weight-restricted bridge. Appropriate vehicular access would therefore require careful design. In addition, I have concerns about the feasibility of pedestrian access, given that there is no footway in this locale. The site's position, remote from any settlement, would also limit accessibility by active travel or public transport.

9. Given the site's location within the buffer zone of the Antonine Wall World Heritage Site, housing development could affect the setting of the Antonine Wall, particularly to the east. Whilst this would not necessarily preclude development in this location, careful assessment would be required to ascertain whether mitigation, for example through design, would be feasible.

10. The site is located within a consultation zone for both major hazards and a pipeline. I also observed that an electricity line crosses the site, with pylons on the site itself. I consider that these issues may restrict the scale and location of development on this site, although the indicative capacity of 10 units would appear to take the site's physical constraints into account.

11. All told, I do not consider the allocation of this site, in a countryside and greenbelt location which poorly relates to the nearest settlements, would be appropriate. No modification is required.

#### Non-allocated Site – Station Road, Polmont (Site Ref 136)

12. This disused agricultural land, approximately 6.2 hectares in extent and with an indicative capacity of 125 housing units, is located outwith the settlement boundary. It was identified as a non-preferred site in the Main Issues Report.

13. Although not part of the green belt or identified in the adopted plan as open space, the land forms a green wedge between the communities of Polmont and Brightons that is bounded to the north by the Edinburgh-Glasgow railway line and to the south by the Union Canal. Together with agricultural land to the east and open space to the north, the site contributes to the landscape setting of these communities. It also contributes locally

to the setting of the canal, a scheduled monument and part of the green network. The introduction of housing in this location would serve to coalesce these urban areas, affecting the landscape setting, and would also detract from the amenity and setting of the canal and its environs, protected by policies PE06 (Archaeological Sites) and PE12 (Canals). I note that the representee's evidence indicates that areas of open space would be provided along the southern boundary of the site in mitigation. I consider that, to be effective, careful design would be required to achieve such mitigation, probably involving more extensive planting and setback than currently indicated in what I recognise is an outline design.

14. The council has raised concerns about the potential effect on a core path that crosses the middle of the site. Whilst I accept that the path could be accommodated by design, I consider that its amenity and setting would be permanently altered from rural to urban. That said, in my opinion this would not in itself be a reason to resist the site's development.

15. There is currently no vehicular access to the site. The representee has provided an outline engineering drawing to indicate the feasibility of access from Station Road, including the crossing of the Polmont Burn, stating that this has been informally agreed by the council's transportation department. This would involve a signalled junction and a bridge crossing of the Polmont Burn. I also note that the landowner has demolished buildings on the Station Road frontage to facilitate creation of an appropriate access at this point. Taking this information at face value, I consider that access would be likely to be technically feasible.

16. I acknowledge that the site is well located for access to public transport, including Polmont Station, and that the site's promoter has indicated that in addition to new housing, the site could accommodate replacement car parking for the shops on Station Road and additional car parking for the railway station (up to 100 spaces), which could help to resolve the existing capacity issues there. However, I consider that the traffic implications of this aspect of the development would need to be fully explored. Additionally, an assessment would need to take account of whether, by providing additional car parking, this may in itself generate additional demand for parking in the vicinity of the station. The current parking constraints may encourage active travel to and from the station.

17. This part of Polmont (excluding most of site 136 but including part of the site required for vehicular access) is designated as an 'area of townscape value', specifically the traditional stone villas and shops along Station Road, and policy PE09 (Areas of Townscape Value) requires development proposals to fit with the distinctive character of the area. I agree that construction of the access could affect the amenity and setting of this area, particularly as it would require the removal of mature trees observed at the site inspection. Replacement planting could, in the longer term, mitigate this impact.

18. All told, I consider this site provides separation between Polmont and Brightons, and positively contributes to the setting of the adjacent Union Canal. For these reasons, I do not support the site's allocation at this time.

#### Non-allocated Site – Haygate Avenue, Brightons (Site Ref 231)

19. This non-allocated site, 1.31 hectares in extent with an indicative capacity of 25-30 homes, is located outwith the settlement boundary south of and immediately adjacent to



the Union Canal and east of Haygate Avenue.

20. Despite the assertions made in the representation, I have concerns about the feasibility of vehicular access to the site. Although drawing L-02 (RD57) shows a distance of approximately 20 metres between the edge of the canal and the site boundary, this does not appear to take the steep local topography into account. At the site inspection I observed that the strip of land between the canal and the proposed site comprises a relatively steep embankment which, in combination with the limited width available, would make vehicular access difficult. These concerns would apply to both access points proposed in the representation, i.e. the track that runs from Whitesidelan and the cul-de-sac at Haygate Avenue.

21. This land is also extensively vegetated and the mature trees contribute to the local setting and amenity of the canal, a scheduled monument and part of the green network. Both proposed access points would involve removal of the tree cover in this area, which would adversely affect the setting and amenity of the canal and its towpath. The proximity of housing and access roads to the canal could also affect its setting and I consider that careful design would be required in mitigation, involving significant setback and landscaping schemes.

22. The woodland abutting the south-western boundary of the site is designated as a wildlife site and protected by a tree preservation order, and therefore protected by policies PE19 (Biodiversity and Geodiversity) and PE20 (Trees, Woodland and Hedgerows) of the proposed plan. Although not suggested by the representee, I note that access from (for example) Roselea Drive would be an undesirable option, due to the adverse impact this would have upon the woodland.

23. The proposed site, although relatively small, contributes to the landscape setting of the settlements and I consider that its development would be to the detriment of this landscape setting.

24. Taking all of these issues together, I do not agree to modify the proposed plan as requested.

#### Allocated Business Site BUS21 – Gilston, Polmont

25. The representation relating to this allocated business site seeks to include housing (with an indicative capacity of 500 units) within the range of uses indicated in the site-specific development guidance.

26. The proposed allocation BUS21, carried over from LDP1 (54.4 hectares in size), is identified as a strategic site within the Eastern Gateway, one of four strategic business locations in Falkirk district, and is therefore allocated for business uses (classes 4, 5 and 6) as well as providing gateway services to tourism, a local neighbourhood centre and green space. The council's settled position is that the site's strategic location and large size offer flexibility to accommodate a range of business uses, whereas the representee contends that there is no demand for the large-scale business uses for which the site is allocated. There is disagreement as to whether increased marketing efforts would result in interest in the site for the identified business uses.

27. The site has a long and complex planning history, to which I have had regard. Most recently, a planning application (reference P/17/0332/PPP) was refused in June 2019.

However, in light of our findings in issue 2 outlined above and the need to identify additional, appropriate sites for housing, I do not consider the site's history should fetter my assessment of its suitability to accommodate a mixed use development, including a residential component. The development planning process is, after all, the most appropriate mechanism by which alternative uses of allocated land may be explored.

28. The site is physically well related to Polmont and its development would provide a logical, natural extension to the settlement. There are clearly defined and defensible limits to the north, east and south, which would provide strong containment. The principle of development taking place on the site is well-established; the main matter for this examination is whether, firstly, the loss of some of the site to residential uses would prejudice or be detrimental to the proposed plan's strategy for employment development. Secondly, the suitability of the site, and local services and infrastructure, to accommodate in the region of 500 homes must also be assessed. I deal with each of these matters in turn below.

29. The council acknowledges that the area has a generous supply of land for business/employment uses, but I also recognise the council's settled position in the proposed plan which identifies the Gilston site as a strategic business location. There are clearly some advantages to the site's allocation for business uses. Its position next to junction 4 of the M9 is a particular benefit, whilst the size of the site also offers flexibility over the types of employment use that could potentially be accommodated. However, I noted from my site inspection that the north-eastern part of the site appeared to lend itself best to larger-scale business units, as this area is largely flat. The site's topography is more challenging on its south and west sides, which could limit its ability to accommodate large employment units in these areas.

30. I am mindful that the site is a long-standing allocation, and despite the planning history and provision of a roundabout to offer access to the site, no business (or any other) development has been forthcoming to date. From experience, it is not unusual for employment sites to take a relatively long period of time before their uptake is secured, even in what would appear to be favourable locations such as this. I am aware that the council also has concerns in regard to whether the site has been adequately marketed. It is unclear to me whether proactive marketing of the site has been undertaken. However, I cannot ignore that the site has been promoted for business uses in successive development plans for approximately 18 years. For a relatively unconstrained site in this location, it is surprising that there has been no uptake, or evidence of interest in the site for such purposes.

31. In my view, there is not sufficient evidence to safely conclude that there is no demand for business uses in this location. That said, and given all of the above matters, I consider it highly unlikely that sufficient demand exists which would see the entirety of the site developed for business uses, leisure and tourism, together with a neighbourhood centre and greenspace, as currently sought by the proposed plan. There are various other sites in the area which appear to offer comparable opportunities for business uses, and which are currently also fully or largely undeveloped. These include, for example, the Manuel Works at Whitecross (also identified as an Eastern Gateway site); Abbotsford Business Park in Falkirk (considered in issue 12); and Glenbervie in Larbert (considered in issue 13). These sites are illustrative of the wide availability of large and well-located business sites nearby, which reinforces my view that whilst some business development may also be attracted to the Gilston site in the future, the prospect of the entire site being developed in line with the proposed plan's allocation is unrealistic.

32. In conclusion, I am satisfied that if some of the site was given over to provide residential development, this would not prejudice or be detrimental to the proposed plan's strategy for employment development. As a mixed use site, it would still provide a strategic business location as part of the Eastern Gateway (alongside the Manuel Works). I consider it plausible also that a residential component may also stimulate momentum in development of other parts of the site for business uses, interest in which appears to be absent currently.

33. I am aware that the site forms part of the council's Tax Incremental Finance (TIF) business case, where business rates from future employment uses on the site would contribute funding for key supporting infrastructure in the local area. A smaller (but still relatively significant) part of the site for business uses could still be retained alongside other uses, given the substantial overall site area. I therefore see no reason to find that a mixed use development would compromise the council's TIF business case.

34. I now turn specifically to the matter of whether the site would be suitable for housing, as part of a mixed use development. In terms of landscape and visual effects, as already noted, the site is well contained. The principle of developing the site for business uses has already been established, and I therefore see no reason why residential development would not also be appropriate in this regard. Indeed I consider that if the residential component of the site's development was principally located on the west and/or south sides of the site, this would enable the development to respond better to local topography, whilst also providing a more attractive outlook from Gilston Crescent than would potentially be the case if business development was located in closer proximity and/or on the higher ground.

35. Transport and accessibility are important considerations. As already referred to, the site is well positioned for access to the M9 and the wider strategic road network. A roundabout on the A803 is also already in place, which would provide the primary vehicular access. The proposed plan shows a secondary vehicular access via Gilston Crescent on the indicative site map on page 75. Concerns over this access point have been raised during consultation. Whilst I acknowledge that the nature of traffic movements generated by residential development differs from that generated by business and other uses, I see no reason in principle why a secondary access via Gilston Crescent would be inappropriate. Gilston Crescent is of ample width and, whilst residential in character, it does in effect serve the function of a local distributor road. Any necessary improvements or traffic calming measures to Gilston Crescent could be secured as part of the development management process, as would also be applicable to the site as already allocated in the proposed plan.

36. Gilston Crescent is well served by bus stops, and I consider this secondary access point to be critical for supporting the potential provision of bus services to the allocated site. It would also provide an important active travel link between the site and Polmont more widely, including the railway station. There is an attractive route, largely following the green network GN14, between the site and the station. Given also the constrained car parking situation at the station, I consider it likely that active travel, or a bus journey, to and from the station would be a more attractive option than using a private car. This focus on active travel and public transport would need to be supported by a travel plan at a detailed planning stage. I have considered whether additional text to highlight the Polmont station car parking constraints and potential need for mitigation, as proposed by Network Rail and set out in issue 21, would be appropriate. I am however satisfied that a focus on active travel and public transport should remain the emphasis for this site's

development, which would potentially negate any need for 'mitigation' relating to the railway station.

37. Being located on the eastern edge of Polmont, I recognise that some local amenities are not within a convenient walking distance. However, I consider this would be capable of being mitigated by the establishment of a neighbourhood centre, the principle of which has already been accepted in the proposed plan and is required as part of the site's allocation for business uses. It seems to me that it would also be more desirable for this neighbourhood centre to be accompanied by at least some residential development, not only to support any local retail provision that would be located there, but also from a place-making perspective and to reduce the likelihood of issues such as anti-social behaviour (as a residential component would potentially provide both natural surveillance and a sense of 'ownership' of an area by the resident community).

38. There are known capacity constraints at local schools, and the council has identified that an extension to St Margaret's Primary School would be required. This could be addressed through a developer contribution. I note the council's concern that the site could potentially accommodate more than the 500 homes being sought in the representation, which could give rise to the need for a new school. However, I consider that the proposed plan makes adequate provision for such circumstances, and policy HC04 and policy IR03 (as amended) in particular would require a solution to this issue to be identified and capable of being delivered.

39. In terms of primary healthcare capacity (and aside from constraints arising from difficulties in GP recruitment which is a much broader issue affecting Scotland more widely) the main constraint to additional health centre capacity is said to be the physical constraints of the Meadowbank Health Centre premises. However, the size of the Gilston site and the already established intention to provide a neighbourhood centre as part of its development, would seem to me to offer a clear opportunity to also provide land to accommodate a new health centre on this site, should it be needed. I do not therefore consider the current healthcare capacity constraints in this area to be insurmountable.

40. Some parts of the site are at risk of surface water flooding. This matter could be addressed through appropriate drainage design and finished levels, as would be the case for any development on the site. I see no reason why flood risk areas relating to Gilston Burn could not be avoided. A flood risk assessment would be the most appropriate means of fully assessing this issue at a detailed planning stage, but I am satisfied that flood risk does not present a significant constraint on this site as a whole.

41. All told, on the basis of my findings above and in the context of our findings in issue 2, I am satisfied that, in principle, this site offers an appropriate opportunity to accommodate a mixed use development including in the region of 500 homes. I consider this can be achieved without compromising the strategic approach to employment/business locations set out in the proposed plan, and the site would still form an important part of the Eastern Gateway. I am satisfied also that this modification would not compromise or conflict with the proposed plan's spatial strategy more widely, and there is nothing to indicate that this site would not be effective. This site has been subject to both a structured environmental appraisal and public engagement through the plan-making process. I find that this site offers a sustainable opportunity to provide additional homes during the plan period, based on the foregoing assessment.

42. I am aware that the committee draft proposed plan, dated June 2018, included this

site as a mixed use allocation. This included detailed development guidance for the site, and I therefore recommend that both the text and the illustrative site plan from the committee draft version be adopted, but with an amendment to reflect the potential need to accommodate a health centre as part of the site's masterplanning, which would follow.

#### Non-allocated Site – Polmont Park (Site Ref 195)

43. This non-allocated site, 3.57 hectares in area, is located outwith the settlement boundary and was identified as a non-preferred site in the Main Issues Report. I recognise that the representation requests that this site be allocated for age-restricted retirement housing; however, I have considered whether it would be appropriate for any type of housing in the first instance.

44. The proposed site sits in the green belt on the western edge of Polmont and at the site inspection I observed that it contributes to the landscape setting of the town. The green belt in this location separates Polmont and Grangemouth by approximately one kilometre; removal of this site would reduce this separation distance by just under 200 metres. This would reduce the effectiveness of the green belt in protecting and enhancing the character and landscape setting of the settlement in this location, particularly when considered in combination with sites BUS03 and BUS23. I also have concerns that it would lead to increased development pressure upon the limited greenfield land that would remain between Polmont and the M9. Given that the site is within the buffer zone of the Antonine Wall World Heritage Site, such pressure could adversely affect the landscape setting of the scheduled monument.

45. The site is bounded by the housing in Polmont Park to the east, the A803 to the south, and a wooded area to the west. This latter is part of the green network. While development may not necessarily encroach on the woodland, I consider that it would affect the amenity and setting of the network.

46. Whether allocated for housing generally, or specifically for retirement housing, I consider the impacts of development would be the same in relation to the matters considered above. I attach particular weight to the importance of safeguarding the green belt in this specific location, given the limited greenfield separation which exists between Polmont and Grangemouth, accounting also for established business allocations to the north and north-west of the site. I therefore do not support the site's allocation.

#### Non-allocated Site - Polmont Brethren Church (Site Ref 234)

47. This non-allocated site is located outwith the settlement boundary of Old Polmont. I note that the site has been subject to strategic environmental assessment and this identifies environmental challenges that would be associated with the site's development.

48. However, given the late stage that it was put forward for consideration as a housing allocation, there is no evidence of public engagement relating to this site, contrary to paragraph 118 of Circular 6/2013 'Development Planning'. For this reason, the site could not be allocated at this time, and so I have not undertaken a more detailed site assessment. I would simply note therefore that Old Polmont Church should explore its aspirations for the site with the council, particularly in light of the Section 50 agreement which requires retention of the proposed site as parkland and open space.

**Reporter's recommendations:**

1. On page 72, replace paragraph 5.17 with the text provided in paragraph 5.16 of the Proposed Plan Committee Draft, June 2018.
2. On pages 74 and 75, replace the Gilston development guidance and illustrative plan with those found on pages 76 and 77 of the Proposed Plan Committee Draft, June 2018, but with an amendment to the end of the third bullet point under 'Other Requirements' by adding the following sentence "This may include the provision of a new site for a health centre, potentially as part of the neighbourhood centre."
3. Any other consequential amendments required as a result of the foregoing modifications. This includes (but may not be confined to) map 3.3, map 3.4, appendix 1 and proposals map 5.

<b>Issue 7</b>	<b>Wallacestone, Redding and Reddingmuirhead Housing Sites</b>	
<b>Development plan reference:</b>	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72 - 73) <u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Housing - Braes and Rural South - Wallacestone/Redding/Reddingmuirhead (page a03) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
1936 Investments (02708) Frank and Birgitta Fortune (00907) Fred Kania (02984) Anne E Grimwood (00993) Colin Heggie (02931) Gladman Developments Ltd (01258) Jit Singh (00397) Irene Fotheringham (00782) Danny Callaghan (00205) Fiona Tierney (01765) Kim Cranmer (03002) Kate Connochie (03003) Reddingmuirhead and Wallacestone Community Council (00426)	Persimmon Homes (East Scotland) Ltd (00712) Eleanor G Kania (02991) Robert Tierney (00859) Calum Tierney (01296) Sarah & Raymond Harper (03028) Taylor Wimpey UK Limited (00198) Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034) Maria Montinaro (00303) Margaret Higgins (02960)	
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in the Wallacestone, Redding and Reddingmuirhead area, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead</u></p> <p>Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Colin Heggie (02931/3001/001); Danny Callaghan (00205/3001/002); Kate Connochie (03003/3001/001); Kim Cranmer (03002/3001/001); Eleanor G Kania (02991/3001/001); Sarah &amp; Raymond Harper (03028/3001/001) - A number of representees consider that the Council should go further in terms of its commitment to restricting growth. The statement in paragraph 5.18 of the Braes and Rural South Settlement Statement about recent growth in Wallacestone, Redding and Reddingmuirhead and the need for consolidation is supported. However, the above representees feel that the settlement statement needs to make it clear that no more growth is supported as recent growth has often been to the detriment of the local community. They consider that the settlement statement in para 4.52 of the LDP (CD12</p>		

page 36) should be replicated in LDP2 as this stated that no growth was planned for the period 2014-24 and LDP2 should reflect this with growth restricted within the first 10 years of the plan, and preferably the 20 year plan period. Specific concerns relating to growth in the area include:

- GP surgery capacity;
- Education capacity;
- Coalescence and loss of village identity;
- Local road network capacity; and
- Former mine workings across a number of sites.

#### Non-allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001) - A site at Redding Road should be allocated for housing. A suite of supporting information has been submitted including a transport and accessibility overview (RD65), Landscape and Visual Impact Assessment (RD63), Extended Phase 1 habitat survey (RD) and a Development Framework report (RD60). The site has limited ecological value, and the site is in a sustainable and accessible location, which would integrate sensitively into the settlement pattern. The Transport and Accessibility Overview document (RD65) shows that the site is accessible to the local road and public transport network (bus stops are within 400m of the site and Polmont station is within 2.5 km) as well as active travel opportunities. Given the delivery difficulties associated with larger sites dependent on significant upfront infrastructure, the Council should seek to support smaller sites, such as the site at Redding Road. The Council has not provided any explanation as to why they do not wish to promote further growth at Wallacestone, Redding and Reddingmuirhead.

#### Non-allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001) - A site at Standrigg Road 1, Wallacestone (MIR Ref 147) should be allocated for housing. It represents a logical extension to the urban edge of Wallacestone due to the careful and considered scale, density and mixed tenure of housing. The development would fit neatly and sustainably into the landscape and an overall positive environmental benefit would be achieved as a result of development in terms of placemaking and green infrastructure. The site can be accommodated in terms of education capacity. The site is accessible in terms of walking distances set out in PAN75 (CD190). With the benefit of recent surveys, consultation and planning application responses, a much more balanced appraisal of the site and its development impacts can be made. Supporting information is including which comprise committee documentation in relation to application P/18/0126/PPP and the Proposed LDP2, as well as a transport assessment.

#### Non-allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004) - A site at Standrigg Road 2 (subject to previous planning application P/17/0519/PPP) should be allocated for housing, and could form part of a new Wallacestone Strategic Growth Area, which could also incorporate the site at Standrigg Road 1 (subject to previous planning application P/18/0126/PPP). Applications for these sites have demonstrated their effectiveness and deliverability, as well as the need and demand for new housing in the area. Masterplanning of the whole area could be required through LDP policies and could overcome the minor shortcomings identified by the Reporter in the decision on Standrigg Road 2 (DPEA Ref PPA-240-



2054). There is no explanation of the plan's strategy of consolidation.

Non-allocated site – Middlerigg Farm (Site Ref 211)

Taylor Wimpey UK Limited (00198/3006/001) - A site at Middlerigg Farm should be allocated for housing development, with a capacity of 200 houses. The site forms a logical and natural extension to the settlement, and has defensive boundaries along established field boundaries and the Polmont Burn. A suite of supporting information is provided which included a planning statement, landscape appraisal, landscape design statement, LVIA, traffic statement, indicative layout, drainage study, ground condition and mining risk assessment and habitat assessment (RD79-95). The site is effective and deliverable. It is in the ownership of a national housebuilder, within a marketable area and is relatively unconstrained.

Allocated Housing Site – H21 Hillcrest (Site Ref 056)

Danny Callaghan (00205/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001); Irene Fotheringham (00782/3001/001); Robert Tierney (00859/3001/001); Anne E Grimwood 00993/3001/002); Calum Tierney (01296/3001/001); Fiona Tierney (01765/3001/001); Margaret Higgins (02960/3001/001); Sarah & Raymond Harper (03028/3001/001); Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034/3001/001) - Objection is made to the allocation of Proposal H21 Hillcrest (H21). Reasons given include:

- The Braes area has seen significant growth over recent decades and has reached saturation point;
- Impact on the natural and built environment , including loss of open space and wildlife habitat, visual impact and a breach of the skyline, loss of village identity, and loss of residential amenity;
- It will lead to coalescence of Shieldhill and Reddingmuirhead;
- The site was allocated on the basis that there was depopulation in Shieldhill which is incorrect;
- The planning application represented over-development of the site, and did not provide for adequate greenspace;
- There are road safety concerns from the increase in traffic and road geometry;
- Infrastructure is inadequate, including roads, schools and healthcare facilities;
- There would be increased flood risk within the site and in the surrounding area as well as drainage problems due to old sewerage infrastructure;
- There is a lack of public transport and the bus service is inadequate. The development will be isolated, and the properties will be car-dependent;
- There is considerable opposition to the planning application within the village;
- The site is not required as Falkirk Council have admitted to overestimating their housing supply and reduced it accordingly;
- The community wish to explore the potential for the community's Right to Buy in order to create a Community Woodland; and
- H21 should be considered anew due to the ongoing criminal investigation regarding the circumstances of planning application relating to the site.

The representation by the three Community Councils is supported by additional letters submitted previously in relation to the related planning application P/16/0706/FUL (RD67)

and a letter submitted previously in connection with the site's consideration through the LDP1 Examination (RD66). It is also supported by a petition signed by 903 local residents (RD68).

Some objectors consider that if the site is allocated, its capacity should be reduced from 90 units to either 30 (as per figure the existing LDP1) or 19 (the LDP1 capacity minus units already built and approved).

Reddingmuirhead and Wallacestone Community Council (00426/3003/004) - The capacity of the site should be reconsidered in the event that the currently "minded to grant" planning application for the site is not granted consent. The figure of 91 represents a significant increase from the original figure of 30.

Persimmon Homes (East Scotland) Ltd (00712/3010/001) - Whilst Proposal H21 Hillcrest is supported, the site boundary should accord with the red line boundary of the detailed application for housing which was 'minded to grant' by the Council in the 5th March 2018. Land which forms the vehicular access road approved as part of planning application P/17/0504/FUL is not currently illustrated on Proposals Map 4. The remainder of the allocation shown on Map 4 reflects the red line boundary of the application.

Persimmon Homes (East Scotland) Ltd (00712/3010/002) - The Shieldhill village limit should be extended to include Proposal H21 Hillcrest. A detailed planning application for 91 dwellings on the H21 site has a current 'minded to grant' status pending conclusion of a S75 obligation. In light of the site's current and emerging planning status it is considered appropriate that the Shieldhill village limit is extended to fully incorporate the H21 site. Whilst consolidating the existing group of buildings at Hillcrest Square the application proposals also constitute an extension to the Shieldhill settlement.

**Modifications sought by those submitting representations:**

Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead

Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Colin Heggie (02931/3001/001); Danny Callaghan (00205/3001/002); Kate Connochie (03003/3001/001); Kim Cranmer (03002/3001/001); Eleanor G Kania (02991/3001/001); Sarah & Raymond Harper (03028/3001/001) - Amend the Braes and Rural South settlement statement at paragraph 5.18 by adding at the end "No further settlement expansion is planned at least for the period 2020-30".

Non-allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001) - Insert additional site at Redding Road as a housing proposal with a capacity of approximately 125 units

Non-allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001) - Insert additional site at Standrigg Road 1 as a housing proposal with a capacity of 200 units. Identify as part of a new Wallacestone Strategic Growth Area.

Non-allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004) - Insert additional site at Standrigg Road 2 as a housing proposal, as part of a wider Strategic Growth Area at Wallacestone.

Non-allocated site – Middlerigg Farm (Site Ref 211)

Taylor Wimpey UK Limited (00198/3006/001) - Insert additional site at Middlerigg Farm, with a capacity of 200 units.

Allocated Housing Site – Hillcrest H21

Irene Fotheringham (00782/3001/001); Robert Tierney (00859/3001/001); Calum Tierney (01296/3001/001); Fiona Tierney (01765/3001/001); Margaret Higgins (02960/3001/001) - Delete Proposal H21 Hillcrest.

Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001); Danny Callaghan (00205/3001/001); Anne E Grimwood 00993/3001/002); Sarah & Raymond Harper (03028/3001/001) - Delete Proposal H21 Hillcrest, or if it continues to be allocated, amend the capacity from 91 to 30 units

Reddingmuirhead and Wallacestone Community Council (00426/3003/004) - Reduce the capacity of Proposal H21 Hillcrest.

Persimmon Homes (East Scotland) Ltd (00712/3010/001) - Amend the boundary of Proposal H21 Hillcrest to accord with the red line boundary of planning application ref P/17/0504/FUL, including the access road.

Persimmon Homes (East Scotland) Ltd (00712/3010/002) - Extend the Shieldhill Village Limit to include Proposal H21 Hillcrest.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

The Braes and Rural South has a generous existing housing supply of almost 700 units, which are mainly focused around the Maddiston East Strategic Growth Area. No Strategic Growth Area is proposed in the Wallacestone, Redding and Reddingmuirhead area, with a strategy of consolidation being pursued. A site at Hillcrest remains the only significant allocation in this locality. This is due to the significant growth of many of the Braes communities, and consequent pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which has resulted on the coalescence of Braes villages and a loss of identity.

The Wallacestone, Redding and Reddingmuirhead area has a somewhat constrained local road network, with the rural roads which connected what were once small villages now serving large urban communities, with relatively little upgrading. This includes the

main spine through the area, the B805, which is subject to peak time congestion, and some junction capacity issues. Rail services may be accessed at Polmont station to the north, but parking capacity at the station is very limited, with no option to expand. Parts of Reddingmuirhead and Wallacestone are up to 2 miles from Polmont Station, which is not particularly convenient for active travel modes.

Education capacity is a key consideration in terms of the settlement strategy for Braes and Rural South. The Education Background Paper (CD54) sets out the current situation. Wallacestone and the southern part of Reddingmuirhead are served by Wallacestone Primary School which is less constrained than previously, having already been extended, with capacity now available. Redding and the northern part of Reddingmuirhead are served by Westquarter Primary School which is now over capacity. Both secondary schools serving the area - Braes High School and Graeme High School – are likely to have capacity issues in the longer term, and may need extended.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank (CD55) and the lack of additional land at the health centre to expand. The rapid increase in patient numbers has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

Throughout successive Development Plan consultations, the community has highlighted the significant growth over recent years, and the pressure on local services through incremental development. A number of representations were received supporting the Council's approach to the Spatial Strategy in the Braes. These are set out in CD188 and CD189.

Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Colin Heggie (02931/3001/001); Danny Callaghan (00205/3001/002); Kate Connochie (03003/3001/001); Kim Cranmer (03002/3001/001); Eleanor G Kania (02991/3001/001); Sarah & Raymond Harper (03028/3001/001) - A number of representees consider that the Council should state more firmly in the settlement statement that there will be no further growth for the period of the plan. The Council has proposed no new allocations in the Wallacestone, Redding, Reddingmuirhead area, and paragraph 5.18 of the settlement statement reflects this, explicitly stating that growth is focussed elsewhere over the LDP2 period. However, the Council is conscious that legitimate windfall sites may come forward, and it would therefore be unwise to state that there will be no further growth in the area for the period of the plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001) - The Council does not consider the site at Redding Road to be appropriate for housing. The site has been subject to detailed site assessment (CD33), and was identified in the MIR (CD22) as a non-preferred site. The site was also previously considered at the Falkirk Council Local Plan Inquiry in 2009 (CD56, pages 276-277) and rejected.

The site is a visually prominent one, much of it elevated in relation to the adjacent B805

Redding Road. It would be visible from higher ground of Westquarter Avenue and the surrounding housing to the north and forms a useful buffer in visual terms between the older housing to the north and the new housing at Overton to the south. Due to the gradient of the site, development is likely to breach the ridge and result in significant visual impact from the surrounding area. The gradient will require substantial earthworks and potentially retaining walls which will exacerbate visual impacts. In short, the narrow shape of the site, sandwiched between the B805 and the railway line, and its topography, makes it unlikely that it could be sensitively developed.

The site is identified in LDP1 (CD12) as a SINC (Site of Importance for Nature Conservation). This designation is proposed for removal in LDP2. The conclusions of the submitted Phase 1 Habitat Survey Report (RD189) are that the site is of limited ecological value, aside from some areas of standing water which should be further assessed for the presence of Great Crested Newts. The conclusions are broadly accepted by the Council.

The site does remain identified as an open space in the Proposed LDP2. In Section 1.1 of the Development Framework Report (RD60) it is stated that the site is not public open space, and the site is gated. Table 2 of the Falkirk Open Space Strategy (Appendix 2) (CD43) is based on Annex 1 of PAN 65 and identifies natural/semi-natural greenspace as one of the Open Space Typologies, regardless of ownership and access, and the Council considers that the site would fall into this open space typology, and visually plays an important function.

This site would take access from the B805 Redding Road which is a local distributor road that can be busy at peak times. The gradients and elevated nature of the site means that the two required accesses as proposed may be difficult to achieve.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001) - The Council does not consider the site at Standrigg Road 1 to be a suitable housing allocation. The site has been subject to detailed site assessment (CD33), and was identified in the MIR (CD22) as a non-preferred site. It was also previously considered at the Falkirk Council Local Plan Inquiry in 2009 and subsequently rejected (CD56, pages 248-251). An application for housing on the site (P/18/0126/PPP) was refused on the 21 September 2018.

The site will have a major impact on the surrounding local road network. The size and scale of development gives concern with the operation of the junctions of Standrigg Road with Wallacestone Brae and Sunnyside Road with Main Street, Rumford. The B805 corridor exhibits peak time congestion which this development site will further exacerbate. The proposed site lies in a semi-rural area to the south west of Wallacestone and is served by the C14 Standrigg Road which is a de-restricted road with no footways or lighting. Horizontal and vertical geometry of the road is substandard and visibility from the site is sub-standard and so not favoured to serve any other residential development in present form.

The site represents a major projection of the urban area into open countryside, and does not represent a natural rounding off of the urban area. There is no strong boundary on the eastern side to prevent further incremental growth between the Gardrum Burn and

Standrigg Road. The site slopes up from the Gardrum Burn along the south-eastern boundary towards the north-western boundary, which forms the highest part of the site. It is accepted that there could be some visual containment from the woodland to the west of the site, and additional landscaping may provide some additional mitigation. However, the elevated nature of parts of the site, in particular, the section to the north-east of California Road, will mean that it would be difficult to integrate the site into the surrounding landform without breaching the skyline. Landscape and visual impacts would be significant

The site is assessed as having low accessibility in relation to local services and public transport connections. Apart from the distance from local facilities, there is no continuous footpath along Sunnyside Road and Standrigg Road, which was a key determining factor in planning application P/17/0519/PPP (see committee report CD85) for a neighbouring site. Such a footpath is potentially undeliverable due to physical and land ownership constraints.

Rumford West SINC to the south of the site forms an important wildlife corridor supporting a variety of habitats, high species diversity, with presence of protected species – badgers and water voles. A range of potential adverse impacts are possible including increased disturbance levels, loss of habitat refuges adjacent to the burn, potentially increased pollution to the burn and reduction in habitat quality. The Council accepts that mitigation is possible, if a suitable buffer is implemented, but risks remain, particularly in relation to the protected species.

Infrastructure issues affecting the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. Potential cumulative issues with Standrigg Road 2 and Middlerigg Farm also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

Two representations - Frank and Birgitta Fortune and Brightons Community Council - support the Council's position not to allocate land at Standrigg Road 1. These representations are shown in CD189.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004) - The Council does not consider the site at Standrigg Road 2 to be an appropriate housing allocation. The site has been subject to site assessment (CD33). It was only submitted as a potential site after the MIR stage of the plan. Planning permission for housing on the site (P/17/0519/PPP) was refused in

March 2018, and an appeal subsequently dismissed (AP/18/002/PPA) in October 2018 (see CD86 for decision).

Development of the site would result in the loss of a large greenfield site. The does not represent a natural rounding off of the urban area, and there is no strong boundary on the western side to prevent further incremental westward growth. There will be localised landscape and visual impacts, but it is accepted that these can be mitigated. The Council accepts that flood risk and surface water drainage issues are also capable of being resolved.

A key issue is the overall concern regarding the accessibility of the site, and the implications for overall sustainability. This was highlighted as a determining issue in the recent appeal decision (paragraph 15, CD86). The bus service serving Sunnyside Road is 2-hourly, with more regular services available from the B805. The site is relatively distant from these services, with the furthest part of the site being around 1km from the bus stops along the B805. This is outwith the guideline walking distances set out in PAN 75 Planning for Transport.

Another critical issue is the absence of a footpath along 180m of Sunnyside/Standrigg Road. As part of planning application P/17/0519/PPP, this was considered in detail, and the Reporter also addressed the issue of the difficulty of footpath provision in paragraphs 17-25 of the appeal decision. The minimum required width of carriageway is 6m, and if a footpath was provided along the northern side of the road, this would be reduced to 5m. Alternatively, land at the cricket ground would require to be utilised to provide a footpath and 6m road, and this may require compulsory purchase given that no agreement between the developer and the club was reached as part of the application at that time. The Reporter concluded that the road geometry, together with the issue footpath and carriageway provision was problematic. Paragraph 32 of the appeal decision concluded that the proposal does not meet the criteria for sustainable development, as set out in paragraph 29 of SPP (CD01).

Infrastructure issues affected the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. There would be impacts on the local road network, particularly the B805, as described for the Standrigg Road 1 site. Potential cumulative issues with Standrigg Road 2 and Middlerigg Farm also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

Two representations - Frank and Birgitta Fortune and Brightons Community Council - support the Council's position not allocate land at Standrigg Road 2. These representations can be viewed in CD189.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated site – Middlerigg Farm (Site Ref 211)

Taylor Wimpey UK Limited (00198/3006/001) - The Council does not consider that a site at Middlerigg Farm should be allocated for housing. The site was subject to site assessment (CD33). It was only submitted as a potential site after the MIR stage of the plan. A planning application for housing on the site (P/19/0125/PPP) is currently under consideration.

A site at Middlerigg with different boundaries was previously considered through LDP1 (CD87). It included land to the south of the Polmont Burn, but did not extend to the east of Fairhaven Terrace). It was included in the LDP1 MIR, published in 2011 as a preferred site but then subsequently not taken forward to the LDP1 Proposed Plan. It was considered at the LDP1 Examination, and rejected (CD13, pages 178-179).

Notwithstanding the change in boundaries from the site that was promoted through LDP1, the site still raises issues of coalescence between Wallacestone, Reddingmuirhead and Shieldhill. It will still impact significantly on the green wedge between Wallacestone and Reddingmuirhead, and the character of the corridor of the Polmont Burn in this locality, which was highlighted by the Reporter as an important feature in the LDP1 Examination Report (CD13, page 179, paragraph 9). Development of the western part of the site, west of Fairhaven Terrace, is an addition to the site promoted through LDP1. Whilst bounded by trees and hedgerows, development here could potentially set a precedent for further incremental growth to the south and west.

Infrastructure issues affecting the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. There would be impacts on the local road network, particularly the B805. Potential cumulative issues with Standrigg Road 1 and 2 also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The eastern part of the site is also subject to a degree of mining risk, as shown in Figure 8 of the Mining Risk Assessment (RD88). The Mining Risk Assessment also concluded that further ground investigation works are required together with a mitigation strategy, in consultation with SEPA and the Coal Authority. Whilst this is likely to be able to be resolved, it may have some implications for overall viability of the site.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

The Council's position on the site has been supported by a number of letters of representation. These are shown in CD187.



For these reasons, the Council does not agree to modify the plan in response to this representation.

### Allocated Housing Site – Hillcrest H21

Danny Callaghan (00205/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001); Reddingmuirhead and Wallacestone Community Council (00426/3003/004); Irene Fotheringham (00782/3001/001); Robert Tierney (00859/3001/001); Anne E Grimwood (00993/3001/002); Calum Tierney (01296/3001/001); Fiona Tierney (01765/3001/001); Margaret Higgins (02960/3001/001); Sarah & Raymond Harper (03028/3001/001); Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034/3001/001) - The site at Hillcrest has a complex history, in terms of planning applications and development planning. This can be summarised as follows:

The site of the present Hillcrest Square development, which was a brownfield site in the countryside, was subject to several applications for residential development which the Council refused. Planning consent was granted on appeal in 2003 (F/2002/0938) and the site was developed for housing. This was followed by a number of applications within the boundary of what would be now H21 for housing (plots and the wider site), which were refused by the Council.

The LDP1 Main Issues Report 2011 was preceded by a 'call for sites' exercise where the site was submitted to the Council as a potential allocation. The Council included the site as an allocation in the Proposed LDP1, with a capacity of 30 units (Ref H69). There was a substantial body of representations objecting to the site, and these were considered at the LDP1 Examination. The Reporter concluded that the site should be retained in the plan (CD13, pages 218-223), and so the adopted LDP1 allocated the site for housing purposes, outwith the settlement limit, with a capacity of 30 units. The allocation was justified on the basis that it represented a consolidation of the existing development at Hillcrest Square/Tappernail Farm, and that additional sites were required to assist with the Council's housing land supply. Further development at Hillcrest would provide additional landscaping and greenspace, thereby softening the edge of the existing grouping at Hillcrest. There was capacity at the local primary school, and Shieldhill was seen as one of the more marketable Braes villages.

Following on from the adoption of LDP1 in 2015, an application was submitted by Persimmon Homes for 112 units (P/16/0706/FUL). This was refused by Falkirk Council on the 25<sup>th</sup> January 2017 on the basis that the site represented over-development in relation to the LDP capacity of 30 units, and lacked an appropriate level of greenspace. A revised application (P/17/0504/FUL) for 91 units was submitted in August 2017, which involved a reduction of 21 houses and an increase in open space and landscaping provision. The Council was minded to grant the application on the 5<sup>th</sup> March 2018, subject to the satisfactory conclusion of a legal agreement. The legal agreement is still to be concluded.

The site is proposed to be carried forward into LDP2. It is a committed allocation in LDP1, which was assessed and endorsed through the LDP1 Examination, albeit for a capacity of just 30 units. With regard to capacity, the recent 'minded to grant' decision on the application for 91 units is clearly material and indicates the Council's view that the site can satisfactorily accommodate this number of houses whilst retaining requisite greenspace. Accordingly, the capacity of the H21 allocation reflects the 'minded to grant' decision. The site area of H21 has been reduced from LDP1 to reflect the extent of the

planning application.

Representations opposed to the allocation of the site submit that it should be removed from the Proposed Plan, or failing this, that the capacity should be reduced to the scale indicated previously in LDP1. The Council's response to the points of objection raised by representees is as follows:

- Community growth and pressure on infrastructure. The Council recognises that the Braes area has seen substantial growth, which has resulted in significant pressure on local infrastructure. The strategy of consolidation in LDP2 previously described reflects this. The Hillcrest site is an existing commitment from LDP1 and has been factored into infrastructure planning for the area. There is capacity at Shieldhill Primary School, and contributions will be secured in respect of long term capacity pressures at Braes High School.
- Impact on natural environment and greenspace. The site comments relating to H21 require substantial greenspace to be retained on site including extensive tree planting to contain new development, open space, access provision and habitat enhancement. The masterplan associated with the 'minded to grant' application P/17/0504/FUL (CD91) illustrates the extent to which this can be achieved with the increased site capacity of H21. The planning application includes a playspace to serve the eastern part of Shieldhill, in line with the priority action to meet the shortfall in play provision in east Shieldhill, set out on page 45 of the Falkirk Open Space Strategy (CD43). In response to concerns regarding loss of habitat, an extended phase one habitat survey, and breeding bird survey was undertaken as part of application P/17/0504/FUL (CD88 and CD89). The site mainly comprises semi-natural grassland and scrub. Paragraph 8.1 concluded that *"None of the habitats within the study area were notable for their rarity, quality, or extent, and in summary we consider the habitats to be unremarkable and common although the scrub habitat has some intrinsic seasonal wildlife value (for breeding birds in particular). Habitats and botanical species are therefore not an ecological constraint for development at this site."* Additionally, greenspace and features such as SUDs will form a part of habitat enhancement measures on site.
- Coalescence. A reasonable gap remains between the eastern edge of the site and the western edge of Reddingmuirhead to avoid coalescence and maintain the identity of communities. The site requirements of site H21 also require a substantial amount of greenspace to be retained within the site which will help to mitigate any sense of coalescence.
- De-population. Settlement population estimates produced by the Council's Research and Information Unit are published annually. This shows a small decrease in the population of Shieldhill from 2422 in 2016 to 2377 in 2017. Generally speaking, the Council seeks to maintain the population of settlements to ensure to assist their viability. However, depopulation in Shieldhill was not a significant factor in the original decision to allocate the site in LDP1
- Overdevelopment. A number of representations state that, if the site is to be allocated, its capacity should be reduced to the scale envisaged in LDP1. The site masterplanning associated with application P/17/0504/FUL has demonstrated that the revised site capacity of 91 units can be satisfactorily accommodated on the site, with adequate provision of greenspace.
- Transport and Road safety. A Transport Assessment was prepared by ECS Transport Planning Ltd (CD90) in support of application P/17/0504/FUL which confirmed through junction analysis and trip assessment that the site is capable of being accommodated within the local road network. The site will also be required to be

accessed via a new priority junction with Hillcrest Square, with improved signage on the approach to the site. This is likely to improve upon the current access arrangement to Hillcrest Square. This information within the Transport Assessment was assessed and agreed by Council officers as part of the determination of the application.

- Housing land supply. The Council position with regard to the housing land target for LDP2, the housing land requirement and the provisions that have been made to meet the requirement have been set out in Technical Report 3 (Revised): Housing and Settlement Growth Options (CD34), and further explained within Issue 2.
- Community woodland. The Council acknowledges that it is an aspiration from some members of the community to establish community woodland on the open space at Belmont Avenue and on the representation site. This would be dependent upon a number of factors which are not related to its consideration for housing purposes including land ownership and funding issues.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3010/001) - This representation seeks the site boundary of H21 to be aligned to match the boundary of 'minded to grant' planning application P/17/0504/FUL. This would involve the addition of a narrow corridor of land which represents the access to the site. The proposed access off the B810 to Hillcrest Square and Tappernail Farm is already established, and whilst the route of the existing access road will have to be amended to secure access to the new development, there is no overriding reason why this access corridor should be included in the allocated site. For this reason, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3010/002) - The Council considers it appropriate to exclude the site from the Shieldhill Village Limit. The intention of the development in this location was to extend and consolidate the existing development at Hillcrest Square, whilst maintaining its visual separation from the village of Shieldhill through a substantial green buffer between the settlement and the site. As such it was to be a development cluster in the countryside. Furthermore, including the site within the Village Limit could set a precedent for further development along the B810. Whilst the Council is minded to grant consent for 91 units on the site, the Council seeks to ensure that any future proposals within the site accord with the policy and design principles of development in the countryside. For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead

1. Representations are seeking a strengthening of the position on housing development in this area, to indicate that there will be no further settlement expansion during the plan period.
2. The proposed plan, at paragraph 5.18, outlines the strategic approach which focuses growth elsewhere in order to provide Wallacestone, Redding and Reddingmuirhead with a period of consolidation. This is reflected by there being only two housing allocations in the area, both of which (at least in part) have been carried forward from LDP1.

3. I consider the council's rationale for providing a period of consolidation to be logical, although I must also consider the case for making additional appropriate allocations in light of our findings in issue 2, and the need to identify some additional housing land across the plan area as a whole, in order to meet the revised housing land requirement.

4. I recognise that there are localised pressures on roads and other services and infrastructure, although these do not necessarily present insurmountable constraints to allowing further development, as site-specific mitigation may be capable of addressing the impacts of development. Coalescence of these settlements, and the overall scale and pace of growth is however an ongoing threat to the area's distinctiveness and their communities, and this is reflected in representations.

5. The proposed plan does, in my view, provide an appropriate and balanced approach in the context of its overarching approach to focus growth elsewhere. I do not consider it would be justified to prevent any new housing development beyond that already planned (and without prejudice to my findings below in regard to site H21), and there may well be windfall opportunities which may arise during the plan period and which would warrant support. I am satisfied that the terms of paragraph 5.18 are balanced and appropriate, and no modifications are required.

Non-allocated housing site – Redding Road (site ref: 146)

6. This site has previously been considered and rejected as a housing allocation, during the 2009 local plan inquiry. The reasons given principally relate to the ecological value of the site. However, the evidence before me now indicates that the site is of limited ecological importance. This is acknowledged by the council, and the proposed plan also intends to remove the Site of Importance for Nature Conservation (SINC) designation which has previously been applied to the land.

7. A representation has been made which again seeks the allocation of the land for housing, and the accompanying submissions assume that around 50 homes plus open space could be accommodated on the site.

8. The proposed plan defines the land as open space within the urban limit, although it is not publicly accessible. The council has referred me to its open space strategy in support of its view that public access is not necessarily required, for land to still be classed as open space. Given the lack of public access, I find that this site's main value is that it provides some visual relief between existing developments on both sides of the railway, as well as when travelling along Redding Road. During my site inspection I also found its undeveloped and semi-natural character provides an attractive visual break in development, which contributes to the perception of there being a transition from one urban area to another (given its location between Laurieston, Westquarter and Redding), rather than complete coalescence.

9. I have reviewed the submissions made in support of the site's development. Aside from the value of the undeveloped site I have noted above, I do not find these submissions adequately address the question of how the site's rising and undulating topography could be dealt with satisfactorily. The submissions indicate that development would be set back from Redding Road, instead being sited adjacent to the railway. This is generally the highest part of the site and so development would be likely to be prominent, even if intervening open space was provided.

10. I note the council also has concerns regarding the ability to provide satisfactory vehicular access from Redding Road. Basic drawings have been provided by the site's promoter to show two locations where junctions could be provided with adequate visibility on Redding Road. This does not address the gradient, although I consider it likely that a workable solution could be achieved. I am aware of how busy Redding Road can be at peak times, so access and egress could sometimes be difficult due to traffic volume.

11. All told, I consider that the site does provide benefits locally as an open space, albeit not publicly accessible. For this reason, I do not support the site's allocation and no modification to the plan is required.

Non-allocated site – Standrigg Road 1 (site ref: 147)

12. A representee is promoting this site for housing, situated adjacent to the urban limit surrounding Wallacestone, on its south west side. Its capacity is estimated as approximately 200 units. The site has previously been rejected as part of the 1999 local plan inquiry, and an application for planning permission in principle was refused in 2018.

13. The site would comprise of land on both sides of Standrigg Road. Whilst the western parcel of land would be relatively well contained by the topography, woodland and other development, I consider the eastern parcel of land would be less satisfactory. It would not reflect the pattern of development in the locality and it would in effect represent a relatively substantial urban extension on the south side of Wallacestone.

14. However, in views from the south, development on either or both parcels of land would diminish the predominantly rural character of this area. Despite the proximity of Wallacestone, the vast majority to the settlement is beyond the brow of the hill and so hidden from view. Given the relatively substantial urban expanse to the north and east, I consider it would be undesirable to unnecessarily see urban encroachment into, and adversely affecting, surrounding areas of countryside.

15. The council has noted concerns regarding the site's poor accessibility, which the representee has challenged, citing recognised walking distance standards and the findings of a transport assessment for the site.

16. Whilst I accept that some journeys could be made on foot, I do not consider the site's position would be conducive to encouraging regular active travel. There are no services or facilities within an easy and convenient walking distance, and as the site is situated towards the top of a hill, this would make the return journey more challenging for pedestrians and cyclists. In reality, I consider that this would be likely to increase the reliance on private car usage. In my view, the bus service along Standburn Road would be unlikely to provide sufficient mitigation.

17. I consider that matters relating to habitat loss and nature conservation interests, school capacity and road improvements are likely to be capable of being appropriately addressed at the planning application stage. However, in the context that the proposed plan's strategy is one of consolidation in this area, and in light of my concerns regarding the site outlined above, I do not support the inclusion of this site as a housing allocation. No modification is required.

Non-allocated site – Standrigg Road 2 (site ref: 221)

18. This site was put forward at a relatively late stage of the plan's production. As such, whilst the council has nevertheless provided a structured environmental assessment in its SEA revised environmental report (CD25 appendix 6), there is no evidence of public engagement relating to this site, contrary to paragraph 118 of Circular 6/2013 'Development Planning'.

19. It would not be appropriate to allocate this site for housing on this basis, and therefore I have not undertaken any further assessment of this site's potential suitability. I am however aware that a residential development proposal has been refused planning permission, and an appeal dismissed on the site, in October 2018. Here some concerns regarding landscape and visual impacts were noted, but of greater significance was the lack of a footway along a stretch of Sunnyside Road, immediately to the east of the site. The provision of a footway would make it difficult for vehicles to pass each other. It is relevant to note that no solution to this issue has been put forward in support of this suggested allocation.

Non-allocated site – Middlerigg Farm (site ref: 211)

20. As with site 221 referred to above, this site was also put forward as a possible allocation at a relatively late stage of the plan's formulation. Like site 221, the council has undertaken a site assessment and it is referred to in its SEA at appendix 6, but given the stage at which it was put forward, there was not an opportunity for public engagement on the site's potential allocation. It would not therefore be appropriate for me to contemplate its allocation at this stage, as the lack of public engagement in its selection would be contrary to Circular 6/2013, paragraph 118.

21. For this reason, I have not assessed the site's suitability as, regardless of my findings, it would not be appropriate to recommend that the site should be allocated. As an aside therefore, but nevertheless relevant to note, an appeal against the refusal of planning permission in principle for a residential development on this site was dismissed on 3 March 2020. No modification to the plan is required.

Allocated housing site – Hillcrest H21

22. As the council has summarised above, this site has a long and complex planning history. The site was latterly allocated under reference H69 through the examination of LDP1, with an indicative capacity of 30 units. That allocation extended to include an additional area of land to the east side of Hillcrest Square. Whilst the allocation shown in the proposed plan is smaller, all areas of land shown as H21 are already allocated in LDP1.

23. For this reason, I am satisfied that the principle of the site's development has been established following careful examination of wide-ranging objections in the LDP1 examination report, and to which I attach weight. The representations of objection to the site, which have been made in relation to the site's continued allocation in the proposed plan, do not raise any new matters which would indicate that its allocation is no longer appropriate. The objections principally focus on matters already considered as part of LDP1, but that examination concluded that the site would still be suitable for allocation.

24. I therefore consider that the main matter in this case is the appropriateness of the

revised indicative capacity of the site, which the council is proposing to increase threefold to 91 units. This is a matter referred to in representations, and the increase has generated objections.

25. It is relevant to note that as site capacities are indicative both in the current LDP1 and in the proposed plan, no policy conflict would arise simply because a development proposal deviated from the estimated number of homes stated in the plan. Any detailed proposal would need to demonstrate that the proposed scale of development would be appropriate to the site in question. That said, it is clearly desirable for the indicative site capacity to be as accurate as possible, so that the likely quantum of development across the various sites and settlements can be planned effectively, as well as providing greater certainty for local communities.

26. The proposed plan's substantial increase in the indicative capacity of this site has been based on a 'minded to grant' decision taken by the council in March 2018, for a development of 91 homes on the site. The council has therefore already reached a settled view, based on the submissions accompanying the planning application, that 91 homes can be satisfactorily accommodated on the site, which is clearly also material in considering what would be an appropriate indicative capacity for the site's allocation. Having referred to the proposed site layout during my site inspection, I agree with the council that the site would be capable of accommodating a significantly higher number of homes than indicated by LDP1.

27. A number of representees have raised detailed concerns in regard to the current planning application for development of the site. These would be more properly taken into account through consultation as part of the development management process, as the site's allocation is concerned only with the principle of development. This principle has already been established, as explained above.

28. I am satisfied that the 'site comments' for this allocation (in appendix 1 of the proposed plan) provide appropriate clarity over the expectations for development of the site. This includes provision of open space, tree planting, access and habitat enhancements. Whilst concerns have been raised regarding loss of habitat, survey work has accompanied the planning application and support can be drawn from the council's acceptance of the findings that there are no ecological constraints to development.

29. Concerns over the impact of growth upon the local community and upon infrastructure have been raised. Whilst this is an existing allocation, I also acknowledge that it would now accommodate considerably more development than originally envisaged. However, this would still be a relatively modest development overall, and I do not consider it to be of a scale which would conflict with the overall thrust of paragraph 5.18 of the plan, which aims for a period of consolidation more widely (but which also acknowledges this existing allocation). The council has confirmed that education capacity exists, or can be addressed, to accommodate the size of development now envisaged on the site. The findings of a transport assessment, prepared in support of the recent application on the site, has also been accepted by the council. There is no evidence to suggest the increased number of units on the site would increase flood risk.

30. I have noted that other aspirations for the site have been expressed in representations, including the possibility of establishing a community woodland. However, the land is not identified for such a purpose in the plan, there is no woodland on the site currently, and given the landowner's intention is evidently to develop the land for

housing, there is no indication of how such a project could be delivered. It would not be justified to consider the de-allocation of this site for this reason.

31. All told, I see no reason why the allocation should be considered to be inappropriate and therefore removed from the plan. The main matters considered by the LDP1 examination relating to the suitability of the site remain relevant, and I am satisfied that the principle of the site's development is established. This has been reinforced by the council's recent 'minded to grant' decision.

32. With that council decision still in mind, and having reviewed the submissions including the proposed site layout, I consider it appropriate that the proposed plan's indicative capacity reflects the site's ability to accommodate in the region of 91 homes.

33. A representee has requested that the site boundary be amended to reflect the boundary of the planning application which the council is minded to grant. I note that the extent of the allocation as proposed does provide a boundary with the current access track to Tappernail Farm, but the current proposal involves its realignment further to the north east.

34. It seems to me to be logical to identify the full extent of land which is envisaged to be required for development of the site to be accommodated. From the site layout plan it appears to be essential for the access road to be realigned to provide an adequate link with Hillcrest Square, to then utilise the existing junction with the B810. As this appears to be the council's preferred means to accessing the site (rather than creating an additional junction to the south west of Hillcrest Square, to directly access the site), I consider it would be appropriate to include the land needed for the access point as part of the allocation. This would be consistent with the approach the council has followed for allocated site H18, and it also avoids a situation where the access road would fall to be considered under policy PE14. I recommend the allocated site boundary be amended on this basis.

35. The same representee is seeking an amendment to the Shieldhill village limit, to incorporate site H21. The council's intention is for this site, together with Hillcrest Square, to form a cluster of development in the countryside rather than an extension to Shieldhill. This approach does not entirely align with the wider policy approach to housing development which generally directs development to within urban and village limits. Being outside of such limits, the site is classed as being in the countryside despite its allocation, although policy HC01 would allow for its development and could reasonably be given greater weight than the otherwise restrictive provisions of policy HC05.

36. Given the council's intention is expressly for this site to form a separate cluster of development, distinct from Shieldhill, I do not consider the village limit should be extended. I note that the positioning of an allocated site outwith an urban or village limit is not unique to this site, so it does not indicate an inconsistency with the approach taken more widely by the proposed plan. No modification is required.

**Reporter's recommendations:**

1. Amend the boundary of allocation H21, Hillcrest, to include the proposed alignment of the access road shown in CD91.



<b>Issue 8</b>	<b>California and Standburn Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>  Braes and Rural South (pages 72 - 73)  <u>Appendix 1 Proposals and Opportunities</u>  <u>Schedule</u>  Housing - Braes and Rural South - California (page a04)  Housing - Braes and Rural South - Standburn (a04)  <u>Proposals Map 5</u>  Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>H Miller &amp; Son (02969)  MLFP (02916)  Raymond Campbell (03038)  Andrew Paterson (00515)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of sites for housing in around the villages of California and Standburn, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-allocated Site - East of Burnside Villa, California (Site Ref 222)</u></p> <p>H Miller &amp; Son (02969/3001/001) - A site at Burnside Villa, California should be allocated for housing, with a capacity of approximately 10 units (RD96). The site is considered effective and deliverable, and is unconstrained. The site would be an infill gap site, complementing the existing settlement form.</p> <p><u>Non-allocated Site - Broadhead, Candie (Site Ref 226)</u></p> <p>MLFP (02916/3002/001) - The grouping of properties at Candie/Broadhead should have a defined settlement boundary. This should include an area of land to the east of the settlement with development potential. This would still offer a level of containment, and would offer a development site for rural housing. This is consistent with the aims of the LDP2 vision and SPP. The land should also be excluded from the local landscape designation. A design and planning statement (RD97) and proposed settlement limit (RD98) have been submitted.</p> <p><u>Allocated Site H28 - Standburn West, Standburn (Site Ref 060)</u></p> <p>Raymond Campbell (03038/3001/001) - In respect of Proposal H28 Standburn West, Mr Campbell is currently pursuing a claim to legal title to land which forms part of the proposed development, plans of which are submitted (RD99, RD100). While it is understood that there are no imminent plans for development, Mr Campbell would object to</p>		

any development which adversely affects either the land to which he has a claim or the claim itself.

Andrew Paterson (00515/3001/001) - In respect of Proposal H28 Standburn West, Mr Paterson owns a large proportion of the land and is not willing to release it for development. A plan is provided showing the extent of ownership. Mr Paterson is unclear as to why he has never been consulted about the inclusion of the land for development. Four other landowners affected by the development are in the same situation and likewise are not willing to sell their land for development.

**Modifications sought by those submitting representations:**

Non-allocated Site - East of Burnside Villa, California (Site Ref 222)

H Miller & Son (02969/3001/001) - Insert additional site at Burnside Villa, California as a housing proposal for approximately 10 units.

Non-allocated Site - Broadhead, Candie (Site Ref 226)

MLFP (02916/3002/001) - Define a settlement boundary around the existing grouping at Candie/Broadhead including an area of land to the east within the settlement boundary as a development opportunity. Exclude the proposed area of land from local landscape designation.

Allocated Site H28 - Standburn West, Standburn (Site Ref 060)

Raymond Campbell (03038/3001/001); Andrew Paterson (00515/3001/001) - Delete Proposal H28 Standburn West.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in California and Standburn

As background to the Council's response on this issue, the general approach to the allocation of housing sites in the Rural South is outlined in Appendix 5 of Technical Report 3 (Revised): Housing and Settlement Growth Options (CD34).

The Council attempted under previous development plans to promote growth in the former Rural South mining villages through additional housing allocations. The aim was to encourage regeneration, and provide critical mass to sustain existing services. California has seen some growth over the last 10-15 years, and two opportunities for additional housing are proposed carried forward from LDP1 into LDP2 at H23 Cockmalane and H24 Church Road. Standburn has seen little growth, but an area to the west of the village (H28 Standburn) provides a partly brownfield opportunity should demand emerge.

In tandem with the Council's policy on housing in the countryside (HC05), the strategy for the rural areas is generally to direct new housing to the established villages in order to help sustain these communities, and protect the countryside from sporadic development.

Non-allocated Site - East of Burnside Villa, California (Site Ref 222)

H Miller & Son (02969/3001/001) - The Council does not consider the site at Burnside Villa to be appropriate for housing. The site was submitted following on from the publication of the Proposed Plan, and was not considered at MIR stage.

The site comprises 0.4 hectares of agricultural land lying to the east of California, outwith the Village Limit, and along the north side of the C-classified California Road between California and Maddiston. The site would form a linear development extending over 200 metres along this road. The site is detached from the existing village and does not represent a logical extension to it. It is not considered a gap site. Ribbon development in this form would not represent a desirable form of development. Opportunities exist for housing development within California which would be more appropriate

The site would be accessed from the derestricted California Road, adjacent to a sharp bends offering poor visibility. Multiple points of access from the site are likely to impact on road safety. There is also no footpath along California Road between the site and the village, and very little scope in terms of available land to introduce one.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site 226 - Broadhead, Candie (site Ref 226)

MLFP (02916/3002/001) - The Council's approach to the rural area is that only villages of a reasonable scale are defined by Village Limits, within which appropriate development is generally permitted. Smaller hamlets of a few dwellings are left undefined and are subject to countryside policies. In this instance, the collection of about six dwellings at Broadhead falls into the latter category and does not merit a Village Limit. To give it such a definition would create inconsistency with the rest of the plan.

In terms of the land to the east of the existing houses at Broadhead, which the representation seeks to have included in a settlement boundary, the Council does not consider it to be an appropriate housing allocation. The site does not represent a gap site, lies beyond the envelope of the existing houses, and would represent undesirable ribbon development. There is also a lack of a defensible boundary to the north. Development would be likely to result in the loss of mature roadside trees through the formation of access to the site. Access would also be problematic for road safety reasons. The site is located on a tight, blind bend with poor visibility. The road is single carriageway and is not capable of widening, and the provision of a footway is unlikely to be possible.

A planning application (P/18/0044/FUL) for 4 dwellinghouses on the site was refused under delegated powers on 23rd March 2019. An appeal was subsequently dismissed by the Council's Local Review Body. Reasons for refusal include that the development did not comply with policies on development in the countryside, and road safety reasons as noted above (CD92).

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Site H28 - Standburn West, Standburn

Raymond Campbell (03038/3001/001); Andrew Paterson (00515/3001/001) - Standburn is a village which has seen no development over a number of years, which is partly reflective of its limited attractiveness to the housing market. Nonetheless, it is considered desirable to retain a site for potential future housing growth should development interest emerge over the plan period, and the site at Standburn West, which is proposed to be carried forward from LDP1, is considered the most appropriate location within the village. The site is partly brownfield and its redevelopment would offer the benefits of enabling the regeneration of a vacant/derelict site, making safe unstable ground and remediating historic contamination. The original process of allocating the site was undertaken shortly after the adoption of Falkirk Council Local Plan, whereby the Reporter sought an allocation within the village, with the Council to determine the boundary and scale through supplementary guidance at a later date. Following on from public consultation, a Supplementary Planning Guidance document was produced (CD93) which identified the allocation and the key principles with which development should accord.

The representations are from parties who have an ownership interest in the land, and do not wish to promote it for development. It is recognised that this may limit its effectiveness in the short term, and possibly the long term. Certainly, there has been no recent development interest in the site as a whole. The Council recognises this in so far as the allocation is not seen as contributing to the housing land supply in the period of the plan. However, redevelopment of the site would nonetheless be desirable. The owners' interests would not necessarily be prejudiced by its continued allocation, since they would be under no obligation to participate in any future scheme. The Council would not seek to acquire land for development at this location by compulsory purpose.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

1. The council's housing strategy for more rural areas, which directs development to within established villages, is a logical approach which should have the desired effect of sustaining communities whilst preventing additional sporadic development in the countryside.

2. This approach has not been explicitly challenged in representations considered in this issue. Whilst in issue 2 we have identified that it would be desirable to allocate some additional appropriate housing land, this must be considered in the context of the wider spatial strategy in the plan. I note also that growth and demand for development in this area has been relatively low in recent years.

Non-allocated site – East of Burnside Villa, California (site ref: 222)

3. This site was put forward at a late stage of the plan's production. As such, whilst the council has nevertheless provided a structured environmental assessment in its SEA revised environmental report (CD25), there is no evidence of public engagement relating to this site, contrary to paragraph 118 of Circular 6/2013 'Development Planning'. For this reason I do not consider the site's inclusion can be justified. I have not therefore carried out a detailed assessment of the site's potential suitability for development.

4. Despite this, when I visited the site I did observe some particular challenges in regard

to access. Immediately to the west, as the road enters California there is a sharp and narrow double bend. There is no pavement at this point, and no room for a pavement to be created. This site would lead to increased use of this route by pedestrians, which I consider would present a significant road safety risk.

Non-allocated site 226 – Broadhead, Candie (site ref: 226)

5. The representation seeks the identification of the small cluster of houses at Broadhead as a defined village. It also proposes that the village limit should be drawn to include greenfield land to the east, on the opposite side of the road to other development.

6. The council has asserted that it would not be appropriate to define Broadhead with a village limit, as its size does not warrant its identification as a village. I agree with the council that Broadhead is smaller than any villages defined by a village limit in the proposed plan.

7. From my site inspection, I found that that Broadhead does not have a village character, but rather it is simply a small cluster of development in the countryside. There are no services, amenities or facilities of any kind, and I do not consider its identification as a village would be justified.

8. With this in mind, it would not be appropriate to identify a site for development on the east side of the road, as proposed by the representee, as this would run counter to the approach of the plan which (with a small number of specific exceptions) allocates sites within and adjacent to recognised settlements.

9. I note that planning permission has previously been refused for development on this land, which was also dismissed on appeal. Part of the reason for this was the inadequacy of the access. The road is narrow with a number of blind bends. There are limited locations where passing another vehicle is possible. I therefore agree that the road would be poorly suited to accommodate any intensification of its use. Any residents of further development in this location would however be heavily reliant on the private car.

10. All told, I find any development potential at Broadhead is most appropriately addressed by the proposed plan's countryside policies, and I do not consider that defining this location as a village (or any additional, undeveloped land) with a village limit is justified. No modifications are required.

Allocated site H28 – Standburn West, Standburn

11. This site is an existing housing allocation, which the council intends to carry forward into the proposed plan. The suitability of the site for housing development has not been questioned in representations, but one representee in particular (who is one of several owners of the overall site) objects to the allocation and has confirmed that the area of land belonging to him is not available for housing development.

12. The council has acknowledged that the site is not currently effective, and that it may not become effective even in the long term. The council has justifiably therefore not included this site in its calculation of housing land supply.

13. As there are multiple landowners, whilst I acknowledge the positions outlined by the two representees, I do not consider this necessarily rules out the prospect of other

landowners potentially supporting development on some parts of the site, at a future point in time in the plan period. The allocation of the site does not require any landowner to release the land for development, and nor would it require the whole site to be brought forward in its entirety or as a single scheme.

14. For the above reasons, I do not consider it inappropriate for the council to retain this allocation. I recognise the advantages of identifying a site in Standburn, and despite the council's (and my own) significant doubts over the likelihood of the site being developed for housing I consider that there is, at this time, sufficient justification for its allocation. No modifications are required.

**Reporter's recommendations:**

None.

<b>Issue 9</b>	<b>Slamannan and Limerigg Housing Sites</b>			
<b>Development plan reference:</b>	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72 - 73) <u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Housing - Braes and Rural South - Limerigg (page a04) Housing - Braes and Rural South - Slamannan (page a04)	<b>Reporter:</b> Amanda Chisholm		
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     Alex Kirkland (02981)                      Christina Wilson (02982)                      Cameron Robertson (03018)                      Jim &amp; William Robertson (00848)                      Duncan Cooper (02983)                      Sandra Hendricks (02996)                      Stuart MacDonald (02998)                      Sandra MacDonald (02997)                      William Clark (03000)                      Inger Cooper (02988)                      Mary Gardner (02989)                      Mohammed Tariq (02990)                 </td> <td style="width: 50%; vertical-align: top;">                     Patricia Clark (02992)                      Parveen Tariq (02993)                      Paul Cooper (02994)                      Ray Kirkland (02995)                      Gordon Kirkland (02986)                      Helen McKinlay (02987)                      Stewart Homes (00456)                      Robert MacDonald Clarkston (03011)                      H J &amp; M E Harbinson (03013)                      Robert Capper (02959)                      Mr and Mrs David Black (00746)                 </td> </tr> </table>			Alex Kirkland (02981) Christina Wilson (02982) Cameron Robertson (03018) Jim & William Robertson (00848) Duncan Cooper (02983) Sandra Hendricks (02996) Stuart MacDonald (02998) Sandra MacDonald (02997) William Clark (03000) Inger Cooper (02988) Mary Gardner (02989) Mohammed Tariq (02990)	Patricia Clark (02992) Parveen Tariq (02993) Paul Cooper (02994) Ray Kirkland (02995) Gordon Kirkland (02986) Helen McKinlay (02987) Stewart Homes (00456) Robert MacDonald Clarkston (03011) H J & M E Harbinson (03013) Robert Capper (02959) Mr and Mrs David Black (00746)
Alex Kirkland (02981) Christina Wilson (02982) Cameron Robertson (03018) Jim & William Robertson (00848) Duncan Cooper (02983) Sandra Hendricks (02996) Stuart MacDonald (02998) Sandra MacDonald (02997) William Clark (03000) Inger Cooper (02988) Mary Gardner (02989) Mohammed Tariq (02990)	Patricia Clark (02992) Parveen Tariq (02993) Paul Cooper (02994) Ray Kirkland (02995) Gordon Kirkland (02986) Helen McKinlay (02987) Stewart Homes (00456) Robert MacDonald Clarkston (03011) H J & M E Harbinson (03013) Robert Capper (02959) Mr and Mrs David Black (00746)			
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in the villages of Slamannan and Limerigg, as identified in the Braes and Rural South Settlement Area, and detailed in Appendix 1.			
<b>Planning authority's summary of the representation(s):</b>				
<p><u>Allocated Housing Sites – H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)</u></p> <p>Alex Kirkland (02981/3001/001); Christina Wilson (02982/3001/001); Cameron Robertson (03018/3002/001); Jim &amp; William Robertson (00848/3001/001); Duncan Cooper (02983/3001/001); Sandra Hendricks (02996/3001/001); Stuart MacDonald (02998/3001/001); Sandra MacDonald (02997/3001/001); William Clark (03000/3001/001); Inger Cooper (02988/3001/001); Mary Gardner (02989/3001/001); Mohammed Tariq (02990/3001/001); Patricia Clark (02992/3001/001); Parveen Tariq (02993/3001/001); Paul Cooper (02994/3001/001); Ray Kirkland (02995/3001/001); Gordon Kirkland (02986/3002/001); Helen McKinlay (02987/3001/001) - The allocated housing sites in Slamannan and Limerigg (H25 – H27) are not suitable for development and not effective due to a number of factors including: flooding (site H27 is with the floodplain as defined by SEPA); drainage and sewerage issues; traffic issues; contamination (site H25); ecological issues (presence of bean geese); viability issues; and lack of development interest. The sites have been allocated for some time and have not seen any development. Indeed they are identified as 'non-contributing' in the Council's Housing Land Audit. This approach has deprived Slamannan of new development and associated regeneration benefits such as an improved</p>				

environment and sustaining services and amenities in the village. The Council therefore needs to consider alternative sites which offer better prospects for development, particularly sites to the north and east of the village which were promoted through previous plans and which do not suffer from the same constraints.

Non-allocated Site - Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456/3002/001) - A site at Slamannan Road, Limerigg, which would constitute an extension to the existing Proposal H25 (Site Ref 054), should be allocated for housing development, with a capacity of 120 units. Development would support and encourage much needed community regeneration, a mix of housing tenure, and commercial investment. A masterplan would be produced, with community involvement. Developer funding would ensure an appropriate mix of community facilities, green corridors and affordable housing. Developer interest has been secured and the necessary infrastructure is deliverable in the short term.

Non-allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Robert MacDonald Clarkston (03011/3001/001) - A site at Slamannan Road, Limerigg should be retained in LDP2, with its capacity increased to 90 units. The site is allocated in the current adopted LDP1 (Proposal H66) but is proposed for deletion in LDP2. A Proposal of Application Notice has been submitted for the site in anticipation of the submission of a planning application, and a public meeting has been held. Supporting information has been submitted including evidence of approved funding for the scheme, a flood risk assessment, transport assessment, mining report, peat management statement, and a minute of a meeting with Council officers (RD111-RD117). Given the level of information produced and the backing of the local community, the site should be kept in the LDP.

Non-allocated Site – Dyke Farm, Slamannan (Site Ref 224)

H J & M E Harbinson (03013/ 3001/001) - A site at Dyke Farm, Slamannan should be allocated for housing development. The site could potentially deliver around 150 homes, either as market or social housing. An indicative layout has been produced (RD106). Although the LDP2 strategy for Slamannan has been to reduce allocations, the plan aims to retain opportunities for housing in most villages. The existing remaining allocations in Slamannan are considered ineffective. However, this site is not subject to the constraints faced by other sites and is considered effective. It is largely outwith the SEPA indicative floodplain (RD107), and is not in the Slamannan Plateau SPA (RD109). Although in a Local Landscape Area, it will not cause harm to the area. The area has been subject to some degradation from former mining activity. Although the site was part of the larger Wester Jaw site which was not supported at the LDP1 Examination, circumstances have changed in that other allocations which were supported have been proved ineffective. The site meets the criteria for effectiveness set out in PAN 2/2010.

Non-allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Robert Capper (02959/3001/001) - A site at Hillhead Farm, Slamannan should be allocated for housing. An indicative map is provided with suggested phasing and an indication of density (RD119), as well as a map confirming ownership (RD120). The reduction in the site allocation at Hillend Farm from LDP1 is supported, given the constraints affecting the site, and there remain unresolved issues even with the reduced area (Proposal H27). The lack of development interest in Slamannan is related to the constraints and costs associated



with the previously allocated sites. The land at Hillhead Farm provides a suitable and deliverable alternative which can offer a sustainable location close to the village centre, and meet the housing needs of the village. The merits of the site are set out. An alternative to the present access via Avonbridge Road is shown on an indicative map (RD118). This would involve an access point from Main Street adjacent to St Laurence Church. Letters expressing interest in the proposed development from two building contractors have been submitted (RD121, RD122)

Non-allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001) - A site at Southfield Farm, Slamannan should be allocated for housing development. The site comprises two areas which were identified as H.SLA04 and H.SLA07 in the deposit draft Falkirk Council Local Plan 2007 (CD97), for 110 and 150 homes respectively. Planning permission was granted for these sites in 2007 and 2008, developers were engaged, but they did not progress due to the recession. The site is deliverable. A third area for consideration, in separate ownership, lies to the north side of the B803, opposite H.SLA07, and gives potential for a bypass for the village. Slamannan is unable to sustain the local amenities that once served it. Development would promote regeneration of the village.

**Modifications sought by those submitting representations:**

Allocated Housing Sites – H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)

Alex Kirkland (02981/3001/001); Christina Wilson (02982/3001/001); Cameron Robertson (03018/3002/001); Jim & William Robertson (00848/3001/001); Duncan Cooper (02983/3001/001); Sandra Hendricks (02996/3001/001); Stuart MacDonald (02998/3001/001); Sandra MacDonald (02997/3001/001); William Clark (03000/3001/001); Inger Cooper (02988/3001/001); Mary Gardner (02989/3001/001); Mohammed Tariq (02990/3001/001); Patricia Clark (02992/3001/001); Parveen Tariq (02993/3001/001); Paul Cooper (02994/3001/001); Ray Kirkland (02995/3001/001); Gordon Kirkland (02986/3002/001); Helen McKinlay (02987/3001/001) - Delete Proposals H25 Slamannan Road, H26 Avonbridge Road, and H27 Main Street.

Non-allocated Site - Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456/3002/001) - Extend Proposal H25 Slamannan Road, Limerigg to the north and west with an additional capacity of 120 units, and including a neighbourhood shop, community facilities and greenspace.

Non-allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Robert MacDonald Clarkston (03011/3001/001) - Insert additional site at Slamannan Road, Limerigg as a housing proposal (re-instatement of LDP1 allocation), with a capacity of 90 units.

Non-allocated Site – Dyke Farm, Slamannan (Site Ref 224)

H J & M E Harbinson (03013/3001/001) - Insert additional site at Dyke Farm, Slamannan as a housing proposal with indicative capacity of 150 units.

Non-allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Robert Capper (02959/3001/001) - Insert additional site at Hillhead Farm as a housing proposal.

Non-allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001) - Insert additional site at Southfield Farm, Slamannan as a housing proposal.

**Summary of responses (including reasons) by planning authority:**

Council’s Approach to Housing Growth in Slamannan and Limerigg

As background to the Council’s response on this issue, the general approach to the allocation of housing sites in the Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

Historically, the Council has attempted to promote growth in the former mining villages of the Rural South area, in order to stimulate regeneration and protect and enhance services. Within Slamannan and Limerigg, there are substantial allocations in LDP1, most notably a Strategic Growth Area at Slamannan, and two substantial allocations in Limerigg. However, although there was some development interest in these sites prior to the 2008 recession, the housing market in the Rural South villages is now very weak and there has been little active developer interest for some years. Through LDP2, the Council has had to take a more realistic view of the prospects for significant housing development, and proposes to delete housing sites which are now considered ineffective and unlikely to be developed in the period of the plan. At the same time, the retention of some smaller scale opportunities for housebuilding is considered desirable, albeit that the prospects for these are uncertain, and they are not regarded as contributing towards the housing land supply. In Slamannan, the large allocation at Hillend Farm forming the Strategic Growth Area (H70 in LDP1), has been reduced to a much smaller site at Main Street (H27 in LDP2), and a site at the Rumlie (H71 in LDP1) has been deleted, whilst a small site at Avonbridge Road (H26 in LDP2) is retained. In Limerigg a large site at Slamannan Road (H66 in LDP1) at the north end of the village has been deleted, whilst the brownfield site further south on Slamannan Road (H25 in LDP2) has been retained.

Allocated Housing Sites– H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)

Alex Kirkland (02981/3001/001); Christina Wilson (02982/3001/001); Cameron Robertson (03018/3002/001); Jim & William Robertson (00848/3001/001); Duncan Cooper (02983/3001/001); Sandra Hendricks (02996/3001/001); Stuart MacDonald (02998/3001/001); Sandra MacDonald (02997/3001/001); William Clark (03000/3001/001); Inger Cooper (02988/3001/001); Mary Gardner (02989/3001/001); Mohammed Tariq (02990/3001/001); Patricia Clark (02992/3001/001); Parveen Tariq (02993/3001/001); Paul Cooper (02994/3001/001); Ray Kirkland (02995/3001/001); Gordon Kirkland (02986/3002/001); Helen McKinlay (02987/3001/001) - These representations take issue with the Council’s allocated sites in Slamannan and Limerigg, criticising them for the constraints affecting them and the fact that they are stalled and potentially ineffective. It is suggested that there are other better sites in the villages, which are less constrained.

As described above, the Council has gone through a process of assessing effectiveness and de-allocating sites which have little prospect of the delivery. The three remaining sites

(H25-H27) are not without issues, and the Council has accepted that they cannot be relied on as contributing to the housing land supply in the plan period. However, the main issue affecting Slamannan and Limerigg is lack of market demand, and this applies both to the allocated sites, and any other alternative sites which may be proposed. Some alternative sites have been proposed, and are considered under this Issue, but they are no more likely to be effective or capable of delivery.

In terms of the allocated sites referred to, the following comments are made:

H25 Slamannan Road, Limerigg is a committed site in the existing LDP and was granted planning consent (P/08/0617/OUT) in 2009, and subsequently renewed in 2013 (P/12/0241/PPP) which has now lapsed. Despite this, the Council considers that the site is appropriate for residential development by virtue of its brownfield nature, and its location within the centre of the village. Its allocation is supported by the site owner, Manor Forrest, and by a local resident (CD184).

H26 Avonbridge Road, Slamannan is an existing committed site in LDP1. It is a small site which would round off development on the eastern side of Slamannan. With regard to site specific flooding issues, it is recognised that part of the site is constrained by potential fluvial flooding (CD94). This was considered through the Falkirk Council Local Plan Inquiry in 2009 and the Reporters reduced the capacity from 30 to 10 units, which has carried through into LDP1 and now LDP2 to reflect the flooding constraint. The LDP1 Examination in 2015 also considered the site's flood risk issues, and took no issue with the continued allocation. Paragraphs 30-33, page 246 of the Examination Report (CD13) set out further detail on the scope of the constraint. Future applications will need to be informed by a flood risk assessment, which will determine the developable area. It is therefore considered that the site is suitable for housing, and of a scale which may attract the interest of a small scale builder.

H27 at Main Street, Slamannan forms a small part of the wider allocation in the existing LDP (CD12, H70, page 40). Development of this site would represent a rounding off of the village form, rather than a projection into open countryside, and is centrally located. The site has been rationalised and much reduced under LDP2 to reflect challenging market conditions in the Rural South, and assist in deliverability.

The site is likely to be constrained by fluvial flood risk (CD94), although development of part of the site could still take place. Paragraph 24, page 244 of the LDP1 Examination report (CD13) confirms that the Reporters were content with the Council's approach to flood risk as regards the site and the wider area. In terms of flooding and drainage, a flood risk assessment and drainage strategy would be required for any planning application which may come forward. Given the limited scale of proposed development, the Slamannan WWTW is likely to be able to accommodate the limited additional growth proposed.

For these reasons, the Council considers the sites to be appropriate allocations and does not agree to modify the plan in response to these representations.

#### Non-allocated Housing Site – Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456/3002/001) - The Council does not consider this site to be an appropriate extension to Proposal H25. Proposal H25 has been carried forward from LDP1. It was granted planning consent in 2009, a consent which was subsequently

renewed in 2013 but has now lapsed. The site was subject to site assessment (CD33).

The submission seeks an extension to the allocated site of an additional 10.2 hectares to the west and north. The extension site could accommodate up to 250 units. Limerigg is a small village, with low market demand, and the market simply could support this level of development in this location. In addition, Limerigg Primary School is a small rural school, which could not accommodate additional development of this scale.

The extension to the site would extend significantly beyond the footprint of the brownfield allocated site into open countryside, as well as an area of woodland to the west. The boundaries would not represent a logical fit with the existing village. Landscape and visual impacts are likely to be significant.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Robert MacDonald Clarkston (03011/3001/001) - The Council does not consider that the site at Slamannan Road 1, Limerigg should be re-instated as a housing allocation. It was subject to site assessment (CD33), and was identified as an LDP1 site proposed for de-allocation in the MIR. The site is subject to a current PPP application for residential development and a shop which was submitted by Mr Clarkston in November 2018 and is as yet undetermined (Ref P/18/0693/PPP).

The site is a currently allocated site which is proposed for de-allocation as part of LDP2. The principal reason for de-allocation is that, as part of the wider review of the effectiveness of allocations in the Rural South, the site is no longer considered effective due to marketability and viability issues. Whilst the site is in the ownership of a party who wishes to develop it for housing, Limerigg is an area of limited attractiveness to the housing market and there is no evidence of demand for development of this scale (90 units) or of the overall viability of the scheme. Whilst the current PPP application is acknowledged, this is not from a housebuilder, and it is likely that it has been stimulated by the threat of removal of the site from the LDP, rather than any genuine housebuilding interest. Given limited future housing demand in the village, the strategy for Limerigg is to focus any future development on Proposal H25 which would result in the regeneration of a brownfield site, rather than extending the village into the countryside to the north of the village.

The site is constrained in terms of the presence of shallow coal deposits, which would be sterilised through development, in addition to there being particularly unstable ground. Part of the site is also an area of carbon-rich soil which would limit its developable area, once a peat management plan has addressed this. There is also potential impact on legally protected species through proximity to the woodland. A contribution to the upgrading of Limerigg Primary School is also likely to be required. Whilst none of these constraints preclude development, it is considered that they will further adversely affect viability, particularly in light of the challenging market in Rural South.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Dyke Farm, Slamannan (Site Ref 224)

H J & M E Harbinson (03013/ 3001/001) - The Council does not consider the site at Dyke Farm to be an appropriate housing allocation. The site was only promoted following the publication of the Proposed Plan, and was therefore not considered at the 'Call for Sites' or MIR stage of the plan.

The site lies to the north of Slamannan, bounded to the south by the River Avon corridor, and the B803 to the east, with woodland along the south and eastern boundaries. It is detached from the village, and does not in any way represent a logical extension to the settlement. It is located within the Slamannan Plateau Local Landscape Area, is elevated in relation to the village, and visually prominent viewed from both the village and the adjacent main road. Development would result in adverse landscape and visual effects. The site is also at least 1km walking distance from local services in Slamannan.

The site is located within an area of supporting habitat for the population of Taiga Bean Geese which are the qualifying species for which the Slamannan Plateau SPA is designated (CD95). Whilst this may not preclude all development, the site would be required to be assessed under the Habitat Regulations to determine whether there are likely significant effects on the SPA. This has been a known constraint in relation to potential development sites in and around Slamannan. Flood risk assessment in relation to fluvial flooding from the River Avon is shown in CD94.

There is unlikely to be market demand in Slamannan for a development of this scale, bearing the mind the lack of interest from housebuilders over recent years. There is no evidence of interest from a housebuilder in this site, nor evidence of its viability.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Robert Capper (02959/3001/001) - The Council does not consider the site at Hillhead Farm, Slamannan to be an appropriate housing allocation. The site was only promoted at the Proposed Plan stage, and was not considered at the 'Call for Sites' or MIR stages. The representation makes reference to support for the reduction in the site allocation at Hillend Farm and considers that the land at Hillhead Farm provides a suitable and deliverable alternative.

The site lies on the eastern side of the village, to the north of the Avonbridge Road. The site would represent a significant and illogical extension of the village into the open countryside, with a lack of any defensible boundary. The site is located within the Slamannan Plateau Local Landscape Area, and development would have significant landscape and visual impacts. The site slopes relatively steeply to the north and east, with a high point within the northern part of the site. Development is likely to breach the skyline, with impacts extending beyond the village. Extensive earthworks would be required to create suitable development platforms, exacerbating landscape impacts.

The site is located within an area of supporting habitat for the population of Taiga Bean Geese which are the qualifying species for which the Slamannan Plateau SPA is designated (CD95). Whilst this may not preclude all development, the site would be required to be assessed under the Habitat Regulations to determine whether there are likely

significant effects on the SPA. This has been a known constraint in relation to potential development sites in and around Slamannan.

There is unlikely to be market demand in Slamannan for a development of this scale, bearing in mind the lack of interest from housebuilders over recent years. Although two brief letters expressing interest in the site from building contractors in N Ireland have been submitted, there is no evidence of genuine housebuilder interest based on any serious assessment of demand or viability.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001) - The Council does not consider that the site at Southfield Farm, Slamannan to be an appropriate housing allocation. The site was only promoted following the publication of the Proposed Plan, and was therefore not considered at the 'Call for Sites' or MIR stage of the plan.

Southfield Farm lies to the south west of Slamannan. Land here was previously considered through the Falkirk Council Local Plan process in the late 2000s when large scale residential growth to support regeneration of the village was under discussion. In the finalised draft version of the FCLP, two sites were included - Proposals H.SLA4 and H.SLA7 (RD101). A further eastward extension of H.SLA7 was approved by the Council as a pre-inquiry modification (RD102). However, following the Local Plan Inquiry in 2009, only H.SLA04 was included in the adopted FCLP. Proposal H.SLA04 was never taken forward, and with the original developer interest lapsing following the recession, the site was eventually removed from LDP1 in 2015.

The site would represent a very significant westward extension to the village. As with other sites in and around the village, development would require to address a number of constraints. It is located within the Slamannan Plateau Local Landscape Area, with potential landscape and visual effects to be dealt with. It is adjacent to Bean Geese feeding areas, requiring screening to check for likely significant effects on the SPA. There are drainage and access issues to be overcome.

However, the main reason for not considering a site of this scale remains lacks of demand for housing in the village, and viability issues. It is not considered that the site is effective, primarily due to lack of market interest and the absence of any development interest. Supporting letters from housebuilders (RD104 and RD105) are dated from 2006 and 2007. In the context of a strategy which is trying to remove ineffective sites from the Rural South, it would not make sense to reintroduce this site, or any part of it.

For these reasons, the Council does not consider the site to be suitable for housing.

#### **Reporter's conclusions:**

Allocated Housing Sites – H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)

1. These three allocated sites have been carried forward from the adopted local development plan. While sites H25 and H26 remain unchanged, H27 (H70 in the adopted

plan) has been reduced in extent from 29 to 4.2 hectares (CD33). I consider that the principle of development at these sites has been established, although I recognise the concerns expressed by both the council and in the representations regarding their effectiveness.

2. There is no dispute that each of the sites is at some risk from flooding, an issue raised in several of the representations. I see from the flood risk map (CD94) that the northern part of site H27 as allocated is at risk of flooding. From this same map, Site H26 is not at risk of flooding from the west; however, I understand that there is considerable risk of flooding from a burn running to the east of the site, which was taken into account at the time of the local plan inquiry in 2010 (CD56, paragraph 23.1.3). Site H25 is also at risk from the burn that runs alongside its southern boundary. Policy PE24 (Flood Management) requires development proposals on land identified as being at risk of flooding to provide a flood risk assessment. Although I agree that flood risk may constrain the extent of development on these sites, as recognised by the site-specific comments in Appendix 1, sufficient land would remain outwith the flood risk areas to accommodate development.

3. I note the concerns expressed in the representations that site H25 is contaminated. However, there is no evidence before me to suggest that any contamination could not be managed appropriately or remediated as part of the site's development. Whilst this could potentially further affect the site's viability, it would be normal practice for abnormal costs such as this to be factored into the valuation of the land. It is desirable in principle to see the re-use of brownfield land in appropriate locations such as this.

4. I acknowledge the views expressed in the representations regarding the effectiveness of the three allocated housing sites, as well as the importance of new housing for the regeneration of Slamannan and its contribution to the provision of schools and other services. The council accepts that these sites are not without issues and that they cannot be relied on as contributing to the housing land supply during the plan period. I recognise the representees' concerns regarding the reduction in housing allocations, but note the council's arguments regarding the lack of market demand and developer interest in this area in recent years.

5. I therefore find that the council's general approach to reduce the number of housing sites in this area to be justified. By removing sites which were considered to be ineffective, and consolidating the allocations by retaining smaller-scale sites, I agree with the council that this approach may be more likely to stimulate development interest from smaller-scale developers, rather than placing reliance on volume housebuilders which appear to have little interest in this area. I am satisfied that is a reasonable approach, since it continues to provide development opportunities in Slamannan but at a level which better reflects the seemingly limited market interest in developing in this settlement. It is noteworthy however that since the publication of the proposed plan, planning permission in principle has been granted for 90 homes in Limerigg, on a site (053) which is not identified as an allocation in the proposed plan. I return to this matter in my findings below.

6. Finally, many of the representations make reference to more suitable housing sites to the north and east of Slamannan that should be allocated. However, these potential sites have not been clearly identified. Indeed, should the representations be referring to proposals for allocation (site references 223, 224 and 232, to which I return below) I can only note that these sites were proposed at a late stage in the local development plan preparation. Whilst the council has provided a structured environmental assessment in its

revised environmental report (CD25) for these sites, there is no evidence of public engagement relating to their possible inclusion, and so to allocate any of these sites would be contrary to paragraph 118 of Circular 6/2013 'Development Planning'.

7. Drawing all of the above together, I do not consider deletion of sites H25, H26 or H27 from the proposed plan to be appropriate and do not recommend modification of the proposed plan as requested.

Non-allocated Housing Site – Slamannan Road 4, Limerigg (Site Ref 213)

8. This non-allocated site, 10.2 hectares in extent, is outwith the settlement boundary. I note in passing that the representation proposes an indicative capacity of 120 housing units, in contrast to the council's assessment of the site for 250 units (CD33), as well as a neighbourhood shop, community facilities, and greenspace. The proposed site is immediately adjacent to and (the representation argues) would constitute an extension to allocated site H25. Whilst site H25 has been carried over from the adopted local development plan and has previously had planning permission (albeit now lapsed), in contrast the proposed site was not allocated in the adopted local development plan, nor has it had planning permission in the past.

9. Taken together with site 53 on the other side of Slamannan Road (which has planning permission in principle, as set out below), developing this additional site would serve to more than double the size of the village. Although pressures on Limerigg Primary School could be addressed through developer contributions, I consider that such a scale of development would be excessive given the small size of Limerigg. Development of the site would also significantly alter the largely linear character of the rest of the village, although I acknowledge that this would be altered somewhat in any event, should site 53 be developed.

10. The council has also raised concerns about the strength of the housing market in this locale and there is no evidence before me to suggest that the market is likely to support this level of development in this location.

11. In consequence, I do not consider there to be sufficient justification for an additional allocation of this size, in this location, at this time.

Non-allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

12. This non-allocated site, 6.5 hectares in extent, is outwith the settlement boundary defined in the proposed plan. The site was included in the adopted 2015 local development plan (as site H66, indicative housing capacity 65 units). Planning permission in principle for 90 houses and a shop was granted on 25 September 2019 (reference P/18/0693/PPP). The principle of development is therefore established.

13. Notwithstanding the council's concerns outlined above, it is evident that these have been overtaken by events. I consider it appropriate for the site to be allocated to align with this recent grant of planning permission. Allocating the site in this context is appropriate because it better reflects the planning status of the site, and it provides greater clarity for users of the proposed plan. I therefore recommend modifications to the plan, to allocate this site for housing, with an indicative capacity of 90 homes.

14. I note that a flood risk assessment (RD111) has been undertaken in support of the



representation, which identifies a risk of inundation during extreme events, from watercourses to the east and north, below and outwith the site boundary. I am content that the detailed design of any development, informed by a flood risk assessment, could address this issue.

15. Whilst other sites in Slamannan and Limerigg have not been counted towards the housing supply target, given the very recent permission on the site, this is a strong indicator that there is developer interest in the site. I am aware that some constraints may need to be overcome, including the potential for instability due to mine workings. However, no insurmountable constraints have been presented and I consider it reasonable for the site to be considered as capable of becoming effective during the plan period. Its contribution has therefore been included in revised table 3.2, set out in the recommendations under issue 2.

Non-allocated Site – Dyke Farm, Slamannan (Site Ref 224)

16. This non-allocated site, proposed with an indicative capacity of 150 houses, is outwith the settlement boundary. However, as outlined above, the possibility of this site being considered for allocation has not been subject to public engagement given the late stage that it was suggested for inclusion in the proposed plan. Noting the provisions of Circular 6/2013 paragraph 118, it would not therefore be appropriate to recommend its allocation at this stage.

Non-allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

17. This non-allocated site, approximately 12 hectares in extent, is outwith the settlement boundary. While I note the arguments put forward in the representation and by the council, as with site 224, the possibility of this site being considered for allocation has not been subject to public engagement given the late stage it was suggested for inclusion in the proposed plan. Noting the provisions of Circular 6/2013 paragraph 118, it would not therefore be appropriate to recommend its allocation at this stage.

Non-allocated Site – Southfield Farm, Slamannan (Site Ref 232)

18. This non-allocated site is outwith the settlement boundary, and encompasses land to the north and south of the B803 (Brownrigg Road). I note that the land to the north constitutes a part of H70 allocated in the adopted local development plan. The eastern half of the land to the south was included in the 2010 local plan as H.SLA04. My understanding is that the land to the south of the road was granted planning permission for housing in 2007 and 2008, but that this permission has now lapsed.

19. Whilst I note that the principle of development on part of this site has been accepted in the past, I am aware that this site, like sites 224 and 223, has not been subject to public engagement as part of the plan’s formulation. Again noting the provisions of Circular 6/2013 paragraph 118, it would not therefore be appropriate to recommend its allocation at this stage.

**Reporter’s recommendations:**

1. At page 73, Braes and Rural South Settlement Statement – Proposals and Opportunities table – insert Hxx Slamannan Road 1, Limerigg.

2. At Appendix 1 (page a04): Proposals and Opportunities Schedule Housing - Braes and Rural South - Limerigg. Insert additional site Hxx / 053 / Slamannan Road 1 / 6.5 / 90 / Existing housing supply site carried forward from LDP1. Planning permission in principle granted. Education contributions and 25% affordable housing required. Detailed site investigation and land stability proposals required. Flood risk assessment required.
3. At Proposals Map 4, insert new site Hxx at Limerigg, Slamannan.
4. Make any further consequential amendments arising from the allocation of the Slamannan Road 1 site.

<b>Issue 10</b>	<b>Whitecross Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>  Braes and Rural South (pages 72 - 73)  Whitecross Major Area of Change  Development Guidance (pages 78 - 79)  <u>Appendix 1 Proposals and Opportunities</u>  <u>Schedule</u>  Housing - Braes and Rural South -  Whitecross (page a04)  Business – Braes and Rural South (a12)  <u>Proposals Map 5</u>  Grangemouth, Polmont, California, Old  Polmont, Shieldhill, Skinflats and  Whitecross</p>	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Malcolm Whitecross Ltd (02918)  CWC Group (02735)  Finlay Erskine (02654)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of specific sites in and adjacent to the village of Whitecross, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Allocated Housing Site H29 Whitecross (Site Ref 076)</u></p> <p>Malcolm Whitecross Ltd (02918/3004/001) - As owners of the land and promoters of the development, Malcolm Whitecross Ltd seeks changes to Proposal H29 at Whitecross and the associated Development Guidance. The Council decided in November 2018 that it was minded to grant a PPP application (ref P/17/0797/PPP) for residential development on part of the site subject to draft conditions and the applicant entering into a Section 75 obligation (RD126). The changes sought to the plan are considered to reflect the draft conditions and include increasing the capacity of the site from 200 to 225, removing reference to a route to Vellore Road as an access option, removing reference to the requirement for Whitecross Primary School to be upgraded to a full single stream, and changes to references to the upgrading of the local recreation ground.</p> <p><u>Allocated Business Site BUS02 Manuel Works (Site Ref 076)</u></p> <p>CWC Group (02735/3001/001) - The Proposed Plan significant alters the current allocations at Whitecross, with the residential element reduced from 1,500 units to 200. It removes the Manuel Works site from the Village Limit and allocates it purely for business (Proposal BUS02). However, contrary to the Council's view, the brickworks site is not a stalled site. Significant technical work has been undertaken and a planning application submitted for business and residential use (400 houses). This has demonstrated that the site can be effective in the period of the plan. The development of this site for mixed use would assist in the regeneration of a long term vacant brownfield site. The business and</p>		

industrial element will address the Council's economic aspirations for this area. The residential element will assist in the delivery in the identified shortfall in the housing land shortfall supply. Accordingly, the Manuel Works site should be brought back within the Whitecross Village Limit and allocated for mixed use including business use and housing (indicative capacity of 400 units).

Non-allocated Site – Land South of B825, Whitecross (Site Ref 157)

Finlay Erskine (02654/3002/001) - A site south of the B825 near Whitecross should be allocated for residential development. The site is 5.3 hectares in size, of which 2.8 hectares would be developed for housing and the remainder as landscaped open space. The reduction in the overall allocation in Whitecross from 1,500 units to 200 is recognised, but this site can provide an additional 70 units to mitigate the proposed reduction. The site is deliverable and in the hands of a small, local developer. Information in respect of the site was previously provided in the form of a Call for Sites submission, which is attached again (RD123-RD125).

**Modifications sought by those submitting representations:**

Allocated Housing Site H29 Whitecross (Site Ref 076)

Malcolm Whitecross Ltd (02918/3004/001) - Amend text for H29 Whitecross in the Whitecross Major Area of Change Development Guidance (page 78-79) as follows:

- Increase the capacity to 225 units
- Remove reference to a route to Vellore Road, bypassing the village, as an option to be considered as part of site access study.
- Remove reference to Whitecross Primary School requiring to be extended to a full single stream and replace with: "Contributions to education provision will be in accordance with relevant Supplementary Guidance or a bespoke solution for Whitecross".
- Remove reference to contributions being required to upgrading of the recreation ground, and replace with: "The payment of a financial contribution towards the improvement and maintenance of existing open space in the local area, if this is agreed as an alternative to full on-site open space provision".

Allocated Business Site BUS02 Manuel Works (Site Ref 076)

CWC Group (02735/3001/001) - Change Proposal BUS02 to a mixed use proposal for business/industrial and residential use, with an indicative capacity of 400 units, and amend the Village Limit to include the site.

Non-allocated Site – Land South of B825, Whitecross (Site Ref 157)

Finlay Erskine (02654/3002/001) - Insert new additional site on land to south of the B825 near Whitecross as a housing proposal for 70 units.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in Whitecross

Since 2007, the Council has promoted major growth in the Whitecross, based around the

redevelopment of the large Manuel Works site, which lies to the west of the village, and greenfield development around the village itself. In the Falkirk Council Structure Plan 2007 and Falkirk Council Local Plan 2010, this proposal was one of four Special Initiatives for Residential Led Regeneration, comprising 1500 homes, employment uses, a new primary school, open space and other infrastructure. The concept was essentially of a new settlement which would embrace and revitalise the existing village and the redundant Manuel Works site and connect them as a single entity. Central to the proposals was the upgrading of infrastructure to support development of this scale, including the creation of a new access from the A801 to the west. The new settlement was carried forward into Falkirk LDP1 in 2015 (CD12, page 40), where it is designated as a Strategic Growth Area and covered by Proposal M14. The requirements for the Strategic Growth Area were also carried forward into LDP1 and set out in Appendix 2 (CD12, page a2-11).

The proposal involved three principal landowners – Morston Assets, who owned the Manuel Works site, Callendar Estate, and Malcolm Whitecross Limited. An application for PPP (Ref. P/10/0188/PPP) was submitted by Morston in 2010, and secured a ‘minded to grant’ decision from the Council in 2011, based on an agreed masterplan (CD98). Protracted negotiations on the Section 75 Obligation followed. Morston went into administration in December 2014. Administrators tried to progress matters but the Section 75 could not be concluded, largely due to the refusal of Callendar Estate to sign. The Council ultimately refused the application due to lack of progress in November 2015. The administrators tried to promote a Phase 1 application but this could not progress without the context of a wide masterplan. In 2016, the Manuel Works site was put up for sale and was bought by CWC Group.

In considering the future of the stalled proposals through LDP2, the Council initially took the view that the original vision was still achievable, albeit that a new masterplan was required, and the timescale for development would be delayed. This was the position adopted in the MIR (CD22, paragraph 4.37). However, following a reassessment of the site (CD33, Site 076), it has become clear that the overall settlement concept is unlikely to be deliverable in the plan period, or even in the longer term. This is due to the scale and complexity of the infrastructure required, the associated costs, and difficulties in securing control of the necessary land. Land needed for the A801 is in the control of a third party who is unwilling to facilitate the link. Callendar Estate, who own the land between the village and the Manuel Works, no longer have an interest in participating in development. This has left the two remaining developers – CWC Group and Malcolm Whitecross Limited – progressing their own separate and disconnected proposals. CWC Group has submitted a PPP comprising 400 houses and employment uses on the Manuel Works site (Ref P/17/0792/PPP), on which a decision is pending. Malcolm Whitecross Limited have submitted a PPP application for housing on their site at Crounerland (Ref P/17/0797/PPP), which adjoins the village on the south western side. The Council decided that it was minded to grant this latter application in November 2018 (RD126). Neither party has the ability or inclination to deliver the required A801 access road.

The Council considers that more limited housing development could still be delivered at Whitecross, and could bring benefits to the community. In the absence of a new primary access link to the A801, this would have to be of a scale appropriate to the limitations of the local rural road network. It should also relate well to the existing village. In assessing the two options at Manuel Works and Crounerland, the Council believes that the Crounerland site is of an appropriate scale and links well with the village, in comparison with the Manuel Works site which is much larger and would essentially be a free standing development divorced from the village and its facilities. Accordingly, the Crounerland site

has been proposed for residential development of 200 units in the Proposed LDP2 (Proposal H29) as a reduced Strategic Growth Area while the Manuel Works site is promoted for business use (Proposal BUS02) as part of the Eastern Gateway Strategic Business Location.

#### Allocated Housing Site H29 Whitecross (Site Ref 076)

Malcolm Whitecross Ltd (02918/3004/001) - Malcolm Whitecross Limited seek certain changes to the Whitecross Major Area of Change Development Guidance to reflect the Council's 'minded to grant' decision on their application P/17/0797/PPP. In general, the Council sees no need for the wording of the Development Guidance to mimic the draft conditions. The response to each of these suggestions is as follows:

- The indicative figure of 200 is the Council's estimate of capacity, given the various constraints on the site such as the need for peripheral planting, open space, burn corridors and pipeline corridor constraints. It is not intended to be an upper limit, but a general figure to enable the site's contribution to the land supply to be estimated. By contrast, the figure of 225 in the draft conditions is intended to be an upper limit, and therefore fulfils a different purpose. An indicative masterplan produced to accompany the application shows 216 units (CD99). The final figure will be dependent on detailed masterplanning, and the type of housing which is as yet unknown. In the meantime, there is no overriding evidence to support a definitive change to the Council's estimate.
- The scope of the access study stated in the Development Guidance is appropriate, irrespective of the access solution which has been agreed as part of the application. This particular option could have offered a means of access bypassing the village and was worthy of consideration.
- In respect of the reference to education provision, the wording in the Development Guidance already states "contributions to education provision to be in accordance with relevant Supplementary Guidance" which is factually correct. The current LDP1 Supplementary Guidance (CD16, paragraph 3.5) refers to the possibility that contributions may be based on bespoke solutions, rather than standard rates, and it is likely that this will be carried through into the LDP Supplementary Guidance, so reference to a bespoke solution is superfluous. The statement that Whitecross requires to be extended to a full single stream is a statement of fact based on Children's Services' advice on the application which requires a bespoke contribution of £4,800 per house to deliver "the extension of the school from its current 100 capacity to single stream (circa 217 capacity) and the nursery from 20 places to 50 places" (CD101).
- The reference to open space contributions in the Development Guidance reflects the Council's preference for the development to contribute to the existing recreation ground immediately to the north of the development and to be connected by a bridge over the Manuel Burn. This is a key play facility for the village. The rationale for significant development at Whitecross has always been that it would enhance community infrastructure in the village.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Business Site BUS02 Manuel Works (Site Ref 076)

CWC Group (02735/3001/001) - CWC Group is promoting the Manuel Works site for residential and business use, with 400 houses proposed. The background to the Council's consideration of the site has been outlined previously. A PPP application was submitted in

December 2017 and is under consideration. Although the Council was previously supportive of mixed use development, including housing, on the Manuel Works site, this was in the context of a wider masterplan and a much larger development which would have linked to, and helped to regenerate, the existing village, and would have been supported by significant new infrastructure including, crucially, a new access link to the A801. However, the Council does not support this current proposal.

The proposal, a masterplan for which has been prepared to support the PPP application (CD100) has a number of positive features, including the re-use of a brownfield site and the possibility of restoring and enhancing Almond Castle, Haining Wood, and the Union Canal, which were aspirations of the original wider proposal. However, the housing development as now proposed will have no physical relationship to the village and would constitute an isolated housing estate in the countryside. Housing will be more than 400 metres from the nearest bus service. Although a 'village centre' is indicated on the masterplan, it is unlikely that 400 houses would be of sufficient size to make such facilities viable, and a journey to the village will be needed to access the primary school, local shop, bus services and community facilities. The proposal will do little to benefit or assist the regeneration of Whitecross village itself. Moreover, the scale of housing development, either on its own, or in combination with the Crownerland site (Proposal H29) is considered too great to be accommodated on the existing local road network. A new link to the A801 would be required or, at the very least, a significant upgrade to Myrehead Road (which connects to the A803 to the north) including a new railway crossing, neither of which form part of the proposal.

The most suitable use for the site is considered to be business and industry. In particular, it offers good flexibility for industrial uses requiring expansive areas of hardstanding or storage, and processes requiring good separation from sensitive receptors.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Land South of B825, Whitecross (Site Ref 157)

Finlay Erskine (02654/3002/001) - The Council does not consider this site to be an appropriate housing allocation. It has been subject to site assessment (CD33), and was identified as a non preferred site in the MIR. The site is outwith the boundary of the Whitecross Strategic Growth Area in LDP1, and has not been subject of any planning application to date. The site was promoted by the landowner through the 'call for sites' exercise for LDP2 in 2015 as an addition to the Strategic Growth Area, with the argument that it would aid its delivery in the wake of Morston Assets, the lead developer, going into administration. The current representation sees the site as being able to mitigate the Council's proposed reduction in the scale of the Strategic Growth Area.

The site is physically separate from Whitecross, and does not relate to the village as well as the Crownerland site (Proposal H29). It lies to the south of the B825, which forms a natural boundary to any village expansion, and would not form a logical addition. The site is an attractive part of the Slamannan Plateau/Avon Valley Local Landscape Area, fringed by woodland and sloping up to the south west. There would be significant landscape and visual affects which would be hard to mitigate.

The site would take access onto the B825 which is a derestricted road with blind bends nearby. It may be difficult to secure safe access for such a substantial development. As

previously noted, the nature of the local road network, without significant improvement, places constraints on the overall scale of housing development which would be appropriate at Whitecross, and this is one of the principal reasons why the Strategic Growth Area has been reduced to 200 units. A capacity of 70 is indicated for this site, but it could accommodate significantly more, and this would add to pressure on the unsuitable local roads.

For these reasons, the Council does not agree to modify the plan in response to this representation.

### **Reporter's conclusions:**

#### Allocated Housing Site H29 Whitecross (Site Ref 076)

1. Site H29 is allocated in the proposed plan with an indicative capacity of 200 housing units. I note that, at the time of the representation, the council was minded to grant planning permission in principle to application P/17/0797/PPP, subject both to conditions and to the satisfactory conclusion of a Section 75 agreement. However, agreement was not reached; permission was refused on 23 October 2019 and an appeal is underway.
2. The representation requested that the wording of the development guidance for site H29 be amended to reflect the proposals and/or the conditions proposed to accompany the planning permission. Taking each point in turn:
3. The proposed plan states that the number of dwellings allocated for this site is indicative, and I agree with the council that the indicative figure is required to facilitate estimation of the site's contribution to housing land supply. However, the exact number of houses to be built is a matter for detailed consideration at the planning application stage, at which time more or fewer houses could be proposed, taking into account the identified constraints to development (I note, for example, that the refused application was for 216 properties). The evidence provided by the representee does not demonstrate that an indicative capacity of 200 is clearly too low. I therefore do not consider it necessary to increase this indicative capacity to 225 units.
4. The development guidance requires a study to establish safe, sustainable and deliverable access to the site and identifies three potential options for inclusion. The representation states that their proposals do not include a route to Vellore Road and so requests that this be dropped from the list of options. The change being sought is based on the proposed development (which has now been refused). A new proposal could come forward which could merit consideration of a route to Vellore Road as an option. Accordingly, I do not consider that the scope of the study should be constrained in this way, given that this could limit future considerations of access to and from the site.
5. The representation requests that the requirement to extend Whitecross Primary School be amended to a "bespoke solution" rather than a "full single stream" but does not provide a reason. I assume that the representee is seeking some flexibility in regard to such contributions. However, the council's advice in this regard (CD101) is clear that development of site H29 (assuming a maximum of 250 properties) would result in a significantly increased demand for primary school and nursery places that would require extension to single stream. I note that this advice was based on an assumption of 250 properties, rather than the indicative capacity of 200 or the application for 216. Whilst the reasons for this are unclear, this is the most detailed evidence on the likely implications for



school capacity requirements resulting from the development of the site, and I have no basis upon which I could reach a different view. The current supplementary guidance (in paragraph 3.5) advises that financial contributions may be based on the provision of temporary or permanent classrooms, as appropriate, and the council advises that this provision is likely to be carried over unchanged into the LDP supplementary guidance. I therefore consider that the requested change is unnecessary.

6. Policy PE17 'Open Space and New Development' requires that open space should be provided by new development, either through new open space on the site, or financial contributions to upgrade existing off-site open space. The site-specific development guidance builds on this by requiring contributions to the upgrading of recreation ground. The council has indicated that it would prefer to upgrade the existing recreation ground immediately to the north of site H29. Given the presence of this current area of open space, which I observed at the site inspection, and the benefits that would accrue from its upgrade, I accept that the council's preferred approach is a reasonable one in this instance. I therefore consider that the requested change is unjustified.

7. In issue 21, Network Rail's request for additional text to highlight Polmont railway station's car parking constraints and potential need for mitigation is outlined. As this site offers limited scope for active travel to and from Polmont station (or Linlithgow station, which is a similar distance from Whitecross), it is possible that the development of this site could place some additional burden on station parking. However, I am satisfied that the requirement for a transport assessment, specified on page 78 of the proposed plan, is adequate to ensure that transport impacts associated with the development are established in the round. I agree with the council that there is no overriding need to single out the rail network and its supporting infrastructure.

8. Drawing all of the above together, I do not consider that any of the requested amendments of the development guidance are required. No modification is necessary.

#### Allocated Business Site BUS02 Manuel Works (Site Ref 076)

9. Site BUS02 is allocated in the proposed plan for business/industry use, and would no longer be within the settlement boundary, having previously been part of the wider mixed use allocation for the regeneration of Whitecross in LDP1. The representation requests that the site should continue to be allocated for mixed use and be included within the settlement boundary. An application for planning permission in principle (P/17/0792/PPP), for a mix of residential and commercial units, is currently under consideration by the council and the representee considers that this is evidence that the site is not "stalled", as stated in the Main Issues Report, but remains effective.

8. The site is identified in the proposed plan as one of two sites (the other being Gilston in Polmont (BUS21)) which form the Eastern Gateway strategic business location. It is therefore of strategic importance to the proposed plan's approach to business, although I accept that this would not, in itself, preclude a mixed use development being explored. Indeed, in issue 6, we have recommended a modification to the Gilston site to change it to a mixed use allocation. That recommendation is very much based on a range of site-specific factors, which would not directly apply to the Manuel Works site.

9. Site H29, considered above, is allocated for 200 homes, and this already represents a substantial expansion in the number of new homes relative to the existing size of Whitecross. H29 does however relate well to the established village. The same is not the

case for the Manuel Works site, which is physically separate from the village. This separation would, in my opinion, result in any new residential development on the site being more characteristic of a new settlement, or at least a cluster of development in the countryside. This sense of separation from Whitecross would be likely to be compounded if development was to proceed along the lines proposed in the masterplan (CD100), with residential property located in the west of the site and commercial/business uses in the eastern portion.

10. The separation from the village may however work in the site's favour as a strategic business site, as this would increase the flexibility over the types of business and industrial uses which could be satisfactorily accommodated, without giving rise to conflict with residential uses. In my opinion, the site is generally well suited to its proposed allocation as a business site for this reason, but its separation from Whitecross and limited local services would not provide the same level of suitability for a residential development, particularly if of the scale suggested in the representation.

11. There are some constraints to vehicular access due to the standard of the local road network, and the proposed plan already identifies that Myrehead Road is likely to require upgrading. The representee's transport assessment has concluded that the junctions surrounding the proposed development are predicted to continue to function satisfactorily, which they consider demonstrates that a new access or significant alterations to the existing road network would not be required. Whether or not this is the case, I see no reason why Myrehead Road could not be upgraded to accommodate traffic associated with a mixed use rather than solely a business development on the Manuel Works site, if deemed to be necessary. The site offers excellent accessibility to the M9 motorway, which lends itself well to business uses, but I am concerned that this ease of access to the strategic road network combined with relatively poor access to services, amenities, public transport and active travel opportunities would result in a residential development on this site generating a high degree of car dependency.

12. In this context, it is relevant to again note Network Rail's request for additional text to highlight Polmont railway station's car parking constraints and potential need for mitigation, relating to the site's proposed allocation. Whilst I am satisfied that the proposed plan's requirement for a transport assessment addresses this issue adequately, a development of approximately 400 houses in this location, in addition to the 200 planned on site H29, could place additional perceptible strain on rail infrastructure including station car parking. A business site would be unlikely to result in the same level of demand as a residential development, which is potentially significant in this location where the only means of conveniently accessing a train station may be to use a private car. I do not consider a developer contribution could easily resolve this issue by, for example, providing a bus service, as this would be unlikely to secure its ongoing provision over the long term.

13. I note the potential benefits of redevelopment at this location, including re-use of a brownfield site and the potential for enhancement of the existing features of Almond Castle, Haining Wood and the Union Canal. However, in my view such benefits could accrue as much from business/industry use as from residential/commercial use.

14. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. However, on the basis of the foregoing assessment, I consider the site is better suited as a business site as set out in the proposed plan, and I do not consider the site would provide a sustainable, appropriate residential opportunity. I do not consider a

mixed use allocation would be appropriate, and no modification is required.

Non-allocated Site – Land South of B825, Whitecross (Site Ref 157)

15. This non-allocated site is located south of the B825 outwith the settlement boundary. A key issue is the site’s location within the Slamannan Plateau/Avon Valley local landscape area which, in this area, is characterised by rolling farmland which contributes to the landscape setting of the village. The site slopes gently upward from north to south and is fringed by woodland. Housing development on this site would be visually prominent and would likely break the skyline. I consider that the skyline, landscape and visual effects would be difficult to mitigate at this location.

16. I note the difficulties associated with access identified by the council, given the standard of road provision at this location. However, the council’s position appears to be inconsistent with that taken in regard to allocated site H29, where access via the B825 is an option. The “key principles” for site H29 on page 78 state that upgrading of the local road network will be required to address issues with current sub-standard routes, which I read as including the B825. I therefore cannot see why a similar approach could not be taken to this site south of the B825.

17. Given its location south of the B825, I agree that the site would be physically separate from Whitecross. In light of its proximity to site H29 I do not consider that this separation would be significant. However, given that the village is located to the north of the B825, I consider that development on this site would represent an inappropriate extension of the settlement to the south, particularly given its location within the local landscape area.

18. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. I note the argument that this site could provide up to 70 dwellings, which would provide some mitigation for the loss of the 1500 dwellings resulting from the change in strategy at Whitecross. However, this argument fails to recognise that the proposed plan’s spatial strategy has already taken account of the reduction in allocations in Whitecross. In allocating additional sites, we have been cognisant of the proposed spatial strategy and aligned with it. I do not consider that this site offers such alignment, and given the adverse effects which I consider would arise from the site’s development, I do not recommend that the plan be modified as requested.

**Reporter’s recommendations:**

None.

<b>Issue 11</b>	<b>Denny Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>  Denny and Dunipace (pages 80 - 81)  Denny South East Major Area of Change Development Guidance (pages 82 - 83)  <u>Appendix 1 Proposals and Opportunities Schedule</u>  Housing – Denny (page a05)  Mixed Use – Denny (a10)  <u>Proposals Map 1</u>  Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Elaine Tanser (02965)  Lewis Cruse (02966)  Sportscotland (00330)  Ogilvie Homes Ltd (00614)  A Robinson (03030)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of specific sites for housing in Denny and Dunipace, as identified in the Denny and Dunipace Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Council's Approach to Housing Growth in Denny</u></p> <p>Lewis Cruse (02966/3001/001) - There should be no more housing in Denny.</p> <p><u>Allocated Housing Site H30 – Former Denny High School, Denny</u></p> <p>Sportscotland (00330/3003/001) - The development guidance for Proposal H30 on page 82 of the Proposed LDP2 needs amended so that the loss of on-site sports pitches is considered against Policy PE16 Protection of Open Space.</p> <p><u>Allocated Housing Site H35 – Rosebank, Dunipace</u></p> <p>Elaine Tanser (02965/3001/001) - The site at Rosebank, Dunipace (H35) should be deleted. Local infrastructure, namely electricity, education, road and broadband, is not sufficient for the site's development. The development would result in a loss of countryside as well as create noise and disruption during construction. Too many private homes, and not enough social housing, are proposed at the site.</p> <p><u>Non-allocated Site – Rosebank North, Dunipace (Site Ref 116)</u></p> <p>Ogilvie Homes Ltd (00614/3006/001) - The site at Rosebank North, Dunipace should be allocated for housing with capacity between 80 to 130 units. This would maintain a supply of housing in a sustainable location post 2025.</p>		

As a contained site, Rosebank North would form a logical and modest expansion to Proposal H30 Rosebank. The site has no known constraints and, if allocated, would help address a housing land shortfall and improve the range and choice of housing sites.

Non-allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002) - The site at Bankend Farm, Dunipace is a logical location for a housing allocation and will provide a continued supply new homes post 2030. The site has no known constraints and, if allocated, would help address a housing land shortfall post 2030. Ogilvie Homes Ltd, however, is not seeking a specific allocation of this site but rather an acknowledgement in the Proposed LDP2 that the site is suitable for long term growth post 2030.

Non-allocated Site – Denovan Road, Denny (Site Ref 229)

A Robinson (03030/3001/001) - The Proposed LDP2 should recognise Denovan as a settlement, and should allocate the site at Denovan Road as a housing proposal for 5 houses. The reasons stated to support to the site’s allocation include:

- The site is in a good location for housing development, being surrounded by well-defined boundaries;
- Housebuilders are interested in developing the site;
- The site’s development will create new public open space within Denovan which has no such space; and.
- The Proposed LDP2 focuses new housing development to the south and east of Denny. A small proportion of this development should be directed toward settlements such as Denovan.

Non-allocated Site – Kirklands Farm, Denny (Site Ref 230)

A Robinson (03030/3002/001) - The site at Kirklands Farm should be allocated for mixed development as an alternative to Proposal MU09 – Broad Street. Proposal MU09 is not desirable for residential development and amenity due to being close to a waste water treatment works. This site also has flooding issues, and SPP warns against allocating land with flood risk issues. Lastly, Kirklands Farm has a much more robust landscape framework than Proposal MU09.

The sites forming the Denny South East Strategic Growth Area, which include Proposals MU09, H30, H31 and H32, are set to deliver 720 homes or 72 per year over the plan period 2020-2030. This level of housing, and associated business development, will not be delivered due to concerns over flooding, infrastructure constraints and time delays associated with delivering housing on large sites. If allocated, Kirklands Farm would alleviate pressure on existing sites and ensure a steady supply of houses and business units.

**Modifications sought by those submitting representations:**

Council’s Approach to Housing Growth in Denny

Lewis Cruse (02966/3001/001) - No specific modification stated.

Allocated Housing Site H30 – Former Denny High School, Denny

Sportscotland (00330/3003/001) - Amend page 82, under Key Principles for Former Denny High School (H32), seventh bullet, to read "...Requirement to retain playing fields to be considered against SPP criteria and Policy PE16".

Allocated Housing Site H35 – Rosebank, Dunipace

Elaine Tanser (02965/3001/001) - Delete Proposal H35 Rosebank, Dunipace.

Non-allocated Site – Rosebank North, Dunipace (Site Ref 116)

Ogilvie Homes Ltd (00614/3006/001) - Insert additional site at Rosebank North as a housing proposal.

Non-allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002) - Amend the Proposed LDP2 to acknowledge that the site at Bankend Farm is suitable for long term growth post 2030.

Non-allocated Site – Denovan Road, Denny (Site Ref 229)

A Robinson (03030/3001/001) - Amend Proposals Map 1 to identify Denovan as a settlement. Insert additional site at Denovan Road as a housing proposal.

Non-allocated Site – Kirklands Farm, Denny (Site Ref 230)

A Robinson (03030/3002/001) - Insert additional site at Kirklands Farm as a mixed-use proposal and include the site within Denny's Urban Limit.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in Denny

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Denny is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

Denny has a substantial existing supply of housing land which is being carried forward from LDP1, notably the Denny South East Strategic Growth Area comprising sites at Denny High School (H30), Mydub (H31/H32), Broad Street (MU09), and further significant sites at Carrongrove Mill (H33) and Rosebank, Dunipace (H35). This gives an existing supply of 971 units for the plan period 2020-30. The Council considers that this is a high level of growth for a town of Denny's size, and LDP2's strategy is to focus on delivering this large scale growth for the town, whilst managing the necessary infrastructure upgrades to support it, rather than allocating any new sites. In terms of infrastructure the delivery of the Denny Eastern Access Road is paramount. The Council has committed itself to front-fund and deliver the remaining phases of this project, which will address congestion at Denny Cross in the town centre and serve future housing development within the Denny South East Strategic Growth Area. School extensions will be required at Denny and Head of Muir Primary Schools and additional capacity may needed at Denny High School to address long term capacity issues. The regeneration of Denny Town Centre is in progress, with Phase 1 having delivered a new retail and community facilities.

Lewis Cruse (02966/3001/001) - The Proposed LDP2 has carried over all existing housing sites in Denny from LDP1. These are committed sites which were subject to assessment through the previous and current plan process and have been deemed suitable for development, subject to conditions. A number have planning permission and some are under construction. Denny continues to be considered a suitable area to contribute to housing requirements in the area, and new housing will bring benefits to the town. Infrastructure to support growth is also integral to the plan. No further housing beyond existing commitments has been allocated. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site H30 – Former Denny High School, Denny

Sportscotland (00330/3003/001) - The Council's accepts the modification sought by Sportscotland, which would appropriately cross-reference to Policy PE16 and SPP (CD1, paragraph 226). If the Reporter were minded to recommend that the plan be amended in response to this representation, the Council would have no issue with the change.

Allocated Housing Site H35 – Rosebank, Dunipace

Elaine Tanser (02965/3001/001) - At the time of writing, the Council is minded to grant a planning application (CD102) for 105 dwellinghouses and 8 flats at the Rosebank site subject to a Section 75 obligation (Ref P/17/0786/FUL). The site is an allocated housing site within LDP1 (CD12, Proposals Map 1) and is part of the housing land supply to meet the housing land requirement. The site has been subject to assessment through the previous plan process and the planning application process in terms of impacts on local infrastructure and the environment, and has been deemed suitable for development, subject to conditions. Accordingly, the site is being carried over into LDP2. Affordable housing will be provided within the site in accordance with the rate required in LDP1 (15%) and is being secured through the Section 75 obligation.

For these reasons, the Council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to this representation.

Non-allocated Site – Rosebank North, Dunipace (Site Ref 116)

Ogilvie Homes Ltd (00614/3006/001) - The Council does not consider Rosebank North to be an appropriate housing allocation. The site was subject to a site assessment (CD33) along with other potential sites in Denny and was identified in the MIR as a non-preferred site.

H35 Rosebank is a currently allocated site in LDP1 (CD12), which has been carried forward into the Proposed LDP2 and is the subject of a 'minded to grant' planning application for residential development (CD102). This representation seeks to extend the site northwards and westwards.

The Proposed LDP2 already has an adequate provision for housing in Denny, amounting to 971 units (page 18). Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement for the plan period 2020-2030. Therefore, there is no need to allocate Rosebank North at this particular time. The site represents a substantial additional extension to the urban area into attractive open countryside. The upper part of the site to the east is elevated and visually prominent with potential landscape impacts. The site comprises prime agricultural land (CD103) and therefore its

allocation at this time would not be supported by SPP (CD1, paragraph 80). The northern edge of H35 is formed by a minor road which forms a robust and defensible Urban Limit. By contrast, the extension site lacks any physical boundary on the ground.

Development of the site would put further pressure on Denny Cross, within the Town Centre, which experiences severe congestion particularly at peak times. Whilst the Denny Eastern Access Road is planned to alleviate this congestion, the scheme is as yet contractually uncommitted, and from a road network point of view, it would be unwise to commit to yet more development in Denny prior to the construction of the new bypass and an assessment of its effectiveness. If the site were to be allocated, a substantial financial contribution to the project would be required.

The northern part of the site falls within the pipeline consultation zone associated with a high pressure gas pipeline (Proposals Map 1). This would not preclude development, but would constrain the capacity of the site (CD104). The site assessment (CD33) has also flagged up potential impact on badgers which are known to be present within the nearby area. The development of the site, particularly land to the east of A872, could also be constrained by noise disturbance emanating from the nearby M80.

SEPA's 1 in 200 year flood map indicates the site has potential flood risk issues associated with surface water (CD105). A flood risk assessment would be required to assess the site's flood risk.

In terms of education capacity, Dunipace Primary School is a small school which will require to be extended as a result of H35, with developer contributions being secured to fund this. Further allocation of land will put further pressure on the school. Developer contributions to fund additional classrooms may provide a solution, although the implications for the school have not yet been fully assessed. Denny High School is subject to long term capacity pressures so developer contributions would likely be required.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002) - The site was subject to a site assessment (CD33) along with other potential sites in Denny and was identified in the MIR as a non-preferred site. While no allocation is being sought for the Bankend Farm site, the Council does not support any modification to the Proposed LDP2 that would acknowledge or infer that the site is suitable for development post 2030.

The period of the Proposed LDP2 and the housing land requirement is 10 years from adoption (2020-2030). It is not a requirement of SPP for local development plans to indicate exactly the location of housing development beyond 10 years from adoption. Instead, SPP, paragraph 120, states beyond 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement (CD1, paragraph 120). Page 18, Table 3.2 of the Proposed LDP2 already indicates the likely longer term level of growth within settlement areas, including Denny, over the period 2030-2040. It would be a matter for the next plan process to set a housing requirement post 2030 and identify sufficient land in sustainable locations to meet that requirement in full.



The site at Bankend Farm is large one which would constitute a major further greenfield extension to the urban area. As has been explained, the town already has a high level of allocations, and it would be prudent to assess the progress of these committed sites over the coming years, and their impact on local infrastructure, prior to committing to further long term growth. This is particularly the case with regard to the local road network, and the progress and effectiveness of the Denny Eastern Access Road (DEAR) in dealing with current issues at Denny Cross, and the capacity of school provision, particularly Dunipace Primary School which is a small school which is likely to require further major extension, and Denny High School which is subject to long term pressures.

The site assessment (CD33) also states the site has a number of constraints which may make the site problematic for development. These constraints include:

- Potential adverse impacts on legally protected species. These impacts would need to be considered through an ecological survey, and addressed through appropriate mitigation.
- Potential loss of woodland and wetland habitat. This issue would need to be considered through appropriate surveys.
- Potential flood risk issues. SEPA's 1 in 200 year flood map (CD106) shows that the site has potential flooding issues associated with surface water. SEPA has also advised that a flood risk assessment would be required to assess the flood risk from multiple watercourses which flow through the site.
- Approximately half of the site is prime quality agricultural land (CD107). The site is not part of the settlement strategy nor is necessary to meet an established need. Therefore, acknowledging the site's suitability for development in the Proposed LDP2 would be inconsistent with SPP (CD1, paragraph 80).
- Potential adverse landscape/visual impact. Housing development on higher ground within the west side of the site has potential to be overly prominent in the wider landscape.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Denovan Road, Denny (Site Ref 229)

A Robinson (03030/3001/001) - The Council does not consider that Denovan should be identified as a discrete settlement, or the site at Denovan Road to be an appropriate housing allocation. This site was submitted at the Proposed Plan stage and has been subject to assessment through the strategic environment assessment of the Proposed LDP2 (CD25, Appendix 6).

Denovan comprises a small and dispersed collection of properties set in an area of open countryside to the north east of Denny. The pattern of development comprises Denovan House and stables, Denovan Mains Farm, and a detached ribbon of properties along the south side of Denovan Road and to the north along a track access. This loose cluster of buildings is not within a defined settlement being completely divorced from the urban area of Denny and Dunipace. Because of its small size and dispersed character, the Council does not consider it is appropriate to define it with a Village Limit. The Council's approach to the rural areas is that only villages of a reasonable scale are defined by Village Limits, within which appropriate development is generally permitted. Smaller hamlets of a few dwellings are left undefined and are subject to countryside policies. If a Village Limit were drawn as suggested by the representation, this is likely to cause a major intensification of

development to the detriment of the environment and character of the area, as well as road safety issues.

In terms of the suggested site for development, travelling to the site involves taking the unclassified Denovan Road from either Dunipace in the west or the Checkbar roundabout in the east. This is a long, narrow and circuitous route, which has no footway or lighting provision along most of its length. The Council's Engineering Design (Roads) does not support additional housing development in this location due to concerns development traffic could increase the risks of road accidents on Denovan Road. The site is an isolated location with no public transport links, local services and facilities nearby. The site's development will, therefore, be heavily car dependent compared to the accessible and more centrally located sites within Denny.

The wooded grounds of the Category B listed Denovan House provide a strong physical edge to development north of Denovan Road. The site is beyond this edge and would likely constitute a sporadic and detached area of development in open countryside. There is also potential for development to detract from the setting of the nearby Category B listed Dunipace Parish Church. Overall, the site is not a sustainable location for housing development.

Substantial development at the site would require to be connected to public sewer for the collection and treatment of household wastewater. Both Scottish Water and SEPA have advised that it may be difficult to connect the site to public sewer network. This would potentially involve installing a new pipe between the site and Denny waste water treatment works, including across the River Carron. The works are some distance from the site. The infrastructure constraints, along with developer contributions requirements, would likely pose viability issues for the site's development.

Sufficient provision for housing has already been made in Denny, providing an adequate choice of greenfield and brownfield sites augmenting the housing land supply. The spatial strategy focuses on the Denny South East Strategic Growth Area where growth will be accommodated on accessible and more centrally located sites. Within the Council area as a whole, enough land has been allocated to meet the housing land requirement in full for the plan period 2020-2030. Therefore, there is no need to specifically allocate this isolated site in the countryside to meet the housing requirement.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Kirklands Farm, Denny (Site Ref 230)

A Robinson (03030/3002/001) - The Council does not consider the Kirklands Farm site to be an appropriate mixed use allocation, or that the Denny Urban Limit (Proposed LDP2, Proposal Map 1) should be amended to include it. The site was submitted at the Proposed Plan stage and has been subject to assessment through the strategic environment assessment of the Proposed LDP2 (CD25, Appendix 6).

The site is on the opposite side of the River Carron from Denny, with no direct access to the town across the river. Therefore, the site does not represent a logical extension to the settlement.

In common with Denovan Road site, the access to Kirklands Farm involves taking the

unclassified Denovan Road from either Dunipace in the West or the Checkbar roundabout in the east. This is a long, narrow and circuitous route, which has no footway or lighting provision along most of its length. The Council's Engineering Design (Roads) does not support additional housing or business development in this location due to concerns development traffic could increase the risk of road accidents on Denovan Road. The site is an isolated location in open countryside with no public transport links, local services and facilities nearby. The site's development will, therefore, be heavily car dependent compared to the accessible and more centrally located sites within Denny. Overall, the site is not in a sustainable location.

The Kirklands Farm site also has a number of constraints which may make the site problematic to develop. These constraints include:

- Potential impacts on protected species and habitats, including mature trees and boundary hedgerows. These impacts would need to be considered through an ecological survey and addressed through appropriate mitigation.
- Waste water treatment. Substantial development at the site would require to be connected to public sewer for the collection and treatment of household wastewater. SEPA and Scottish Water have advised that it might be difficult to connect the site to public sewer network. This would potentially involve installing a new pipe between the site and Denny Waste Water Treatment Works, including across the River Carron.
- Potential flood risk issues. SEPA's 1 in 200 year flood map (CD108) shows that the site has potential flooding issues associated with fluvial and surface water. SEPA has advised that a Flood Risk Assessment would be required to assess the flood risk from the River Carron and the small watercourses through and adjacent to the site.
- A Scottish Water main pipe transects the northern section of the site (CD109). The capacity of the site might be constrained by health and safety, wayleave and easement issues associated with this main. Scottish Water would require a minimum 10m stand off on either side of this main to be free from development.
- The likely need for extensive off-site improvements to the local road network.
- Capacity issues at the non-denominational catchment schools of Denny High School and Dunipace Primary School.

The site also comprises prime agricultural land (CD110) along its southern section. This land is not part of the settlement strategy nor is necessary to meet an established housing need. Therefore, the allocation of the site would not be supported by SPP (CD1, paragraph 80).

Sufficient provision for housing has already been made in Denny, providing an adequate choice of sites augmenting the housing land supply. The spatial strategy focuses on the Denny South East Strategic Growth Area where growth will be accommodated on accessible and more centrally located sites. These sites include H30, H31 and H32 and MU09. Within the Council area as a whole, enough land has been allocated to meet this housing land requirement in full. Therefore, there is no need to allocate this isolated site in the countryside to meet the housing requirement.

In terms of the business aspect of the proposal, it is not clear what specific types of business uses are proposed. However, the Council has a generous supply of business land, as highlighted in Technical Report 6 (revised): Employment Land (CD38), and there is no need for additional allocation. Access is less than ideal, and it would not be an

attractive or worthwhile addition to the portfolio of sites in the area.

The representation sees this site as an alternative to Proposal MU09, with specific reference to flooding issues. MU09 is affected to some extent by flooding, which will have some impact on the developable area. Most of the site will nonetheless be capable of being developed. The accessibility of MU09 and its relationship to the town is far preferable to the Kirklands Farm site.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter’s conclusions:**

Council’s approach to housing growth in Denny

1. A representee has asserted that additional housing is causing problems for the town, and that there should be no further housing. The council has outlined its approach to housing growth in Denny, which acknowledges that there are relatively significant allocations of land. These will place additional pressure on local infrastructure and in particular the road network, but the council is planning to alleviate the pressures on the Denny Cross junction by ensuring the construction of the Denny eastern access road (infrastructure project IN09).
2. I recognise that the planned scale of growth in the Denny area is fairly substantial, relative to the size of the town, but the council has taken a holistic view of the pressures this may create and I find the proposed plan responds to this appropriately, with the eastern access road proposal being central to accommodating this growth.
3. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed. The council reiterated that Denny already had a large scale of planned growth, and I consider this to be a relevant consideration when assessing the appropriateness of further additional sites in the Denny area.

Allocated housing site H30 – Former Denny High School, Denny

4. Sportscotland has sought an amendment to the key principles for development of this site, outlined on page 82 of the proposed plan. This would make clear that development affecting the playing fields on the site should be considered against policy PE16 of the plan, in addition to Scottish Planning Policy which is already referenced.
5. The council is agreeable to the amendment, and I also find that this would improve clarity over how this matter would require to be assessed at the detailed planning stage. Accordingly, I have included this modification in my recommendations below.

Allocated housing site H35 – Rosebank, Dunipace

6. A representee objects to the inclusion of this site for housing. However, the site has subsequently been granted planning permission for residential development and at the time of my site inspection (in December 2019), construction works had commenced. The

deallocation of the site would therefore have no practical effect, and so I have not considered the matters raised in this representation any further. No modification is required.

Non-allocated site – Rosebank North, Dunipace (site ref: 116)

7. A representation is seeking the allocation of this site for provision of up to 130 homes. The site is comprised of two distinct parcels of land, on either side of the A872. It is being promoted by the same housebuilder as is currently developing site H35, which is immediately to the south of this site.
8. In landscape and visual terms, I consider this site offers a suitable development opportunity, subject to careful consideration of how the topography of the site is taken into account. To the north of the site, the land rises sharply, containing the site effectively. The land also rises to the east, which would present a greater challenge to the site's satisfactory development. This part of the site is prominent, and during my site inspection I observed that the more elevated parts of the site would be conspicuous in longer range views from higher ground to the west.
9. The site appraisal plan submitted by the representee indicates that this higher ground could be utilised as an area of landscaping, along with a strip along the northern edge. I consider that this could potentially be an appropriate means of lessening any adverse landscape and visual impacts, as well as establishing a new and defensible urban limit.
10. The SEPA flood map indicates that some parts of the site are subject to 1 in 200 year risk of surface water flooding. This is mainly focused on the south west corner of the site on the west side of the A872. Scottish Planning Policy paragraph 263 considers surface water flooding differently to flood risk from coastal or watercourse flooding. In this context and given the relatively small proportion of the site which is at risk of surface water flooding, I consider this matter could be dealt with appropriately through a flood risk assessment, which would consider mitigation options including appropriate drainage design and site layout.
11. The council does not support further allocations in Denny (or Dunipace) ahead of the eastern access road's construction, due to the significant congestion which currently occurs in the centre of Denny. The site is being promoted for development from 2025 onwards, and therefore it is possible that the new road may by that time be complete or under construction, but this is not a certainty. However, a development of up to approximately 130 units would only have, at most, a marginal additional impact upon the traffic situation in Denny. That said, it is the cumulative effect of traffic which has given rise to road capacity problems, and therefore as this development would inevitably place some additional burden on the road network, I consider it reasonable that proportionate contributions towards the eastern access road project should be explored.
12. The site's position, whilst being on the northern edge of Dunipace, nevertheless offers a good level of accessibility to local services and facilities, enabling active travel locally. The footway is of a good standard on the A872 to the south of the site, leading to the centre of Dunipace. Local junction improvements would be required, and whilst I consider the precise details would be most appropriately addressed at the detailed planning stage, the suggestion of a roundabout at the existing crossroads appears to be a logical approach. This would negate the need for additional junctions on the A872, whilst offering the likely further advantage of reducing traffic speeds on that road.

13. The majority of the easternmost of the two parcels of land which form the site is prime agricultural land. Paragraph 80 of Scottish Planning Policy (SPP) sets a presumption against development on prime agricultural land, except in certain specific circumstances. This includes development that would be an essential component of the settlement strategy. In the context of our findings in issue 2, where we have recommended the housing land requirement should be increased and additional appropriate housing sites allocated, it is reasonable to consider this site's allocation despite being located on prime agricultural land. Whilst there are many other sites which are being promoted for allocation which are not on prime agricultural land, this does not in itself indicate that other sites would be more preferable than this site when considered in the round. Furthermore, the allocation of this site in the local development plan would by default result in the site forming part of the settlement strategy over the plan period to 2030. For these reasons, I do not consider that in this instance, the prime agricultural land classification should be an overriding constraint to the site's allocation.

14. The council's assessment of the site has identified that it may have some ecological value, and therefore additional survey work and mitigation may be required as part of a detailed proposal to develop the site. With extensive planting and landscaping along the north and east boundary of the site (which would relate to open countryside beyond) I consider that there is the potential to offer a net benefit in terms of habitat creation.

15. The western part of the site is immediately adjacent to the M80 motorway, which has the potential to generate noise disturbance for future occupiers of homes located closest to the motorway. Around a third of the site, on its northern side, is within a pipeline consultation zone. However, I do not find that either of these factors would prevent a satisfactory development proposal being formulated, although both are likely to influence the site layout and/or require mitigation measures. Built development within the pipeline consultation zone in particular could be largely if not entirely avoided, as this same area would require an extensive planting and landscaping scheme to provide a defensible urban edge and to avoid development on the most prominent elevated areas of the site. I recognise that this may reduce the ultimate capacity of the site to below the indicative 130 units, but the plan provides flexibility in this regard and I am satisfied that an indicative capacity of 130 units would be appropriate at this stage.

16. The council has identified some limitations to school capacity locally, although this has not been presented as an irresolvable constraint to development of this site. I am mindful that the estimated site capacity is relatively modest, and I find no reason to conclude that any education capacity issues could not be resolved, potentially through seeking developer contributions to enable any required additional capacity to be provided.

17. There are no obvious significant or overriding constraints to the development of this site. It is being promoted on behalf of a housebuilder, which is currently constructing a residential scheme on the immediately adjacent Rosebank allocated site H35. These factors provide a strong indication that the site is likely to be effective.

18. In issue 2, we have found that the housing land requirement should be revised upwards. It is therefore necessary for us to consider allocating some additional appropriate sites for housing through this examination. This site has been subject to both a structured environmental appraisal and public engagement through the plan-making process. I am satisfied that this site offers a sustainable opportunity to provide additional homes during the plan period, based on the foregoing assessment. I recommend the site is allocated on this basis, with an indicative capacity of 130 homes.

Non-allocated site – Bankend Farm, Dunipace (site ref: 164)

19. The representee is not seeking the allocation of this site, but wants the proposed plan to acknowledge that the site would be a suitable location for development beyond 2030 (the end of the plan period). It has been argued that the site should be identified in order for the plan to comply with paragraph 120 of Scottish Planning Policy (SPP), which states that “Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement”.

20. In issue 2, we have examined the approach taken by the plan to wide-ranging strategic housing land issues raised in representations. This has included consideration of the extent to which the plan would satisfy the aforementioned requirements of paragraph 120. There we have concluded that by providing an overall indicative figure of the possible housing land requirement for the 2030 – 2040 period, together with the indication of the growth potential of settlements over this same period set out in table 3.2 of the plan, this aspect of SPP paragraph 120 has been satisfied.

21. In issue 2 we have also concluded that there is no requirement for the plan to identify specific sites to meet the housing land requirement beyond 2030. The council, in its response to the representee’s request to identify the Bankend Farm site, has made its view clear that it would be prudent to reassess the housing and infrastructure situation once progress has been made on allocated sites and infrastructure commitments, before making any longer term commitments to further development. I agree with the council’s position, and I consider it would be undesirable to fetter the council’s ability to make site-specific decisions for longer term growth, which is the role of a future iteration of the LDP and not the role of the current proposed plan.

22. Identifying the Bankend Farm site would introduce inconsistency in the approach taken by the plan to indicate the possible scale and location of the housing land requirement over the 2030 – 40 period. I do not consider a modification is justified based on my foregoing reasoning. For the avoidance of any doubt, and notwithstanding the terms of the representation and the council’s response, I have not therefore assessed the site’s potential suitability for longer-term growth, as I consider that it would extend beyond my remit to reach any such conclusions.

Non-allocated site – Denovan Road, Denny (site ref: 229)

23. This site, for which a housing allocation is being sought, is adjacent to a loose cluster of development at Denovan. The representee refers to Denovan as a settlement, but the proposed plan defines this location as being in the countryside.

24. I consider that the council has taken a pragmatic approach to identifying settlements. I do not consider that the plan is deficient by not identifying Denovan as a settlement. The council has appropriately exercised judgement in selecting which settlements are of a sufficient size and character to warrant the identification of a village limit. From my site inspection, I found there to be little sense of this location being within or adjacent to a village. Instead it very much has the character of an open countryside location, albeit with some sporadic development mainly comprising of individual detached properties set within substantial plots. There are no services or facilities, and I consider that to identify Denovan as a settlement would be inconsistent with the approach taken elsewhere in the plan area.

25. As I consider this location should not be identified as a settlement, it would be

inconsistent with the proposed plan's overall spatial strategy to consider allocating a site for housing in the countryside, and for this reason I conclude that no modification to the plan is required. Furthermore, I have noted the concerns of the council in regard to the inadequacy of Denovan Road for access, and the lack of any public transport links, and I agree that this site would not represent a sustainable location for development.

26. This site was put forward at a late stage of the plan's production. As such, whilst the council has nevertheless provided a structured environmental assessment in its SEA revised environmental report (CD25), there is no evidence of public engagement relating to this site, contrary to paragraph 118 of Circular 6/2013 'Development Planning'. It would not be appropriate to allocate this site for housing.

Non-allocated site – Kirklands Farm, Denny (site ref: 230)

27. As with site 229, this site was also put forward at a late stage of the plan's production, and consequently there is no evidence of public engagement relating to this site, contrary to paragraph 118 of Circular 6/2013 'Development Planning'.

28. For this reason I do not consider the site's inclusion can be justified. It is not therefore necessary for me to carry out a detailed assessment of the site's potential suitability, although I find the site presents many of the same difficulties as site 229, given it is accessed solely via the narrow and winding Denovan Road. I also consider this countryside site could not logically be identified as a settlement, nor as an extension to Denny's urban limit.

29. As the council has highlighted, there are numerous other constraints which would require extensive mitigation and/or investment to resolve, in order for development to be feasible on the site. In the context that this site could not be allocated in any event, and alongside my other concerns already outlined, I have not explored these issues further. No modifications to the plan are required.

**Reporter's recommendations:**

1. On page 82, under the 'Key Principles' section for the former Denny High School site, amend the seventh bullet point to read:
  - "Requirement to retain playing fields to be considered against SPP criteria and policy PE16."
2. On page 81, Denny and Dunipace Settlement Statement – Proposals and Opportunities table – under 'Housing – Other Sites' insert Hxx Rosebank North, Dunipace.
3. In Appendix 1 (page a05), insert additional site Hxx, MIR Ref. 116, Rosebank North, Dunipace, Site size 6.5 ha, 130 units. Site comments: 'New housing supply site. Masterplan required incorporating substantial strip of open space / landscaping / planting along northern and eastern parts of the site with development located away from the most elevated land. Developer contributions may be required for education, primary healthcare facilities and Denny Eastern Access Road (DEAR). 15% affordable housing contribution. A flood risk assessment will be required.'
4. Amend the proposals map (map 1) to identify the Rosebank North site as a housing allocation.



5. Any other consequential amendments required as a result of the foregoing modifications.

<b>Issue 12</b>	<b>Falkirk Housing Sites</b>	
<b>Development plan reference:</b>	<u>Chapter 5 Settlement Statements</u> Falkirk (pages 84 - 85) Falkirk Gateway Major Area of Change Development Guidance (pages 88 - 89) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Falkirk (page a06) Mixed Use - Falkirk (page a10) Business - Falkirk (page a13) <u>Proposals Map 2</u> Falkirk, Larbert & Stenhousemuir	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Forth Valley College (00592) SportScotland (00330) Scottish Enterprise (00447) Persimmon Homes (East Scotland) Ltd (00712)		
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in the town of Falkirk, as identified in the Falkirk Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Allocated Housing Site – H41 Grangemouth Road</u></p> <p>Forth Valley College (00592/3002/001) - The inclusion of site H41 Grangemouth Road as a housing proposal (H32 in the current LDP) is supported, but changes are sought to the stated capacity and the boundary of the site. In terms of capacity, Forth Valley College welcomes the increase in the indicative capacity from 150 in the current LDP to 200 in the Proposed Plan. However, it is considered that the site can be developed at a density of 25-35 units per hectare and can achieve a capacity of 230 units. With respect to the boundary of the site, this been amended in the Proposed Plan to exclude the existing playing fields to the north of the site. However, including the playing fields in the boundary would allow comprehensive masterplanning, and a more flexible approach to the delivery of open space on the site. The Open Space Strategy indicates that Falkirk has an excess of open space, and local provision is available at Victoria Park and the indoor sports facility adjacent at Coasters. Open space requirements in the development itself and any loss of open space can be dealt with through other policies and guidance, with new open space and play areas incorporated into an integrated masterplan, and a commuted sum paid for off-site replacement or upgrading.</p> <p>SportScotland (00330/3003/002) - The proposed development site H41 Grangemouth Road is adjacent to an existing pitch and its design will need to consider this.</p> <p><u>Allocated Business Site BUS06 – Abbotsford Business Park</u></p> <p>Scottish Enterprise (00447/3003/001) - Proposal BUS06 Abbotsford Business Park should</p>		

be amended so that the northern part is allocated for residential use, with the southern part retained for business and industrial use. Promotion of the site by Scottish Enterprise for business development over a number of years has yielded little interest. Reassessment of the site has concluded that there is little prospect of significant business development, and the site is only viable if housing is included. Residential use on part of the site could assist delivery of business use on the remainder. Development would be guided by a detailed masterplan which would retain a buffer between business/industry and the proposed housing development. A marketing report, marketing brochure, and development appraisal are submitted in support of the submission (RD133-RD135).

#### Non-allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001) - A site at Glen Farm, Falkirk should be allocated for housing development, with a capacity of approximately 150 units. LDP2 does not take full account of the HNDA and housing supply targets and requirements should be increased. The Council's Site Assessment assessed a wider site of 16.5 hectares, compared to the reduced site of 6 hectares which is now proposed. An Indicative Design Framework has been produced to illustrate how landscape impact concerns can be mitigated (RD132, page 6). Previous assessments have demonstrated that there are no constraints to development with regard to ecology, flood risk, cultural heritage or transport/access. The site would provide housing to the south of Falkirk as an alternative to the strategic growth areas to the north. Reference is made to the allocated site at Hallglen (H42 Woodend Farm) which would similarly have landscape impacts and require mitigation. The site is effective when assessed against PAN 2/2010 criteria. Further information is provided in a supporting statement (RD132).

#### **Modifications sought by those submitting representations:**

##### Allocated Housing Site – H41 Grangemouth Road

Forth Valley College (00592/3002/001) - Amend the indicative capacity of Proposal H41 Grangemouth Road from 200 to 230, and revise the site boundary to include the playing fields to the north of the site.

SportScotland (00330/3003/002) - Amend the text for Grangemouth Road (H41) in the Falkirk Gateway Major Area of Change Development Guidance (page 88) by adding an additional bullet: "The development will be designed such that it takes account of the adjacent sports pitch use, and does not impede its use".

##### Allocated Business Site BUS06 – Abbotsford Business Park

Scottish Enterprise (00447/3003/001) - Amend Proposal BUS06 from a business to mixed use proposal, with residential development (including affordable and other compatible uses) permitted on the northern part of the site, and business/industrial use retained on the southern part.

#### Non-allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001) - Insert additional housing site at Glen Farm, Falkirk for 150 units, and extend Urban Limit to include the site.

**Summary of responses (including reasons) by planning authority:**Council's Approach to Housing Growth In Falkirk

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Falkirk is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

As the principal town in the Council area, Falkirk has the largest allocation of all the settlements: 1,073 units, of which 843 are existing commitments, and 230 from new sites brought forward in LDP2. Most growth is concentrated in three Strategic Growth Areas: the Falkirk Canal Corridor, where there is a focus on regeneration of major brownfield canalside sites (H36-H38, MU11); Falkirk North, comprising the final phase of long term masterplanned growth at Mungal/Cauldhome Farm (H39); and the Falkirk Gateway, comprising the housing element of a major new mixed use urban quarter at the eastern gateway of the town (H41, MU16). Other major opportunities include residual land at the Falkirk Community Hospital site (H43), and a greenfield release exclusively for affordable housing at Woodend Farm (H42). There is therefore significant provision for new housing in Falkirk, with a mixture of brownfield and greenfield elements, and a strong emphasis on regeneration and mixed use placemaking.

Allocated Housing Site – H41 Grangemouth Road

Forth Valley College (00592/3002/001); SportScotland (00330/3003/002) - Proposal H41 is the current Forth Valley College site which is becoming available for redevelopment as part of the Falkirk Gateway Strategic Growth Area as a result of the relocation of the college campus to a site immediately to the east. Forth Valley College contends that a playing field to the north of the old college building should be included in H41. The Council, however, believes that the playing field should be identified as open space and excluded from the H41 allocation on the Proposals Map and the Major Area of Change Development Guidance (Proposed Plan, page 89). It is, *de facto*, an outdoor sports facility which is part of the campus and is subject to the safeguarding criteria set out in SPP paragraph 226 (CD1). Although there are playing fields nearby at Victoria Park, which may in future be linked to H41 via the proposed Helix- Falkirk Town Centre green corridor (GN08), the Council does not have an approved sports pitch strategy which demonstrates that it is surplus to requirements. The retention of the pitch in this location, together with the tree belt on its eastern side, would provide an attractive recreational and amenity space which would complement the campus and the proposed green corridor. Should a developer wish to promote development on the playing field as part of the masterplan for H41, with compensation in the form of open space elsewhere or contributions to off-site open space, this would have to be tested against SPP and Policy PE16 (Protection of Open Space), including a full audit of playing field provision in the area to support the proposed scheme. SportScotland have drawn attention to the playing field in their representation, in the context of H41, which further emphasises its potential value, and the Council would not take issue with additional wording to draw attention to its protection.

Forth Valley College has also sought to have the indicative capacity of H41 increased from 200 to 230. The site size is 6.3 hectares which, at 200 units, would give an average density of nearly 32 units/hectare. This is considered reasonable, allowing for denser development along the site frontages, the need for provision to be made for the GN08 green corridor, and the likely loss of some land due to the proposed roundabout at the junction of the Grangemouth Road and Middlefield Road which is part of the wider A904 Corridor

Improvements (Proposal IN06). The actual capacity will not be confirmed until detailed masterplanning has been undertaken, and any figure would be tested against the criteria set out in Policy HC04 (Housing Density and Site Capacity).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Business Site BUS06 – Abbotsford Business Park

Scottish Enterprise (00447/3003/001) - The Council does not consider that the Abbotsford Business Park site should be amended to mixed use with a substantial housing element. The site is allocated in the current Falkirk LDP1 for business/industrial use (ED05) and is regarded as a strategic site within the Falkirk Investment Zone Strategic Business Location. Its marketability has been assessed positively within Technical Report 6 (Revised): Employment Land (CD37, Appendix 2). The site is serviced, with access, drainage and landscaping installed. It is well located with good accessibility to the trunk road network, and is in public ownership. A Development Design Guide has been produced (CD111). It has good flexibility in terms of the types of uses that can be accommodated, and its scale means that it could service different sizes of business requirements, from small workshops to larger warehouses or manufacturing units. As such it is one of the most marketable sites in the Council's business portfolio.

Scottish Enterprise's preferred option would reduce the available business land to 3 smaller parcels of land totalling just 4 hectares. This would dramatically reduce its flexibility to meet a range of business requirements, and the encroachment of housing into the site may impact on the types of activity which could be carried on in the remaining land.

The Council accepts that interest in the site to date has been limited, but activity has picked up recently with the Council's construction of four speculative workshop units (Plot 6). One of these is occupied, and the remainder have prospective tenants. Saltire Business Parks were granted planning permission for 10 workshops units in June 2019 on Plot 2, and there is current developer interest in Plot 5. The site should be regarded, in any case, as a long term resource. Section 4 of Technical Report 6 (CD37) discusses demand for industrial land in the area, and although take up has been slow in recent times, there remain sectoral strengths, including manufacturing and logistics, which the Council remains committed to building on in terms of its Economic Strategy (CD46). The Council's ambitions in this regard are reflected in its Investment Zone bid (CD52), which could release resources through the Strategic Business Locations project to assist sites such as this, without any need for cross-subsidy from housing. There is no pressing need for additional housing land in Falkirk, which would override the business imperative to protect the site.

For the above reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001) - The Council does not consider the Glen Farm site to be an appropriate housing allocation. The site has been subject to site assessment (CD33). It was identified as a non preferred site at the MIR stage of LDP2. The site was also considered, and rejected, at the previous LDP1 Examination in 2015 (CD13, pages 117-118).

The site represents a major intrusion into the countryside to the south of Falkirk. It would have significant visual impacts, particularly viewed from the south, which could only be partially mitigated. The Glen Burn provides a robust and logical edge to the urban area. Development of the site would breach this natural boundary and extend the town up the southern side of the valley for the first time. South Falkirk has been a focus for green network development as part of the Falkirk Greenspace Strategy (CD42) including a network of paths in the vicinity of Glen Farm, as illustrated in the Core Paths Plan (CD44, page 13). The John Muir Way runs immediately to the north of the site. Development of the site would have an adverse impact on the character and enjoyment of the green network.

The site would take access onto the C47 Wester Shieldhill Road, which is a narrow rural road, and over the narrow Glen Bridge. Significant off site upgrading would be required to these and to the junction of the C47 with the B8208 Falkirk Road. Glen Bridge is listed which is a constraint to upgrading. The accessibility of the site is low, and it is relatively remote from community facilities in the town.

The site is farmed by Robert Reid as part of a tenancy from Callendar Estate. In his response to the MIR (CD112), Mr Reid has highlighted the major adverse effect which development of these fields would have on the farm business and also on the Milk Barn, which is a highly successful farm diversification project run by the Reid family adjacent to the proposed development.

Substantial provision has been made for housing in Falkirk, amounting to 1,073 units, and providing opportunities of both a greenfield and brownfield nature in a variety of locations. This includes a greenfield release on the southern edge of the town at Woodend Farm (Proposal H42) which the Council considers to offer a more sustainable fit with the existing settlement. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of greenfield land.

For the above reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

Allocated housing site – H41 Grangemouth Road

1. An amendment to the boundary of allocated site H41 is sought, so that the site also includes the playing field immediately to the north. The proposed plan identifies the playing field as open space.
2. The representee has contended that the Falkirk urban area has more than four times the amount of open space required by the open space strategy standard, set at 5 hectares for every 1000 people. However, this does not demonstrate that the provision of this playing field in this specific location is surplus to the requirements of the community, particularly noting that additional demand may be generated by development in the Falkirk Gateway 'major area of change'.
3. As there is no evidence to show that the playing field is no longer required, I do not consider that an amendment to the H41 site boundary would be appropriate. Given the playing field offers a good quality recreational opportunity, it would be illogical at this stage to plan for its relocation or contributions towards alternative provision. I find the proposed

plan is justified in protecting this space, but if a masterplan for the H41 site demonstrated particular advantages of encompassing the playing field, this option could still be explored and the allocation boundary would not preclude this. This would need to be supported by clear evidence to show that adequate open space of this type and quality would continue to be provided, with Scottish Planning Policy and policy PE16 in the proposed plan providing criteria against which proposals could be assessed.

4. Conversely, a representation by SportsScotland requests additional text be added to the key principles of the site, to state that development should be designed to take account of the sports pitches and not impede its use. Whilst I consider that this could fairly be expected to be taken into account through a masterplan process for site H41, I consider that it would be helpful for this point to be explicitly outlined in the plan, particularly given the interest in potentially encompassing the playing field within the development. This would still not be precluded, but it would ensure that if the open space is to be retained (which is the expectation currently), its functionality would not be compromised by the development of the adjacent site. I have recommended a modification to the fourth bullet point of the key principles for the site, rather than a separate bullet point as suggested.

5. In its representation, the site owners have requested that the capacity of the site indicated in the plan should be increased from 200 to 230 homes. It is not clear from the submission whether this is based on an assumption that the playing field, discussed above, could be incorporated into the site.

6. In any event, the site capacity of 200 units set out in the plan is an indicative figure, and if it can be shown that a higher density could be satisfactorily achieved, the indicative capacity of the allocation would not act as a restriction or upper limit, subject to compliance with policies HC04 and PE01. The council has outlined why it considers 200 units to be a reasonable estimate, and noting the factors it has taken into account, I find the site's indicative capacity to be justified. No modifications are required.

#### Allocated business site BUS06 – Abbotsford Business Park

7. Scottish Enterprise are seeking a change to this allocation from employment land to mixed use, to allow for approximately half the site to be developed for housing. The indicative proposed layout plan suggests that in the region of 140 homes are envisaged, in addition to business/ industrial development on the southern portion of the site.

8. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. This could, in principle, include changing employment allocations to residential or mixed use.

9. The representee has submitted various documents which show that the site has been marketed for business and industrial purposes, available as individual plots, and it provides a brief overview of the market interest generated to date. The submissions also state that the site is financially unviable solely as an employment site, but that this could be redressed by a residential component of development.

10. The submissions relating to viability do not provide a sufficient evidential basis upon which I could safely rely upon as providing justification to amend this allocation. It indicates that a wide range of factors have been taken into account, such as unit type and size, timeframes, rental rates and build costs, but other than a summary of the overall

finding, no information on the detailed considerations, assumptions, scenarios or calculations have been provided. Whilst it is evident that uptake of the land has been slow, I do not consider this to be sufficient justification in itself to consider the release of land for other uses.

11. The council acknowledges that interest in the land has so far been limited, but it has demonstrated its commitment to the site for employment purposes, having recently completed speculative units on one of the plots, with one unit being occupied and with interest in the other units. Another plot also now has planning permission for 10 workshop units, which is a privately-led proposal. In my experience, sites of this nature can take considerable time to secure uptake, but once momentum builds and the site becomes even partially occupied, other developers and businesses may find the site to be a more attractive proposition.

12. Whilst Scottish Enterprise does not itself consider the site to be of strategic importance to its own portfolio, the council does consider it to be a strategic site for Falkirk. I consider the site to be well positioned in the town with a good standard of accessibility. It relates well to other industrial areas including Bankside to the south and the large Asda distribution premises immediately to the east. Given the scale of the Asda units in particular, I agree with the council that this site offers considerable flexibility in terms of the scale and type of unit that could be accommodated.

13. I have noted that the representee has stated that ground conditions are a constraint to development, although no details of this issue have been provided. This would be the case for any form of development and would presumably be taken into account in any valuation / offer to purchase the land. In other respects, the site offers the advantage of access and drainage already being provided.

14. All told, I find no overriding reason to allow mixed use development on this site at this time. I share the council's concern that this could compromise the ability for the site to accommodate larger units and/or certain types of use, if residential development was to be introduced. Furthermore, there is no indication of how or if a residential component would enable or facilitate employment development on residual land. Whilst there is a need to identify additional housing land, we have identified sites elsewhere to meet the increased housing land requirement.

15. I consider that to allow housing on even part of this site would compromise other strategic objectives of the plan, and therefore it does not provide an appropriate opportunity to provide additional housing land. No modification is required.

#### Non-allocated site – Glen Farm (site ref: 121)

16. A representation seeks the allocation of this substantial greenfield site on the south side of Falkirk, for approximately 150 homes. The indicative design framework, submitted in support of the site, suggests that development could be restricted to a central band, with open space and landscaping to the north and south to take account of flood risk and the topography of the site.

17. During my site inspection, I noted that in this location there is a well-defined urban edge, reinforced by the local topography and Glen Burn. The site rises relatively steeply to the south, although as the land continues to rise beyond the site, development would not be likely to affect wider views from the south.



18. I nevertheless consider that development of this site would be undesirable. To the south of Glen Burn there is a strong rural character which provides an attractive landscape setting for the town. This would be significantly eroded by development to the south on this area of rising agricultural land. The representee has drawn comparisons with allocated site H42 in terms of landscape and visual considerations. Whilst there are no representations in regard to site H42, I would note that the Glen Farm site differs by obviously extending the urban limit southward, into a previously undeveloped area of countryside. The same issue does not apply to site H42, and whilst each site must be considered individually, I do not consider any general locational support for this site can be taken from the council's decision to allocate site H42.

19. I agree with the council that development of this site would be detrimental to the enjoyment of the green network in its immediate vicinity. During my site inspection I found the section of the John Muir Way which runs along the northern boundary of the site to evidently be well used. The general absence of urban development on the south side of this route contributes significantly to the amenity it provides.

20. The site is relatively remote from the town centre and I find accessibility to be relatively poor for a site located on the edge of the urban limit. This is despite the limited range of services and facilities within walking distance at Hallglen. Access is relatively poor and also currently constrained by the listed and narrow Glen Bridge, although I consider this could potentially be addressed with relatively minor interventions.

21. The effect upon the viability of the farm business operating from Glen Farm is capable of being a material consideration in assessing the site's suitability as a housing allocation. However, given my findings above in regard to the significant adverse impact that development of this site would have upon the robust urban edge and the setting of Falkirk, the rural landscape character of the site and the amenity this provides to the green network, I have not sought to examine the impact upon the farm enterprise in further detail. I do note however that this land is considered to be of importance to the farm enterprise, as well as providing an attractive setting for the 'Milk Barn' café, which is part of the farm's diversification.

22. Notwithstanding our conclusions in issue 2 already referred to above, I do not consider this site provides an appropriate additional opportunity to provide housing, and no modification to the plan is required.

**Reporter's recommendations:**

1. On page 88, under the Key Principles for site H41, amend the fourth bullet point by adding the following text to the end of the current wording:

"Development should take account of the playing field and not impede its use."

<b>Issue 13</b>	<b>Larbert and Stenhousemuir Housing Sites</b>	
<b>Development plan reference:</b>	<u>Chapter 5 Settlement Statements</u> Larbert and Stenhousemuir (pages 98 - 99) <u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Housing – Larbert and Stenhousemuir (page a07) Mixed Use - Larbert and Stenhousemuir (page a11) Business - Larbert and Stenhousemuir (page a15) <u>Proposals Map 2</u> Falkirk, Larbert & Stenhousemuir	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Jonathan Harvey (02972) Bellsdyke Consortium/Forth Valley NHS (02716) Scottish Enterprise (00447) Gladman Developments Ltd (01258) Taylor Wimpey UK Limited (00198) Cala Homes (West) Ltd (00512) Wallace Land Investments (00001)		
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in Larbert and Stenhousemuir, as identified in the Larbert and Stenhousemuir Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)</u></p> <p>Jonathan Harvey (02972/3001/001) - Land at MU19 should remain for business use only and not be changed to mixed use. MU19 should be used to expand the current community facilities which will require expansion to deal with the vast amount of homes already approved.</p> <p>Bellsdyke Consortium/Forth Valley NHS (02716/3003/001) - The housing allocation at site MU19 Hill of Kinnaird 2 should be increased from 70 to 164 units. The residential allocation of 70 is not sufficient as it does not relate to the development capacity of the site or take account of the infrastructure costs to complete the original Masterplan. Education capacity constraints can be overcome with a phased approach to development.</p> <p><u>Allocated Business Site BUS19 – Glenbervie (Site Ref 092)</u></p> <p>Scottish Enterprise (00447/3004/001) - The business/industry designation at Glenbervie (BUS19) should be changed to housing with potential for compatible commercial uses adjacent to the access point. It should be a medium term proposal in recognition of the education capacity issues at Larbert High School. Business/industry development is not a viable option on this site, and is unlikely to be developed in the foreseeable future.</p>		

The submission is supported by a development appraisal (RD146) which assesses the potential for alternative uses on the site and concludes that housing development is the only economically viable option. Evidence of site marketing for business is also submitted (RD145, RD147-148).

Non-allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001) - A site at Stirling Road, Larbert should be identified for housing in LDP2. The site is effective and sustainable. The site can be delivered in a sensitive manner, without adverse impact in Larbert House and setting or on the townscape. This has been demonstrated through previous LDP submissions, planning application (Ref P/17/0632/PPP) and appeal submission to DPEA (PPA-240-2053).

Non-allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198/3005/004) - A site at Roughlands Farm (North) should be allocated for housing. The 5.4 hectare site is effective and immediately available and could deliver in the region of 100 units. It will go some way to meeting the shortfall in housing land which is projected to occur at the point of adoption of LDP2. The site has been promoted through the Call for Sites and Main Issues Report for LDP2 and LDP1. The submission is supported by a Development Statement to promote the site (RD153) and EIA screening request/opinion (RD154-156).

The site should be removed from the green belt designation to the east of Carronshore. Its purpose in this location is limited as any potential for coalescence is already constrained by the strategic motorway network. The application of the green belt designation in this location will contribute to the Council's inability to meet housing need and demand.

Non-allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005) - A site at Kirkton Farm, Carronshore should be allocated as a 'Development Safeguarding' designation, to confirm the direction of future housing development in the Larbert/Stenhousemuir settlement area. It is approximately 100 hectares and has the capacity to deliver in excess of 2000 homes over the medium to long term. It would include a community hub to support a variety of uses including education provision (including a new primary school and potentially a new high school). Off-site infrastructure requirements are outwith the immediate control of the landowner but contributions could be made to address deficiencies. The site has been promoted through the Call for Sites and Main Issues Report for LDP2 and LDP1 (RD151). The submission is supported by a Development Statement to promote the site (RD153), an extract from the FCLP Inquiry Report (RD150), and an EIA screening request (RD149)

The site should be removed from the green belt designation to the east of Carronshore around Kirkton Farm.

Non-allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512/3003/001) - A site at Hill of Kinnaird (East) should be allocated for housing. The 48 hectare greenfield site is proposed for 1000 houses (25% affordable), a new primary school, community based local centre, extension to Larbert North Green Network, community green space, and associated infrastructure and services. The proposals can be accommodated within the school estate on the basis of on-site

provision of a new primary school and a phased approach to development. The site is considered to be effective and any local or strategic constraints/issues can be addressed on-site or by developer contributions. It provides a logical and sustainable extension to existing development. The proposal is supported by a Development Framework and Masterplan (RD137), as well as extensive technical support studies, some of which were prepared to promote the site previously through the Main Issues Report (RD136, RD138-144).

Non-allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001) - A site at Bellsdyke Road should be allocated for housing. The site would form a sustainable and logical expansion to the north east of Stenhousemuir. It could accommodate around 240 homes and would assist LDP2 achieve its housing land requirement in full. The site is considered effective and could contribute to housing completions within a two year period. The proposal would not have a significant visual or landscape impact and includes the provision of landscaping to form a robust Green Belt and settlement edge. A Housing Land Supply Statement, Education Statement, Transport Statement, Site Effectiveness Statement, Indicative Development Framework Plan and SEA Assessment Review have been produced to support the allocation (RD158-162).

**Modifications sought by those submitting representations:**

Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)

Jonathan Harvey (02972/3001/001) - Amend the land use of Proposal MU19 at Hill of Kinnaird 2 from mixed use to business.

Bellsdyke Consortium/Forth Valley NHS (02716/ 3003/001) - Amend the housing capacity of site MU19 Hill of Kinnaird 2 from 70 to 164 units.

Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

Scottish Enterprise (00447/3004/001) - Amend Proposal BUS19 at Glenbervie from business/industry to housing with scope for compatible commercial uses.

Non-allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001) - Insert additional site at Stirling Road, Larbert as a housing proposal with a capacity for around 60 units.

Non-allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198/3005/004) - Insert additional site at Roughlands Farm (North) as a housing proposal. Amend Map 3.3 to remove land east of Carronshore from the green belt.

Non-allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005) - Insert "Development Safeguarding" designation to be applied to the land in and around Kirkton Farm. The policy should state: 'Land is safeguarded to the east and south east of Carronshore. The landowner/ developer

will prepare a Design Framework for the Carronshore Expansion Area, spatially including its associated infrastructure requirements. The Design Framework will be at the basis against which the Council will seek to confirm if a comprehensive solution for the development of the area exists, as well as development agreements between the relevant landowners.

“The Design Framework should also provide information on delivery mechanism for the provision and phasing of shared infrastructure as necessary to enable an appropriate phasing and timing of development. If a comprehensive solution to the known issue is found, the conversion from safeguarding to allocation shall be considered through the review of the LDP or sooner in the event of a failure in the 5 year supply emerging”.

Non-allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512/3003/001) - Insert additional site at Hill of Kinnaird (East) as a new Kinnaird Strategic Growth Area.

Non-allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001) - Insert additional site at Bellsdyke Road (MIR 131 Site Bensfield Farm), Larbert and Stenhousemuir as a housing proposal, with a capacity for around 240 units.

**Summary of responses (including reasons) by planning authority:**

Council’s Approach to Housing Growth in Larbert and Stenhousemuir

As background to the Council’s response on this issue, the general approach to the allocation of housing sites in Larbert and Stenhousemuir is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

Larbert and Stenhousemuir has been one of the fastest growing settlements over the last 10-15 years, its population increasing by some 17% between 2001 and 2017. Housing growth has been concentrated at Bellsdyke and Hill of Kinnaird, known collectively in LDP1 as the Larbert North Strategic Growth Area (SGA) (otherwise known as Kinnaird Village). The settlement strategy in LDP2 is to continue to focus on the delivery of the SGA, with no significant new housing development proposed. The existing housing land supply for the plan period amounts to 119 units, comprising the residual land at Hill of Kinnaird (H46), and a small site at Pretoria Road (H47). The only additional housing proposed in LDP2 is 70 units within the former Hill of Kinnaird Business Park (MU19) which is identified for mixed use development to include housing/business/community uses, bringing the total allocation to 189 units. The housing capacity of MU19 is linked to the residual shortfall from the originally approved 1700 houses for Kinnaird Village. This is currently estimated to be 70 units, although, since the publication of the Proposed Plan, it has become evident that increased density within the H46 Hill of Kinnaird site is likely to reduce this shortfall. Effectively, in housing supply terms, some or all of the 70 units would be delivered through an increase in the capacity of H46.

The strategy for Larbert and Stenhousemuir is therefore one of consolidation in recognition of the rapid and extensive growth which has taken place in the settlement over recent years, and the pressures this has placed on infrastructure.

Education capacity constraints are particularly acute, as highlighted in the Education Background Paper (CD54). Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carronrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations. By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to extend the school, and this presents a major impediment to any further significant housebuilding in the area. Most of the primary schools are also operating at high occupancies, with particular issues at Kinnaird Primary School, where the Council is undertaking a major extension programme simply to catch up with past growth.

#### Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)

Jonathan Harvey (02972/3001/001); Bellsdyke Consortium/Forth Valley NHS (02716/3003/001) - These representations relate to the content of Proposal MU19 Hill of Kinnaird. In LDP1, the site is currently allocated exclusively for business use as Proposal ED21, in line with the original Bellsdyke/Hill of Kinnaird masterplan (CD113). The Proposed LDP2 has amended its proposed use to mixed use to include housing and community uses as well as business. The site's use was previously considered at the LDP1 Examination in 2015 at which the Reporter rejected submissions from the Bellsdyke Consortium to have the proposed use changed from business to housing (CD13, pages 142-144).

The reduction in the business component reflects an assessment of the Council's existing employment land that found LDP1 to have a generous supply of employment land currently allocated (CD38, Technical Report 6 (Revised): Employment Land). Whilst the majority of employment sites remain well located and suitable for their intended use to meet the Council's economic development aspirations, it was considered that business potential was more limited at MU19 and therefore other uses could be introduced which would include further community uses to serve Kinnaird Village and an element of residential use. The Council is keen to see the Bellsdyke/Hill of Kinnaird masterplan completed, and acknowledges that a mixed use approach, with an element of housing, could assist viability. The amended mixed use approach will allow business uses to be located prominently on the Bellsdyke Road frontage, and will also provide an opportunity to address any shortfall in community uses. This in turn will allow for the completion of Kinnaird Village.

The Council has given careful consideration to the scale of housing which might be appropriate in view of the severe pressures on school capacity being experienced in the locality which have previously been highlighted. The situation at Kinnaird Primary School is particularly acute with a phased programme of extensions to the school in hand which will only partly deal with committed development. Even with the school extended to full 3 stream, mobile classrooms will continue to be required. In the Proposed LDP2, the housing capacity has been linked to the residual shortfall from the originally approved 1700 houses for the Bellsdyke/Hill of Kinnaird development. This would mean there would be no net increase in the number of houses originally planned. At the time of publication of the Proposed LDP2 the shortfall was estimated at 70 units, and this was the allocation put in the plan. However, since the publication of the Proposed Plan, it has become evident that increased density within the H46 Hill of Kinnaird site may reduce or even eliminate this shortfall and likewise reduce the amount of housing allowable at MU19.

The Council's approach therefore tries to strike a balance between achieving a realistic and deliverable solution to the last phase of the Bellsdyke/Hill of Kinnaird masterplan, and limiting the additional pressure placed on local schools.

Mr Harvey seeks to retain the whole site in business use, and also that the site be used to expand community facilities for the area. As noted above the Council does not believe sufficient demand for business uses exists in this location, and retaining the exclusive business allocation may result in delivery of the site being stalled. The mixed use allocation allows for community uses.

The Bellsdyke Consortium has put forward an economic viability case for the additional housing. It is submitted that the increased housing allocation is required to maximise value, so that the infrastructure required to complete the masterplan can be undertaken. Their submission lists a number of areas across the whole Bellsdyke/Hill of Kinnaird development where revenue has not been realised as expected. The Council does not consider that these are abnormal costs, given all infrastructure costs and developer contributions were agreed at the outset through the outline planning consent. The loss of 139 units for affordable housing is not accepted given there was no requirement for affordable housing on site as this was dealt with by commuted sums. The developers chose to deliver affordable housing on site which presumably reflected poor market conditions at that time. Further, some of the items listed will still generate revenue, for example the crèche/assisted living site and the proposed 70 housing units and pub/restaurant on the Bellsdyke frontage which are still to be developed. Changes in revenue are inevitable with such a large housing site developed over a long time frame, and should not be a justification for allocating additional housing. The cost of infrastructure works to complete the masterplan is stated as circa £1,200,000; however this is not substantiated by a breakdown of the works required. The Council considers that the limit on the housing capacity of the MU19 site is justified on the basis of school capacity constraints, and viability arguments do not override these considerations.

For these reasons, the Council does not agree to modify the plan in response to these representations.

#### Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

Scottish Enterprise (00447/3004/001) - The Council does not consider that the business/industry designation at Glenbervie should be changed to housing with compatible commercial uses (petrol filling station/roadside services, bar restaurant and hotel).

The site was originally purchased by Scottish Enterprise as a strategic employment site and has been allocated for economic development in successive development plans, including the current adopted LDP1. Technical Report 6 (Revised): Employment Land (CD38, Appendix 2) contains an assessment of the Council's existing sites portfolio and recommends that Glenbervie is retained for business/industry, commenting that the amount of housing sought would have consequences for the scale and flexibility of the employment land remaining.

It is therefore carried forward into the Proposed LDP2 as a business site, forming a core element of the Larbert North Strategic Business Location. The site is a prime location for business development, offering a high amenity site on the urban edge of Larbert and Stenhousemuir next to M876 motorway with access to the M9 motorway to Edinburgh and the M80/A80 to Glasgow. Site access has been constructed and the site benefits from an

attractive landscaped edge. Glenbervie is in close proximity to the Royal Forth Valley Hospital which opened in 2010 and it is not inconceivable that there may be businesses/ancillary development in the future who would actively seek to locate near a regional hospital.

The Council acknowledges in Technical Report 6 that there is a generous supply of business land in the area, and the take up of business land in the area has been slow over recent years. Nevertheless it is considered prudent to safeguard land for future business needs, especially those sites which are in key accessible locations such as Glenbervie. The Council seeks to have long-term flexibility and variety in their business portfolio that is required to meet the area's economic development aspirations.

Scottish Enterprise seeks to demonstrate that Glenbervie is not economically viable without significant public sector investment which is unlikely to be forthcoming. It is argued that the only economic development option is housing with some commercial uses. However, additional funding to assist with viability may well become available through the Council's Investment Zone bid (CD52) which could release resources through the Strategic Business Locations project to assist sites such as this, without any need for cross-subsidy from housing.

In terms of the commercial uses suggested, there is no market evidence submitted that there is demand for these commercial services in this location. There are two petrol stations within the urban area of Larbert and Stenhousemuir, and a Premier Inn and restaurant (Outside Inn) in the adjacent Glenbervie Business Park.

Finally, the Council would point to its overall strategy for housing in Larbert and Stenhousemuir which is one of consolidation, in view of the significant education capacity pressures facing the settlement previously referred to. Additional housing on this large site will add unacceptably to these pressures.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001) - The Council's view through the LDP process has been that this site was not an appropriate allocation. The site was submitted at the 'call for sites' stage, was subject to site assessment (CD33) and was identified in the MIR as a non-preferred site (CD22). It was not included in the Proposed LDP2. The reasons for the Council's position were as follows.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

The proposed site relates to a greenfield site within the historic parkland estate of Larbert House which is a category B listed building. It lies in the countryside to the west of the urban area of Larbert and Stenhousemuir. It comprises prime quality agricultural land.

The Council considers that the proposal will have an adverse impact on the setting of the



category B listed Larbert House and Stables. The proposed housing would occupy a field which lies east of the loch and as such would impact on a key view from Larbert House. The view over the historic ha-ha to the circular wooded planting and wooded areas adjacent to Stirling Road is a design feature of the historic designed landscape. This originally designed vista remains perceivable on site at present.

The site forms an integral part of the parkland which is included on the Council's list of non-inventory designed landscapes. Although some development has encroached on the boundaries of the original designed landscape, the proposed development will encroach to an unacceptable extent in terms of the views from Larbert House. The development would erode a large area of greenspace and impact on the landscape character of the estate and the adjacent urban area. Development would also have an adverse impact on legally protected species and result in the loss of mature trees.

In addition, the site contributes to the open nature and is part of the parkland which is well used by the local community for informal access, contributing to the health and wellbeing of the community and patients and staff from Forth Valley Royal Hospital. It is considered that the proposal would urbanise this parkland asset which contributes to the local cultural heritage and historic environment. Further, it is considered that the proposal would impact on the Maggie's Centre (Cancer support centre) which has recently been developed in this location to benefit from the peaceful surroundings of the parkland.

A planning application for housing development on the site was submitted in October 2017 by Gladman which was refused planning permission by the Council (P/17/0632/PPP). An appeal was subsequently lodged by the applicant and allowed subject to Section 75 obligation (DPEA reference PPA-240-2053). The Reporter's decision focused on the Council's acknowledged shortfall in the 5 year effective housing land supply (CD114). The site has an estimated capacity of 60 units. The Section 75 obligation has been signed and the final decision letter issued in April 2019 (CD115).

Therefore, whilst the Council does not support the allocation of the site, it recognises that planning permission has been issued for residential development and there is a high likelihood that this permission will be implemented. Consequently, the Reporter may wish to view the permission as a commitment and reflect this in LDP2.

#### Non-allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198/3005/004) - The Council does not consider that Roughlands Farm (North) should be allocated as a housing site or removed from the green belt. This submission relates to the northern part of wider Roughlands Farm site which was subject to site assessment (CD33) and identified in the MIR as a non-preferred site (CD22).

The wider Roughlands Farm site was considered at the Falkirk Council Local Plan Inquiry in 2010 and the LDP1 Examination in 2015. In 2010 the Reporter recommended that Roughlands Farm should not be allocated for housing and should remain outwith the Urban Limit, but the site should be taken out of the green belt, allowing it to be considered as a development option beyond 2020 (CD56 pages 223-226). The Council did not accept the latter part of the recommendation, and continued to retain the site within the green belt. In 2015, the Reporter declined to allocate the site, or to remove it from the green belt, whilst acknowledging that it might have some logic as a future development opportunity, but that it was for the Council to determine its future value and potential in subsequent LDP

reviews (CD13, pages 140-142).

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population. Whilst Carronshore Primary School has some capacity to cope with new development, Larbert High School does not, and there are no options to extend it further which is highlighted in the Education Background Paper (CD54).

Given the strategy of consolidation for the settlement, and the fact that, within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, it would be inappropriate to remove the site from the green belt. The site is an integral part of the green belt in this location and fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt boundary comprises strong physical features following urban edges or roads which are considered appropriate and robust.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005) - The Council does not consider that the Kirkton Farm sites should be allocated as a 'Development Safeguarding' site or removed from the green belt. The sites were subject to site assessment (CD33) and identified in the MIR as non-preferred sites (CD22). Kirkton Farm 1 (Ref 129) is an irregularly shaped piece of land to the east of Stenhousemuir and north of Carronshore. Kirkton Farm 2 (Ref 127) lies further east, extending out to the M9 motorway. Essentially, the representation seeks the removal of the land from the green belt, and its identification as a long term future location of housing growth in the area.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

It is not considered appropriate at this stage to commit to long term, large scale growth in this location given major issues as to how strategic infrastructure for such growth might be delivered. This is the reason why the growth potential for the period 2030-2040 in the Proposed LDP is identified as 'low' (Table 3.2, page 18). Larbert High School is projected to continue to operate at high occupancy levels for at least the next 10 years. A new secondary school would be required, as well as a new primary school. The proposal includes provision for a new primary school but secondary school provision is less clear. A temporary catchment review is suggested to allow the site to be developed prior to the development of a new secondary school. This is not considered to be a robust solution to education capacity constraints. The Council has undertaken a secondary school catchment review in the recent past, and it has no plans to undertake another one. In any case, the outcome of any such review would be uncertain and not ultimately within the Council's control. Accordingly, a new secondary school would have to be funded by the

development, and it is unlikely that even a growth area of this size could sustain the required scale of investment in the school estate. The strategic transport implications of the proposal will be substantial, and have not yet been properly assessed. There will be major impacts on the local road network, with particular pressures on the congested B902 into Falkirk which may not be capable of being mitigated.

The land at Kirkton Farm forms an integral part of the designated green belt. It fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir/ Carronshore and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt boundary comprises strong physical features following urban edges or roads which are considered appropriate and robust. Development would also involve the loss of pockets of prime quality agricultural land.

The site boundary of the Kirkton Farm 1 site is convoluted and does not represent a logical extension to the existing urban area of Larbert and Stenhousemuir. The irregular shape of the boundary reflects land ownership, rather than being a meaningful boundary for a potential settlement expansion to the existing urban area. In order to effectively masterplan this area, this site would need to be combined with other adjacent land to the north at Kirkton and Bensfield Farm which are not included in this proposal and appear to be within other ownerships. It is also considered illogical to safeguard Kirkton Farm for future development in advance of any allocation on the intervening agricultural land at Roughlands Farm.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512/3003/001) - The Council does not consider that the Hill of Kinnaird East site should be allocated as a Strategic Growth Area or removed from the green belt. The site was subject to site assessment (CD33) and identified in the MIR as a non-preferred site (CD22). The site was previously considered at the LDP1 Examination in 2015 where it was referred to as Hill of Kinnaird 3, and was rejected by the Reporter (CD13, pages 140-142).

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

In an attempt to mitigate education constraints, the proposal includes provision for a new primary school and the representation suggests that the development could be accommodated at Larbert High School on the basis of a phased approach and a catchment area review at non denominational secondary level. This view is not supported. The capacity of Larbert High School has recently been increased with expansion to incorporate the neighbouring Carrongrange School, however school projections indicate that the school will be operating close to capacity for the next 10 years (CD54 Appendix 1). Phasing is therefore not a solution for at least the 2020-2030 period of the plan. As regards a potential catchment review, the Council has undertaken a secondary school catchment review in the recent past, and it has no plans to undertake another one. In any case, the

outcome of any such review would be uncertain and not ultimately within the Council's control. Accordingly, a new secondary school would have to be funded by the development, and it is unlikely that even a growth area of this size could sustain the required scale of investment in the school estate.

The strategic transport implications of the proposal will be substantial, and have not yet been properly assessed. There will be major impacts on the local road network, with particular pressures on the congested B902 into Falkirk which may not be capable of being mitigated. Access to the site via a new 5<sup>th</sup> leg off the Antonshill roundabout would not be supported by the Council.

The land at Hill of Kinnaird forms an integral part of the designated green belt. The site fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt has a robust and defensible western boundary provided by Moss Road which provides a well defined edge to the current limit of urban development. In contrast the proposed new western boundary provided follows a minor access road within Kinnaird House estate. Development would also involve the loss of prime quality agricultural land.

The proposed development would also adversely impact on the setting of the category B listed Kinnaird House which is also a non-inventory designed landscape. It would involve adverse impacts on woodland of long established plantation origin which is currently protected by TPO, which in turn would have a significant impact on the habitat network in the vicinity.

In the LDP1 Examination Report, in dismissing Hill of Kinnaird, the Reporter concluded that its development might prejudice the delivery of other settled housing land allocations and disrupt the balance of growth that has been distributed across the area. The Reporter concluded that it was for the Council to determine the potential of the site in subsequent LDP reviews (CD13, paragraph 7, page 141). At this stage the Council still considers that the development of this area is premature given the significant infrastructure constraints and environmental impacts.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001) - The Council does not consider that the Bensfield Farm site should be allocated as a housing site or removed from the green belt. The site was subject to site assessment (CD33) and identified in the MIR as a non-preferred site (CD22). It was previously considered and dismissed at the Falkirk Council Local Plan Inquiry in 2010 (CD56, page 221-223).

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population. Whilst Carronshore Primary School has some capacity to cope with new development, Larbert High School does not, and there are no options to extend it further as highlighted in the Education Background Paper (CD54, page 4).

The land at Bensfield forms an integral part of the designated green belt. The site fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt has a robust and defensible western boundary provided by Redpath Drive and associated housing development, which provides a well defined edge to the current limit of urban development. In contrast the proposed new western boundary provided follows a fairly insignificant field boundary within the farmland.

The proposed site does not represent a natural rounding off of the urban area, and could set a precedent for further incremental incursions into the green belt, and a piecemeal approach to future eastern growth of the urban area. In the 2010 Inquiry the Reporter concluded that the site should remain as green belt, as development of the site would harm the openness of the green belt, and the substantial eastwards extension would be detrimental to landscape setting (CD56 page 222, paragraph 10.1.12). The Council concurs with this view.

The site assessment outlines that development would also involve the loss of prime quality agricultural land and adversely affect the landscape setting of Stenhousemuir and Carronshore. There is relatively poor accessibility by walking or cycling to the community facilities at Stenhousemuir Town Centre, partly due the severance caused by the busy B902.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### **Reporter's conclusions:**

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed.
2. When considering the suitability of potential sites for allocation, it is important that we have regard to any constraints to development in the area. At the hearing session for issue 2, the council reiterated the pressures upon some schools. Larbert High School and Kinnaird Primary School have particularly acute capacity limitations, and so significant further housing development in these school catchments would add to existing pressures. The council has not presented this as an overriding constraint that would preclude any further development in the Larbert High School and Kinnaird Primary School catchments, but it is evident that over the longer term, a solution to provide additional appropriate capacity may need to be secured. Development would be required to comply with policy IR03 (Education and new housing development), and therefore it is plausible that even on an allocated site, if appropriate mitigation could not be achieved, development could potentially be resisted. However, it is not expected that this would be the norm and so, in issue 21, a modification to policy IR03 has been recommended to make clear that education capacity would not normally prevent development proceeding, subject to appropriate developer contributions being secured.
3. With all of the above in mind, where potential housing allocations are identified in areas with relatively less acute pressures on services and infrastructure (subject to the site's suitability in all other respects), it seems logical to favour those over sites in areas where there are known pressures or constraints, even if these may be resolvable on a site-

specific basis. I am also conscious that Larbert has already experienced significant growth in recent years, which has raised concerns within the community over the sustainability of this growth and the impact upon services and infrastructure. The spatial strategy in the proposed plan already broadly reflects these issues, and overall it directs new development to areas where the council considers it to be most appropriate, and capable of being accommodated. We see no reason to deviate from the overall thrust of the spatial strategy, but this does not rule out additional housing sites being identified in and around Larbert. In this context we have assessed the suitability of sites for possible allocation in this area.

Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)

4. This site, currently allocated for business use in the adopted local development plan (site ref: ED21), is allocated as a mixed use site in the proposed plan. This would permit housing/ business/ community uses, with an indicative capacity of 70 housing units (MU19). I will deal with each of the representations on this proposal in turn.

5. The representation from Mr Harvey requests that, rather than allowing further housing to be built, this site remain allocated for business only, primarily to expand and/or provide community facilities to service new housing in this area, including retail businesses, doctor's and dentist's practices, and schools. However, my understanding is that this change of allocation is, in part, intended to provide exactly this opportunity to address any shortfall in community uses in Kinnaird Village. I therefore do not consider that the allocation should be modified as requested.

6. The representation from Bellsdyke Consortium/Forth Valley NHS requests that the indicative capacity of housing be increased from 70 to 164 units, to take account of the development capacity of the site and the infrastructure costs involved in delivery of the masterplan.

7. My understanding from the evidence before me is that the masterplan consent was granted on the basis of 1700 homes and that the indicative housing capacity proposed here relates to an estimated residual shortfall in the masterplan area of 70 homes. However, I cannot see that adhering to no more than 1700 homes over the wider Bellsdyke masterplan area is of critical importance, and I find that it would be reasonable to potentially consider a higher number of homes on site MU19, if this would be appropriate to the site and if infrastructure constraints could be addressed. A staunch adherence to allowing only a residual number of homes to be built on this site may not ensure an efficient or best use of the land.

8. I have had regard to the viability arguments put forward by the site's promoters, and I have considered the indicative masterplan which aims to demonstrate that a higher density of housing could be satisfactorily accommodated. The council has accepted that there is not a strong need or demand for the site to provide industrial type uses, but the proposed plan does recognise that there is an opportunity to provide community-focused uses to serve development both on this site and more widely. I find this would be a particularly beneficial aspect of the development, but I consider it plausible that this mix of uses may enable a greater proportion of land to be dedicated to housing than previously envisaged.

9. From the evidence before me, I am not persuaded that development would only be achievable if a higher density of housing would be permissible. However, nor do I consider that, at this stage, it would be justified to necessarily rule out a development which would

provide in excess of 70 homes.

10. It seems to me that the approach taken in the proposed plan towards this particular site is at odds with the plan's position, set out in policy HC04, that site capacities are indicative. In appendix 1, on page a11, the site comments intimate that 70 units should be treated as a maximum. As outlined above, I see no overriding reason why the number of units on this site should be constrained by the wider masterplan's housing numbers.

11. As site capacities are indicative, I consider the plan should offer the flexibility for a proposal to come forward for a larger number of units than indicated by the plan, subject to satisfying policy HC04 by justifying the increase through a design statement that would address the factors identified elsewhere in policy HC04, as well as policy PE01. I recommend a modification to the plan on this basis (which aligns with the substance of the representation), to ensure that the site capacity in this case is not treated in a manner that would be inconsistent with how it would apply to other sites. Conversely, as the site capacity is indicative, I see no overriding reason to increase the site's capacity as stated in the plan. Noting the potential constraints to accommodating a larger number of homes, outlined by both the council and in the representee's submissions, I consider the most appropriate means of establishing the most suitable density, and relative proportions of the site dedicated to other uses, would be through the development management process.

#### Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

12. This site is allocated for business uses in the proposed plan, and measures approximately 13 hectares in area. A representation has been made which contends that this allocation should be changed from business to residential and commercial use in the medium term, for an unspecified housing capacity. The representation argues that the allocated site is not economically viable for business and industry uses, and that market failure has been demonstrated in light of the site having not been taken up by business. However, I do not consider that I could safely reach the same conclusion on the basis of the evidence before me; it is not unusual for business sites to sometimes take relatively significant time and marketing efforts before uptake is secured.

13. I recognise that there is a generous supply of employment land in the Falkirk council area, particularly relative to the amount of recent take-up (CD38). However, I attach weight to the fact that the site is a key component of the Larbert Gateway strategic business location (as identified in table 3.3 and map 3.4 of the proposed plan). I consider the site to be in a strategically advantageous location for business uses, with good transport connections and accessibility to the motorway network, on the edge of the urban area and adjacent to the existing business park and allocations (BUS20) to the east.

14. Furthermore, the total site area is not of a scale that would suggest that its uptake solely for business uses may be an unrealistic prospect, which contrasts with our findings in issue 6 on site BUS21 at Gilston where we have recommended a modification of that site's allocation to allow mixed use including a residential component. At Glenbervie, rather than a mixed use development potentially stimulating business uptake, I consider it would be more likely to restrict the capacity of the site to such an extent that it may reduce the attractiveness of remaining land for business development, and it would constrain the scale of potential business developments which the site would currently be well suited for. I therefore agree with the council that the flexibility of the remaining employment land would be undermined by a residential component.

15. All told, I find this site is appropriately allocated for business uses, and its potential to accommodate a full range of such uses may be significantly compromised by allowing a mix of uses on the site. No modification is required.

Non-allocated Site – Stirling Road (Site Ref 133)

16. This non-allocated site, 4.4 hectares in area, received planning permission in principle (on appeal) for residential development (approximately 60 homes) on 25 April 2019. I acknowledge the council's strategy for consolidation, particularly in this locale, and its concerns regarding pressures on education infrastructure. However, I also note its recognition that planning permission has been issued for residential development and the likelihood that this will be implemented. I therefore agree that this site should be allocated for housing in the plan with an indicative capacity of 60 housing units.

Non-allocated Site – Roughlands Farm (Site Ref 130)

17. This non-allocated site, measuring 5.4 hectares in size, is proposed for approximately 100 housing units. It was identified as a non-preferred site in the Main Issues Report after consideration as an alternative to the preferred option, as part of a new East Stenhousemuir Strategic Growth Area. The site assessed at the time of the Main Issues Report was 9.7 hectares in area with a proposed capacity of 200 houses and covered two parcels of land at Roughlands Farm; the representation seeks allocation of a smaller area, the northern parcel, with fewer houses.

18. This smaller parcel is located outwith the settlement boundary and in the green belt, and is bounded to the north by Webster Avenue, to the west by the B902 New Carron Road, to the south by housing on Innerpeffray Drive, and to the east by Roughlands Drive, the farm buildings of Roughlands Farm and Webster Drive. In this area the green belt provides the landscape setting to the eastern edge of Stenhousemuir. In the immediate locale the landscape is one of relatively flat agricultural fields bordered to the west by roads and housing, with more agricultural land to the east, on the other side of Webster Drive.

19. The representation also requests that the green belt be altered in this location to remove the proposed site. I consider that development in this location would extend the urban area eastward into the currently undeveloped agricultural landscape, which would work against the green belt's purpose of protecting the landscape setting of the settlement set out in policy PE15 (Green Belt). Given the characteristics of the site, I concede that it could be considered a 'rounding off' of development in this area and that there may be some logic in the future in releasing this site for housing development. However, I attach weight to the council's spatial strategy, which intends to provide some time for consolidation of the development recently undertaken in this area. This therefore gives me some concerns that allocation of the site as proposed would serve to undermine this strategic approach to Larbert and Stenhousemuir. Given we have identified additional appropriate sites in locations which align with the proposed plan's spatial strategy, there is no overriding reason to support the allocation of this site.

20. I consider that allocation of the site would not be appropriate at this time, and that at present it should remain within the green belt. No modification is required.

Non-allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

21. The request in the representation is for these sites to be removed from the green belt



and designated as sites for safeguarding development; the purpose of this designation would be to protect the sites for future housing development over the longer term, but its release would be permitted earlier in the event of there being a shortfall against the required five-year supply of effective housing land. Taken together these irregularly-shaped sites cover an area of approximately 100 hectares, and the representation argues that they could accommodate over 2000 housing units over the medium to long term, including a community hub with a new primary school and possibly a new high school. These were identified as non-preferred sites in the Main Issues Report after consideration as an alternative to the preferred option, as part of a new East Carronshore Strategic Growth Area.

22. These non-allocated sites lie outwith the settlement boundary, within the green belt. Site 127 is bounded to the east by the M9, to the south by Bothkennar Road, to the west by Kincardine Road and to the north by the A88 Bellsdyke Road, and is relatively flat. Site 129, which is slightly elevated, is bounded by Kincardine Road to the east, Webster Avenue to the west and the A88 Bellsdyke Road to the north; the southern portion of the site borders housing and Carronshore Primary School.

23. Whilst in issue 2 we have identified a need to identify some additional, appropriate sites, we have not found deficiencies in the proposed plan's spatial strategy. The suggested sites are clearly of a strategic scale in their own right. 'Safeguarding' these sites as suggested would in effect commit the council to a particular strategic approach to growth in this area, well beyond the proposed plan period. I do not consider our remit in this examination could reasonably extend to making strategic decisions over where such long-term growth should specifically be located. These are matters which must necessarily rest with the council, and may be considered again as part of the formulation of future iterations of the local development plan.

24. On this basis, I do not support the sites' identification in the plan as safeguarded for future development. The scale of growth which could be accommodated on these sites, would generate significant conflict with the proposed plan's spatial strategy and its focus on consolidation in this area. It could be that, in the future, the council may choose to adopt a different strategy which would be more supportive of further strategic growth in and around Larbert and Stenhousemuir. As I have already said however, such decisions should be taken by the council rather than introduced at the examination stage. For this reason, I have not considered the suitability or otherwise of the sites in any further detail, as regardless of my findings, I could not support either site's identification in the terms sought in the representation.

25. I note the argument in the representation that identifying specific sites/areas for future growth has been utilised by other councils including East Lothian and Midlothian, and the benefits which may be derived from indicating the direction of future growth for enabling investment. Paragraph 120 of Scottish Planning Policy (SPP) states that "Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement".

26. In issue 2, we have examined the approach taken by the plan to wide-ranging strategic housing land issues raised in representations. This has included consideration of the extent to which the plan would satisfy the aforementioned requirements of paragraph 120. There we have concluded that by providing an overall indicative figure of the possible housing land requirement for the 2030 – 2040 period, together with the indication of the growth potential of settlements over this same period set out in table 3.2 of the plan, this

aspect of SPP paragraph 120 has been satisfied.

27. In issue 2 we have also concluded that there is no requirement for the plan to identify specific sites to meet the housing land requirement beyond 2030. Identifying the Kirkton Farm sites specifically as locations for longer term growth would introduce inconsistency in the approach taken by the plan to indicate the possible scale and location of the housing land requirement over the 2030 – 40 period. I do not consider a modification is justified based on my foregoing reasoning.

28. The representation also requests that the green belt be altered in this location to remove the proposed sites. I consider that development in this location would extend the urban area eastward into the currently undeveloped agricultural landscape, which would work against the green belt's purpose of protecting the landscape setting of the settlement, as set out in policy PE15 (Green Belt). Given my conclusions above, at present I can see no justification for why these areas of land should not remain within the green belt. No modification is required.

#### Non-allocated Site – Hill of Kinnaird East (Site Ref 134)

29. This non-allocated site measures approximately 48 hectares in area, with a proposed indicative capacity of 1000 housing units. It was identified as a non-preferred site in the Main Issues Report after consideration as an alternative option, as part of a new Kinnaird Strategic Growth Area.

30. The site is located outwith the settlement boundary immediately to the east of Kinnaird Village, and is bounded to the north by the M9/M876, to the west by South Alloa Road, to the south by the A88 Bellsdyke Road, and to the east by the access road to Kinnaird House.

31. There are clear parallels between this site, and the Kirkton Farm sites which are assessed above, in terms of the strategic implications of identifying land for such a substantial number of homes. The difference here is that the representation is seeking an allocation of site 134, rather than its 'safeguarding' as a longer term location for development. Nevertheless, I consider the same principle applies, that allocating the site as suggested would in effect commit the council to a particular strategic approach to growth in this area, which would directly conflict with the spatial strategy for this area which is principally one of consolidation. Whilst in issue 2 we have identified a need to identify some additional, appropriate sites, we have not found deficiencies in the proposed plan's overall spatial strategy.

32. Similar to my findings on the Kirkton Farm sites, I consider that given the impact such an allocation would have upon the proposed plan's spatial strategy, it would be inappropriate for such a decision to be taken at the examination stage. For this reason I do not support the site's allocation at this time. I have not therefore assessed the site's potential suitability for development in any further detail, as regardless of my findings, my conclusion that it would be inappropriate to recommend the allocation of a site of this strategic significance in this location, which would conflict with the spatial strategy, would remain the same. No modification is required.

#### Non-allocated Site – Bensfield Farm (Site Ref 131)

33. This non-allocated site measures 11.3 hectares in area, with a proposed indicative

capacity of 240 housing units. It was identified as a non-preferred site in the Main Issues Report after consideration as an alternative to the preferred option, as part of a new East Stenhousemuir Strategic Growth Area.

34. The site is located outwith the settlement boundary immediately to the east of Stenhousemuir, and is bounded to the north by the A88 Bellsdyke Road, to the west by the housing on Redpath Drive, to the south by the lane leading to Bensfield Farm, and to the east by a field boundary. There is one individual house on the site, to the immediate east of Redpath Drive.

35. At the site inspection I observed that the site is located to the immediate east of the robust green belt boundary provided by the housing on Redpath Drive. At this location the green belt provides the landscape setting to this eastern edge of Stenhousemuir. The landscape here is one of relatively flat agricultural fields bordering the urban area to the west; it is possible to see the industrial infrastructure associated with Grangemouth to the south-east. Roads form key linear features, while vegetation is limited to hedgerows bounding the site and mature trees on the northern boundary of the A88 Bellsdyke Road.

36. Given that the proposed site would extend the existing urban area further to the east, I consider that housing development here would not be sympathetic to the existing landscape setting, one of the purposes of the green belt, and would not fit with the current settlement pattern. Whilst I concur that the landscape is not particularly sensitive here, there are wide sweeping views to the east and south across the fields that would be permanently changed by the introduction of housing in this location. I acknowledge the council's concern that this could also set a precedent for further incremental incursions into the green belt.

37. I also attach weight to the council's strategy of providing a period of consolidation of development in this area. Whilst this site is smaller than some of those considered above, I am nevertheless concerned that by allocating this site, this would serve to undermine the council's strategic approach for the area in the proposed plan. Furthermore, noting my findings in paragraph 3 above in regard to education capacity pressures locally, whilst these may not be insurmountable, where possible it is logical to direct development to where such pressures are currently less acute. This is reflected both by the proposed plan's spatial strategy, and has influenced our decision-making over which additional sites we have recommended should be allocated.

38. Taking all of the above in the round, I do not consider it appropriate to allocate this site at this time, and no modification is required.

#### **Reporter's recommendations:**

1. On page 98, paragraph 5.44, delete "70" from the fifth sentence, so it reads "As well as providing new homes..."
2. On page a11, under MU19 site comments, delete the following text: "The housing capacity of this site is dependent on any residual shortfall (units not developed) from the originally approved 1700 houses for Kinnaird Village. The current understanding of the shortfalls is estimated to be 70 units approx, however this figure could be subject to change."

3. On page 99, Larbert and Stenhousemuir Settlement Statement – Proposals and Opportunities table – insert Hxx Stirling Road.
4. In Appendix 1 (page a07): Proposals and Opportunities Schedule Housing - Larbert and Stenhousemuir. Insert additional site Hxx / 133 / Stirling Road / 4.4 / 60 / Planning permission in principle granted. Education contributions and 25% affordable housing required.
5. On Proposals Map 2, insert new site Hxx at Stirling Road, Larbert.
6. Make any other consequential amendments to reflect the above modifications.

<b>Issue 14</b>	<b>Airth Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements Rural North (pages 100 - 101)</u>  <u>Appendix 1 Proposals and Opportunities Schedule</u>  Housing – Rural North: Airth (page a07)  <u>Proposals Map 3</u>  Rural North – Airth, Dunmore, Letham and South Alloa</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Robert Brown Smith (03037)  Ogilvie Homes Ltd (00614)  George Russell Construction Ltd (00313)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of specific sites for housing in the village of Falkirk, as identified in the Rural North Settlement Statement, and detailed in Appendix 1.</p>	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Allocated Housing Site H49 – Airth Castle South (Site Ref 041)</u></p> <p>Robert Brown Smith (03037/3001/003) - Although Site H49 Airth Castle South is allocated for housing, it is at flood risk from the Pow Burn. A comprehensive flood scheme should be implemented before any development occurs at this site.</p> <p><u>Allocated Housing Site H50 – The Glebe (Site Ref 042)</u></p> <p>Ogilvie Homes Ltd (00614/3007/003) - Site H50 The Glebe should be deleted and replaced with non allocated site Eastfield 1. The Council has failed to provide evidence that H50 is effective, and the site can not be relied upon to deliver actual housing completions during the plan period. The allocation of Eastfield 1 would ensure the delivery of housing completions given it is under the direct control of a housebuilder who has a successful track record of delivering housing in Airth.</p> <p>Robert Brown Smith (03037/3001/002) - Support is given to the limited development of H50 The Glebe but only for low rise bungalow type housing on the higher ground which is above flood risk level.</p> <p><u>Non-allocated Site – Airth Mains Farm (Site Ref 148)</u></p> <p>George Russell Construction Ltd (00313/3003/001) - A site at Airth Mains Farm should be allocated for a visitor centre and enabling bungalow development. The Pineapple and Listed Walled Garden are an undervalued resource, and the visitor centre will provide much needed gateway facilities and employment opportunities. The enabling bungalows will address an area wide shortage for the 55+ age group looking to downsize. A draft site plan and artist’s impression supports the representation.</p>		

Robert Brown Smith (03037/3001/004) - Proposals at Airth Mains Farm for a visitor centre, car park, cafe, retail units and bungalows, which are not included in the plan, are supported. There is a proven demand for bungalows for mature owners which would lessen the impact of more housing on Airth Primary School. The proposal for a visitor centre and services will provide much needed facilities for visitors to Dunmore Pineapple.

Non Allocated Site – Eastfield 1 (Site Ref 150)

Ogilvie Homes Ltd (00614/3007/002) - A site at Eastfield 1 should be allocated for housing. The site is effective and there are no factors which would prevent its development in the short term. The Falkirk Council Local Plan Inquiry Report in 2010 concluded that this site should be allocated for housing (RD163). However, the Council did not accept the Reporter's recommendation. The site was rejected by the Reporter to the LDP1 examination in 2014 on landscape and flood risk grounds. A Flood Risk Assessment (RD164) and Landscape and Visual Appraisal (RD165) support the representation and conclude that there are no adverse landscape impacts and a mitigation strategy can address flood risks concerns.

**Modifications sought by those submitting representations:**

Allocated Housing Site H49 – Airth Castle South (Site Ref 041)

Robert Brown Smith (03037/3001/003) - Amend site comments on Proposal H49 Airth Castle South to indicate that a comprehensive flood scheme should be implemented before any development occurs.

Allocated Housing Site H50 – The Glebe (Site Ref 042)

Ogilvie Homes Ltd (00614/3007/003) - Delete Housing Proposal H50 The Glebe Airth.

Robert Brown Smith (03037/3001/002) - Amend site comments on Proposal H50 The Glebe Airth to allow for low rise bungalow type housing on the higher ground which is above flood risk level.

Non-allocated Site – Airth Mains Farm (Site Ref 148)

George Russell Construction Ltd (00313/3003/001); Robert Brown Smith (03037/3001/004) - Insert additional site at Airth Main Farm as a mixed use proposal for a visitor centre, car park, cafe, retail units and bungalows.

Non-allocated Site – Eastfield 1 (Site Ref 150)

Ogilvie Homes Ltd (00614/PP/3007/002) - Insert additional site at Eastfield 1 as a housing proposal.

**Summary of responses (including reasons) by planning authority:**

Council's Approach to Housing Growth in Airth (Rural North)

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Rural North is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options (CD34).

Rural North housing allocations in LDP1 are focused on the villages of Airth and Torwood. The Proposed Plan carries forward these existing allocations, with the exception of a small site at Graham's Terrace in Airth which is de-allocated. These commitments are expected to deliver 188 units in the period 2020-2030. Airth is the largest village in the Rural North and has been the focus of growth due to its range of village services, including primary school, shops and community facilities. However further development in Airth is not favoured given the scale of proposed housing allocations and education capacity constraints. A strategy of consolidation has therefore been adopted.

In terms of education capacity the most recent roll projections indicate that Airth Primary School, the non-denominational catchment primary school, is projected to be close to capacity over the coming years (CD54 Appendix 1). Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carrongrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations. By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to extend the school, and this presents a major impediment to any further significant housebuilding in the area.

#### Allocated Housing Site H49 – Airth Castle South (Site Ref 041)

Robert Brown Smith (03037/3001/003) - The site lies outwith the 1 in 200 year flood envelopes for fluvial and coastal flooding as shown on the SEPA Flood Maps (CD116). Planning permission in principle was previously granted in 2015 for residential use, with no objection from SEPA, although this consent has now lapsed. SEPA's more recent response on the site's consideration through LDP2 indicated that a flood risk assessment was required to determine the risk from the Pow Burn. It was expected that topographic and site layout information might be sufficient to address any concerns. In a separate representation (00532/3003/001), considered under Issue 25, SEPA has sought the inclusion of wording to indicate that a flood risk assessment is required on the site, and the Council has indicated that it has no objection to this. Therefore it is not expected that a 'comprehensive flood scheme' will be necessary, but that that a flood risk assessment would be required to check whether any mitigation is required.

#### Allocated Housing Site H50 – The Glebe (Site Ref 042)

Ogilvie Homes Ltd (00614/3007/003) - The Council does not consider that Proposal H50 should be deleted from LDP2 and replaced by Eastfield 1. H50 is an existing housing site which has been carried forward from LDP1. It is in the established supply in the Housing Land Audit 2017/18 and considered to be capable of coming forward during the lifetime of LDP2. The site has been subject to site assessment (CD33), and its effectiveness assessed as part of this assessment. Environmental and infrastructure constraints identified may have an impact on the developable area of the site, but these are not expected to affect the overall viability. The site is within the ownership of a party who wish to develop it for housing (General Trustees for the Church of Scotland), and it is in a marketable location. The conclusion is that the site is considered likely to be effective in the period of the plan. Development of the site offers the opportunity to round off the northern edge of the village, and enhance the approach into Airth.

The Council does not consider that the non-allocated Eastfield 1 should be included in LDP2 as a replacement for The Glebe. The reasons for not supporting Eastfield 1 are set

out below under 'Non Allocated Site – Eastfield 1 Airth (Site Ref 150)'.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Robert Brown Smith (03037/3001/002) - The Council does not consider that any further modifications are required to the site comments provided on H50 The Glebe in Appendix 1. The text provided states that the proposed design should be sympathetic to adjacent housing and urban edge location in terms of scale and density and boundary treatments, and the final form of the development should take account of assessment of flood risk. The form of wording in relation to design was recommended by the Reporter in the LDP1 Examination Report (CD13, page 196).

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Airth Mains Farm (Site Ref 148)

George Russell Construction Ltd (00313/3003/001); Robert Brown Smith (03037/3001/004) - The Council does not consider that the Airth Mains Farm site should be allocated for a visitor centre and enabling bungalow development. A larger site than shown in the representation, comprising 50 houses, was originally promoted at the 'call for sites' stage. This larger site was subject to site assessment (CD33) and identified as non-preferred site in the MIR. The representation has reduced the scale of the site, but does include an additional area to the north not previously included in the site assessment. The capacity is not stated, but the layout drawing indicated around 22 units.

A substantially larger housing proposal of 300 units, care facility and visitor centre wrapping around the west of Castle View (H48) was rejected by the Reporter at the LDP1 Examination (CD13, pages 194-196). In addition to landscape and heritage concerns the Reporter concluded that the site was not needed as an additional housing site and might prejudice the delivery of other housing land allocations and disrupt the balance of growth across the LDP area.

The site assessment for the wider site outlines that development is likely to have significant landscape and visual impacts. Whilst the scale of the proposal has been reduced, impacts on the landscape setting of Airth and the Pineapple which is included on the Inventory of Gardens and Designed Landscape may still be significant. The proposed visitor centre would be located between the listed East Lodge to the south, and the Parsonage to the north inevitably impacting upon the character and setting of these two listed buildings. The proposed visitor centre element of the proposal would be set within the Pineapple's curtilage and the Inventory of Gardens and Designated Landscapes. There are only three such inventory sites within the Falkirk Council area and therefore the Council seeks to safeguard against any development which would impact on the character and integrity of these sites. No supporting evidence has been provided to demonstrate that the introduction of new development will not harm the designed landscape.

Access to the site also requires to be further investigated. It is currently shown to be accessed off the B9124 but would require co-ordination with the adjacent committed sites at Castle View (H48) and the Glebe (H50).

Whilst a visitor centre in this locality could be of benefit, there is no evidence of discussion with, or support from, the National Trust for Scotland who own and manage the Pineapple.



Much of the space indicated on the drawing appears to be for retail units, the need for which is questionable in this location. There is also no evidence in the form of a development viability assessment that the level of residential development proposed is needed as enabling development.

The Council's approach to housing in Airth has already been outlined as one of consolidation. Provision has been made for sufficient growth carried forward from LDP1, and the focus should be on delivering these sites. There is no need for further housing in the village. Whilst it is noted that the proposal seeks to address a perceived housing shortage for those age 55 plus, there is no reason why such housing cannot be provided on other allocated sites in the village.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Eastfield 1 Airth (Site Ref 150)

Ogilvie Homes Ltd (00614/3007/002) - The Council does not consider the Eastfield 1 site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and identified as non-preferred site in the MIR (CD22).

This site was considered at the Falkirk Council Local Plan Inquiry Report in 2009 (CD56 page 281-285). Whilst the Reporter concluded that the site should be allocated for housing the Council did not accept the recommendation, and the site remained unallocated within the countryside outwith the village limit of Airth. The site was considered again at the LDP1 Examination in 2015 and was rejected by the Reporter due to landscape impacts and potential flood risk from the nearby Pow Burn (CD13, pages 193-194).

The Council's position has not changed since LDP1. The Council's approach to housing in Airth has already been outlined as one of consolidation. Provision has been made for sufficient growth carried forward from LDP1, and the focus should be on delivering these sites which include Castle View (H48), Airth Castle South (H49), and The Glebe (H50). The largest site at Castle View will provide 108 houses and is currently pending approval subject to the completion of the Section 75 Agreement (P/16/0644/FUL). These proposed sites are considered to be the best options for growth in the village. The Eastfield site would constitute a significant southward extension which would further elongate the village and impact on the maintenance of its existing compact form. Further, it would erode the open landscape setting of the village from the south.

In addition, the site assessment notes that the site is at risk of both fluvial and coastal flooding. The SEPA Flood Map shows that approximately one third of the site is within the 1 in 200 year envelope for fluvial flood risk (CD116). This covers the western part of the site, including much of its frontage with the A905. Development in this area would be contrary to the flood risk framework in SPP (CD1, paragraph 263). A satisfactory layout, avoiding the area at risk, would be difficult to achieve. In their response to the site at the 'call for sites' stage, SEPA confirmed that flood risk assessment would be required to assess flood risk from the Pow Burn, and that the site is likely to be constrained. The representation compares the Eastfield site with the allocated Airth Castle site (H49) in terms of flood risk. However, the Airth Castle site is not within the 1 in 200 year flood envelope.

There are education capacity constraints in the catchment schools of Airth Primary School

and Larbert High School which have been outlined in the background section above. Further growth will put additional pressure on these schools which are not readily capable of expansion.

For these reasons, the Council does not agree to modify the plan in response to this representation

### **Reporter's conclusions:**

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed.

2. When considering the suitability of potential sites for allocation, it is important that we have regard to any constraints to development in the area. At the hearing session for issue 2, the council reiterated the pressures upon some schools. Airth falls within the Larbert High School catchment. This school has particularly acute capacity limitations, and so significant further housing development in this school catchment would add to existing pressures.

3. The council has not presented this as an overriding constraint that would preclude any further development in the Larbert High School catchment, but it is evident that over the longer term, a solution to provide additional appropriate capacity may need to be secured. Development would be required to comply with policy IR03 (Education and new housing development), and therefore it is plausible that even on an allocated site, if appropriate mitigation could not be achieved, development could potentially be resisted. However, it is not expected that this would be the norm and so, in issue 21, a modification to policy IR03 has been recommended to make clear that education capacity would not normally prevent development proceeding, subject to appropriate developer contributions being secured.

4. With all of the above in mind, where potential housing allocations are identified in areas with relatively less acute pressures on services and infrastructure (subject to the site's suitability in all other respects), it seems logical to favour those over sites in areas where there are known pressures or constraints, even if these may be resolvable on a site-specific basis. The spatial strategy in the proposed plan already broadly reflects these issues, and overall it directs new development to areas where the council considers it to be most appropriate, and capable of being accommodated. We see no reason to deviate from the overall thrust of the spatial strategy. In this context we have assessed the suitability of sites for possible allocation in this area.

#### Allocated housing site H49 – Airth Castle South (site ref: 041)

5. The representee seeks a modification to the site comments, to reflect the risk of flooding on the site. In issue 25, we have recommended that additional wording to this effect be included under the site comments for this site, in response to a representation from SEPA. This effectively addresses the same point. To avoid any confusion, I have not included a recommendation under this issue and instead rely on the recommendation under issue 25 which sets out the additional wording for site H49.

Allocated housing site H50 – The Glebe (site ref: 042)

6. It has been asserted by Ogilvie Homes Ltd. that this site allocation should be deleted, and replaced by the Eastfield 1 site (ref: 150). As already outlined above, in issue 2 we have concluded that the allocation of additional appropriate sites is justified in order to meet the revised housing land requirement. In this context, I do not consider that the case for allocating the Eastfield 1 site is weakened by site H50 (or indeed H48 and H49) also being allocated, given their relatively modest size. My conclusions on whether site 150 should be allocated are set out below.

7. Notwithstanding this, I note that in promoting site 150, the representee has asserted that site H50 should not be considered to be effective, due to the lack of evidence of effectiveness, and because no development has taken place despite the site being first referred to in the 2002 housing land audit.

8. I do not consider that this passage of time alone demonstrates that the site is unlikely to come forward during the LDP2 plan period. Conversely also, the representee has not provided any other evidence to demonstrate why site H50 should not be considered to be effective. The council has confirmed the landowner is supportive of development, and having reviewed the council's site assessment, there do not appear to be any constraints to development that could not reasonably be expected to be overcome or mitigated. For these reasons, I am satisfied that the allocation of site H50 is appropriate.

9. A representee has indicated that development should comprise of bungalows, avoiding areas of flood risk. The site comments already identify that flood risk must be taken into account by the final form of development. It also recognises that the design of development must be sympathetic to adjacent housing and the urban edge. This provides flexibility over the final design whilst recognising what are likely to be important considerations at the development management stage. I do not consider that restricting development only to bungalows would be warranted at this stage; depending on the final layout, bungalows may not be the most appropriate form of development for the site.

Non-allocated site – Airth Mains Farm (site ref: 148)

10. The allocation being sought would be for a visitor centre and 'enabling' bungalow development. This site would represent a significant expansion of Airth into open countryside.

11. Much of the site falls within an area of land identified on the Inventory of Gardens and Designed Landscapes, surrounding the Dunmore Pineapple. The representee has proposed that a visitor centre could be developed, associated with the Pineapple, to promote the asset as an attraction.

12. I find it significant however that there is no evidence that the National Trust for Scotland (the owners of the Pineapple) have had involvement in the visitor centre concept. Furthermore, there has been no meaningful assessment of the effects of the development on the character and setting of the site, and there is no clarity over how, or if, a visitor centre would be beneficial to the protection and management of the site.

13. Whilst the village limit does not extend as far north as the B9124, this road provides a logical physical limit. Development of this site would elongate the village, and the loss of this open agricultural land would be detrimental to the landscape setting of Airth. It may be

possible for such impacts to be reduced or mitigated to some extent, depending on the precise siting of any buildings and car parking. I agree with the council however that the setting of the listed East Lodge and the Parsonage would inevitably be affected.

14. However, given there is no clear policy basis or other evidence which would indicate that a visitor centre would be desirable or appropriate in this location, and given the uncertainties over how this would relate to the Pineapple (both physically and in terms of its management), I find no basis upon which I could recommend its allocation.

15. The submission indicates that the 'enabling' residential component would be located to the south of the B9124, immediately to the west of allocated site H48. This part of the site presents less challenges in relation to the historic environment but would also encroach into open countryside beyond a defensible boundary, provided by the private road that forms the village limit. Given the limited number of homes that the site would provide, I find its contribution to the housing supply would not outweigh the landscape harm. No modifications to the plan are required in response to the representations relating to this site.

Non-allocated site – Eastfield 1 Airth (site ref: 150)

16. As already referred to above, in having regard to our conclusions in issue 2, I recognise that there is justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period.

17. This site has been considered during previous development plan examinations. In assessing the site's suitability in terms of landscape and visual effects and settlement character, I have had regard to the findings of the previous reporters, the landscape and visual appraisal prepared in support of the allocation (which I note also considers a much larger area of land to the east), and my own observations during my site inspection.

18. I find the site would relate well to existing development on Kennedy Way, as well as site H49 immediately to the west on the opposite side of the A905. Given the position of site H49, I do not consider the development of this site would be perceived as elongating the village any further.

19. The proposed site would effectively fill the gap between Kennedy Way, the minor road along its southern boundary, and the golf driving range beyond. In my view, there is the potential to provide some visual enhancement to the approach to the village. Currently, the rear curtilage boundaries of properties on Kennedy Way form the southern village limit on the east side of the A905, so there is considerable scope for the development to provide a more attractive boundary with the surrounding countryside.

20. Approximately one third of the site is at 1 in 200 year risk of fluvial flooding from Pow Burn. I have reviewed the flood risk assessment which has been prepared and submitted in support of the site's allocation. However, I do not find this provides sufficient confidence that a satisfactory mitigation strategy can be provided and there is a great deal of uncertainty over how this flood risk could be managed effectively, or how the area at risk could reasonably be avoided. The flood risk affects much of the site adjacent to the A905 and minor road. From a design perspective, in order to form an attractive entrance to the village, I consider it would be difficult to provide a satisfactory development which also positioned all buildings outwith the areas at risk of flooding. The representee has asserted that allocated site H49 is subject to the same level of flood risk, but the SEPA flood map

(CD116) indicates that this is not the case, with only the extreme southeast corner of H49 being identified as at risk of flooding.

21. Scottish Planning Policy, at paragraph 255, promotes a precautionary approach and flood avoidance, by locating development away from areas at risk of flooding. In the context that there are other sites which are not at risk of flooding and which we are recommending should be allocated in response to our findings in issue 2, sufficient housing land has been identified to meet the revised housing land requirement. Consequently, there is no compelling reason to release this site for development, and whilst there are positive aspects of a potential development on this site, these do not outweigh the clear presumption against locating residential development within areas at risk of flooding, where possible. No modification to the plan is required.

**Reporter’s recommendations:**

None.

<b>Issue 15</b>	<b>Other Rural North Housing Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u> Rural North (pages 100 - 101)</p> <p><u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Housing – Rural North - Torwood (page a08)</p> <p><u>Proposals Map 1</u> <u>Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood</u></p> <p><u>Proposals Map 3</u> Rural North – Airth, Dunmore, Letham and South Alloa</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Malcolm Whitecross Ltd (02918) Jeanette Sutherland (02863) Emandel Properties (02957) Robert Alistair Young (02192) Partners of the Dalgrain Farming Partnership (01083) Mactaggart and Mickel Ltd (00011) Roy Mitchell Design Ltd (00193) Paul Edney (02962)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The allocation of specific sites for housing in Torwood, South Alloa, Dunmore and Skinflats, as identified in the Rural North Settlement Statement, and detailed in Appendix 1.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-allocated Site – Ferry Road South Alloa (Site Ref 215)</u></p> <p>Malcolm Whitecross Ltd (02918/3003/001) - The former Thermalite site at Ferry Road in South Alloa should be allocated as a housing proposal and be included within the village limit of South Alloa. The site is considered to be effective. It extends to 15 acres and could accommodate approximately 70 units. The site has been considered previously through LDP1 and previous stages in the preparation of LDP2.</p> <p><u>Non-allocated Site – Dunmore South (Site Ref 208)</u></p> <p>Jeanette Sutherland (02863/3002/001) - A site to the south of Dunmore should be allocated as a housing proposal for 29 elderly amenity residential bungalows. The site is currently rough grazing land and is considered effective and suitable for housing. It would create a logical extension and rounding off of the village of Dunmore with the establishment of a defensible eastern boundary. A Preliminary Site Report of existing site conditions, constraints and services, a Landscape Strategy, an Indicative Housing Layout and a Transportation Statement are submitted in support of the representation (RD170-173). These studies conclude that subject to the implementation of mitigation and a landscape strategy the site has the capacity to accommodate residential development.</p>		

Non-allocated Site – Newton Avenue North, Skinflats (Site Ref 153)

Emandel Properties (02957/3001/001) - A site at Newton Avenue (North) Skinflats should be allocated for housing.

Partners of the Dalgrain Farming Partnership (01083/3001/001) - A site at Newton Avenue (North), Skinflats should be allocated for housing or included in the settlement boundary. The site extends to 4.12 hectares and is proposed for 120 houses, 30 of which would be affordable. Skinflats is in need of new housing to regenerate the village and support local services including the primary school. The MIR identified Skinflats as an additional preferred location for new housing, with Skinflats South (Site Ref 165) being identified as the preferred option. Newton Avenue North is marketable, and there is interest from a housebuilder. It can be satisfactorily accessed. The Council's assertion that the site is subject to flood risk is contested as the site is not shown to be at risk of coastal or river flooding on the SEPA flood maps. The settlement strategy for Rural North is criticised, with a reliance on the existing land supply in just two settlements, which have deliverability problems. The allocation of the site would help the Council meet its housing requirement and complies with SPP.

Non-allocated Site – Letham East (Site Ref 155)

Robert Alistair Young (02192/3004/001) - A site to the east of Letham Cottages, Letham should be allocated for housing. The site is 2 hectares in size and is not prime agricultural quality. The site is within a marketable area and is considered suitable and effective for residential development.

Non-allocated Site – Castle Crescent, Torwood (Site Ref 154)

Robert Alistair Young (02192/3004/002) - A site at Castle Crescent Torwood should be allocated for housing. The site is 3.5 hectares and Class 2 prime agricultural land. It is promoted for 40-60 units. The site is within a marketable area and is considered suitable and effective for residential development.

Non-allocated Site – Blairs Farm, Torwood (Site Ref 152)

Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001) - A site at Blairs Farm, Torwood should be allocated for mixed use. A Vision Document supports both representations describing the proposal and outlining the following reasons why Blairs Farm should be allocated in the plan:

- The site extends to 10.8 hectares and the proposal includes 50 homes, a hotel and restaurant, a garden centre, a parade of shops, structural planting and public open space. A concept masterplan illustrates the proposal.
- It provides the opportunity to create a village centre for Torwood and address the shortfall in community facilities.
- The site is available, suitable and sustainable.
- It is a logical extension of Torwood to the east of the A9 and creates the opportunity for traffic calming on the A9.
- The site has been promoted through Call for Sites and Main Issues Report.

<p><u>Non-allocated Site – Kersie Terrace, South Alloa (Site Ref 225)</u></p> <p>Paul Edney (02962/3001/001) - A site on the west side of Kersie Terrace in South Alloa should be allocated as a housing proposal. The site would provide financial support towards the restoration of Kersie Mains House which is Grade B listed and is in a dilapidated condition. It would seem a logical expansion of the settlement and all services are immediately adjacent.</p>
<p><b>Modifications sought by those submitting representations:</b></p>
<p><u>Non-allocated Site – Ferry Road South Alloa (Site Ref 215)</u></p> <p>Malcolm Whitecross Ltd (02918/3003/001) - Insert additional site at South Alloa as a housing proposal and amend the village limit accordingly.</p> <p><u>Non-allocated Site – Dunmore South (Site Ref 208)</u></p> <p>Jeanette Sutherland (02863/3002/001) - Insert additional site at the south of Dunmore as a housing proposal.</p> <p><u>Non-allocated Site – Newton Avenue North, Skinflats (Site Ref 153)</u></p> <p>Emandel Properties (02957/3001/001); Partners of the Dalgrain Farming Partnership (01083/3001/001) - Insert additional site at Newton Avenue (North), Skinflats as a housing proposal.</p> <p><u>Non-allocated Site – Letham East (Site Ref 155)</u></p> <p>Robert Alistair Young (02192/3004/001) - Insert additional site to the east of Letham Cottages, Letham as a housing proposal.</p> <p><u>Non-allocated Site – Castle Crescent, Torwood (Site Ref 154)</u></p> <p>Robert Alistair Young (02192/3004/002) - Insert additional site at Castle Crescent, Torwood as a housing proposal.</p> <p><u>Non-allocated Site – Blairs Farm, Torwood (Site Ref 152)</u></p> <p>Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001) - Insert additional site at Blairs Farm Torwood as a mixed use proposal.</p> <p><u>Non-allocated Site – Kersie Terrace, South Alloa (Site Ref 225)</u></p> <p>Paul Edney (02962/3001/001) - Insert additional site at Kersie Terrace South Alloa as a housing proposal.</p>
<p><b>Summary of responses (including reasons) by planning authority:</b></p>
<p><u>Council’s Approach to Housing Growth in Rural North</u></p> <p>As background to the Council’s response on this issue, the general approach to the allocation of housing sites in Rural North is outlined in Appendix 5 of Technical Paper 3</p>



(Revised) - Housing and Settlement Growth Options (CD34).

Rural North housing allocations in LDP1 focused on the villages of Airth and Torwood. The Proposed Plan carries forward the existing allocations at Airth and Torwood with the exception of a small site at Graham's Terrace in Airth which is de-allocated. These commitments are expected to deliver 188 units in the period 2020-2030. Airth is the largest village in the Rural North and has been the focus of growth due to its range of village services, including primary school, shops and community facilities. The other villages which are the focus for this issue generally lack services and are therefore not favoured for further growth.

The Rural North villages feed into Larbert High School which has severe capacity issues. Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carrongrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations as highlighted in the Background Education Paper (CD54 page 4). By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to extend the school, and this presents a major impediment to any further significant housebuilding in the area.

#### Non-allocated Site – Ferry Road, South Alloa (Site Ref 215)

Malcolm Whitecross Ltd (02918/3003/001) - The Council does not consider the Ferry Road site to be an appropriate housing allocation, or that the Village Limit should be amended to include the entire site. The site was subject to site assessment (CD33) and identified as a non-preferred site in the MIR (CD22). The site was previously considered at the LDP1 Examination in 2015. The Reporter was unable to conclude that the site was a realistic probability during the LDP period due to several significant constraints (CD13, page 207).

The proposed site is of mixed character comprising a vacant brownfield area to the north and a greenfield area to the south. The brownfield area is currently contained within the village limit of South Alloa in LDP1 and remains unchanged in the Proposed Plan. There is no specific land use designation in the Proposed Plan, but inclusion within the Village Limit allows for the rehabilitation of the brownfield area and future uses to be considered subject to detailed policy considerations. Allocation of the greenfield part of the site, or expansion of the Village Limit to encompass the greenfield area is not considered to be justified. It is noted that the representation does not contain any supporting evidence as to why the greenfield area should be included. South Alloa is a small village with limited services, and residential growth of the scale proposed would not be sustainable, or consistent with the strategy of consolidation proposed for the Rural North villages.

The site has significant constraints. Most of it is within the 1 in 200 coastal and fluvial flood risk envelope as shown on the SEPA Flood Map 2018 and so is subject to significant risk of flooding (CD117). Whilst the representation acknowledges this, no detailed supporting assessment has been provided on how this will be overcome. In addition, the nearest sewer connection is some 300 metres away from the site, entailing significant off site costs. Education capacity constraints exist at Airth Primary School and Larbert High School.

There are also ecological concerns, as the site is also within close proximity to the Firth of Forth Special Protection Area (SPA) so there is potential for significant effects on SPA qualifying interests. Again no detailed ecology assessment has been provided.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Dunmore South (Site Ref 208)

Jeanette Sutherland (02863/3002/001) - The Council does not consider the Dunmore South site to be an appropriate housing allocation. The site was subject to site assessment (CD33). It was promoted in response to the MIR, and has not been considered through previous development plans.

The representation relates to a greenfield site which is located at the south west corner of the village of Dunmore. The entire village envelope is designated as a Conservation Area. The core of the village is characterised by category B Listed stone cottages surrounding a village green. The potential for significant impact on this model village is highlighted in the Site Assessment. No supporting heritage information has been provided on this aspect of the proposal. The indicative housing layout (RD169) submitted shows a dense urban style of development comprising detached properties which is not complementary in character to the conservation area.

The proposal relates to a flat agricultural field on the carseland, so inevitably given the exposed nature of the site there will be substantial landscape impacts and impact on the setting of the conservation area from the eastern approach on the A905. There is also likely to be potential impact on the Tree Preservation Order (TPO) on the northern corner of the site.

In terms of flooding, part of the site is within the 1 in 200 year coastal flood risk envelope and so is subject to risk of flooding (CD118). The representation does not include a detailed flood risk assessment and therefore mitigation proposals have not been identified at this stage. Furthermore, Dunmore is not served by a sewer network.

Education capacity issues have already been outlined above in the section on Council's Approach to Housing Growth in Rural North. In addition to the significant constraints already outlined, Dunmore has limited services so is not considered appropriate for housing expansion of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Newton Avenue North, Skinflats (Site Ref 153)

Emandel Properties (02957/3001/001); Partners of the Dalgrain Farming Partnership (01083/3001/001) - The Council does not consider the Newton Avenue North site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and identified as non-preferred site in the MIR (CD22). The site has been considered and rejected at the Falkirk Council Local Plan Inquiry in 2010 (CD56, pages 303-305) and the LDP1 Examination in 2015 (CD13, pages 206-207).

At the MIR stage of the plan, the Council considered that housing growth in Skinflats could be beneficial in terms of sustaining village services (CD22). Two sites were suggested through the 'call for sites' process including this site at Newton Avenue North (Site Ref 150) and a site at Newton Park South (Site Ref 165). The Council's preferred option in the MIR was Newton Avenue South. At the time of preparation of the MIR, the most up to date

coastal flooding information available indicated that flood risk was not an issue, and that expansion of the village to the south or east was possible.

However, according to updated flooding information gathered to inform the Grangemouth Flood Protection Scheme, the 1 in 200 year coastal flooding envelope now encroaches to the edge of the village, and consequently the Council considers that growth is constrained and no housing allocations have been made. The 1 in 200 year flood envelope covers approximately 50% of the Newton Avenue North site and includes the Newton Avenue road frontage (CD119). This is a significant constraint and allocating a housing development on the floodplain of the Forth Estuary is not considered appropriate.

Whilst flood risk is the overriding reason for not allocating Newton Avenue North, vehicular access to the site is a concern. The site is currently constrained by the narrow access road which is exacerbated by on-street parking and would need to be widened to support the level of development proposed.

In terms of school capacity, Skinflats is not subject to the same constraints as the other Rural North villages in that it lies within the catchment of Grangemouth High School, which has spare capacity. Until very recently, the village had its own primary school (Bothkennar Primary School), but this has recently been closed and mothballed due to the extremely low roll, and children from the village now attend Beancross Primary School in Grangemouth. At this stage, further housing growth in the village is unlikely to be sufficient to justify the re-opening of the school.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Letham East (Site Ref 155)

Robert Alistair Young (02192/3004/002) - The Council does not consider the Letham East site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and identified as non-preferred site in the MIR (CD22). The site has been considered and rejected at the Falkirk Council Local Plan Inquiry in 2010 (CD56 page 296-298) and the LDP1 Examination in 2015 (CD13, pages 205-206).

The site is on the east side of Letham Cottages outwith the Village Limit and relates to flat agricultural land which is part of a much larger area. It is bounded by a hedgerow and some mature trees to the south, and Letham Cottages road on its western boundary. The northern and eastern site boundaries are not contained.

Letham is a designated Conservation Village which comprises two separate areas, Letham Terraces and Letham Cottages. It has a strong established pattern of development, so the Council considers that any development on the east side of the village would significantly impact on the character and setting of the conservation village. The representation does not include any supporting evidence demonstrating how the impact on Letham Conservation Area can be minimised.

There are landscape sensitivities in this location. The site is within an open carse land setting with an open aspect, and there are no topographical features which help absorb the development into the landscape. Historically Letham has developed on the west side of the main road, so the proposed site would extend the village footprint across the road and inevitably impact on the landscape setting of the conservation village.

The Council has considered the options for expanding the village previously, however was unable to find a satisfactory site that was sympathetic to the existing form of the conservation village. The Examination Reporter in 2015 concluded that the particular character of Letham Conservation Area creates significant difficulty in finding sites where development would not have a negative impact on its special value and amenity (CD13, page 205, paragraph 11).

Whilst impact on the conservation area is the primary reason for not allocating further development in Letham, there are other considerations. There are education capacity issues which have already been outlined above in the section on Council's Approach to Housing Growth in Rural North. In addition there are limited facilities in the village to support further development, and development could potentially breach the capacity of Letham pumping station so may need to be upgraded.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Castle Crescent, Torwood (Site Ref 154)

Robert Alistair Young (02192/3004/002) - The Council does not consider the Castle Crescent site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and identified as non-preferred site in the MIR (CD22).

The Council considers that Torwood is not a suitable location for significant growth in the Rural North area. Two housing sites have been carried forward from LDP1 at the former Torwood School (H51) and McLaren Park (H52) as they are still likely to be active in the period 2020-30, but no further allocations are considered appropriate. The village has severe limitations in terms of local facilities and poor accessibility to other services. Sewerage infrastructure capacity is also constrained. A growth project will be progressed by Scottish Water to accommodate the existing LDP1 sites carried forward into the Proposed Plan; however there will be very limited flexibility for any additional sites. It is likely that a further growth project would be required to accommodate any new housing sites.

The Castle Crescent site contains two parcels of land with a narrow link between them and is contained by existing woodland. There are likely to be ecological sensitivities as the site forms an integral part of a habitat corridor running around the fringes of Torwood. At the very least a substantial habitat buffer would be required between any development and the adjacent woodland to ensure that a robust habitat corridor is retained.

Access is suggested from Castle Crescent or Glen Road. The site does not connect to Glen Road, and so any access would require substantial third party land. The suitability of the existing junction of Castle Crescent with the A9 would require assessment. Only a narrow neck of land connects the northern and southern parts of the site, and it is not clear whether there is sufficient room within the site to form a connection between the two. There is no supporting transport assessment with this representation. There are also education capacity issues which have already been outlined above in the section on Council's Approach to Housing Growth in Rural North.

In landscape terms the site is contained by woodland, which forms part of the wider woodland setting of Torwood. The Council is concerned that this woodland character could be eroded by the proposed development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Blairs Farm, Torwood (Site Ref 152)

Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001) - The Council does not consider the Blairs Farm site to be an appropriate housing allocation. The site was subject to site assessment (CD33) and identified as a non-preferred site in the MIR (CD22). The site boundary has been slightly amended in the representation, to include an expanded northern boundary and exclude an area of woodland on its eastern side. The site has been considered and rejected at the LDP1 Examination in 2015 (CD13, pages 208-210). Amongst other considerations, the Reporter concluded that the proposal would effectively double the size of Torwood, and would therefore be out of scale with the prevailing village character and pattern.

The Council considers that Torwood is not a suitable location for significant growth in the Rural North area. Two housing sites have been carried forward from LDP1 at the former Torwood School (H51) and McLaren Park (H52) as they are still likely to be active in the period 2020-30, but no further allocations are considered appropriate. The village has limitations in terms of local facilities and poor accessibility to other services. Education capacity is constrained and has already been outlined above in the section on Council's Approach to Housing Growth in Rural North.

Sewerage infrastructure capacity is constrained in Torwood. A growth project will be progressed by Scottish Water to accommodate the existing LDP1 sites carried forward into the Proposed Plan; however there will be very limited flexibility for any additional sites. It is likely that a further growth project would be required to accommodate any new housing sites.

The proposed site is not a natural extension to Torwood as it is bisected by the busy A9 trunk road. In landscape terms the proposed site is predominantly flat grazing land so visually the development would have a major landscape impact from the west. The majority of the site is prime agricultural land. Further, the site is in close proximity to Wallace bank Wood which is a designated wildlife site, so there is potential for development to impact upon the broadleaved habitat network and to have an adverse impact on legally protected species.

The site would be accessed from a new junction onto the A9. Designing an access with appropriate levels of road safety may prove to be challenging. A Transport Assessment would be required to investigate the impact of this development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non-allocated Site – Kersie Terrace, South Alloa (Site Ref 225)

Paul Edney (02962/3001/001) - The Council does not consider the Kersie Terrace site to be an appropriate housing allocation. The site was promoted in response to the Proposed Plan; it was not previously suggested through either the 'call for sites' process or the MIR.

The site is outwith the village boundary of South Alloa and relates to flat agricultural land which is part of a larger field. It is bounded by hedges and some small trees on its north

south and east boundaries, however its west boundary is undefined. Kersie Mains Farm house itself is a category B listed building.

There is no supporting evidence or development viability assessment to support this proposed enabling housing allocation. In such cases of enabling development usually there would be a requirement for the applicant to demonstrate that the restoration project (Kersie Mains Farm House) would not be financially viable without the enabling development. There would be an expectation that all other potential sources of subsidy have been explored and evidence provided that the property has been subject to appropriate marketing.

In this particular case, it is noted that the listed farmhouse is included within the application boundary of a recent approved planning consent at Kersie Mains Farm for the Redevelopment of Farm Steading to form 6 Dwelling houses P/17/0252/FUL (CD120). Whilst the application does not seek any alterations or development as part of the proposals to Kersie Mains Farm, the applicant has indicated that any profits from the redevelopment of the steading would be directed to the refurbishment of the farmhouse. The indicative cost for the project is stated in the Design and Access Statement as being in the region of £200,000 (CD121, page 2). There is no evidence provided to indicate that this is no longer a viable solution to safeguard the future of the listed building.

Irrespective of the issues around enabling development there are significant concerns with the proposed site itself. The site does not fall within the 1 in 200 year coastal flooding envelope, as defined on the SEPA Flood Maps. However, given the site's proximity to the River Forth, a flood risk assessment will be required. Furthermore, the proposed site is within 150m of the Firth of Forth Special Protection Area (SPA), so an assessment of the potential impacts would be required. The proposed site is not contained on its western boundary, so there are concerns that there could be further encroachment into the countryside.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

1. In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. At the hearing session for issue 2, the capacity of different areas and settlements to potentially accommodate additional development was discussed.

2. When considering the suitability of potential sites for allocation, it is important that we have regard to any constraints to development in the area. At the hearing session for issue 2, the council reiterated the pressures upon some schools. Larbert High School has particularly acute capacity limitations, and so significant further housing development in this school catchment (which includes the majority of the Rural North) would add to existing pressures. The council has not presented this as an overriding constraint that would preclude any further development in the Larbert High School catchment, but it is evident that over the longer term, a solution to provide additional appropriate capacity may need to be secured. Development would be required to comply with policy IR03 (Education and new housing development), and therefore it is plausible that even on an allocated site, if appropriate mitigation could not be achieved, development could potentially be resisted. However, it is not expected that this would be the norm and so, in issue 21, a modification

to policy IR03 has been recommended to make clear that education capacity would not normally prevent development proceeding, subject to appropriate developer contributions being secured.

3. With all of the above in mind, where potential housing allocations are identified in areas with relatively less acute pressures on services and infrastructure (subject to the site's suitability in all other respects), it seems logical to favour those over sites in areas where there are known pressures or constraints, even if these may be resolvable on a site-specific basis. The spatial strategy in the proposed plan already broadly reflects these issues, and overall it directs new development to areas where the council considers it to be most appropriate, and capable of being accommodated. We see no reason to deviate from the overall thrust of the spatial strategy. In terms of the Rural North, the rural nature of this area would in all likelihood limit what may be an appropriate scale of new development, and therefore constraints on education capacity, for example, are unlikely to be insurmountable. In this context we have assessed the suitability of sites for possible allocation in this area.

Non-allocated site – Ferry Road, South Alloa (site ref: 215)

4. The previously developed part of this site is included within South Alloa's village limit. In principle therefore, this provides some considerable opportunity for detailed proposals to be brought forward, without necessarily being constrained to residential uses.

5. The representation seeks an allocation of both the brownfield land referred to above, together with agricultural greenfield land immediately to the south. The brownfield land is relatively extensive in area, when seen in the context of the limited and somewhat disjointed development in South Alloa. The redevelopment of the brownfield land, without any additional land, would therefore represent a significant expansion of the village.

6. I can appreciate why the brownfield land has been included within the village limits, given the benefits which could arise from appropriate remediation and redevelopment. These same benefits do not apply to the greenfield land however, and in the absence of any clear justification for why additional land should be included in the village limit (and also allocated), there would be no clear basis for me to recommend such a modification.

7. Despite the benefits that would come from the redevelopment of the brownfield land within the village limits, there are numerous challenges and constraints to be addressed by any future proposal, with flood risk being a particular concern. I consider the proposed plan takes a pragmatic and appropriate approach by including the site within the village limits, but not allocating it for a particular use. In my view this should maximise the prospects of a suitable development proposal being able to be brought forward, providing increased flexibility over potential uses and greater scope to respond to and/or mitigate the site's constraints. No modifications to the plan are recommended on this basis.

Non-allocated site – Dunmore South (site ref: 208)

8. Dunmore was a model village. There has been limited later development but the village retains a distinctive character and this is reflected by the entire village being a designated conservation area. Most of the buildings in the original core of the village are also category B listed.

9. Having regard to the indicative layout and landscape strategy submitted by the site's

promoter, I consider that the land being promoted for allocation would significantly alter the important character of the village and its setting, and would approximately double the size of the village. Any development would require a particularly sensitive approach, and the submissions fail to demonstrate how this site could be developed without adversely affecting the special interest of the conservation area.

10. The site falls within the 1 in 200 year coastal flood risk zone and options for mitigating this risk have not been adequately assessed by the submitted preliminary site report. I consider flood risk to potentially be a significant constraint to the site's development. I also note that there is no sewer network in Dunmore.

11. For the above reasons I do not consider this site should be allocated and no modifications are required.

Non-allocated site – Newton Avenue North, Skinflats (site ref: 153)

12. There are no significant infrastructure constraints to development in Skinflats, including education capacity, and the village offers good accessibility to Falkirk and Grangemouth. Whilst I note the primary school in the village has recently been mothballed and the shop is currently closed and available to let, additional housing would bolster the prospects of these being reinstated in the future. The indicative capacity of 120 homes on this site would be a significant extension to Skinflats, but I do not consider this scale of development would overwhelm the established community, nor would it be detrimental to the character of the settlement.

13. The site in question relates well to existing development, and would provide a logical extension to the settlement, bound by existing properties on Zetland Place and Newton Avenue. Whilst this is a greenfield site in agricultural use, I do not consider development on the site would give rise to any significant landscape impacts, seen in the context of the wider village.

14. Vehicular and pedestrian access to the site could be taken from both Newton Avenue and Zetland Place, which provides flexibility in options for access, site layout and permeability. I note that in the representation, an indicative layout has been provided which proposes a single access point from Newton Avenue. Ultimately, this would be a matter which could be considered further at the detailed planning stage. Whilst the council has stated that access to the site is 'a concern', during my site inspection I noted that whilst there is on-street parking on Newton Avenue, there is sufficient road width and ample visibility to accommodate additional vehicular movements with some relatively straightforward improvements. The junction between Newton Avenue and the A905 also appeared to be satisfactory.

15. The main constraint to the site's development referred to by the council is flood risk. The council has had regard to flood modelling which was undertaken in relation to the Grangemouth Flood Protection Scheme. This suggests that the nature and extent of flood risk on the Newton Avenue North site would be significantly greater than indicated by the SEPA flood map.

16. I sought clarification from the council and SEPA on the reasons for these differences, and to ascertain which of the two flood maps should be relied upon. The council and SEPA are in agreement that the updated map provided by the council should be used, and I find no reason to deviate from that advice. SEPA has indicated that it is likely that its own



flood maps will be updated accordingly in due course.

17. The flood map provided by the council (CD119) indicates that over half of the site is within an area subject to a 1 in 200 year coastal flood risk. Scottish Planning Policy, at paragraph 255, promotes a precautionary approach and flood avoidance, by locating development away from areas at risk of flooding. In this context, I consider the council's decision to not allocate this site is justified.

18. The representee has outlined possible mitigation measures, including bunding, land-raising and raised finished floor levels. I do however have concerns regarding the potential visual impact of such measures, given the site's position on flat carseland. Of greater concern is that even if mitigation was successful in preventing new development from flooding, there is the potential for the entirety of Skinflats becoming inaccessible during a severe flood event.

19. In the context that there are other sites which are not at risk of flooding and which we are recommending should be allocated in response to our findings in issue 2, sufficient housing land has been identified to meet the revised housing land requirement. Consequently, there is no compelling reason to release this site for development, and whilst there are a number of positive aspects of a potential development on this site, these do not outweigh the clear presumption against locating residential development within areas at risk of flooding, where possible. No modification to the plan is required.

Non-allocated site – Letham East (site ref: 155)

20. As noted by the council, the representation made in support of this site's inclusion does not assess the effect of development upon the landscape or Letham Conservation Area. The site would be in close proximity to Letham Cottages, but positioned on the opposite side of the road in open carseland. I do not consider the site would be capable of providing a natural extension to the village. For a site of this size and in this position to be supported, I consider there would need to be a clear rationale in landscape and historic environment terms for a particular design approach to be followed. In the absence of any such justification, I do not consider the site's allocation would be appropriate and I am concerned that its development would be detrimental to the special interest of the conservation area. No modification is required.

Non-allocated site – Castle Crescent, Torwood (site ref: 154)

21. The site is suggested for allocation for residential development at a relatively low density of between 11 and 17 dwellings per hectare. It has not been explained in the representation why such low density development is suggested. I can however see that in terms of access, the ability to maintain habitat corridors, and reflective of the generally low density of development already established in Torwood, a lower density may be more favourable. Ultimately, site capacities in the plan are only indicative and so if allocated, an appropriate density could be agreed at the detailed planning stage.

22. The council has pointed to the lack of local facilities and poor accessibility to services. An additional 40 to 60 homes would be unlikely to facilitate the establishment of any additional local facilities, and I consider that residents of development in this location would be heavily reliant on the use of a private car. I consider the bus services available on the A9 would provide limited mitigation. The core cycling and walking paths to the south would provide residents with a recreational opportunity, but in my view it would not provide a

reasonable opportunity for year-round active travel. Whilst Larbert is within reasonable cycling distance, there is no cycle path and the A9 Stirling Road would be unlikely to be perceived as a safe or attractive route for cycling.

23. Whilst the representation suggests access could be taken from Glen Road, it is unclear how this connection could be made. Castle Crescent is a quiet cul-de-sac, serving a small number of properties. There is not sufficient evidence before me in regard to the suitability of Castle Crescent to provide an adequate single access point for a development of the size proposed. I am also concerned that the intensification of its use would present a road safety risk for existing residents.

24. I have had regard to the sewerage infrastructure and education capacity constraints raised by the council, but do not find these to be insurmountable constraints to development.

25. Whilst in landscape terms I am satisfied that development could be accommodated on the site, for the various reasons outlined above, I do not support the site's allocation.

Non-allocated site – Blairs Farm, Torwood (site ref: 152)

26. The site is being promoted for allocation for a mixed-use development, comprising of approximately 50 dwellings, local retail/commercial space and open space. A 'vision document' has been submitted in support.

27. Torwood's lack of facilities and relatively poor accessibility would, to some extent, be potentially capable of being addressed by the development of this site. Commercial space would have the potential to provide local facilities which are currently entirely absent from Torwood, although the uptake of speculative units of this nature would be uncertain. Even with the additional residential development being proposed, Torwood would remain of a modest size and I have some doubts over whether the population would be sufficient to sustain businesses aimed at serving the local community.

28. A development of the scale indicated in the vision document would fundamentally alter the character of Torwood. In landscape terms, I consider the south-western half of the site would relate relatively well to existing development, with woodland along the south-east boundary being capable of providing a natural and defensible village limit. The north-east part of the site is significantly more visible in wider views, and would appear as a relatively significant expansion into open countryside. I consider this part of the site would appear to poorly relate to Torwood, even if other parts of the proposed site were developed first.

29. Whilst the east side of the A9 is currently almost entirely undeveloped, I see no reason in principle why some development on the east side could not be contemplated, in landscape terms. Careful consideration would however need to be given to how traffic could be managed, so it would not present a barrier or safety risk to pedestrian movements.

30. I have noted the council's concerns regarding impacts upon the designated wildlife site at Wallacebank Wood. The northern part of the site does extend towards this area but I have no other evidence on this matter upon which I could base my assessment.

31. I have had regard to the sewerage infrastructure and education capacity constraints

raised by the council, but do not find these to be insurmountable constraints to development. All told however, I consider this site would represent a significant extension into open countryside, which would give rise to unacceptable adverse landscape effects. Whilst the site may offer some potential to provide facilities to serve the community, this is unlikely to be sufficient to meaningfully reduce the reliance on the private car in this location. I do not consider a modification to the plan is warranted.

Non-allocated site – Kersie Terrace, South Alloa (site ref: 225)

32. This site was put forward at a late stage of the plan’s production. As such, although the council has undertaken a structured environmental assessment, there is no evidence of public engagement in regard to the site, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. For this reason I do not consider the site’s inclusion can be justified. I have not therefore carried out as detailed assessment of the site’s potential suitability for development.

**Reporter’s recommendations:**

None.

<b>Issue 16</b>	<b>Grangemouth Investment Zone</b>	
<b>Development plan reference:</b>	<p><u>Chapter 3 Spatial Strategy</u>                  Business (pages 20 - 21)                  Infrastructure (pages 24 - 25)  <u>Chapter 4 Policies</u>                  Jobs and Economy                  Business Policy JE06 (Major Hazards)  <u>Chapter 5 Settlement Statements</u>                  Grangemouth (pages 94 - 95)                  Bo'ness Road/Wholeflats Road Major Area of Change Development Guidance (pages 96 - 97)  <u>Appendix 1 Proposals and Opportunities Schedule</u>                  Business – Grangemouth (pages a14 - a15)  <u>Proposals Map 5</u>                  Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross</p>	<b>Reporter:</b> Philip Barton
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Grangemouth (including Skinflats) Community Council (02723)                  Forth Ports PLC (00591)                  The Grangemouth Chemical Cluster Companies (TGCCC) (00878)                  All Truck Commercial Vehicle Repairs (03036)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The spatial strategy for Grangemouth, and the allocation of specific business sites within and adjacent to the Grangemouth Investment Zone, as set out in the Grangemouth Settlement Statement, together with consideration of Policy JE06 (Major Hazards).</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Grangemouth Settlement Statement</u></p> <p>Grangemouth (including Skinflats) Community Council (02723/3002/001, (02723/3002/012):</p> <ul style="list-style-type: none"> <li>• There is a lack of consideration for the town of Grangemouth in the text. Proposals are for the benefit of industry with the expansion of business supported but nothing for the local population. The Flood Scheme is for the benefit of industry and only incidental for the public. Flood risk in Grangemouth is partly caused by increased run off in the Braes from housing developments which still continue.</li> <li>• There have been vast improvements to Falkirk, Denny and Camelon town centres but Grangemouth, which raises revenues for the whole area, has been left to stagnate. It also has a number of areas in the Scottish Index of Multiple Deprivation with one in the 5% most deprived areas, three in the 10% most deprived and in total 27% of the population is classed as deprived (SIMD 2016).</li> <li>• The MUGA pitch at Moray PS has not yet materialised and the realignment of Bo'ness</li> </ul>		

Road is not understood. The vision for the area is commended however the treatment of Grangemouth and its residents needs to be urgently addressed.

### Spatial Strategy – Infrastructure

Forth Ports PLC (0059/3001/002) - The depiction of the Grangemouth Flood Prevention Scheme on Map 3.6 Spatial Strategy – Infrastructure (page 25) does not reflect the finalised position of the scheme and this could compromise the use of MIR site 163 (Plot C) which is subject to a separate representation by Forth Ports (00591/3001/001). Reading the map alongside Policies PE24 and IR01, the plan compromises the potential of Plot C in advance of the finalisation of the flood scheme.

### Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003) - The priority given to the Grangemouth Investment Zone and its identification as a strategic business location is supported. However, the Investment Zone boundary should be shown on Proposals Map 5, otherwise it is impossible to understand the area covered by Policy JE01. It is also essential that TGCCC's land holdings are shown as being within the Investment Zone.

### Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008) - Moves must be made to reduce the population at risk from major hazards rather than just stabilising it. There are far fewer operating plants and therefore fewer hazardous materials in Grangemouth than in the past but there appears to be no reduction in the areas affected by zones/consultation distances. Local industry must work towards a permanent reduction in the hazardous materials associated with their operations which will reduce the areas affected and allow further development for the community's benefit.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005) - Policy JE06 should be amended to take a more positive and proactive approach towards promoting the Grangemouth Investment Zone as specified in Policy JE01 Business and Tourism.

### Allocated Business Site BUS 12 - Earlsgate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009) - Proposal BUS12 Earlsgate Park should read "Earls Gate Park". The reference to flood risk assessment in the site comments for Proposal BUS12 in Appendix 1 should clarify that this is in relation to surface water drainage, as acknowledged by the Council in their MIR response.

### Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Grangemouth (including Skinflats) Community Council (02723/3002/002) - Proposal BUS13 Glensburgh should be allocated for social housing rather than more industry.

### Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005) - The comments for Proposal BUS15 in Appendix 1 include a reference to the consent for a biomass plant and this should be correctly referred

to under the Electricity Act. A number of requirements are listed where planning permission is required, however these may not be relevant to all proposals.

Non-allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162 and 163)

Forth Ports PLC (00591/3001/001) - MIR Sites 162 and 163 (part) identified as sites B and C in Appendix 1 (RD178) form part of Forth Port's operational estate in accordance with the Forth Ports Authority Order Confirmation Act 1969 and should be allocated as sites for port related development. Development which requires planning permission would be subject to assessment under LDP2 and could be subject to environmental impact assessment and appropriate assessment. These were preferred sites in the MIR and the concerns expressed in the Council's response to the MIR are not supported. The flood scheme design is not yet finalised and references to the site's exclusion are incorrect. No evidence has been provided to justify the non allocation of the sites for business use.

Non-allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001) - The site at Yonderhaugh should be removed from the green belt and allocated as a site for employment uses. The site has two industrial units at present, one of which is in use for Class 5 vehicle repairs and the other unit is the subject of a planning application (P/18/0665/FUL) for the same use. The business is currently located on a site allocated for housing in Bonnybridge (Site H10) and requires to relocate. The allocation of the wider site will enable further expansion of the business and other employment uses. The site makes little contribution to the green belt and its removal will not undermine its core role and function.

**Modifications sought by those submitting representations:**

Grangemouth Settlement Statement

Grangemouth (including Skinflats) Community Council (02723/3002/001, 012) - Amend the text to give more recognition to Grangemouth's needs as a place to live which are not currently addressed in the plan and to provide a better deal for Grangemouth recognising its position as a major source of revenue both nationally and locally.

Spatial Strategy – Infrastructure

Forth Ports PLC (00591/3001/002) - Amend Map 3.6 to identify locations where the route of the flood prevention scheme remains to be confirmed.

Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003) - Amend Proposals Map 5 to include the boundary of the Grangemouth Investment Zone.

Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008) - Reduce the areas affected by major hazard zones to allow development of the town for the community's benefit.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005):

- Amend Policy JE06 by inserting the words "and enhance" into sub section 2, so as to read "...while taking into account the need to safeguard and enhance nationally important clusters of industry handling hazardous substances."
- Insert "permanent" into sub section 4, first sentence, to read "The revocation of HSC will be pursued where the permanent use of the site has ceased."

Allocated Business Site BUS 12 - Earls Gate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009):

- Amend Proposal BUS12 Earls Gate Park to "Earls Gate Park".
- Amend sentence 5 in site comments in Appendix 1 to read "A flood risk assessment may be required to reflect the potential need to address surface water drainage"

Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Grangemouth (including Skinflats) Community Council (02723/3002/002) - Amend Proposal BUS13 by allocating the site for affordable housing rather than for business and industry.

Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005) - Amend Proposal BUS15 site comments as specified in the representation. Delete the reference to planning permission for a biomass energy from waste plant and replace with "Consent was granted for the Grangemouth Biomass Electricity Generating Station under Section 36 of the Electricity Act 1989". Replace the main text from "Where planning permission is required..." with alternative text as specified in the representation referencing relevant policies in LDP2 rather than noting specific requirements, and amending the requirement for project specific information to inform an appropriate assessment to be only "where appropriate".

Non-allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162, 163)

Forth Ports PLC (00591/3001/001) - Insert additional sites for port related uses at Grangemouth Docks 3 and 4 (Plots B and C).

Non-allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001) - Insert an additional site at Yonderhaugh for employment uses in the plan and remove it from the green belt.

**Summary of responses (including reasons) by planning authority:**

Grangemouth Settlement Statement

Grangemouth (including Skinflats) Community Council (02723/3002/001, 02723/3002/012) - NPF3 (CD02) contains a number of references to Grangemouth as two national developments directly relate to the town and a further one relates to increasing freight on the Forth. Under 'Statement of Need and Description' on page 78 the need for a coordinated approach to minimise impacts on the community and the environment is

recognised and elsewhere at paragraph 3.41 the need to address the community's needs is highlighted.

In terms of the Proposed Plan, Grangemouth is acknowledged in the Vision (paragraph 2.04) and the Grangemouth Settlement Statement as an economically important area and as a local community. All business proposals and opportunities in Grangemouth must address cumulative impact on sensitive receptors, including the wider town and the local community. The Council has a duty to protect residential development from flooding and this was the impetus for the Grangemouth Flood Prevention Scheme which will also protect residential properties up the River Carron to Larbert. The Scheme also includes flood prevention works which will offer business protection which increase the cost benefit ratio of the scheme in economic terms, recognising the importance of the Grangemouth Investment Zone nationally. The plan also acknowledges that the town centre needs to be redeveloped. The flood prevention scheme and the reduction in the major hazard consultation distances affecting the town centre will help to support such development should market conditions improve to enable investment to be made in the town centre which is owned in the main by the Council and a private company.

The MUGA pitch at Moray Primary School has now been delivered. The Community Planning process has flagged up a number of issues in Grangemouth and where the planning system can support the development of projects in the town the plan provides a positive policy framework including support for the redevelopment of Zetland Park which is subject to a Heritage Lottery application. Proposal IN17 includes a reference to the potential for an upgraded footpath link between Bo'ness and Grangemouth and realignment of the A904. This relates to the road east of the oil refinery and outwith the town of Grangemouth. Realignment to the north may be required to enable a footpath to be established as a number of businesses have boundaries up to the road edge. The plan tries to balance the needs of the community against the requirement to support the Grangemouth Investment Zone within the framework of constraints in the town including the major hazard sites and flooding. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Spatial Strategy – Infrastructure

Forth Ports PLC (00591/3001/002) - Map 3.6 on page 25 of the Proposed Plan is intended to provide a broad indication of the location of infrastructure proposals. The Grangemouth Flood Prevention Scheme (map of cells CD125), which is the highest priority flood management scheme in Scotland is being pursued under the Flood Risk Management (Scotland) Act 2009 and is not identified as a development plan proposal. Map 3.6 only identifies the watercourses and coastline relating to the scheme to provide an indication of where the scheme is likely to have an impact. It is not intended to define the boundaries or extent of the intended works which, as the representation suggests, have not been finalised yet. The option currently being considered for the docks (CD126) excludes the undeveloped Plots B and C (RD178). Although the scheme is not yet finalised the Local Flood Risk Management Plan (extract CD127) sets an objective to manage flooding in Grangemouth including reducing economic damages to residential and non-residential properties and reducing risk to people from river and coastal flooding. It is not therefore intended to protect undeveloped land. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003) - The



Grangemouth Investment Zone is identified indicatively in Map 3.4 of the Spatial Strategy and is also identified in NPF3 (CD02) under the 'Statement of Need and Description' on page 78. In NPF3 it is based on the adopted Local Development Plan core business and industry boundaries which include the Chemical Cluster Companies. It is not necessary to identify the area on Map 5 which already identifies the core business and industry areas. Policy JE01 states that specific sites identified in the proposals and opportunities schedule for new development will be safeguarded rather than offering any blanket protection for the Investment Zone itself. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008) - The development plan is required by SPP paragraph 99 (CD01) to safeguard nationally important clusters of industries handling hazardous substances from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. At the same time the development plan is also required to take into account the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment, and the need in the long term to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes. This obligation is set out in the Town and Country Planning (Development Plan) (Scotland) Regulations 2008 as amended by Schedule 8 (2(4)) of The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 (CD07).

In meeting these requirements, Policy JE06 seeks to balance the needs of the operators and the needs and safety of the local community. The policy includes the requirement for applicants for hazardous substance consents (HSC) to demonstrate that off-site impacts have been minimised. It also indicates that the Council will be active in pursuing the revocation of HSC consents where the use has ceased to ensure that development in the area is not hindered by redundant consultation distances set around major hazard sites. The Council is also actively engaging with operators through the development management process to review their existing consents where appropriate. A number of HSC's have been reviewed and led to reductions in the consultation distances around major hazard sites such as the reduction of the zones for the H W Coates site which affected the town centre. The town centre is now no longer affected by the most restrictive inner zone consultation distance for this site. For these reasons, the Council does not agree to modify the plan in response to this representation.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005) - SPP paragraph 99 (CD01) requires the development plan to safeguard nationally important clusters of industries handling hazardous substances from development which compromise their operation or growth potential. It does not require the plan to "enhance" these clusters. This may also conflict with the requirement to take into account the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment and the need in the long term to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes as set out in the Development Plan Regulations 2008 as amended (CD07). For these reasons, the Council does not agree to modify the plan in response to this part of the representation.

The pursuance of the revocation of hazardous substance consents is intended to prevent the continued restriction on development in the surrounding area where there are no longer any major hazards on a site. For example a derelict gas holder can have a consultation distance around it although the site is derelict and no longer in operation. It is not intended to limit operational sites from managing their materials inventory as they consider appropriate. If the Reporter is minded to recommend that the plan be amended in line with this part of the representation to include the word “permanent”, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Allocated Business Site BUS 12 - Earls Gate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009) - If the Reporter is minded to recommend that the plan be amended in line with this part of the representation regarding renaming the site as “Earls Gate Park” the Council would not take issue with the amended wording. This is not regarded as a notifiable modification. The SEPA Flood Risk maps indicate surface water flooding on the site in a 1:200 year (medium) event (CD124). A generic wording is used across the Grangemouth sites and there is no need to specify that it relates to surface water drainage. For this reason, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Grangemouth (including Skinflats) Community Council (02723/3002/002) - The site has been allocated for business and industry since 2010 and this is considered the most appropriate use for the site. The site is also isolated from other residential areas nearby and severed from residential amenities by the A905 and the M9. Noise from these primary routes is likely to present problems. It is also affected by two consultation zones associated with major hazard sites (CD122) which limit the number and density of housing achievable to a maximum of 30 units. The site is also within the Tax Incremental Finance initiative (TIF) boundary within which uplift in the rateable value of the site for business and industry development will come back to the Council for reinvestment in infrastructure. The site is in the Council’s ownership but is subject to an agricultural tenancy. The agricultural tenant (Partners Of The Dalgrain Farming Partnership) (CD181) has indicated their support for the current business/industry allocation.

The site has some poor ground conditions as the line of the old Forth and Clyde Canal runs east west through the site. The site is also traversed by a 12 inch trunk water main and combined sewer. Access may be difficult to achieve because of the site’s proximity to the M9 junction 6 off ramp and the signalised junction of the 4 lane A905 Glensburgh Road and Forth and Clyde Way. All these constraints are more likely to be overcome for some form of business use, rather than housing. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005) - The Council has no issue with describing the current consent for Proposal BUS15 as “Grangemouth Biomass Electricity Generating Station under Section 36 of the Electricity Act 1989”. If the Reporter is minded to recommend that the plan be amended in line with this part of the representation, the Council would not object to the amended wording. This is not regarded as a notifiable modification.

Forth Ports have permitted development rights and the site comments in the plan highlight

that where planning permission is required for non-dock, pier, harbour etc related development as specified in the GPDO Class 35, Schedule 1, Part 13 (CD128), a number of factors will require to be taken into consideration. The site comments provide background to the proposal and give an indication of issues which require to be addressed. They are not intended to address all the issues and policies but highlight particular areas likely to be of concern in assessing any planning application. These include the cumulative impact on the wider community of Grangemouth from incremental industrial development. The existing comments are considered appropriate.

It should be noted that the generic wording on Habitats Regulations Appraisal used for various sites affecting SPAs has been subject to a representation by Scottish Natural Heritage (00646//3004/001) which is considered under Issue 26 (Miscellaneous). The Council is content to accept SNH's suggested wording. The Reporter's recommendation with regard to this matter should be reflected in the site comments for Proposal BUS15.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162 and 163)

Forth Ports PLC (00591/3001/001) - The Council does not consider the sites at Grangemouth Docks 4 and 5 (noted in the representation as Plots B and C (RD178) should be allocated for business development. The sites have been subject to site assessment (CD33). They were identified as preferred sites at the MIR stage of LDP2 (CD22, page 43), but the sites were subsequently reappraised and were not included in the Proposed Plan. Through the LDP1 process, the sites were considered as a potential location for a coal powered gasification plant (with carbon capture) and general port related development. The Reporters to the LDP1 Examination rejected the allocation of the sites citing a number of issues including the potential impact on the Firth of Forth SPA and the development of the Grangemouth Flood Defences as reasons. (CD13, pages 191-192).

The sites are located to the north east of the established Port of Grangemouth in an area classified as countryside and outwith the Grangemouth Urban Limit. They are bounded to the north, east and southeast by the Firth of Forth. Plot B is bounded to the west by the port and to the south by the Grange Burn. Plot C is bounded to the south and west by land in the ownership of Ineos. The reclaimed land is made up of scrub woodland and there are also ponds on Plot B. It is understood that the sites have never been developed apart from consent being granted for a 70 metre high meteorology mast in 2009 on Plot B. It is not known if this consent was implemented. Plot B can be accessed from the port but Plot C appears to have very limited access. There is a wooden causeway available at low tide from Plot B and a railway bridge crosses on to land to the south of the Ineos site from the port to the west.

The sites are subject to a number of constraints which means that they are unlikely to be effective. Key issues include:

- The potential significant impacts on the Firth of Forth SPA, which has been confirmed through the gathering of additional bird data for the Grangemouth Flood Defence Scheme. The site has not been included in the LDP2 Habitats Appraisal Record, or the Appropriate Assessment for the SPA within the HRA.
- Flood risk issues bearing in mind that the sites are not protected in the draft options for the Grangemouth Flood Defence Scheme (CD126). The SEPA Flood Risk map

(CD123) and data from the Grangemouth Flood Protection Scheme (CD131 and CD132) identify Plots B and C as being at risk from a 1:200 yr flood event. Plot B is most significantly affected with Plot C affected to a lesser degree and at a lower flood level as this ground is higher. The Grangemouth Flood Prevention Scheme preferred (set back) alignment was developed based on protecting existing buildings and infrastructure, not protecting undeveloped land. The preferred alignment would not preclude development of the Forth Ports land either through future modification of the scheme defences or by the provision of flood gates which would allow access through the defences into that area. Any future development of land not protected by the scheme would be subject to an assessment of flood risk with appropriate mitigation measures developed to address flood risk. It should also be noted that land within the flood scheme boundaries will still have to address residual flood risk.

- It is also not clear how the sites, particularly Plot C, will be accessed.
- There was previous interest in developing a power station with carbon capture and storage on this site, linked to the relevant National Development in NPF3. However, the prospects for a carbon capture and storage plant here now seems tenuous and the project is no longer being actively promoted by any developer.

Forth Ports claim that the land should be allocated because it is 'operational land'. Permitted development rights are conferred on Forth Ports for operational land under Class 35 of the GPDO (CD128). The sites certainly appear to be part of the 'port premises' as defined by The Forth Ports Authority Order 1969 (part 1, page 5) (CD129). However, 'operational land' is defined under the terms of The Town and Country Planning (Scotland) Act 1997 (CD130) (Section 215) as (a) land which is used for the purpose of carrying on their undertaking, and (b) land in which an interest is held for that purpose. Whilst the sites are in Forth Ports' ownership, there is no evidence that they have been used 'for the purpose of carrying on their undertaking'. They may not, therefore, constitute operational land.

Instead of a formal allocation, the Council has considered it appropriate to extend the Urban Limit to take in both Plots B and C and the Ineos land to the south in the Proposed Plan. This would afford Forth Ports the opportunity to bring forward development in the future in accordance with Policy JE04 Business Development Out with Designated Business Areas, provided they could overcome the abovementioned constraints. Alternatively if the sites are indeed operational land, there is no requirement to allocate them to enable permitted development rights to be applied.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001) - The Council does not consider the Yonderhaugh site to be an appropriate business allocation or that it should be removed from the green belt. The site was first submitted to the LDP2 process through this representation to the Proposed Plan. It was not put forward or considered through the 'Call for Sites' process or the MIR.

The site is located between the A905 Skinflats Road to the east and the M9 motorway to the west. It is located to the north of the River Carron and is bounded by agricultural land to the north. It has two units on the site at present. The first unit was constructed on the south east corner of the site just north of the River Carron. There is no record of any planning

consent for this unit which is in operation as a vehicle repair business by All Trucks Commercial Vehicle Repairs Ltd. An application was made for an additional agricultural building to the north of the existing building in 2016 which was granted. The representee then applied for a change of use from an agricultural building to Class 5 general industry. It became apparent that the building constructed did not match that consented and was built as an industrial unit with the same footprint but a different height, wall finishing and five doors on the north elevation. The applicant was advised to apply retrospectively for the erection of a Class 5 industrial building. This application is still ongoing.

The site is located in the green belt and countryside on the northern edge of Grangemouth. It is also within the outer zone of a consultation distance associated with the Major Hazard CalaChem site in Grangemouth which places some restrictions on the type of development close to a major hazard site (CD122). Industrial development is likely to be acceptable in this location in relation to the major hazard site. A right of way runs through the site from the A905 to the western boundary between the two existing units on the site. A 36 inch water main also runs through the site. The site contributes to the green edge of Grangemouth which transitions into a more urban form on crossing the bridge over the River Carron. The existing consented units are considered to detract from the landscape setting of Grangemouth and additional industrial development would exacerbate this effect, resulting in the unattractive outward sprawl of urban development in Grangemouth along the A905 north of the River Carron. The green belt would be undermined by development in this location detracting from the character, landscape setting and identity of the town. The resulting green belt boundary would be illogical. The site is identified as at risk from tidal flooding and surface water flooding. The SEPA Flood Risk map (CD124) and data from the Grangemouth Flood Protection Scheme (CD133) identify the site as being at significant risk from a 1:200 yr flood event. The Flood Scheme Data is more up-to-date than the SEPA maps.

There is no requirement for an additional greenfield allocation for employment. As demonstrated by Technical Report 6 (Revised): Employment Land (CD38), there is a generous provision of business land in the Council area. Grangemouth itself has significant land allocated for business and industry use which could easily accommodate such a development. The site has a significant flood risk and its development would have a significant landscape impact. For these reasons, the Council does not agree to modify the plan in response to this representation.

### **Reporter's conclusions:**

#### Grangemouth Settlement Statement

1. I noted when I visited the area that Grangemouth is dominated by employment sites. So, it would be surprising if the proposed plan did not recognise this by concentrating upon economic development rather than residential-led regeneration. Nevertheless, the need to strike an appropriate balance between economic development and quality of life for residents is specifically referred to in the text. Regardless of the detailed economic justification for the flood prevention scheme, it protects businesses and residents equally. The multi-use games area (MUGA) pitch at Moray Primary School has now been provided.

2. It is clear from what I saw that Grangemouth town centre is suffering a decline in retail vitality. Food bank use can be an indicator of social deprivation. The council accepts that the area needs to be regenerated. This is recognised by the proposed allocation of the town centre for mixed use development (see proposed allocation MU18 on page a11),

which would include housing and community facilities as well as retail, business and leisure development.

3. The flood prevention scheme and changes to the major hazard area consultation distances (see proposed Policy JE06 Major Hazards) are important steps towards establishing a favourable policy context within which to support the delivery of mixed-use development in Grangemouth town centre. More detailed regeneration plans would be subject to the community planning process. I can see nothing in the proposed settlement summary (or anywhere else in the proposed plan) that would prevent physical and social regeneration from taking place.

4. Details of works to realign the A904 (Bo'ness Road) in order to accommodate an upgraded footpath link between Bo'ness and Grangemouth would be a matter for the roads authority to deliver and detailed proposals need not be contained within the proposed plan to allow this to happen. The settlement statement is an adequate general summary of the character of Grangemouth and the challenges and opportunities it is likely to face for the duration of the plan period. Moreover, no specific changes to the text are sought. No modifications to the Grangemouth settlement statement are necessary.

#### Spatial Strategy – Infrastructure

5. Proposed Map 3.6 Spatial Strategy – Infrastructure shows the extent of the Grangemouth flood protection scheme watercourses and coastline. It is not intended to show the precise alignment of all proposed flood protection measures, which are yet to be finalised. The coastal extent excludes a small peninsula of reclaimed land. This peninsula comprises parcels in the ownership of Petroineos, Crown Estate, and the Port of Grangemouth (Plot C). Plot C is identified in the proposed plan as site 163.

6. Although there appear to be no structures on it and it is not currently being used for port-related undertakings, this area is obviously non-tidal ground, not water. During my site inspection, I was unable to access site 163 because the timber footbridge is no longer in use. Nevertheless, I could see a significant number of mature, if stunted, broadleaf trees, typical of self-seeded coastal woodland, growing on it. I also note that, on Proposals Map 5 and the map on page 97, the council has extended the proposed urban limit to include this peninsula.

7. Consequently, in my assessment it would be perverse to suggest that it is either water or tidal ground. I shall therefore recommend that the Grangemouth flood protection scheme coastline depiction is altered to include site 163 within its landward extent.

#### Policy JE01 – Business and Tourism

8. A precise boundary for the Grangemouth Investment Zone (the zone) is shown on page 78 of Scotland's Third National Planning Framework (NPF3). Proposed Map 3.4 Spatial Strategy – Business and Tourism uses a shaded circle to depict the zone's extent and no specific proposed allocation for the zone is shown on Proposals Map 5.

9. The use of a shaded circle on Map 3.4 to identify the zone is potentially confusing because it includes within its extent areas that are outwith the boundary shown on NPF3 page 78 (and proposed Policy JE02 Core Business Areas) and excludes other areas on the far east and far west of the zone. It is also misleading because it suggests that some sites in the extreme west of the zone are within the Falkirk Investment Zone, which does

not share the same degree of national importance.

10. NPF3 was published in 2014 and the extent of the zone shown on page 78 was based upon the core business area identified in the adopted development plan for Falkirk as it existed at that time. It is reasonable for the proposed extent of the zone to differ slightly from that shown on NPF3 page 78 because of subsequent plan-making activity that has involved extensive public consultation. The most proportionate and sensible way to deal with this issue would be to ensure that the zone and the core business sites shown on Proposals Map 5 (proposed Policy JE02) cover the same geographic area. However, this needs to be made clear to potential developers in order to prevent confusion and to limit any conflict between the application of proposed policies JE01 and JE02.

11. I agree that greater clarity is required as to the precise extent of the zone. The representee's business interests are located within the core business sites identified in the JE02 allocation, so there should be no need to address site specific issues any further. I shall recommend that modifications are made to Map 3.4 and Proposals Map 5.

#### Policy JE06 – Major Hazards

12. The council has been proactive in working with companies to encourage site-specific reviews of hazardous substance consents in order to reduce consultation distances and thereby promote more development within Grangemouth, especially around the town centre. This is the most appropriate way to limit the effect of safety hazard zones upon development potential. Moreover, the setting of safety hazard zone distances is subject to control by separate legislation, which it would be inappropriate for development plan policies to subvert.

13. I see no need to alter the wording of this policy in the manner requested by The Grangemouth Chemical Cluster Companies. This is because I can see no requirement in law or Scottish Planning Policy (paragraph 99) for development plan policies to “enhance” nationally important clusters of industry. Instead, the emphasis of regulation is to prevent major accidents and to limit the consequences of such accidents for human health and the environment.

14. The issue of whether a use has permanently ceased (i.e. been abandoned) or not is often a matter of fact and degree. In order to determine whether or not the “permanent use of” a site has ceased, an application to the council or to the courts would be required. Similarly, it would be a matter for the council to decide whether consent would be required for temporary uses, such as short-term storage on a site that has or previously had hazardous substances consent for another use. Moreover, the commercial preferences of an applicant company would not normally be relevant to whether planning permission or hazardous substances consent should be granted. I see no need to modify the wording of proposed policy JE06 in the manner requested.

#### Allocated Business Site BUS12 – Earls Gate Park (Site Ref 087)

15. The signs at the roundabout where the principal vehicular access to the site is located read “Earls Gate Park”. I agree that this is the form of words that should be used when discussing allocated business site BUS12. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them within my recommendations.

16. During my site inspection, which took place after several days of heavy rain, I saw no

obvious problem with surface water drainage. I agree with the council that a generic reference to “flood risk assessment” in the proposed site comments at Appendix 1 (page a14) is all that is necessary to alert potential developers to likely site constraints.

#### Allocated Business Site – Glensburgh BUS13 (Site Ref 088)

17. In Issue 2 we have concluded that the allocation of additional appropriate sites for housing is justified, in order to meet the revised housing land requirement. This could, in principle, include changing employment allocations to residential or mixed use. The council states that, given safety hazard zone constraints, no more than 30 homes could be provided on this site. The site is situated between a row of houses on one side of the M9 junction 6 off ramp and Grange Manor Hotel on the other.

18. There is a children’s playground and a community centre in Avon Street, on the opposite side of the A905 to proposed allocation BUS13. I saw a few commercial properties in Dalgrain Road that appear to serve primarily local needs (Harvey’s Bar and Dining; Auld Toon Shop and a vacant unit). All of these facilities are linked to the site by pedestrian crossing places provided as part of the recently upgraded junction with Forth And Clyde Way. The site is served by bus services 2, 8, and 28 and there is a short section of segregated cycleway as well.

19. The site comments for BUS13 (page a14) indicate that high design standards would be required in this location. In my view, good design and careful siting could overcome problems with traffic noise if residential uses were to be included. The other constraints identified by the council (i.e. ground conditions, underground services and access from the A905) would need to be addressed regardless of the intended end use(s). The site is within the council’s ownership and, with the exception of one sitting agricultural tenant, is evidently available for development. So, it is likely to be effective or to become effective within the plan period, in compliance with paragraph 123 of Scottish Planning Policy.

20. BUS13 is not a strategically important employment site. In the context of there being a generous supply of employment land; an identified shortfall in housing land supply, and a relative lack nearby of neighbourhood-scale retail and leisure facilities, a mixed-use allocation for this site would deliver significant public benefits. In my view, BUS13 is of sufficient size to accommodate 30 homes; a range of retail and leisure facilities to serve both existing and new residents, and other business uses. The provision of a range of commercial uses would ensure that the benefits provided by the Tax Incremental Finance Initiative could continue to be realised. I shall recommend that allocation BUS13 is deleted and that a new mixed-use allocation (MU21) is created.

#### Allocated Business Site BUS15 – Grangemouth Docks West (Site Ref 090/190)

21. I agree that, for the sake of accuracy and clarity, the third sentence in the site comments for proposed allocation BUS15 (page a14) should be modified in the manner suggested. Although the council could make this modification to the plan using its own discretion, for completeness I have included it within my recommendations.

22. The list of constraints in the site comments for BUS15 (in common with all of the other site comments in Appendix 1) should be treated as indicative. Section 25(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals for express planning permission (as opposed to those granted permission by Order) to accord with the development plan as a whole, unless material considerations indicate otherwise. There is



no need, therefore, for the site comments to specify individual development plan policies.

23. Scottish Natural Heritage has made a representation in relation to this site. The council erroneously states that it is dealt with as part of the examination of Issue 26 – Miscellaneous. Instead, it is dealt with in Issue 25 – Site Specific Environmental Mitigation. This representation points out that appropriate assessment may not be required in all cases. It is common ground that reference must be made to the need to ensure that the integrity of any Natura site is not adversely affected by development on BUS15. The alternative wording suggested by Scottish Natural Heritage addresses the same concern as that expressed by Forth Ports PLC and the council has stated that it is content to accept the wording suggested by Scottish Natural Heritage. The use of “appropriate”, as suggested by Forth Ports PLC, could potentially be confused with the term “appropriate assessment”, which has a very specific meaning in environmental law. Consequently, I prefer the form of words suggested by Scottish Natural Heritage. No modification is therefore required as a part of my examination of Issue 16.

#### Non-allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162 and 163)

24. It is not a matter for this examination to resolve the disagreement about whether these sites are operational land or not. That would, ultimately, be a matter for the courts to decide. During my site inspection, I noted that site 162 (Plot B) was very wet and has recently been used to dump spoil. I was unable to access site 163 (Plot C) because the timber footbridge linking it to site 162 is no longer in use. Both sites were recommended as allocations for port and energy related activities in the Main Issues Report but were subsequently reassessed and rejected for the reasons stated by the council.

25. If these sites are operational land, then planning permission for most port-related activity has already been granted by Order. It is proposed that site 162 should remain within the urban limit. In September 2018, in its response to representations made to the Main Issues Report, the council stated its intention to include site 163 within the urban limit. This is confirmed by the depiction of the urban limit on Proposals Map 5. Therefore, if express planning permission were to be required for any development on site 163 (port-related or not), then proposals could be assessed under proposed Policy JE04 Business Development outwith Designated Business Areas.

26. In my view, this is a reasonable compromise, which would allow development proposals to be brought forward regardless of the status of the sites as operational land and/or allocated business sites. Consequently, no modification is necessary.

#### Non-allocated Site – Yonderhaugh (Site Ref 233)

27. This site was put forward at a late stage of the plan’s production. Although the council has undertaken a structured environmental assessment, I have seen no evidence of any public engagement in regard to the site. This is contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. For this reason, I consider that allocating the site for business use would be unjustified. Consequently, I have not carried out a detailed assessment of the site’s potential suitability for development.

28. Paragraph 52 of Scottish Planning Policy explains that, amongst other types of development, the “intensification of established uses” may be appropriate within a green belt, “subject to the new development being of a suitable scale and form”. Therefore, it is unnecessary, in principle, to remove the site’s green belt designation in order to allow All

Truck Commercial Vehicle Repairs to expand its operations.

29. Proposed Policy PE15 Green Belt gives local expression to what Scottish Planning Policy paragraphs 49 to 52 say about the purposes, establishment and maintenance of green belts. Paragraph 4.16 of the proposed plan states: “The primary purpose [of the green belt] in the Falkirk area is to safeguard the identity of communities by preventing development which would reduce their visual separation”. This is consistent with the second of the three purposes of including land within a green belt set out in Scottish Planning Policy paragraph 49, which is to protect and enhance the character, landscape setting and identity of settlements.

30. The development of site 233 for business uses would certainly reduce the visual separation between Skinflats and Grangemouth. Skinflats is a small settlement surrounded by open countryside, most of which is under cultivation. It is therefore located within an agricultural setting, which would be significantly altered if site 233 were to be developed for business uses. These effects would be inconsistent with the allocation of the land as green belt

31. Scottish Planning Policy paragraph 51 explains that the spatial form of green belts may “take the shape of a buffer, corridor, strip or wedge”. The green belt corridor along the route of the M9 motorway acts as a buffer. One justification for the need for such a buffer is alluded to by the representee, who considers convenient motorway access to be a factor in the attractiveness of the site for business uses. Another purpose of designating green belts, as set out in Scottish Planning Policy paragraph 49, is to direct development to the most appropriate locations. There is a generous supply of employment land in Falkirk and it is to these allocations that business uses should be directed. So, the green belt in this location continues to contribute towards this objective.

32. Scottish Planning Policy paragraph 51 also advises that consideration should be given to excluding “major businesses and industrial operations” from the green belt. The scale of such a business would need to be on a par with other types of institution encompassed by this advice. These would include, as comparative examples, a campus university; horticultural research establishment; oil refinery; airport, or military base. Although it makes a valuable contribution to the Falkirk economy, I cannot agree that All Truck Commercial Vehicle Repairs is (or is likely to be for the duration of the proposed plan) of sufficient scale to accurately be described as a “major business or industrial operation”.

33. Scottish Planning Policy paragraph 51 further advises that green belts should establish “clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads”. In the vicinity of site 233, the green belt boundary follows the western edge of the A905 and the northerly bank of the River Carron. These are the sort of clearly identifiable boundary markers that are advised by Scottish Planning Policy.

34. If the site’s green belt designation were to be removed, the southerly and westerly boundaries would remain clearly identifiable because they would follow the river bank and the easterly edge of the motorway. However, the northerly boundary would follow a field drain. In comparison with the existing situation, this would not comply as well with the advice in Scottish Planning Policy paragraph 51, which states: “hedges and field enclosures will rarely provide a sufficiently robust boundary”.

35. The requested allocation for business use and changes to the green belt boundary

are neither necessary nor adequately justified. No modification is required.

**Reporter's recommendations:**

1. On page 25 (Map 3.6 Spatial Strategy – Infrastructure), alter the Grangemouth Flood Protection Scheme Watercourses and Coastline depiction to include the peninsula formed by site 163 and adjacent plots within its landward extent.
2. On page 21 (Map 3.4 Spatial Strategy – Business and Tourism), after “Grangemouth Investment Zone” in the map key, add the following new text: “ (see Proposals Map 5 for the precise extent)”.
3. In the map key on Proposals Map 5, before “Core Business Sites (JE02)”, add the following new text: “Grangemouth Investment Zone (JE01) and ”.
4. In paragraph 5.37 and on pages 95 and a14, delete each occurrence of “Earlsgate...” and replace it with: “Earls Gate...”.
5. On page a14, in the site comments for proposed allocation BUS15, delete the third sentence and replace it with the following new wording: “Consent was granted for the Grangemouth Biomass Electricity Generating Station under Section 36 of the Electricity Act 1989”.
6. On Proposals Map 5, replace the blue (Business (BUS)) fill for allocation BUS13 with a purple (Mixed Use (MU)) fill and edit the text “BUS13” to read “MU21”.
7. On page a14, delete all entries for allocation BUS13 – Glensburgh.
8. On page a11, after the entries for MU18, add the following new entries: “MU21 / 088 / Glensburgh / 4.5 / Retail/Business/Leisure/Housing / Existing business supply site with potential for retail and leisure of a local neighbourhood scale and no more than 30 homes. Part of Grangemouth Investment Zone/NPF3 national development. Prominent site at northern entrance to Grangemouth and close to Helix, requiring high design standards. Within Major Hazard and Pipeline Consultation Zones. Potential poor ground conditions on infilled area of former Forth and Clyde Canal. A flood risk assessment is required. Transport Assessment required and developer contributions may be required for transport infrastructure. Cumulative impact on sensitive receptors, the wider town and local community should be addressed including increases in air pollution, noise and road network impacts.”

<b>Issue 17</b>	<b>Other Business Sites</b>	
<b>Development plan reference:</b>	<p><u>Chapter 5 Settlement Statements</u>                  Bo'ness (pages 62 - 63)                  Bonnybridge and Banknock (pages 66 -67)                  Braes and Rural South (pages 72 - 73)  <u>Appendix 1 Proposals and Opportunities Schedule</u>                  Business - Bo'ness (page a12)                  Business – Braes and Rural South (page a12)  <u>Proposals Map 1</u>                  Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood  <u>Proposals Map 5</u>                  Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross  <u>Proposals Map 6</u>                  Bo'ness, Blackness and Muirhouses</p>	<b>Reporter:</b> Philip Barton
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Falkirk Whisky Distillery Co Ltd (00891)                  Historic Environment Scotland (02656)                  Klondyke Group Limited (00471)                  Mr &amp; Mrs D McCormack (02766)                  1936 Investments (02708)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>The allocation of sites for business use in the Bo'ness, Polmont and Banknock area, as identified in the respective Settlement Statements, and detailed in Appendix 1.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Allocated Business Site BUS23 – Grandsable Road, Polmont</u></p> <p>Falkirk Whisky Distillery Co Ltd (00891/3002/001) - Proposal BUS23 has planning permission for a distillery, bonded warehouse, visitor centre, restaurant and retail use and has been under construction for eight years. Whilst the identification of the site as a proposal is supported, the business will undoubtedly evolve and the text in LDP2 should allow for future development and flexibility for expansion beyond that currently consented.</p> <p>The site should also be removed from the green belt. Its green belt designation is no longer justifiable, given the established hub of development in the area. It does not contribute to the separation of Grangemouth and Polmont.</p> <p>Historic Environment Scotland (02656/3002/001) - Significant concerns are expressed about Proposal BUS23. The boundary of BUS23 includes part of the Antonine Wall World Heritage Site (AWWHS) and is located entirely within the buffer zone of the AWWHS. Inclusion of this allocation within LDP2 could lead to direct impacts on the AWWHS and its</p>		

Outstanding Universal Value (OUV). The section of the AWWHS within BUS23 includes documented archaeological remains, and marks an important topographical change in the Wall. Development in this section would significantly disrupt the topographical relationship of the monument. The proposal also has the potential to impact on the setting of the scheduled section of the Wall at Mumrills Roman fort. In its current form, BUS23 would not accord with SPP, and the boundary should be redrawn to exclude the AWWHS and its immediate setting.

#### Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001) - The allocation of Proposal BUS03 as a business site is supported. However, the allocation should fully reflect the nature of the site and the grant of planning permissions for the mixed use redevelopment of the site which were issued in 2017 and 2018 (references P/17/0169/FUL and P/18/0104/FUL) which provide scope for Class 1 retail, Class 3 food and drink, Class 4 business and class 6 storage and distribution uses on the site.

Klondyke Group Limited (00471/3002/002) - Proposal BUS03 should be removed from the green belt. Identification of the site within the green belt conflicts with the terms of the planning consent for the site and its continuing allocation in the LDP. The green belt designation fails to provide the proper clarity and certainty on where development will and will not take place as recommended by SPP.

#### Allocated Business Site BUS01 – Kinneil Walled Garden

Mr & Mrs D McCormack (02766/3002/001) - The following concerns are expressed about the site's allocation for tourism/business use in the Proposed LDP2:

- It is not clear what the plan proposes for leisure or tourism related uses at the site, so it is difficult to assess what changes might be necessary;
- Development, and an increase of people using the site, would pose security issues for the residential properties which back on to the site, with more people using the site access to the rear of the residential properties;
- An unresolved drainage issue causes flooding at the rear of our property;
- There is a lack of car parking and levels of traffic will increase;
- Toilet facilities within the Kinneil Estate are very limited; and
- Development may impede access to existing residential properties and increase traffic, visitor and noise levels to detriment of residential and public amenity.

#### Non-allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001) - The site at Easter Thomiston should be allocated for business and general industrial (Use Classes 4 and 5). The reasons why the site should be allocated include:

- The site is a good location owing to its proximity to the M80, bus services, local communities and facilities;
- The site has no constraints that would preclude its development;
- The site's development supports the aspirations of the Banknock and Hagg Special Initiative for Residential led Regeneration (SIRR) and would complement future housing development at existing allocated sites such as MU04 – Banknock South;
- There are few opportunities promoted for business use to the west of the Council

- area; and
- The site is consistent with SPP.

A range of documents are provided in support of the representation including a development framework report, Phase 1 habitat survey, landscape and visual impact assessment, and development zone drawing (RD179-184).

**Modifications sought by those submitting representations:**

Allocated Business Site BUS23 – Grandsable Road, Polmont

Falkirk Whisky Distillery Co Ltd (00891/3002/001) - Amend the comments for Proposal BUS 23 in Appendix 1 to “Existing distillery and visitor centre site with potential for future development associated with distillery and associated visitor centre”. Remove Proposal BUS23 from the green belt in Proposals Map 5.

Historic Environment Scotland (02656/3002/001) - Amend the boundary of Proposal BUS 23 to exclude the Antonine Wall World Heritage Site and its immediate setting.

Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001) - Amend proposed uses for Proposal BUS03 in Appendix 1 from “Business” to “Mixed Use”.

Klondyke Group Limited (00471/3002/002) - Remove Proposal BUS03 from the green belt on Proposals Map 5.

Allocated Business Site BUS01 – Kinneil Walled Garden

Mr & Mrs D McCormack (02766/3002/001) - Proposal should be more specific and should acknowledge neighbour concerns.

Non-allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001) - Insert additional site at Easter Thomiston, Banknock as a business and general industrial proposal for Use Classes 4 and 5.

**Summary of responses (including reasons) by planning authority:**

Allocated Business Site BUS23 – Grandsable Road, Polmont

Falkirk Whisky Distillery Co Ltd (00891/3002/001) - The Council considers that the existing wording for Proposal BUS23 is appropriate. The site was granted planning permission for a distillery, restaurant, retail, bonded warehouse and other ancillary uses in May 2010, following a call-in of the application by Scottish Ministers and a public local inquiry. The development commenced in 2011, and is ongoing. The site is a very sensitive one with a variety of constraints. It lies within the green belt. The northern part of the site is within the Antonine Wall World Heritage Site (WHS) and the remainder is within the WHS Buffer Zone (CD135). The site is also subject to flood risk issues (CD136). Because of these constraints, the wording of the proposal in Appendix 1 reflects the planning permission granted, and emphasises that any further development, or amendments to the existing consent, must address all these constraints. The wording suggested by the Falkirk Whisky

Distillery Co Ltd fails to highlight these constraints, and gives the false impression that the site is relatively unencumbered, and that further development will be acceptable.

The Council considers that the site remains a valid and logical part of the green belt. The green belt in this vicinity serves to provide visual separation between Polmont and Grangemouth, thereby safeguarding the identities of these communities and their landscape setting. The green belt is relatively narrow at this point, and does indeed shrink to a pinch point around Junction 5 of the M9. This makes the maintenance of the green belt all the more important. Green belt designation on these sites means that new development will be subject to additional scrutiny, control and mitigation to ensure that the purposes of the green belt are respected as far as possible. It is accepted that there are a number of urban uses within the green belt in this area, including hotels, restaurants, a garden centre and the distillery itself, but this does not invalidate the designation. It is not uncommon for built development to sit within the green belt, without compromising its function or purpose – SPP advises at paragraph 51(CD1) that only “existing settlements and major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments” should be excluded. Removing individual sites such as this one would undermine its integrity. It is noted that a representation has also been made to remove the adjacent Proposal BUS03 from the green belt, raising issues of the cumulative erosion of the designation.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Historic Environment Scotland (02656/3002/001) - Proposal BUS23 has been included in the LDP to reflect the planning permission which was granted for the distillery development in May 2010, and therefore the site boundary has been drawn to reflect the boundary of the planning application which extends north to the A9. It is recognised that this includes a part of the Antonine Wall World Heritage Site (AWWHS) (CD135). However, the site comments on BUS23 in Appendix 1 make this clear, and that any development over and above what is currently consented will need to comply with the policy on the Antonine Wall (Policy PE05). Historic environment interests should not, therefore, be prejudiced. HES seek the site boundary to be redrawn to exclude the AWWHS and its immediate setting. Yet it is not clear what is meant by ‘its immediate setting’. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001) - Klondyke is a long established garden centre, which has aspirations to invest further in the business. The Council is supportive of these aspirations, subject to proposals addressing green belt, Antonine Wall and flood risk issues affecting the site, and has signalled this support through Proposal BUS03. There have been numerous applications over the last 20 years for a range of uses including temporary modular office buildings, paving and landscape display, storage buildings, canopy extensions, and formation of overflow parking. The most recent application (P/17/0169/FUL) includes part of the LDP allocation and represents a rationalisation of the site, increasing the current floor area of retail uses, café and office space from around 5800m<sup>2</sup> to 12400m<sup>2</sup>. This was amended again in 2018 via application P/18/0104/FUL to reduce the amount of office space. These have been granted, confirming the Council’s support for the redevelopment of the site.

Klondyke Group seeks to have the site identified as ‘mixed use’ rather than ‘business’ in

Appendix 1. However, in the terminology used by the LDP, 'mixed use' denotes a mix of housing and business uses, and so this term would not be appropriate here. 'Business' is an overarching term which embraces all the various existing and consented uses on the site, and any other activities which might be ancillary to the garden centre. The description of the proposal in the site comments as 'an expansion of the existing garden centre' provides adequate flexibility to accommodate the range of uses normally found within a garden centre operation, and reflected in the various consents, whilst ensuring that activities remain related to the core garden centre operation, and avoiding, for example, unrelated retail activity which may have a negative impact on town centres or other local retail centres. For these reasons, the Council does not agree to modify the plan in response to this representation.

Klondyke Group Limited (00471/3002/002) - The Council considers that the site remains a valid and logical part of the green belt. The green belt in this vicinity serves to provide visual separation between Polmont and Grangemouth, thereby safeguarding the identities of these communities and their landscape setting. The green belt is relatively narrow at this point, and does indeed shrink to a pinch point around Junction 5 of the M9. This makes the maintenance of the green belt all the more important. Green belt designation on these sites means that new development will be subject to additional scrutiny, control and mitigation to ensure that the purposes of the green belt are respected as far as possible. It is accepted that there are a number of urban uses within the green belt in this area, including hotels, restaurants, a distillery under construction, and the garden centre itself, but this does not invalidate the designation. It is not uncommon for built development to sit within the green belt, without compromising its function or purpose – SPP advises at paragraph 51(CD1) that only "existing settlements and major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments" should be excluded. Removing individual sites such as this one would undermine its integrity. It is noted that a representation has also been made to remove the adjacent Proposal BUS23 from the green belt, raising issues of the cumulative erosion of the designation. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Allocated Business Site BUS01 – Kinneil Walled Garden

Mr & Mrs D McCormack (02766/3002/001) - The site in question is contained within the Category C listed walled garden at Kinneil Estate, Bo'ness. The site has historically been used as the Council's plant nursery. However, with the prospect of this use ceasing, the Council has given consideration to alternative future uses through LDP2, informed by the masterplan for the wider Kinneil Estate which was produced by Falkirk Community Trust in 2014 (CD134). In February 2019, the closure of the plant nursery was confirmed.

The Proposed Plan has identified two potential appropriate uses for the walled garden. Firstly, the site is seen as having potential for community growing, including allotments, and is included as one of a suite of sites under Proposal GN24. This aligns with its historic horticultural use. Indeed there is a small social enterprise continuing to grow food on the site in the meantime. Secondly, Proposal BUS01 identifies the potential for a commercial business use such as a café/restaurant or small garden centre which would enhance the tourism offer at Kinneil Estate, in line with the Kinneil Estate masterplan. At present there is no food and drink offer for visitors, and toilet facilities are only available in the small Kinneil Museum, which has limited opening hours. It is not possible to be more specific about the precise nature of any commercial opportunity until further feasibility work has been carried out, and the market has been tested.



The concerns of representee are recognised. However, given that the current plant nursery is ceasing operation, the best prospect of addressing these issues is through finding a suitable alternative use, rather than leaving the site vacant. The uses proposed in the plan can be compatible with the adjoining residential properties if suitably located and designed. The wording for Proposal BUS01 in Appendix 1 acknowledges that “sensitivity (is) required in relation to...adjacent residential properties”, and residents will be closely consulted on any specific proposals. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Non-allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001) - The Council does not consider the Easter Thomiston site to be an appropriate allocation for business use. The site has been subject to site assessment (CD33), and it was identified as a non-preferred site at the MIR stage of LDP2.

The Council does not consider that there is a need for the allocation of further business and industrial land in the area. Technical Report 6 (Revised): Employment Land highlights the extent of allocated business land, which amounts to some 290 hectares, albeit that only a proportion of this is immediately available (CD38, section 5). Take up is relatively modest with around 25 hectares developed over the five years from 2011-2016. Demand and take up tends to be focused in the Falkirk/Grangemouth area. There is no indication of any development interest in the site, whether from a developer willing to invest in the site to create plots or speculative units, or businesses wishing to build for owner-occupation. Nor is there any indication that the development of the site would be commercially viable, bearing in mind the likely high infrastructure and site preparation costs, and likely modest rental returns from business units. Access would appear to require third party land, casting further doubt on effectiveness.

The proposed access to the site would be through site MU04 which is the major brownfield mixed use regeneration proposal for Banknock North, comprising housing and a small retail centre. The Banknock North site has not been planned to integrate with the Easter Thomiston site or to accommodate industrial through access. Connections to the business development would be via residential access roads which would be unsuitable for commercial traffic. The M80 Junction 7 sliproads are currently being upgraded to accommodate committed housing development in the A803 corridor. No allowance in the transport modelling has been made for a further major area of business use at Easter Thomiston. Drainage is a further constraint, with long standing capacity issues in the local network. The developer of the Banknock North site has negotiated a solution with Scottish Water but it is not known whether this will also work for Easter Thomiston.

The site is a greenfield one, which would involve a major extension of the urban area into the open countryside. It would have a significant impact on the setting of the Banknock North site, and the amenity of future housing planned for this site. Great crested newts (GCN) are present in the area, and part of the site is identified as a new Wildlife Site (Haggs Wetland) in LDP2 (CD15, page a3-03), on account of its mosaic of wetland, mire, grassland, and woodland habitats, and role as a GCN breeding site. The site also contains carbon rich soils.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**Allocated Business Site BUS23 – Grandsable Road, Polmont

1. The detailed commercial considerations of a business are not normally relevant to whether planning permission should be granted. Moreover, there can be no guarantee that a particular enterprise will remain trading, nor that land will remain in the same ownership, for the full duration of the proposed plan. It is therefore reasonable for the council to identify known site constraints that would need to be overcome by any future proposal for further development of BUS23. Subject to my recommendations below with regard to heritage assets, I am satisfied that it is appropriate for the site constraints identified by the council in the site comments for BUS23 at Appendix 1 (page a16) to be included.

2. Proposed Policy PE15 Green Belt gives local expression to what Scottish Planning Policy paragraphs 49 to 52 say about the purposes, establishment and maintenance of green belts. Paragraph 4.16 of the proposed plan states: "The primary purpose [of the green belt] in the Falkirk area is to safeguard the identity of communities by preventing development which would reduce their visual separation". This is consistent with the second of the three purposes of including land within a green belt set out in paragraph 49 of Scottish Planning Policy, which is to protect and enhance the character, landscape setting and identity of settlements.

3. Paragraph 51 of Scottish Planning Policy explains that the spatial form of green belts may "take the shape of a buffer, corridor, strip or wedge". The narrow green belt corridor from Laurieston in the west to junction 5 of the M9 motorway helps to prevent the settlements of Grangemouth and Polmont from merging, thereby safeguarding their respective identities. The M9 motorway, other main roads and the settlement edge that bound this part of the green belt constitute the sort of clearly identifiable and robust boundaries that Scottish Planning Policy paragraph 51 recommends. Removing BUS23 from the green belt is not justified because to do so would harmfully erode the important contribution that this green belt corridor makes to fulfilling the aforementioned principal purpose of the Falkirk green belt.

4. Scottish Planning Policy paragraph 51 also advises that consideration should be given to excluding "major businesses and industrial operations" from the green belt. The scale of such a business would need to be on a par with other types of institution encompassed by this advice. These would include, as comparative examples, a campus university; horticultural research establishment; oil refinery; airport, or military base. Although it clearly makes an important contribution to the Falkirk economy, I cannot agree that the Falkirk Whisky Distillery is (or is likely to be for the duration of the proposed plan) of sufficient scale to accurately be described as a "major business or industrial operation".

5. Scottish Planning Policy paragraph 52 explains that, amongst other types of development, the "intensification of established uses" may be appropriate within a green belt, "subject to the new development being of a suitable scale and form".

6. The allocation of BUS23 would provide certainty for the Falkirk Whisky Distillery Company that any future expansion of its business interests on this site would be acceptable in principle, notwithstanding its location within the green belt. Therefore, it is not necessary to remove BUS23 from the green belt in order to allow the business to expand.

7. Scottish Planning Policy paragraph 147 requires planning authorities to protect and preserve the outstanding universal value of world heritage sites. This requirement is given local expression within proposed Policy PE05 Antonine Wall. Scottish Planning Policy paragraph 145 advises that where there is potential for a proposed development to have an adverse effect upon the integrity of the setting of a scheduled monument, permission should be granted only where there are exceptional circumstances. This requirement is given local expression within proposed Policy PE06 Archaeological Sites.

8. It is clear from the representation made by Historic Environment Scotland that any development of the Antonine Wall World Heritage Site that lies within proposed allocation BUS23 would be very likely to give rise to the sort of adverse impacts that proposed Policies PE05 and PE06 seek to prevent. I accept that the extent of land ownership may be relevant to whether a proposed development may be implemented. However, the same is not invariably true of site allocations being promoted in a local development plan, which are often in a number of different ownerships. It is therefore unnecessary for the boundary of BUS23 to follow that of the Falkirk Whisky Distillery Company application site. In this case, I also consider it to be inappropriate because to do so would give a misleading impression about the acceptability in principle of developing part of the site for business use.

9. Retaining the Antonine Wall World Heritage Site within BUS23 would be likely to give rise to significant conflict with proposed Policies PE05 and PE06, as well as Scottish Planning Policy. Consequently, I shall recommend the exclusion of the Antonine Wall World Heritage Site from proposed allocation BUS23 and consequent changes to the wording of the relevant site comments.

#### Allocated Business Site BUS03 – Beancross, Polmont

10. Proposed Policy PE15 Green Belt gives local expression to what Scottish Planning Policy paragraphs 49 to 52 say about the purposes, establishment and maintenance of green belts. Paragraph 4.16 of the proposed plan states: “The primary purpose [of the green belt] in the Falkirk area is to safeguard the identity of communities by preventing development which would reduce their visual separation”. This is consistent with the second of the three purposes of including land within a green belt set out in Scottish Planning Policy paragraph 49, which is to protect and enhance the character, landscape setting and identity of settlements.

11. Scottish Planning Policy paragraph 51 explains that the spatial form of green belts may “take the shape of a buffer, corridor, strip or wedge”. The narrow green belt corridor from Laurieston in the west to junction 5 of the M9 motorway is part of what proposed Policy PE15 describes as the “Polmont/Grangemouth/Bo’ness/Linlithgow Corridor”. This corridor helps to prevent the settlements of Grangemouth and Polmont from merging, thereby safeguarding their respective identities. The M9 motorway, other main roads and the settlement edge that bound this part of the green belt constitute the sort of clearly identifiable and robust boundaries that Scottish Planning Policy paragraph 51 recommends.

12. I accept that the green belt in the vicinity of proposed allocation BUS03 contains several large buildings. Nevertheless, the character of the area is predominantly open and it does not constitute a community in the same way that built-up residential areas do. Removing BUS03 from the green belt is not justified because to do so would harmfully erode the important contribution that this green belt corridor makes to fulfilling the primary

purpose of the Falkirk green belt, which is to safeguard the identity of communities by preventing development which would reduce their visual separation.

13. Scottish Planning Policy paragraph 51 advises that consideration should be given to excluding “major businesses” from the green belt. The scale of such a business would need to be on a par with other types of institution encompassed by this advice. These would include, as comparative examples, a campus university; horticultural research establishment; oil refinery; airport, or military base. Although it clearly makes an important and growing contribution to the Falkirk economy, I cannot agree that the Klondyke Garden Centre is (or is likely to be for the duration of the proposed plan) of sufficient scale to accurately be described as a “major business”.

14. Scottish Planning Policy paragraph 52 explains that, amongst other types of development, the “intensification of established uses” may be appropriate within a green belt, “subject to the new development being of a suitable scale and form”. I noted during my site inspection that, notwithstanding its location within the green belt, planning permission has been granted to expand the business and that these works are currently being implemented.

15. The allocation of BUS03 would provide certainty for the representee that the future expansion of its business interests on this site would be acceptable in principle. It is unnecessary to remove proposed allocation BUS03 from the green belt in order to allow the existing business model to develop further.

16. However, the representee wishes the allocation to be changed from “business” to “mixed use”. The mix of uses proposed would be use classes 1 (retail), 3 (food and drink), 4 (business) and 6 (storage and distribution). The principal use of the site, as far as I could discern, is as a garden centre. The other uses that I saw are clearly ancillary to this principal use.

17. Scottish Planning Policy paragraph 68 states that development plans should adopt a sequential town centre first approach for the siting of uses that attract high footfall, which includes proposals for offices, retail and commercial leisure. The proposed Spatial Strategy, together with proposed Policy JE07 Town and Local Centres, gives local expression to this approach. On page 22 of the proposed plan, Table 3.5 Network of Centres proposes a hierarchy of centres where these uses would be sequentially most preferably located. The principal centre is Falkirk, with four district centres (Bo’ness, Denny, Grangemouth and Stenhousemuir); 12 local centres and two commercial centres. BUS03 is outwith all of these centres. Allowing unrestricted office, retail and commercial leisure activity at the Klondyke Garden Centre would not comply with the town centre first approach.

18. Moreover, as the council points out, the term “mixed use” in the context of the proposed plan includes residential development. BUS03 is remote from any defined settlement or urban limit in the proposed plan. A residential component of development in this location would therefore be inconsistent with the plan’s overall spatial strategy.

19. Although building homes on BUS03 cannot be ruled out, allocating it for mixed use would give a misleading impression as to its acceptability in principle for residential development. It would more properly be a matter for any future applicant to justify such a proposal against development plan policies as a whole, including the provisions of policy HC05 Housing in the Countryside, which identifies the limited circumstances in which

proposals for housing in the countryside might be supported.

20. No modifications are proposed in response to this representation.

#### Allocated Business Site BUS01 – Kinneil Walled Garden

21. The Kinneil Estate Masterplan 2015-2025 gives people a good idea about what sort of leisure and tourism-related business development would be acceptable on this proposed allocation and the walled garden is identified at Appendix 1 (page a23) of the proposed plan as one of seven named “community growing sites” (GN24). The words “business”, “leisure” and “tourism” should be attributed their normal dictionary meanings and it is on this basis that I have dealt with the representation.

22. During my site inspection, I noted some activity within the walled garden (a small mechanical digger was moving soil around) but the land is predominantly fallow. There are some large glasshouses but also smaller areas of open ground that could potentially be used as allotments.

23. Scottish Planning Policy paragraph 227 expects local development plans to safeguard existing and potential allotment sites and to encourage opportunities for a range of community growing spaces. It seems most likely to me that the development of BUS01 would lead to the loss of some or all of this potential allotment space and diminish the status of the walled garden as an existing community growing space. This would not, in principle, be consistent with the aforementioned advice in Scottish Planning Policy.

24. In my examination of Issue 18, I have recommended that an additional paragraph should be added to proposed policy PE13 Green and Blue Network. The aim of this modification is to ensure that the seven GN24 sites are safeguarded from development unless it can be shown, on a case-by-case basis, that there is no longer a proven demand for allotment space. Any proposal for development on BUS01 would need to accord with the development plan as a whole. Consequently, I am satisfied that, with the proposed modification, Policy PE13 would adequately safeguard BUS01 from development that would diminish its status as an existing community growing space and as potential allotments.

25. The sensitivities highlighted by Mr & Mrs McCormack are reflected in the site comments for BUS01, at Appendix 1 (page a12) of the proposed plan. In my assessment, all of these concerns relate to detailed matters that would most appropriately be addressed during the course of determining any planning application(s) for development on BUS01. Moreover, no specific changes to the wording of the proposed plan have been suggested.

26. In Appendix 1 of its representation, The Scottish Environment Protection Agency has suggested that the site comments for BUS01 should include reference to the need for development proposals to be accompanied by a flood risk assessment. Scottish Planning Policy paragraph 255 advises that the planning system should promote a precautionary approach to flood risk from all sources. I therefore agree that the site comments for BUS01 should be modified in the manner suggested.

#### Non-allocated Site – Easter Thomiston, Banknock (Site Ref 109)

27. Suggested site 109 was considered in the main issues report (page a1-04) and rejected for a number of reasons. According to paragraph 5.1 of Technical Report 6

(Revised): Employment Land, there is about 290 hectares of allocated employment land in the existing plan, which represents a 56-year supply. Not all of this land would be immediately available for development, of course.

28. If site 109 were immediately available for development and there were developer interest, then this might justify its allocation. However, it is not. Although close to the M80 motorway, access via Braeface Road and Kelt Road would, from what I saw, be very difficult for larger vehicles because of the steep, narrow and winding nature of these roads. It would be necessary to agree access to the site across land outwith the representee's control and no such agreement appears to have been secured.

29. Site 109 is outside the settlement boundary and part of it is protected under proposed Policy PE19 Biodiversity and Geodiversity because of its mix of habitats.

30. Given: 1) a generous supply of employment land across the Falkirk Council area as a whole; 2) known constraints; 3) location outwith the settlement boundary, and 4) absence of developer interest, the allocation of site 109 for use classes 4 and 5 is not justified. No modifications are recommended in response to this representation.

**Reporter's recommendations:**

1. At Appendix 1 (page a16), in the site comments for allocation BUS23, delete the words "Northern part of site is within the boundary of the Antonine Wall World Heritage Site and remainder is within the Antonine Wall WHS buffer zone."

2. At Appendix 1 (page a16), in the site comments for allocation BUS23, after the first sentence insert the following new second sentence: "The entire allocation is within the Antonine Wall World Heritage Site buffer zone."

3. On Proposals Map 5, alter the boundary of allocation BUS23 to exclude that part of it which falls within the Antonine Wall World Heritage Site.

4. At Appendix 1 (page a12), in the site comments for allocation BUS01, add the following new sentence: "A flood risk assessment will be required."

<b>Issue 18</b>	<b>Place and Environment Policies</b>	
<b>Development plan reference:</b>	<u>Chapter 4 Policies</u> Place and Environment (pages 30 - 42) <u>Proposals Map 1</u> Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood	<b>Reporter:</b> Philip Barton
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (East Region) (00532) British Sign and Graphics Association (02955) Scottish Government (00643) Scottish Natural Heritage (00646) Homes for Scotland (00284) AWG Property & Mactaggart & Mickel Homes (03035) SportScotland (00330) Philip C Smith Commercials (00145) Woodland Trust Scotland (00549) Taylor Wimpey UK Limited (00198) Development and Environmental Services Limited (02975)		
<b>Provision of the development plan to which the issue relates:</b>	Place and environment policies, specifically PE01, PE03, PE06, PE13-20, PE22-25 and PE27	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy PE01 – Placemaking</u></p> <p>SEPA (East Region) (00532/3003/011) - Policy PE01 Placemaking should include a specific reference to climate change mitigation (in the first paragraph) and adaptation (in the second paragraph). This would support SPP, paragraphs 29 and 159, and local authority duties under the Climate Change (Scotland) Act 2009. SEPA also recommends adding a reference to separate recyclable materials at source.</p> <p><u>Policy PE03 – Advertisements</u></p> <p>British Sign and Graphics Association (02955/3001/001) - Objection is made to aspects of Policy PE03 on Advertisements. In sub section (3) the statement that illuminated advertisements will generally be prohibited outwith the Urban Limit is beyond the powers of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, is overly restrictive and impractical. Businesses outwith the Urban Limit who trade in darkness need to indicate that they are there and open for trade. In sub section (4) the requirement that advance directional signs must be 'in the public interest' is negative and unrealistic. This criterion is not permitted by the Regulations and does not take into account the needs of businesses which rely on passing trade but are remote from main roads.</p>		

Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008) - Policy PE06 should be amended to reflect the fact that planning authorities have no remit over direct impacts on scheduled monuments. Additional information should be inserted to clarify that works directly affecting a designated Scheduled Monument require Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland (HES).

Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004) - Policy PE13 Green and Blue Network is supported, but a clearer link to Policy PE23 Marine Planning and the Coastal Zone should be made. The coastal zone is a part of the wider green and blue network and, in Falkirk's case, appears likely to be particularly important due its designation as a Special Protection Area (SPA). The suggested change would help to establish a clearer link between green and blue network proposals in the LDP and the relevant policies of the National Marine Plan.

Scottish Government (00643/3001/009) - To accord with paragraph 227 of SPP, LDP2 should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. This could be done through an addition to Policy PE13.

Policy PE14 – Countryside

Homes for Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002) - Policy PE14 Countryside restricts the availability of housing land and should therefore be viewed as a housing supply policy. If there is a shortfall in the five year supply of effective land the policy would be out of date as set out in paragraph 125 of SPP. The policy should be amended to reflect this.

Policy PE15 – Green Belt

Homes for Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003) - Policy PE15 Green Belt should be amended to allow for development in the green belt where there is a shortfall in the effective housing land supply and subsection 2 of Policy HC01 is triggered.

Policy PE16 - Protection of Open Space

SportScotland (00330/3003/004) - In Policy PE16 Protection of Open Space, references to 'playing fields' and 'sports pitches' in the last two bullet points of sub section 2 should be changed to the broader terminology used in SPP (paragraph 226).

Scottish Natural Heritage (00646/3004/005) - There should be recognition in the information supporting Policy PE16 Protection of Open Space of the potential for the use of open space for community growing. There are significant areas of open space in some parts of the town and neighbouring settlements that could be used in ways that increase their value to communities and which help to deliver overall plan aims such as the Falkirk area being a good place to live. The Falkirk Greenspace Strategy has an objective to meet increasing demand for community growing, and development on open space which includes community growing/allotments could meet this need.



Philip C Smith Commercials (00145/3003/001) - A site at Drove Loan, Denny should not be allocated as open space on the Proposals Map and subject to Policy PE16. It should retain purely its current designation as green belt in the current adopted LDP1 (CD12, Proposals Map 1). The reasons are:

- the Council's site assessments (2017 and 2018) do not consider the site to be open space;
- the Council has not provided any evidence as to why they now consider the site to be functional open space; and
- the site does not form part of the adjacent Chacefield Wood which is considered to be functional open space.

#### Policy PE17 - Open Space and New Development

SportScotland (00330/3003/003) - Policy PE17 Open Space and New Development could be clearer by stating there is a need for new developments to make provision for sports facilities.

#### Policy PE18 - Landscape

Homes for Scotland (00284/3003/008) - Although the general ambition of the Policy PE18 Landscape is supported, it should be amended to enable a more balanced approach on landscape impacts against other considerations to be taken.

Scottish Government (00643/3001/010) - To accord with paragraphs 169, 196, 197 and 202 of SPP, changes should be made to Policy PE18 Landscape. Paragraph 169 of SPP is clear that landscape impacts may be part of decision making for renewable energy projects but does not say that adverse landscape effects should be absent as a result. Sub section (2) of the policy allows for mitigation, but mitigation may not reverse or avoid an adverse effect but could in fact reduce it to an acceptable level.

Scottish Natural Heritage (00646/3004/006) - LDP2 has introduced an inconsistency between the updated Policy PE18 Landscape and the related SG09 supplementary guidance which states that the Council will "...protect and enhance landscape character and quality..." SNH's advice is that the separation of character and quality and the difference in protection created by this change to the policy should be avoided. The existing policy (Policy GN02 Landscape, LDP1, CD12, page 58) and supplementary guidance approach to protecting and enhancing both character and quality should be maintained in the new policy.

#### Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011) - To better reflect paragraphs 208 and 212 of SPP, changes are sought to the wording of Policy PE19 Biodiversity and Geodiversity. These relate to the description of the circumstances in which development adversely affecting a Natura 2000 site may be permitted (sub section (1)) and the type of benefits which can be taken into account in assessing development which adversely affects a Site of Special Scientific Interest (sub section (2)).

#### Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012) - Policy PE20 Trees, Woodland and Hedgerows

should make reference to the role that forests, woodlands and trees may have for natural flood management, and require development to prevent further introduction of invasive non-native species as part of the onsite works.

Woodland Trust Scotland (00549/3002/002) - Policy PE20 Trees, Woodland and Hedgerows, sub section (2), should provide protection to woodland of high value for nature conservation, as well as sites in the Ancient Woodland Inventory. This is in line with SPP, and reflects the fact that the Inventory is not comprehensive across Scotland. Sub section (2) should also require that development likely to impact negatively on the woodland is located away from such areas, and that suitable buffer areas should be included where development is proposed on sites adjacent to ancient woodland.

#### Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013) - Policy PE22 The Water Environment sub section (2) should state that, prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment should be undertaken. In sub section (4), in relation to engineering works in the water environment, the word "unnecessary" should be removed from the text. "Unnecessary" is superfluous as the wording "general presumption" in the policy caveats this requirement. The policy should include a reference to Groundwater Dependent Terrestrial Ecosystems (GWDTEs). This is needed to ensure the Council accords with its duties to protect and improve the water environment.

#### Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014) - Policy PE23 Marine Planning and the Coastal Zone, sub section (3) should be altered to read "protect and enhance the water environment".

#### Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015) - Policy PE24 Flood Management should make reference to flood risk assessments being undertaken in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders. It should also state that prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment is undertaken. The supporting text in paragraph 4.26 should be changed as the current wording refers to outdated SEPA indicative flood maps.

#### Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016) - Policy PE25 Soils and Agricultural Land, sub section (1), should be extended to include the protection of all carbon rich soils. The policy needs change so that specific areas of carbon rich soil (CRS) should be identified as a constraint for site allocations and areas of search for energy proposals. In sub section (2), bullet point 3, the text should be changed from "any likely release of greenhouse gas emissions caused by disturbance is offset" to "Suitable mitigation measures to abate carbon emissions are implemented". Sources of information should be signposted in the policy and used in mapping to highlight where further site investigation may be required.

Scottish Government (00643/3001/012) - To reflect paragraph 80 of SPP, the wording of Policy PE25 Soils and Agricultural Land should be changed to delete the terms 'significant' and 'permanent' in reference to the loss of prime quality agricultural land. These terms are

not used in SPP which states that any loss of agricultural land should be minimised and development only permitted where essential.

Woodland Trust Scotland (00549/3002/003) - Policy PE25 Soils and Agricultural Land should be amended to make reference to native tree planting as a way in which greenhouse gas emissions from peat loss can be offset.

Taylor Wimpey UK Limited (00198/3005/002) - Policy PE25 Soils and Agricultural Land should introduce the option of an agricultural land review on a case by case basis. This could apply to circumstances where pockets of prime agricultural land (PAL) are located within a wider area of non-prime land, and may therefore act as a constraint to future development on site. In such cases the general approach should be to treat small areas in accordance with the dominant land classification.

#### Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001) - The words “particularly those related to development in the countryside” should be removed from Policy PE27 Vacant, Derelict and Contaminated Land. The use of contaminated land and derelict land/buildings for development in the countryside should be maximised.

#### **Modifications sought by those submitting representations:**

##### Policy PE01 – Placemaking

SEPA (East Region) (00532/3003/011) - Amend Policy PE01 Placemaking, sub section (6) by including a specific reference to climate change mitigation (in the first bullet point) and adaptation (in the second bullet point) and by inserting the wording “and incorporating space to separate materials at source” after “recycling of materials” in the first bullet point.

##### Policy PE03 – Advertisements

British Sign and Graphics Association (02955/3001/001) - Amend Policy PE03, sub section (3), on illuminated adverts by removing “and will generally be prohibited outwith the Urban Limit”. Delete Policy PE03 subsection (4) on advance directional signs and replace with wording that such signs “should respect the character of their surroundings (particularly if they are in the countryside) and be designed and located so as not to be detrimental to public safety”.

##### Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008) - Amend the second sentence of Policy PE06 to read: “Developments which have an adverse effect on the integrity of the setting of scheduled monuments will not be permitted unless there are exceptional circumstances”. An additional paragraph should also be added which reads: “Any works directly affecting a designated Scheduled Monument require Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland (HES)”.

##### Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004) - Amend Policy PE13, by adding “and Policy PE23 Marine Planning and the Coastal Zone” to the end of subsection (3).

Scottish Government (00643/3001/009) - Amend Policy PE13 to include a statement advising that the Council will safeguard existing and potential allotment sites.

#### Policy PE14 – Countryside

Homes for Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002) - Amend Policy PE14 sub section (2) by adding the last sentence to the last bullet point and inserting "or" at the end. Insert an additional bullet point after this: "There is a shortfall in the effective housing land supply and Policy HC01(2) is triggered."

#### Policy PE15 – Green Belt

Homes for Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003) - Amend Policy PE15 sub section (3) by deleting the wording "any of", and by adding a further circumstance in which development in the green belt will be permitted as follows: "or there is a shortfall in the effective housing land supply and Policy HC01(2) is triggered".

#### Policy PE16 - Protection of Open Space

SportScotland (00330/3003/003) - In Policy PE16 sub section (2), in the third bullet, replace first reference to "playing field" with "facility" and second reference to "playing field" with "outdoor sports facility". In the fourth bullet, replace "sports pitches" with "provision".

Scottish Natural Heritage (00646/3004/005) - In paragraph 4.17, amend the 5th sentence to read: "There may be opportunities to release open space which is of little or no value for alternative uses including community growing as part of beneficial development".

Philip C Smith Commercials (00145/3003/001) - Remove the open space designation from a site at Drove Loan, Denny.

#### Policy PE17 - Open Space and New Development

SportScotland (00330/3003/004) - In Policy PE17 sub section (1): after "promote", insert "physical activity, sport and". In sub section (2), after "recreational", insert "and sport".

#### Policy PE18 - Landscape

Homes for Scotland (00284/3003/008) - Amend Policy PE18 sub section (2) to read:

"Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated".

In sub section (3), delete "without adverse effects".

Scottish Government (00643/3001/010) - Amend Policy PE18 sub section (2) to read: 'Development within Local Landscape Areas will only be supported where it safeguards landscape character and scenic interest for which the area is designated'. In sub section (3), delete "without adverse effects".

Scottish Natural Heritage (00646/3004/006) - Amend Policy PE18 subsection (1) to read: "The Council will seek to protect and enhance landscape character and quality throughout

the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'".

#### Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011) - Amend Policy PE19 sub section (1), 3<sup>rd</sup> and 4<sup>th</sup> sentences, to read "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, there are imperative reasons of overriding public interest, including of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for other reasons subject to the opinion of the European Commission (via Scottish Ministers)". Amend sub section (2) to include reference to "environmental benefits" alongside social and economic benefits.

#### Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012) - Amend Policy PE20 by making reference to the role that forests, woodlands and trees may have for natural flood management, and by inserting wording requiring development to prevent further introduction of invasive non-native species as part of the on site works.

Woodland Trust Scotland (00549/3002/002) - Amend Policy PE20, sub section (2) so that it applies to woodland of high value for nature conservation, as well as sites in the Ancient Woodland Inventory. Add the following text to the policy: "Development likely to negatively impact on these should be located away from these areas. Buffer areas of open space or additional enhancement planting with native trees as appropriate should be considered where development may be allocated on sites adjacent to sites identified on the Ancient Woodland Inventory".

#### Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013) - Amend Policy PE22 sub section (2) by stating in the policy that, prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment should be undertaken. In sub section (4) remove the word "unnecessary". Add a specific reference in the policy to Groundwater Dependent Terrestrial Ecosystems.

#### Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014) - Amend Policy PE23, sub section (3) to read "protect and enhance the water environment".

#### Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015) - Amend Policy PE24 by making reference to flood risk assessments being undertaken in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders, and by stating in the policy that a flood risk assessment, including a feasibility study to assess the potential for channel restoration, should be undertaken prior to development. Amend paragraph 4.26, first sentence to "The Falkirk

area faces issues of fluvial, coastal and surface water flooding as identified on SEPA Flood Maps".

Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016) - Amend the wording of Policy PE25, sub section (1) to cover the protection of all soils. Insert wording in the policy so that areas of carbon rich soil (CRS) should be identified as constraints for site allocations and areas of search for energy proposals. Replace the wording of sub section (2), third bullet, with "suitable mitigation measures to abate carbon emissions are implemented". Signpost sources of relevant information in the policy and in mapping to highlight where further site investigation may be required.

Scottish Government (00643/3001/012) - Amend Policy PE25 sub section (1) to delete the words "significant" and "permanent".

Woodland Trust Scotland (00549/3002/003) - Amend Policy PE25 sub section (2), replacing the 3rd bullet point with: "Any likely release of greenhouse gas emissions caused by disturbance is offset through means such as native tree planting".

Taylor Wimpey UK Limited (00198/3005/002) - Amend Policy PE25 to introduce the option of an agricultural land review where there are pockets of prime agricultural land (PAL) in an otherwise non-PAL landscape.

Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001) - Amend Policy PE25 by deleting the words "particularly those related to development in the countryside".

**Summary of responses (including reasons) by planning authority:**

Policy PE01 – Placemaking

SEPA (East Region) (00532/3003/011) - The minor changes sought relate to the inclusion of references to climate change and materials recycling. If the Reporter is minded to recommend that the plan be amended in line with this recommendation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE03 – Advertisements

British Sign and Graphics Association (02955/3001/001) - Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (CD8) refers to the control of advertisements being exercised in the interest of amenity and public safety. The wording of Policy PE03(3) is intended to draw a distinction between the impact of illuminated signage within the urban area, where illumination is common and generally acceptable in the street scene, subject to appropriate siting and design, and the countryside, where there is generally much less illumination, and new illuminated signage is much more intrusive, and the adverse impacts on amenity and road safety are more marked. The wording of Policy PE03(4) is intended to restrict advance directional signage which is unnecessary, serves no public function, and contributes to clutter and disamenity in both urban and rural locations. This is a regular source of complaints to the Council in terms of impact on both amenity and road safety. The policy as worded gives the Council a

stronger position to justify removal of unauthorised signs and to control proposed signs. Neither of these provisions is considered to go beyond the scope of Regulation 4. For these reasons, the Council does not agree to modify the plan in response to the representation.

#### Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008) - The representation takes issue with the part of the Policy PE06 which states that “Developments which *have an adverse effect on scheduled monuments*...will not be permitted unless there are exceptional circumstances”. This appears to be on the grounds that because of the Scheduled Monument Consent (SMC) process, development plan policy has no locus with regard to direct impacts on scheduled monuments. However, this is not the case, as is clear from the wording of SPP Paragraph 145 (CD1), which this part of Policy PE06 follows word for word. For this reason, the Council does not agree to modify the policy. The Council would not take issue with the insertion of an informative in the supporting text referring to the separate SMC process.

#### Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004) - The Council does not feel that the insertion of a cross reference to Policy PE23 Marine Planning and the Coastal Zone at this point in Policy PE13 is particularly necessary or appropriate. The key purpose of the sentence is to establish the necessary ‘hook’ for the relevant Supplementary Guidance, which will itself included advice on the marine and coastal environment if necessary. For this reason, the Council does not agree to modify the plan in response to the representation.

Scottish Government (00643/3001/009) - The Council acknowledges the requirement in SPP paragraph 227(CD1) to safeguard existing and potential allotment sites. Potential allotment sites have effectively been safeguarded through Proposal GN24 which identifies a network of community growing opportunities across the area. Existing allotment sites are owned by the Council and are effectively safeguarded through ownership. If the Reporter is minded to include the specific wording as set out in SPP in the plan, the Council would not take issue with this, but would suggest that it would be better placed as an additional sub section at the end of Policy PE16 Protection of Open Space. This is not regarded as a notifiable modification.

#### Policy PE14 – Countryside

Homes for Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002) - The amendment sought to Policy PE14(2) is not considered appropriate. This sub section of the policy only deals with uses in the countryside not covered by other policies for specific uses (i.e. HC05 Housing in the Countryside, and JE05 Business Development in the Countryside). If such an amendment were to be made, it would have to be inserted into Policy HC05. The Council does not believe that such a change to HC05 is necessary, since Policy HC01(2), bullet point 4, already makes it explicit that sites outwith the Urban or Village Limits can be considered in circumstances where there is a shortfall. However, if the Reporter is minded to amend Policy HC05 in response to the representation, such an amendment would have to require that all the criteria set out in HC01(2) are met, rather than simply that it is ‘triggered’.

#### Policy PE15 – Green Belt

Homes for Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003) - The amendment sought to Policy PE15 is not considered appropriate. Such a change would imply that if there was an effective housing land shortfall, Policy PE15 and the concept and purposes of the green belt would automatically be set aside. Green belt is a constraint which would still need to be given due weight in the event of a shortfall, in the same way as other policy designations which recognise the intrinsic value of a particular area of land such as Local Landscape Areas or Wildlife Sites. Its designation implies a longer term presumption against development and, in the event of a shortfall, it will provide an important steer as to what locations might be more appropriate to address housing land supply deficiencies. For this reason, the Council does not agree to modify the plan in response to the representation.

#### Policy PE16 - Protection of Open Space

SportScotland (00330/3003/004) - The Council accepts that the wording of Policy PE16(2) should mirror that in SPP paragraph 226 (CD1), but the terminology does not completely match. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with this. This is not regarded as a notifiable modification.

Scottish Natural Heritage (00646/3004/005) - The amendment to the supporting text of Policy PE06 suggests that surplus open space could be considered for community growing, as well as development. If the Reporter is minded to recommend that the plan be amended in line with this recommendation, the Council would not take issue with this. This is not regarded as a notifiable modification.

Philip C Smith Commercials (00145/3003/001) - Part of the site was previously suggested by Philip C Smith Commercials for housing development through the pre-MIR 'Call for Sites' process (Site Ref 115). This part, which is a triangular area of land, was subject to a site assessment (CD33) along with other potential sites in Denny and was identified in the MIR as a non-preferred site (CD22, page 31). The location has been considered and rejected for housing development by Reporters on two previous occasions. The first was the Falkirk Council Local Plan Inquiry in 2009 (CD56, pages 135-138). The second was the LDP1 Examination in 2014 (CD13, pages 86-102). The Council maintain its view that the site is not appropriate for housing development.

Philip C Smith Commercials is now no longer seeking a housing allocation of the site. Instead, it is seeking a modification that would remove the site's new open space designation in the Proposed LDP2 (Proposals Map 1) while retaining the site's green belt and countryside designation. The site is not identified as open space in LDP1 (CD12, Proposals Map 1).

The new open space designation reflects the site's identification in the Council's Open Space Strategy as part of the audited open space at Chacefield Wood (CD43, page 22). Chacefield Wood is owned and managed for public access by Callendar Estate. The site was included as part of the wider Chacefield Wood open space site because it contains a core path (CD44, pages 30 and 31, reference: 012/326) which provides an important access to the wood from Drove Loan. In addition, the site provides an undeveloped setting to both the core path and to Chacefield Wood. Because of this, and the need to maintain consistency between the LDP and the Open Space Strategy, the Council considers the site's open space designation to be justified. For these reasons, the Council does not agree to modify the plan in response to this representation.



Policy PE17 - Open Space and New Development

SportScotland (00330/3003/003) - The Council would not take issue with the amendment to Policy PE17(1), which usefully expands the beneficial functions of open space. However, the change to Policy PE17(2) is considered unnecessary since the term 'recreational' already includes 'sport'.

Policy PE18 - Landscape

Homes for Scotland (00284/3003/008); Scottish Government (00643/3001/010); Scottish Natural Heritage (00646/3004/006) - On the wording of Policy PE18(1), SNH's change does not make a significant difference to the meaning and intent of the policy. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

On the wording of Policy PE18(2), Homes for Scotland's change would weaken the protection given to Local Landscape Areas (LLAs). The proposed wording would imply that development is generally acceptable in LLAs, and that developers merely have to 'minimise' adverse effects, rather than reduce them to a level which is acceptable. The Scottish Government's change would not significantly alter the meaning of the policy and so is considered unnecessary. The Council does not agree to modify the plan in response to these representations.

On the wording of Policy PE18(3), both Homes for Scotland and Scottish Government seek the deletion of the word "without adverse effects". The Council considers this phrase is appropriate but recognises that a proposal may be acceptable if, following mitigation, there are residual, non-significant landscape effects. The phrase could be amended to read "without significant adverse effects". If the Reporter considers that change is needed to this aspect of the policy, the Council would not take issue with such an amendment. This is not regarded as a notifiable modification.

Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011) - The Council agrees that the suggested altered wording would align better with SPP paragraph 208 (CD1). If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012) - Policy PE20 already contains reference to the flood control/management benefits of woodland in sub section (1) and in supporting paragraph 4.22. The issue of controlling invasive non native species is already covered in the Council's current supplementary guidance on Biodiversity and Development (CD137, pages 9,14,15,18,22, 24-28), and will be dealt with in its successor SG07, which is linked to Policy PE19. There is no need to refer to it in Policy PE20. The Council does not agree to modify the plan in response to this representation.

Woodland Trust Scotland (00549/3002/002) - The fact that not all ancient woodland may be captured in the Scottish Ancient Woodland Inventory is acknowledged. The wording of PE20(2) could be altered to "Ancient, long-established and semi-natural woodland,

including sites identified in the Scottish Ancient Woodland Inventory, will be protected as a resource of irreplaceable value". If the Reporter considers this appropriate, the Council would not take issue with such an amendment. This is not regarded as a notifiable modification.

References to buffer zones, and the detail of safeguarding trees, are dealt with in the Council's current supplementary guidance on Trees and Development (CD14), and will be dealt with in its successor SG06, which is linked to Policy PE20 at sub section (4). There is no need to include reference in PE20(2). The Council does not agree to modify the plan in response to this part of representation.

Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013) - The Council would not take issue with reference to the need for a flood risk assessment being inserted at the end of Policy PE22(2), or for Groundwater Dependent Terrestrial Ecosystems to be added to the list of features which are included in the water environment in the first sentence of paragraph 4.24. These are not regarded as notifiable modifications.

The removal of the word 'unnecessary' in Policy PE22(4) is not supported. Engineering works are sometimes required in the water environment for a whole range of reasons. The Council's wording allows the need for any works to be balanced against any potential negative effects on the water environment. In the event of works being deemed necessary, sub section (3) of the policy would still operate to protect damage to the ecological status or quality of water bodies. The Council does not agree to modify the plan in response to this part of representation.

Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014) - If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015) - Reference is already made to SEPA's Technical Flood Risk Guidance for Stakeholders in Policy PE24(3). The Council has indicated above that it is happy to include reference to flood risk assessment being carried out in association with channel restoration in relation to Policy PE22(2). There is no need to include a further reference in Policy PE24.

The Council does not take issue with changing the reference to 'SEPA indicative map' to 'SEPA Flood Maps' to reflect the change in terminology. This is not regarded as a notifiable modification.

Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016) - The extension of Policy PE25 has no justification and SEPA has not provided any basis for this in national policy. The suggestion that the policy should specify that carbon rich soils be regarded as a constraint for site allocations and areas of search for energy proposals is unnecessary. All environmental constraints referred to in the plan are, by implication, regarded as constraints for site allocations, and

have been considered as part of site assessments. Carbon rich soils are already built into the spatial framework as a constraint for onshore wind farms. The proposed rewording of sub section (3) does not significantly change the meaning of the policy and is considered necessary. The Council does not agree to modify the plan in response to this part of representation.

The Council would take no issue with reference to sources of information (e.g. the SNH carbon rich soil and peatland map) being included in the supporting text at paragraph 4.28. This is not regarded as a notifiable modification.

Scottish Government (00643/3001/012) - The Council considers that the use of the terms 'significant' and 'permanent' in Policy PE25(1) is appropriate. Although these words are not used in SPP paragraph 80 (which deals with loss of prime agricultural land), they are implied by the exceptions listed in the paragraph, and represent a common sense and proportionate approach. The Council does not agree to modify the plan in response to this representation.

Woodland Trust Scotland (00549/3002/003) - The Council does not consider this change to Policy PE25(2) to be necessary. It is widely understood that tree planting is a way of offsetting greenhouse gas emissions and does not need to be stated. The Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198/3005/002) - SPP paragraph 80 (CD1) sets out the national policy on the safeguarding of prime agricultural land. There is no basis in this paragraph for a case by case agricultural land review as suggested by Taylor Wimpey. Policy PE25(1) indicates that there is a test of significance, and this is sufficient to ensure that a proportionate approach is taken to pockets of prime agricultural land within generally non-prime areas. The Council does not agree to modify the plan in response to this representation.

Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001) - Policy PE27 draws particular attention to the need to comply with countryside policies, because otherwise the policy could be seen as sanctioning redevelopment of vacant and derelict sites in the countryside for any purpose. This policy does not override the relevant countryside policies (PE14, HC05 and JE05) and the wording ensures that there is no ambiguity about this. For this reason, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

Policy PE01 – Placemaking

1. Amongst the principles that underpin the achievement of sustainable development at Scottish Planning Policy paragraph 29 is supporting climate change mitigation and adaptation (page ten, bullet point seven). Scottish Planning Policy paragraph 159 states that local development plans should support the development of heat networks. Then, at paragraphs 176, 180 and 181, Scottish Planning Policy states that the planning system should support the target of recycling 70 per cent of household waste and the infrastructure needed to support this objective.

2. Proposed policy IR14 Heat Networks, to which the first bullet point of part 6 of proposed policy PE01 refers, adequately reflects the advice in Scottish Planning Policy. However, I agree with the Scottish Environment Protection Agency that more explicit reference to climate change mitigation and adaptation would help the council to demonstrate that it has given due regard to its legal duties in relation to climate change and water quality legislation.

3. Similarly, it would aid clarity for potential developers if reference were made to the desirability of providing space to separate waste materials at source. The suggested changes to the text of the first two bullet points of part 6 of this policy should therefore be made. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them in my recommendations.

#### Policy PE03 – Advertisements

4. The lawful basis for the powers of control of advertisements is found within the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

5. Many advertisements benefit from deemed consent under the provisions of Schedule 4 of these Regulations. The proposed policy makes no distinction between advertisements that do or would benefit from deemed consent and those that require express consent. Where express consent is required, Regulation 4(1) limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety. The meaning of 'amenity' and 'public safety' are elaborated in Regulation 4(2)(a) and (b), respectively.

6. The Regulations provide a stand-alone form of control. They do not need to rely upon a supportive development plan policy to give them force. Moreover, Regulation 4(2) is to be exercised without prejudice to a planning authority's power to have regard to 'any other material factor'. Consequently, I agree that the matters addressed by proposed policy PE03 are entirely superfluous to the legal context within which the control of advertisements ought to be exercised.

7. More importantly, however, the section 25 test (i.e. the primacy of adopted development plan policies) is inapplicable to the determination of applications and appeals relating to the control of advertisements. It is therefore misleading and unlawful to suggest that a development plan policy might exercise control over advertisements independently of the Regulations or in some way be necessary to supplement them.

8. The proposed plan must accord with the law and win the confidence of the public. If this unlawful policy were to remain in the plan, confidence in the planning system would very likely be undermined once people realise that it cannot lawfully deliver the enhanced degree of control that it purports to. I shall recommend that this policy and its explanatory text are deleted in their entirety.

#### Policy PE06 – Archaeological Sites

9. The statutory powers exercisable by Historic Environment Scotland in relation to scheduled monuments are summarised at Part 2, Section 15 of The Historic Environment Scotland Act 2014, which received Royal Assent on 9 December 2014. These functions include:

- the grant, modification and revocation of scheduled monument consents;

- scheduled monument enforcement notices, and
- stop notices and temporary stop notices.

10. The most recent advice about development involving scheduled monuments is contained within the document entitled Scheduled Monuments Consents Policy, published by Historic Environment Scotland in 2018. This document is part of the Historic Environment Policy for Scotland (2019), which includes detailed national guidance about decision making for the whole of the historic environment in Scotland.

11. Paragraph 34 of Scheduled Monuments Consents Policy sets out the policies against which applications for Scheduled Monument Consent shall be assessed. These are policies SMCP1 to SMCP5.

12. This legislation and policy post-dates the advice in Scottish Planning Policy paragraph 145 (published June 2014). However, the relationship between Scheduled Monuments Consent and Scottish Planning Policy remains unchanged. This is because Scottish Planning Policy refers to the need for the written consent of Scottish Ministers to be obtained where proposed development would have a direct impact upon a scheduled monument. The only material change in this respect is that consent is now granted by Historic Environment Scotland on behalf of the Scottish Ministers.

13. I agree with the Scottish Government that development plan policies do not have primacy (i.e. the section 25 test) when considering proposals for development that would directly affect scheduled monuments. Nevertheless, in weighing the relevant benefits against likely harms as part of determining a planning application (or subsequent appeal), exceptional circumstances may be found to exist, thereby justifying a grant of planning permission despite development being likely to have a direct adverse effect upon a scheduled monument. Consequently, it would not be appropriate to modify paragraph 1 of proposed policy PE06 in the manner suggested by the Scottish Government.

14. I do, however, agree that it would aid clarity for potential developers if reference were made to the need to seek Scheduled Monument Consent from Historic Environment Scotland where necessary. I shall recommend that proposed paragraph 4.07 is modified accordingly.

#### Policy PE13 – Green and Blue Network

15. An overview of the proposed green and blue network opportunities is shown on proposed Table 3.1 (page 16) and illustrated spatially on proposed Map 3.2 (page 17). This map is referred to in proposed paragraph 4.14 and I agree that any further detail would most appropriately be contained within the proposed supplementary guidance. Moreover, Section 25(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals for express planning permission to accord with the development plan as a whole, unless material considerations indicate otherwise. There is no need, therefore, for proposed policy PE13 to cross-reference other development plan policies that may or may not be relevant to individual proposals.

16. Seven 'community growing sites' (commonly referred to as allotments) are identified on page a23 under the reference GN24. The locations of these seven sites are illustrated on proposed map 3.2 Spatial Strategy – Green and Blue Network (page 17). Scottish Planning Policy paragraph 227 states that local development plans should safeguard existing and potential allotment sites.

17. The council considers that its ownership of these seven sites provides them with sufficient protection. However, I noted when examining Issue 17 – Other Business Sites that one of these sites (Kinneil Walled Garden) has been allocated for business use as site BUS01. The council states in its summary of responses for representations about this site that “Proposal BUS01 identifies the potential for a commercial business use such as a café/restaurant or small garden centre which would enhance the tourism offer at Kinneil Estate, in line with the Kinneil Estate masterplan”.

18. So, there would appear to be no guarantee that the council’s ownership of these seven sites is sufficient to safeguard them from development in the manner that Scottish Planning Policy expects. I agree, therefore, that more explicit reference needs to be made to the need to safeguard the seven GN24 sites and that this wording should cleave to that found in Scottish Planning Policy paragraph 227.

19. Given that the GN24 sites are identified on proposed map 3.2 and that this map is referred to in the supporting text for Policy PE13, I am satisfied that the most appropriate place to include reference to safeguarding allotments from development is in proposed policy PE13 and not proposed policy PE16 Protection of Open Space. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

#### Policy PE14 – Countryside

20. Section 25(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals for express planning permission to accord with the development plan as a whole, unless material considerations indicate otherwise. The examination of proposed policy HC01 Housing Land has found that, subject to the modifications recommended in Issue 2 – Strategic Housing Land, it deals adequately with how proposals for housing would be dealt with in the event that a shortfall in the five-year supply of effective housing land were to arise. There is no need, therefore, for proposed policy PE14 to cross-reference paragraph 2 of Policy HC01.

21. Moreover, paragraph 2 of Policy PE14 states that it is intended to apply to proposals “for uses not covered by policies for specific uses”. One such specific use is housing, to which proposed policies HC01 and HC05 Housing in the Countryside are particularly relevant to this representation. Consequently, I disagree that Policy PE14 is a policy for the supply of housing (although I accept that this would ultimately be a matter for the courts to decide). No modification is therefore required.

#### Policy PE15 – Green Belt

22. Section 25(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals for express planning permission to accord with the development plan as a whole, unless material considerations indicate otherwise. The examination of proposed policy HC01 Housing Land has found that, subject to the modifications recommended in Issue 2 – Strategic Housing Land, it deals adequately with how proposals for housing would be dealt with in the event that a shortfall in the five-year supply of effective housing land were to arise. There is no need, therefore, for proposed policy PE15 to cross-reference paragraph 2 of Policy HC01.

23. Moreover, I agree with the council that a local development plan green belt policy should not summarily be set aside for any period during which a shortfall in the five-year

supply of effective housing land supply might exist.

24. Paragraph 3 of Policy PE15 allows for some housing to be built in the green belt, subject to proposals being able to demonstrate compliance with proposed policy HC05 Housing in the Countryside. The examination of proposed policy HC05 has found that it is appropriate and justified for the council to adopt a restrictive policy approach to housing in the countryside. Nevertheless, this policy does set out a number of circumstances in which housing in the countryside would be permitted in principle. This is consistent with the advice in Scottish Planning Policy paragraph 52, which states that the “intensification of established uses” may be appropriate within a green belt, “subject to the new development being of a suitable scale and form”. Consequently, I disagree that Policy PE15 must be treated as a policy for the supply of housing (although I accept that this would ultimately be a matter for the courts to decide).

25. The second sentence of Scottish Planning Policy paragraph 125 states: “where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant”. Scottish Planning Policy paragraph 33 states: “where relevant policies in a development plan are out-of-date...then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP”.

26. So, the presumption is but one material consideration, albeit significant, potentially amongst many others, that a decision-maker would need to weigh in the balance before coming to a conclusion about whether a specific proposal would represent ‘development that contributes to sustainable development’ or not.

27. One such wider policy referred to in Scottish Planning Policy paragraph 33 relates to the purposes, establishment and maintenance of green belts (Scottish Planning Policy paragraphs 49 to 52) to which Policy PE15 would give local expression. Paragraph 4.16 of the proposed plan states: “The primary purpose [of the green belt] in the Falkirk area is to safeguard the identity of communities by preventing development which would reduce their visual separation”. This is consistent with the second of the three purposes of including land within a green belt set out in Scottish Planning Policy paragraph 49, which is to protect and enhance the character, landscape setting and identity of settlements.

28. Although the expansion of existing areas of residential development within the green belt is not ruled out by Scottish Planning Policy (regardless of the housing land supply position), where a shortfall does exist there may well also be ‘adverse impacts’ associated with green belt development that a decision-maker would need to weigh in the balance. In my assessment, this means that it would be inappropriate to sanction the suspension of green belt policy in the manner suggested by Homes For Scotland.

29. No modification is required.

#### Policy PE16 - Protection of Open Space

30. Paragraph 16 of Schedule 5 to The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 sets out the three circumstances in which sportscotland (The Scottish Sports Council) shall be considered a statutory

consultee for applications relating to outdoor sports facilities. Outdoor sports facilities are defined in section (1)(a) to (e) of the Interpretation of Schedule 5 of the aforementioned legislation and in the glossary on page 74 of Scottish Planning Policy.

31. I agree that, for the sake of clarity, accuracy and consistency in the interpretation of Scottish Planning Policy and relevant legislation, the wording of Policy PE16 should cleave to that found in Scottish Planning Policy paragraph 226 and in its glossary definition of outdoor sports facilities. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them in my recommendations.

32. Scottish Planning Policy paragraph 227 expects local development plans to safeguard existing and potential allotment sites and to encourage opportunities for a range of community growing spaces. Seven 'community growing sites' are identified on page a23 under the reference GN24. The locations of these seven sites are illustrated on proposed map 3.2 Spatial Strategy – Green and Blue Network (page 17).

33. As a result of my examination of proposed policy PE13 Green and Blue Network, I have recommended a modification, the intent of which is to strengthen the safeguarding of these seven existing sites. This satisfactorily addresses the issue of compliance with the advice in the first sentence of Scottish Planning Policy paragraph 227. The change to the text of proposed paragraph 4.17 suggested by Scottish Natural Heritage would assist in demonstrating that the proposed plan offers encouragement to the establishment of a range of community growing spaces, in compliance with the second sentence of Scottish Planning Policy paragraph 227. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them in my recommendations.

34. Suggested site 115, in Drove Loan, was identified as a non-preferred housing site in the main issues report, with a capacity of up to 25 homes. In paragraph 7.4.18 of the Report of Public Local Inquiry into Objections to the Falkirk Council Local Plan, published in April 2010, the Reporters concluded that: "we consider the site to be effective. However, we believe that allocating it for housing would represent an unacceptable incursion into an area of green belt and countryside".

35. Then, in paragraph 38 of the examination report for the existing local development plan, published 4 March 2015, the Reporter for Issue 5 – Denny Housing Sites concluded that: "Although it has little intrinsic merit, the site is part of a wedge of countryside on the north side of Drove Loan which provides an undeveloped setting to Chacefield Wood and opens out to the wider countryside beyond. As such I consider that its development would erode the green belt at this location together with the rural setting of Head of Muir".

36. There has been no substantive change to the area around site 115 since the existing local development plan was adopted. The site itself remains outside the urban limit and within the green belt. There is no suggestion in the representation made by Philip C Smith Commercials Ltd that site 115 no longer contributes usefully to the purposes of including land within the green belt. All that is requested is the removal of the proposed open space designation.

37. In Issue 2 we have concluded that the allocation of additional appropriate sites for housing is justified in order to meet the revised housing land requirement. This could, where fully justified, include changing open space designations to residential allocations. There is a hint in the representation that site 115 might be a suitable housing allocation.



38. A core path (ref: 012/326) connects Chacefield Wood with Drove Loan. During my site inspection, I noted that this metalled core path appears to be used mainly by cyclists. However, I also saw some unaccompanied walkers and people walking their dogs. There is another well-trodden but unmade route which runs across the site on a roughly south-westerly to north-easterly alignment. It starts opposite numbers 10-12 Drove Loan Crescent and then intersects with the core path close to its entrance into Chacefield Woods. There are also several less well-trodden routes around the ruins of North Bonnyfield. It is obvious to me that site 115 is used regularly by people and that it clearly fulfils a valued role as functional open space.

39. Notwithstanding the evident shortfall in housing land supply across Falkirk as a whole, sufficient additional effective sites have since been identified by the examination to meet this shortfall. In this context, and given the contribution that site 115 makes to the function of the green belt in this location as well as its regular use as an open space, there is no clear justification or need for site 115 to be brought forward as a housing allocation at this time.

40. The map on page 22 of the council's Open Space Strategy indicates that site 115 has been audited on an equal basis with all other existing and proposed areas of open space. I see no need for site 115 to be a part of Chacefield Wood in order for it to be considered functional open space. Neither should its exclusion from previous surveys necessarily prevent it from now being considered as functional open space.

41. No modification is necessary.

#### Policy PE17 - Open Space and New Development

42. As articulated in Scottish Planning Policy paragraph 29, improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation, is one of the principles that should guide decision makers in determining to what extent a proposal would be development that contributes to sustainable development.

43. It is, therefore, appropriate for proposed policy PE17 to contain more explicit references to how new development might promote both sport and recreation as part of any open space that it provides or in making compensatory off-site provision.

44. I shall recommend that the changes suggested by sportscotland are made.

#### Policy PE18 – Landscape

45. In February 2018 the United Kingdom ratified the Florence Convention. The United Kingdom withdrew from the European Union at 23:00 GMT on 31 January 2020. However, the continued relevance of this Convention, amongst others, to United Kingdom policy making is still subject to negotiation. Thus, the terms of the Convention may still be considered relevant to landscape policy in Scotland. This is particularly so because ratification of the Convention post-dated the publication of Scottish Planning Policy.

46. Article 1d of the Convention states that one of its purposes is to “conserve and maintain the significant or characteristic features of a landscape”. Article 1f explains that “landscape planning means strong, forward-looking action to enhance, restore or create landscapes”. The Council, by designating Local Landscape Areas, has taken the specific measures outlined in Article 6C of the Convention. However, I can see no expectation in

the Articles of the Convention that any and all adverse effects upon landscape quality must be avoided or mitigated.

47. As far as Scottish Planning Policy is concerned, paragraph 169 lists “landscape and visual impacts”, including any cumulative impacts, as one of the considerations that needs to be balanced when assessing proposals for energy infrastructure. Then, paragraph 196 expects an “appropriate level of protection to be afforded to locally designated areas, stating that “the level of protection given to local designations should not be as high as that given to international or national designations”. Paragraph 197 advises that the purpose of areas of landscape value should be to “safeguard and enhance the character and quality of a landscape...”. Paragraph 202 expects developers to minimise adverse impacts to local landscape character through careful planning and design.

48. Scottish Planning Policy expects landscape character and quality to be safeguarded and enhanced. The Convention expects landscapes to be enhanced, restored or created. Proposed policy PE18 would introduce a more restrictive approach to development affecting Local Landscape Areas than that outlined in Policy GN02 Landscape of the existing local development plan. Although this could accurately be described as “strong, forward looking action”, a requirement to avoid or mitigate all adverse effects would go beyond what both Scottish Planning Policy and the Convention expect. Consequently, I agree that proposed policy PE18 should be modified.

49. I am satisfied that, in the light of Scottish Planning Policy paragraph 197 and Article 1f of the Convention, the council is entitled to seek the enhancement of landscape quality. No modification of paragraph 1 is necessary.

50. As far as paragraph 2 is concerned, Scottish Planning Policy paragraph 197 supports both the safeguarding and enhancement of landscapes. Consequently, I prefer the wording suggested by Homes For Scotland.

51. As far as paragraph 3 is concerned, I agree that, in the light of what Scottish Planning Policy paragraph 202 says, it would be disproportionate to expect development to avoid any and all adverse effects. I shall recommend that paragraphs 2 and 3 are modified in accordance with the representations made by Homes For Scotland.

#### Policy PE19 - Biodiversity and Geodiversity

52. The designations that together comprise the Natura 2000 network of European protected sites are listed in Scottish Planning Policy paragraph 207, with which proposed policy PE19 is consistent. At 23:00 GMT on 31 January 2020, the United Kingdom withdrew from the European Union. However, the continued relevance of European protected sites to United Kingdom policy making is still subject to negotiation. Thus, it remains both necessary and appropriate to retain references to Natura 2000 sites and the European Commission within proposed policy PE19.

53. The council does not object to the changes suggested by the Scottish Government and I agree that these changes would make proposed policy PE19 comply more closely with Scottish Planning Policy paragraphs 208 and 212, as well as the relevant provisions of European law. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them in my recommendations.

PE20 – Trees, Woodland and Hedgerows

54. Although proposed policy PE20 and proposed paragraph 4.22 both make reference to the role that trees and woodland may play in “flooding control” and “flood management” respectively, I agree with the Scottish Environment Protection Agency that it would aid clarity to refer instead to “natural flood management” in both instances. This phrase would also be consistent with the more detailed advice that potential developers may be pointed to in the Natural Flood Management Handbook, published by the Scottish Environment Protection Agency in December 2015.

55. Scottish Planning Policy paragraph 216 states: “Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees...should be protected from adverse impacts resulting from development”. Paragraph 194 of the same guidance states that the planning system should, amongst other things, protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods and hedgerows.

56. The Scottish Ancient Woodland Inventory is a valuable resource. However, I agree that it is essential not to limit the protection provided by paragraph 2 of proposed policy PE20 solely to woodland identified within the inventory. This is because the inventory does not include the ‘other woodlands’ that Scottish Planning Policy indicates are also worthy of protection. I shall therefore recommend that Policy PE20 is modified using the form of words suggested by the council. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

57. Paragraph 4 of proposed policy PE20 requires proposals for development likely to affect trees to comply with Supplementary Guidance SG06 Trees and Development, which will be updated to reflect changes to the proposed plan. The concerns raised by Woodland Trust Scotland in relation to paragraph 2 are more relevant to how site-specific issues should be handled. I agree with the council that such detailed issues are more appropriately dealt with either by reference to supplementary guidance or in the site comments for local development plan allocations at Appendix 1 of the proposed plan. The suggested modification is not, therefore, necessary.

Policy PE22 – The Water Environment

58. Regulation 10(1)(f) of the Town and Country Planning (Development Planning) Regulations 2008 requires a planning authority to have regard to any river basin management plan relating to its local development plan area. Scottish Planning Policy paragraph 194 states that the planning system should, amongst other things, promote protection and improvement of the water environment in a sustainable and co-ordinated way. Paragraph 260 of the same guidance states that development planning should take account of finalised and approved River Basin Management Plans.

59. Proposed policy PE22 has taken into account the Forth River Basin Management Plan. Paragraph 2 of the policy specifies channel restoration as an opportunity that should be exploited where possible. The need for a flood risk assessment as part of a feasibility study to assess the potential for channel restoration is a matter that would more appropriately be addressed on a case-by-case basis when the detailed methodology for a feasibility study is discussed. There is an opportunity to make reference to this matter in general terms in proposed policy PE24 Flood Management. I am therefore satisfied that paragraph 2 adequately reflects the advice in Scottish Planning Policy and conforms to the

Regulations. I see no need for the suggested modification to be made.

60. At 23:00 GMT on 31 January 2020, the United Kingdom withdrew from the European Union. However, the continued relevance of European environmental legislation to United Kingdom law and policy making is still subject to negotiation. Thus, it remains both necessary and appropriate for proposed policy PE22 to accord with European law. I can see nothing in the Water Framework Directive, Water Environment and Water Services (Scotland) Act 2003, Scottish Planning Policy or the Forth River Basin Management Plan to indicate that protection of the water environment includes a statutory general presumption against engineering works in the water environment.

61. Section 7(c) of Article 4 of the Water Framework Directive indicates that member states will not be in breach of the Directive when benefits to the water environment are outweighed by benefits to human health, to the maintenance of human safety or to sustainable development. Scottish Planning Policy contains a presumption in favour of development that contributes to sustainable development (page 9). Local development plans must comply with Scottish Planning Policy and individual proposals for express planning permission need to accord overall with the development plan unless material considerations indicate otherwise.

62. A balance therefore needs to be struck between the economic, environmental and social aspects of development. This is allowed for in the Water Framework Directive and the modification suggested by the Scottish Environment Protection Agency therefore goes beyond what European law, Scottish law and Scottish Planning Policy require. No modification in this regard is necessary.

63. Article 1(a) of the Water Framework Directive seeks to prevent further deterioration of, protect and enhance terrestrial ecosystems and wetlands associated with aquatic ecosystems. Scottish Planning Policy paragraph 194 states that the planning system should, amongst other things, take account of the need to maintain healthy ecosystems. It is appropriate, therefore, for Groundwater Dependent Terrestrial Ecosystems to be included within proposed paragraph 4.24. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

#### Policy PE23 – Marine Planning and the Coastal Zone

64. Scottish Planning Policy paragraph 194 states that the planning system should, amongst other things, promote protection and improvement of the water environment. Proposed policy PE22 The Water Environment includes references to improving the water environment and its ecological status.

65. At 23:00 GMT on 31 January 2020, the United Kingdom withdrew from the European Union. However, the continued relevance of European environmental legislation to United Kingdom law and policy making is still subject to negotiation. Thus, it remains both necessary and appropriate for proposed policy PE23 to accord with European law. Article 1 of the Water Framework Directive confirms that the framework applies, amongst other bodies of surface water, to coastal waters. The meaning of coastal water is defined at Section 7 of Article 2 of the Directive.

66. Section (1)(a)(ii) of Article 4 of the Directive states: "Member States shall protect, enhance and restore all bodies of surface water...". Hence, it would be appropriate for

proposed policy PE23 to seek to enhance the water environment in the coastal zone. Consequently, I agree that the change suggested by the Scottish Environment Protection Agency should be made. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

#### Policy PE24 – Flood Management

67. The reference to flood risk guidance provided by the Scottish Environment Protection Agency in paragraph 3 of proposed policy PE24 contains a typographical error. For the sake of clarity and accuracy, I shall recommend that this error is corrected. I see no need, however, to make any further reference to this document.

68. I agree that it would aid clarity for potential developers to make reference to the need for a flood risk assessment to be submitted as a part of any feasibility study for channel restoration. I shall recommend that paragraph 3 of proposed policy PE24 is modified accordingly. However, for the sake of consistency and to avoid unnecessary confusion, it would be better to use the same form of words used in paragraph 2 of proposed policy PE22 The Water Environment to describe channel restoration.

69. The indicative flood maps produced by the Scottish Environment Protection Agency were replaced in January 2014. I agree that, for the sake of clarity, accuracy and consistency the suggested change is necessary. The most recent flood maps show that, in addition to fluvial and coastal flooding, surface water flooding is relevant to the Falkirk area. So, the text of proposed paragraph 4.26 needs to reflect this as well. Although the council could make these modifications to the plan using its own discretion, for completeness I have included them in my recommendations.

#### Policy PE25 – Soils and Agricultural Land

70. In relation to Scottish Planning Policy, paragraph 29 includes considering the implications of development for soil quality in assessing whether a proposal would be development that contributes to sustainable development. Paragraph 169 expects proposals for energy infrastructure to consider the impact of development upon, amongst other things, carbon rich soils. Paragraph 194 states that the planning system should, amongst other things, seek to protect soils from damage such as erosion or compaction. Paragraph 205 states that developers should assess the effects of development upon carbon dioxide emission where peat and other carbon-rich soils are present and aim to minimise the release of this gas. Paragraphs 29 and 194 relate to all soils, whereas paragraphs 169 and 205 are primarily concerned about the release of carbon dioxide rather than preserving soil quality.

71. Although Scottish Planning Policy Table 1: Spatial Frameworks (page 39) indicates that it is appropriate to afford special protection to carbon rich soils, deep peat and priority peatland habitat, it is also important to safeguard the quality of all soil types. The ministerial forward to the Scottish Soil Framework, published by the Scottish Government in May 2009, states: “pressures on soils need to be taken seriously”. In addition to climate change and loss of organic matter, it points to “other threats like erosion, compaction, loss of biodiversity and nutrient leaching”. The most relevant issues to development pressure upon soils, not dealt with elsewhere in the proposed plan, are erosion and compaction.

72. I agree with the Scottish Environment Protection Agency that reference must be made to the need to protect all soil types. However, I consider that the best place to do this

would be in paragraph 3 of proposed policy PE25, rather than paragraph 1. This is because not all soils require the same level of protection to safeguard their quality and/or to minimise the release of carbon dioxide.

73. Although I can see no reference to soils in the comments for site allocations in proposed Appendix 1, peatland restoration is referred to in the comments for GN05, on page a21. Similarly, although I can see no reference to soils in the settlement summaries, several of them do refer to the need for land remediation, which would reasonably involve the improvement of soils through the removal of harmful contaminants.

74. All proposals for express planning permission would need to accord overall with the development plan. I am satisfied that, with the modifications I have recommended, proposed policy PE25 would provide adequate protection for soil quality, fertility and the particular role played by some soil types in carbon capture and sequestration. No further modification of paragraph 3 is justified.

75. I agree that it would aid clarity for potential developers to point them to resources that contain information about the identification and distribution of different soil types. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

76. At 23:00 GMT on 31 January 2020, the United Kingdom withdrew from the European Union. However, the continued relevance of European environmental legislation to United Kingdom law and policy making is still subject to negotiation. Although the European Commission withdrew its proposal for a Soil Framework Directive in May 2014, the European Union has expressed concern that unsustainable land use is consuming fertile soils, which impacts upon global food security and the ability of member states to successfully implement the full suite of European environmental law. The links between climate change, reduced soil fertility and decreasing crop yields are recognised also on page 32 of the Scottish Soil Framework.

77. Scottish Planning Policy paragraph 80 sets out three circumstances in which it might be “essential” to permit development on prime agricultural land. The council appears to be referring to the first of these circumstances in the text of the two bullet points at paragraph 1 of proposed policy PE25. I can see no direct support anywhere in Scottish Planning Policy or elsewhere for the test introduced by the council, namely the “significant and permanent loss” of prime quality agricultural land.

78. However, as far as carbon rich soils and rare soils are concerned, Scottish Planning Policy paragraphs 204 and 205 suggest that the council’s test may be justified. Paragraph 204 states: “planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur”. It then goes on to advise that the precautionary principle should not be used to impede development without justification. Instead, paragraph 205 indicates that the aim should be to minimise the release of carbon dioxide to the atmosphere.

79. I agree with the Scottish Government’s interpretation of Scottish Planning Policy. Paragraphs 204 and 205 do not apply to prime agricultural land because paragraph 80 contains a separate test for justifying its loss. In conflating prime agricultural land, carbon rich soils and rare soils within a single test, the council has created a confused policy

context that fails to comply with the advice in Scottish Planning Policy and is potentially unlawful in the light of the links between soil fertility and the aims of the full suite of European environmental law.

80. Proposed policies IR12 Energy Generation Development and IR16 Assessment of Mineral Proposals require proposals to accord with proposed policy PE25. Given the potentially severe impacts of these types of development upon prime agricultural land, it is especially important that proposed policy PE25 is robustly worded.

81. Local development plan policies must comply with Scottish Planning Policy and be lawful in all other respects. Although the modifications that I have recommended to proposed policy PE25 to resolve this conflict go beyond those suggested by the Scottish Government, I nevertheless consider them to be justified and necessary to address the overarching matters raised in the representation.

82. Paragraph 6 of proposed policy PE20 Trees, Woodland and Hedgerows seeks to encourage the provision of new trees and woodland in association with new development. Paragraph 7 of the same policy states that there will be a preference for the use of locally native tree and hedgerow species in new and replacement planting schemes. Proposed paragraph 4.22 includes “carbon fixing” as one of the benefits of trees and woodlands. Proposed paragraph 4.23 refer to the Falkirk Forestry and Woodland Strategy 2015-2055, which provides a long-term vision for the management and expansion of woodland resources.

83. Section 25(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals for express planning permission to accord with the development plan as a whole, unless material considerations indicate otherwise. Given the proposed policy context for trees, woodland and hedgerows, I see no need for paragraph 2 of proposed policy PE25 to be modified any further than I have already recommended.

84. All proposals for express planning permission, and any subsequent appeal, are determined on the basis of the various spatial characteristics of the development site defined in an application (the ‘red-line site’). If, in any particular case, the red-line encompasses an area of prime agricultural land, then proposed policy PE25 would be relevant to the determination of the application. It would then be a matter of planning judgment for a decision maker to decide how to weigh the loss of prime agricultural land against other development plan policies and all relevant material considerations.

85. In paragraph 59 of the first notice of intention for PPA-230-2152, the Reporter refers to Scottish Planning Policy paragraph 80 and found that the need to meet a substantial shortfall in the five-year effective housing land supply for Edinburgh meant it was essential for prime agricultural land to be lost. This is an instructive example showing how Scottish Planning Policy paragraph 80 should be applied. However, it does not indicate to me that any fundamental change is required to how this issue should be dealt with in development plan policies generally.

86. I have explained above why I disagree with the council’s approach to how proposals involving the loss of prime agricultural land should be justified. I have recommended modifications to ensure agreement between the wording of paragraph 1 of proposed policy PE25 and Scottish Planning Policy paragraph 80, which sets out the circumstances in which the loss of prime agricultural land may be considered “essential”. I see no need to modify proposed policy PE25 any further.

**Policy PE27 – Vacant, Derelict and Contaminated Land**

87. Scottish Planning Policy paragraph 40 requires spatial strategies within development plans to promote a sustainable pattern of development. Amongst other things, this involves considering the re-use or redevelopment of brownfield land before new development takes place on greenfield sites. Brownfield land includes previously developed land, some of which may be vacant, derelict and/or contaminated.

88. I agree with Development and Environmental Services Limited that the principle of using brownfield land first applies equally to development proposals both within and outwith settlement boundaries (or, 'urban limits'). However, this needs to be balanced against the other principles contained within Scottish Planning Policy paragraph 40. In particular, these include optimising the use of existing resource capacities by co-ordinating development with infrastructure investment and using land within or adjacent to settlements for a mix of uses to create more compact, higher density, accessible and more vibrant cores.

89. The proposed spatial strategy generally seeks to direct all development types to the most sustainable locations first, most of which are within the defined urban and village limits. They comprise Strategic Growth Areas; Strategic Business Locations; a hierarchy of town and local centres and existing built-up areas. I am satisfied that the council's approach of defining urban limits is essential to it being able to demonstrate that it has complied with the advice in Scottish Planning Policy paragraph 40.

90. Outwith the defined urban limits (or otherwise on unallocated land), proposals would fall to be considered against policies for the control of development in the countryside. These policies are primarily PE14 Countryside, HC05 Housing in the Countryside and JE05 Business Development in the Countryside. None of these policies prevent all development in the countryside but they do restrict it. This is primarily in order to ensure that more sustainably located sites are developed first but also to support sustainable patterns of travel and to safeguard the natural environment and habitats.

91. Brownfield sites in the countryside would be preferred for development in the same way that brownfield sites within the urban limits would be preferred. However, it would be misleading for proposed policy PE27 to suggest that brownfield sites in the countryside and within the urban limits are equally suitable for development because this would undermine the spatial strategy and would not, therefore, comply with the advice in Scottish Planning Policy. The suggested modification is not, therefore, appropriate to make.

**Reporter's recommendations:**

1. On page 30, in the text of the first bullet point of part six of Policy PE01 Placemaking, replace "Development" with: "In support of climate change mitigation, development".
2. On page 30, in the text of the first bullet point of part six of Policy PE01 Placemaking, after "recycling of materials " add: "and incorporating space to separate materials at source"
3. On page 30, in the text of the second bullet point of part six of Policy PE01 Placemaking, replace "Infrastructure" with: "In support of climate change adaptation, infrastructure".



4. On page 31, delete the text of Policy PE03 Advertisements and paragraph 4.03.
5. Renumber all policies with the prefix 'PE' after Policy PE02 Placemaking Tools and all paragraphs in section 4 after paragraph 4.02.
6. Amend the contents page by deleting reference to PE03 Advertisements and by renumbering all subsequent policies with the prefix 'PE'.
7. On page 32, add the following new sentence to the end of paragraph 4.07: "Any works directly affecting a designated Scheduled Monument require Scheduled Monument Consent, which is obtained from Historic Environment Scotland."
8. On page 35, following paragraph 3 of Policy PE13 Green and Blue Network, add a new paragraph, to wit: "4. The seven community growing sites identified at Appendix 1 (LDP ref. GN24) shall be safeguarded from development unless proposals can demonstrate, on a case-by-case basis, that there is no longer a proven demand for allotment space."
9. On page 36, in the text of the third bullet point of paragraph 2 of Policy PE16 Protection of Open Space, replace the first instance of "playing field" with "facility" and the second instance of "playing field" with "outdoor sports facility".
10. On page 36, in the text of the fourth bullet point of paragraph 2 of Policy PE16 Protection of Open Space, replace "sports pitches" with "provision".
11. On page 36, in the text of paragraph 4.17, between "value for alternative" and "beneficial development" insert the following new wording: "uses, including community growing, as part of".
12. On page 37, in the text of paragraph 1 of Policy PE17 Open Space and New Development, between "promote" and "active travel", insert the following new wording: "physical activity, sport and".
13. On page 37, in the text of paragraph 2 of Policy PE17 Open Space and New Development, between both instances of "recreational" and "open space", insert the following new wording: "and sport".
14. On page 37, in the text of paragraph 2 of Policy PE18 Landscape, delete "will only be supported where it can be demonstrated that the" and, in their place, add: "should be designed to minimise any adverse effects on the".
15. On page 37, in the text of paragraph 2 of Policy PE18 Landscape, delete "will not be adversely affected; and" and, in their place, insert a full stop.
16. On page 37, in the text of paragraph 3 of Policy PE18 Landscape, delete "without adverse effects".
17. On page 38, in the text of paragraph 1 of Policy PE19 Biodiversity and Geodiversity, delete the third, fourth and fifth sentences and, in their place, add the following new wording: "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, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that

the overall coherence of the Natura network is protected. 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 for other reasons subject to the opinion of the European Commission (via Scottish Ministers);”

18. On page 38, in the text of paragraph 2 of Policy PE19 Biodiversity and Geodiversity, between “or any” and “adverse effects”, insert “significant”.

19. On page 38, in the text of paragraph 2 of Policy PE19 Biodiversity and Geodiversity, between “by social” and “or economic”, insert “, environmental ”.

20. On page 39, in the text of paragraph 1 of Policy PE20 Trees, Woodland and Hedgerows, delete “flooding control” and, in its place, insert “natural flood management”.

21. On page 39, in the text of paragraph 4.22, between “carbon fixing, air quality improvement,” and “flood management”, insert “ natural ”.

22. On page 39, in the text of paragraph 2 of Policy PE20 Trees, Woodland and Hedgerows, delete “Sites identified in the Scottish Ancient Woodland Inventory as ancient, long established and semi-natural woodlands” and, in its place, insert “Ancient, long-established and semi-natural woodland, including sites identified in the Scottish Ancient Woodland Inventory, ”.

23. On page 40, in the text of paragraph 4.24, between “ranlochs,” and “wetlands...”, insert “ groundwater dependent terrestrial ecosystems and ”.

24. On page 40, in the text of paragraph 3 of Policy PE23 Marine Planning and the Coastal Zone, between “Protect” and “the water”, insert “ and enhance ”.

25. On page 41, in the text of paragraph 3 of Policy PE24 Flood Management, between “SEPA’s” and “Flood Risk”, insert “ Technical ”.

26. On page 41, in the text of paragraph 3 of Policy PE24 Flood Management, between “risk,” and “will be”, insert “ including proposals to restore the natural course of watercourses, ”.

27. On page 41, delete the first sentence of paragraph 4.26 and replace it with the following new sentence: “The Falkirk area faces issues of fluvial, coastal and surface water flooding, as identified on SEPA Flood Maps.”.

28. On page 41, replace the wording of policy PE25 Soils and Agricultural Land with the following text:

“1. Any proposal for development that would involve the loss of prime quality agricultural land (Classes 1, 2 and 3.1), will not be permitted unless it is essential because it would be:

- On a site specifically allocated for development in the LDP; or
- For development that would meet an overriding local or national need and where no other suitable site is available; or

- For small-scale development directly linked to a rural business; or
- For the generation of energy from a renewable source, or for the extraction of minerals, where this would accord with other policy objectives and secure provision could be made for restoration to return the land to its former status.

2. Proposals for development that would be likely to disturb or cause significant irreversible damage to areas of carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols, peaty gleys and salt marshes) or rare soils (podzols, humus iron podzols and saltings) will be required to submit a soil or peat management plan which demonstrates that:

- The areas of highest quality soil or deepest peat have been avoided;
- Any disturbance, degradation or erosion has been minimised through mitigation; and
- Any likely release of greenhouse gas emissions caused by disturbance is offset.

3. Development should ensure the sustainable use of soils during construction and operation and commit to minimise soil sealing, erosion and compaction.”

29. On page 41, in the text of paragraph 4.28, add the following new fourth sentence to the end of the paragraph: “Classes 1, 2 and 5 soils from the Scottish Natural Heritage Carbon Rich Soil and Peatland Map can be taken to indicate the presence of carbon rich soils.”.

<b>Issue 19</b>	<b>Other Housing Policies</b>	
<b>Development plan reference:</b>	<u>Chapter 4 Policies</u> Housing (pages 44 - 45)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Taylor Wimpey UK Limited (00198)  Paul Houghton (01072)  Development and Environmental Services Limited (02975)  Goldcrest Partners LLP (03008)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Housing policies HC04, Housing Density and Site Capacity, HC05 Housing in the Countryside and HC06 Infill Development and Plot Subdivision, and the lack of policies dealing with other housing topics	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy HC04 – Housing Density and Site Capacity</u></p> <p>Taylor Wimpey UK Limited (00198/3005/014) - The calculation of site capacity based on site area can often fail to take into account physical constraints resulting in sites delivering less than the anticipated number of units. Policy HC04 should therefore be amended to recognise that such shortfalls could be met through the release of non-allocated sites, which would be favoured by the Council in such circumstances.</p> <p><u>Policy HC05 - Housing in the Countryside</u></p> <p>Paul Houghton (01072/3001/001) - Policy HC05 should be reworded to include four additional categories which constitute acceptable housing in the countryside. These are (1) Building Groups (2) Redevelopment of Brownfield Land (3) Replacement Dwellings and (4) Sustainable Living Schemes. These categories are listed as acceptable forms of countryside housing in other local authority areas. Copies of supplementary guidance relating to Housing in the Countryside by Stirling Council (RD188) and Perth and Kinross Council (RD189) are submitted as supporting evidence.</p> <p>Development and Environmental Services Limited (02975/3001/003) - Policy HC05 should not be overly restrictive. The policy should be changed to ensure brownfield land, derelict buildings and land in the countryside are able to be redeveloped subject to appropriate design. Additional comments previously made in relation to the current SG01 are also included by way of support (RD186).</p> <p><u>Policy HC06 – Infill Development and Plot Sub Division</u></p> <p>Development and Environmental Services Limited (02975/3001/007) - A minor amendment to the policy wording of Policy HC06 is suggested to redress the over restrictive existing regime. Sub section (1) should be amended to read “The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside characteristics of the area”.</p>		

Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006) - The inclusion of a policy statement encouraging self-build and self-build co-operatives would be welcomed given the Scottish Government support for self-build.

Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001) - There should be a new policy in relation to age-restricted housing for older people. The population is ageing and the Council’s own HNDA (see Figure 2.2) clearly indicates that in the period 2012 – 2037, the greatest change in the population profile of the Council area will be in the 60+ age group. Sites should be specifically allocated for retirement housing to exclude mainstream housing, due to the lower residual land values.

**Modifications sought by those submitting representations:**

Policy HC04 – Housing Density and Site Capacity

Taylor Wimpey UK Limited (00198/3005/014) - Amend Policy HC04 to allow for shortfalls in the number of units delivered from individual allocated sites to be met through the release of non-allocated sites.

Policy HC05 - Housing in the Countryside

Paul Houghton (01072/3001/001) - Amend Policy HC05 Housing in the Countryside to include four additional categories. These are (1) Building Groups (2) Redevelopment of Brownfield Land (3) Replacement Dwellings and (4) Sustainable Living Schemes.

Development and Environmental Services Limited (02975/3001/003) - Amend Policy HC05 Housing in the Countryside, sub section (2) to read “Restoration or replacement of houses including those in a poor or derelict condition”. Change “comparable size to the original” to “suitable size and design”. Amend sub section (4) to read “Appropriate infill development or plot sub-division”. Add additional sub section (7) “Limited housing development that delivers rehabilitation and remediation of derelict or contaminated land”.

Policy HC06 – Infill Development and Plot Sub Division

Development and Environmental Services Limited (02975/3001/007) - Amend Policy HC06 Infill Development and Plot Sub Division, sub section (1) to read “The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside characteristics of the area”.

Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006) - Insert a policy statement encouraging self-build and self-build co-operatives.

Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001) - Insert a new Policy HC11 – Age Restricted Housing Development with the following wording:

“Proposals for age restricted housing developments, on land allocated specifically for this purpose, as detailed within the Proposals and Opportunities Schedule will be supported.

The development of such housing on unallocated sites, which fall either within or out with the identified urban boundary, will generally be permitted where:

1. The site lies in a location where an appropriate residential environment can be established;
2. The site benefits from good access to public transport or where the proposed development makes specific provision for suitable enhancements to the existing public transport network or where it provides a dedicated bus service provided as part of the development;
3. The development is of a scale and character that is appropriate both in respect of the site and the surrounding area;
4. The proposed development makes suitable provision for amenity open space as an integral part of the overall development;
5. The inclusion of any associated healthcare provision is demonstrated to meet an identified need; and
6. The proposed development complies with other relevant LDP policies.

Supporting text: “Policy HC11 provides support for the development of age restricted housing developments on land allocated for this specific purpose and also sets out the criteria for considering proposals for this type of development which relate to windfall sites, either within or outwith the urban area, ensuring that development sites are capable of providing a high quality environment for future residents.”

**Summary of responses (including reasons) by planning authority:**

Policy HC04 – Housing Density and Site Capacity

Taylor Wimpey UK Limited (00198/3005/014) - Paragraph 4.34 of the Proposed LDP2 indicates the basis for site capacities stated in the LDP and built into the housing figures. Where there is no planning permission or masterplan for a site, the estimate is based on site area and a broad assessment of any other physical constraints on the site, as set out in the criteria under Policy HC04(1). Experience suggests that the estimates tend to be conservative and, more often than not, the actual capacity ends up being greater than the LDP estimate. However, if there are instances where fewer units are realised than estimated, this does not provide a justification for the release of non-allocated sites. Rather, it is the purpose of the generosity allowance (set at 14%) to cover any such shortfalls. For this reason, the Council does not agree to modify the plan in response to this representation.

Policy HC05 - Housing in the Countryside

Paul Houghton (01072/3001/001) - The Council does not consider that Policy HC05 should be amended to include the additional categories of housing in the countryside suggested. The representation is supported by examples of supplementary guidance on housing in the countryside prepared by Perth and Kinross and Stirling Councils. It is noted that the Perth and Kinross guidance is dated November 2012 which predates Scottish Planning Policy (SPP) June 2014. The Stirling Council guidance is dated October 2014, so similarly is likely to have been prepared under SPP 2010 which has now been superseded. SPP 2010 was generally supportive of development in the countryside but with little differentiation between

different types of rural area in Scotland, with development plans directed to provide a host of different types of opportunities for new housing.

Policy HC05 has been prepared in accordance with SPP 2014 (CD1). Paragraph 76 of SPP distinguishes between “accessible or pressured rural areas” and “remote rural areas”. It states that “In accessible pressured areas where there is a danger of an unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate”. Falkirk is clearly identifiable as an accessible and pressured rural area, given its easy accessibility to all the main urban centres of central Scotland, and the number of enquiries and applications received for houses in the countryside. SPP further elaborates that in such areas plans should generally “guide most new development to locations within or adjacent to settlements”, and “set out the circumstances in which new housing outwith settlements may be appropriate”.

Policy HC05 identifies the circumstances in which housing in the countryside is considered acceptable in Falkirk. This provides reasonable scope for new housing including where there is a specific need for a countryside location, the restoration or conversion of buildings, infill development, enabling development in association of historic buildings, and gypsy/traveller sites. Further advice on the interpretation of the policy is given in SG01 Development in the Countryside (CD138).

The Council does not accept that this criterion should be expanded to include building groups, redevelopment of brownfield sites, replacement dwellings elsewhere or sustainable living schemes. The scale of additional housing which this would be likely to permit would be detrimental to the character of the countryside, contribute to an unsustainable pattern of development in the area, and undermine the Council’s strategy of focusing housing in the rural area within established villages where it can assist their viability and regeneration.

In respect of ‘building groups’, the Council already allows for infill development between existing dwellings, but does not consider that such groups should be allowed to expand, as this could lead to unsustainable growth of housing in these locations. In respect of ‘redevelopment of brownfield sites’ the Council is particularly aware that given Falkirk’s industrial history there is a high incidence of brownfield land in the countryside. If this policy change were brought in it would lead to a proliferation of housing in the countryside. There are also likely to be difficulties in defining whether sites are brownfield, and issues where brownfield land is deliberately created to open up opportunities for housing. Whilst SPP states that brownfield development should be considered before greenfield development, this does not provide a basis for supporting housing development on brownfield sites in the countryside as an overriding policy principle. The final suggested relaxations – for ‘sustainable living schemes’ and ‘replacement dwellings’ are not supported. There is no demand for ‘sustainable living schemes’, which would in any case be difficult to control. Neither is there any demonstrable justification for a relaxation in respect of replacement houses.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Development and Environmental Services Limited (02975/3001/003) - The Council does not consider that Policy HC05 is overly restrictive. The policy responds to Falkirk’s characteristics as an accessible and pressurised rural area and complies with Government advice contained in SPP, as previously described.

In terms of the detailed modifications suggested, these are responded to as follows:

(2) Restoration/replacement houses. The Council does not accept that the criteria should apply to houses in poor or derelict condition. Introducing further flexibility could undermine restoration projects in the countryside. If both options of restoration and replacement are included in criteria 2 the incentive to restore may be reduced. It is considered that restoration rather than replacement will help to continue to preserve the vernacular character of the countryside. The Council does not agree to modify the plan in response to this part of the representation.

The substitution of 'comparable size to the original' to 'suitable size and design' is, however, considered acceptable by the Council, and if the Reporter is minded to make this change, the Council would not take issue with the amended wording.

(4) Appropriate infill development. The Council does not accept that criteria (4) should be expanded to include 'plot sub-division'. The curtilage of houses in the countryside are inevitably more generous than within the urban area, so generally allowing plot sub division could lead to a proliferation of housing in the rural area. This could potentially lead to the suburbanisation of the countryside, and have a detrimental impact on its character. Plot sub division may be acceptable where it constitutes infill development, and supplementary guidance SG01 Development in the Countryside will provide further guidance on this. The Council does not agree to modify the plan in response to this part of the representation.

(7) 'Limited housing development that delivers rehabilitation and remediation of derelict or contaminated land'. The Council does not accept that this additional criterion should be added to Policy HC05. Given Falkirk's industrial history there is a high incidence of brownfield land in the countryside. If this policy change were brought in it would lead to a proliferation of housing in the countryside. Whilst the rehabilitation and remediation of derelict or contaminated land is a worthy planning objective, it should not override the general need to restrict housing in the countryside to avoid the suburbanisation of the countryside, and the creation of unsustainable, car dependent patterns of development. The Council does not agree to modify the plan in response to this part of the representation.

#### Policy HC06 – Infill Development and Plot Sub Division

Development and Environmental Services Limited (02975/3001/007) - The Council does not take issue with the amended wording. If the Reporter is minded to recommend that the plan be amended as suggested by the representation, the Council would not object to this. This is not regarded as a notifiable modification.

#### Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006) - Whilst the benefits of self build, and the supportive stance of the Scottish Government to self build, are acknowledged, the Council does not see what practical purpose a planning policy encouraging self build or self build co-operative would serve. Whether or not a development is carried out by the ultimate occupier is of no direct planning relevance, and will have no bearing on the acceptability of any specific proposal in planning terms. The Council has granted planning permission for many self build houses over the years, including single houses, and sites comprising self build plots. Indeed the majority of single plot house developments in the Falkirk Council area which will be either self-build or



custom builds are granted consent. A review of completions between 2010 and 2015 showed that there was an average of 6 completions/yr on sites of 3 or less units. This is against the background of 258 decisions on applications for small housing developments in the same period, with 204 granted consent (or allowed on appeal) and 54 refused. The adopted LDP and Supplementary Guidance also excludes sites of 3 or less units from open space contributions and sites of 3 or less houses or 10 flats from education contributions which helps towards the viability of such proposals. Opportunities for self-build clearly exist in the Council area, and these are already supported where they accord with the development plan and all other relevant planning criteria. Planning is not a particular hindrance to self-build per se, and there is no need for a planning policy encouraging self-build.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001) - This representation seeks to make housing for older people a special category of housing which is effectively exempt from the LDP's countryside policies. Windfall housing for older people would be allowed, irrespective of whether it was located within or outwith the Urban Limit. The Council considers that there is no basis or justification for such an exemption, which would undermine the Council's Spatial Strategy.

Chapter 5 of the HNDA (CD29) considers housing need and demand for specialist housing provision which includes accessible housing and supported provision such as care homes. In paragraph 5.4.12 (page 112) it points out that age itself is not an indicator of the need for services but whether people are in good health. The 2012 population projections indicate that the population is aging and the number of people over 65 will increase significantly by 72% between 2012 and 2037. The majority of the population will however still be within the 25-64 age range. The increase in the aging population will increase the need for adaptations in people's existing homes and some forms of housing for older people such as extra care housing (between very sheltered and a care home) but there is low demand for very sheltered, sheltered and amenity housing (paragraph 5.4.14, page 112). The Local Housing Strategy (CD47) also identifies the supply of accessible housing as an outcome in Priority 4, page 3.

LDP2's housing allocations and policies provide a range of opportunities for housing specifically designed for the elderly. Although the Local Housing Strategy has not identified a specific need for retirement housing, two sites have been developed recently in the social sector for housing for older people on windfall sites. Proposal H18 Parkhall Farm 5 within the Maddiston East Strategic Growth Area has also been specifically allocated for amenity/elderly care housing and a care home. An application for this development is 'minded to grant' subject to the signing of the S75 agreement. Therefore, in so far as there is a need for housing for the elderly, this is being adequately catered for without the need for the suggested policy.

For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**Policy HC04 – Housing Density and Site Capacity

1. The representation in relation to policy HC04 seeks an amendment to allow for the release of non-allocated sites, to compensate for any shortfalls against the indicative number of homes that are anticipated to be provided on allocated sites.
2. Policy HC04, together with the explanatory text provided in paragraph 4.34, provide a clear explanation of how housing capacity figures for individual sites should be regarded. It is inevitable that on sites where a detailed masterplan is yet to be agreed, the site's capacity would be uncertain. I consider it would be unhelpful for the plan to set a definitive rather than indicative capacity for housing sites, as this would be unduly inflexible and prescriptive. It may well be that in some instances, a site would have greater capacity than indicated by the plan, noting the council's assertion that capacity estimates have been conservatively calculated.
3. It does not logically follow that in instances where a lesser number of units can ultimately be accommodated on a site, relative to its indicative capacity, non-allocated sites should be released for development to make up for the 'shortfall'. Such an approach would take no account of where additional homes, in excess of the indicative site capacity, have been provided.
4. A holistic view of the housing supply situation is required, rather than reacting to housing numbers on individual sites. This is reflected by the requirement set by Scottish Planning Policy for there to be a minimum five-year effective housing land supply at all times. It is in the context of a shortfall against this overall requirement that the release of non-allocated sites should be contemplated. Housing land supply is considered in detail in Issue 2.
5. In Issue 2 we have also considered the sufficiency of the proposed 14% generosity margin. In relation to this issue however, I would simply note my agreement with the council that a generosity margin is intended, in part at least, to allow for matters such as sites delivering lower numbers of homes than originally envisaged.
6. In conclusion, I am satisfied that policy HC04 does not require amendments.

Policy HC05 - Housing in the Countryside

7. Representations are seeking the criteria to be broadened, to give support to housing in the countryside in a wider range of circumstances than proposed.
8. Mr Houghton has suggested four additional categories, which I consider in turn below. I have noted the terms of the supplementary guidance from other council areas, but I do not attach weight to these. This is because, as the council has pointed out, one of these was published and the other was likely to have been prepared ahead of the publication of the current Scottish Planning Policy, which was published in June 2014. This saw the Scottish Government's policy stance on housing in the countryside tighten quite markedly, relative to that expressed by the 2010 version of Scottish Planning Policy.
9. I consider it appropriate and justified for the council to adopt a restrictive policy approach to housing in the countryside, in line with the provisions of Scottish Planning

Policy (SPP) (2014), and I find that all rural areas within the Falkirk administrative area can reasonably be considered as examples of “pressured areas” in the terms set out in SPP paragraph 76, given its specific position in the Central Belt. SPP paragraph 81 makes clear that “In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate...”. Development should mostly therefore be directed to locations within or adjacent to settlements. In accordance with SPP paragraph 81, policy HC05 does however identify the limited circumstances where new housing in countryside locations will be supported.

10. Mr Houghton has requested that ‘building groups’ be added to the criteria. This would in effect allow development in the vicinity of, but extending beyond the current built extent of groups of buildings in the countryside. The policy as proposed allows for appropriate infill development, which by definition must relate to other existing development but would not constitute the spread of development into the countryside. Giving looser support to new development in the terms being sought would in my view be likely to give rise to expanding and sporadic clusters of unplanned development in the countryside. This pattern of development would be unlikely to accord with wider sustainable development principles, whilst cumulatively it could have an adverse effect on the character of the countryside.

11. The inclusion of brownfield sites in the countryside is sought as a criterion. I can envisage circumstances elsewhere, where this would be an appropriate criterion for a ‘housing in the countryside’ policy. However, being mindful of the council’s point that there is significant brownfield land in countryside locations across the plan area, such a criterion could have strategic implications for the intended location of new housing. Given the dispersed pattern of development this may enable, I cannot safely conclude that the advantages of utilising brownfield land would outweigh the potential harm to the overall spatial strategy.

12. The request to allow dwellings in the countryside that are to replace dwellings which are located elsewhere, is not supported by any clear justification, and so there would be no reason for me to recommend such a modification to the policy.

13. Similarly, no justification has been provided for the inclusion of a ‘sustainable living scheme’ criterion. This would appear to be focused on meeting the potential aspirations of individuals or households to achieve a degree of self-sufficiency. I consider any limited demand for this could be more appropriately met by turnover of existing housing stock in the countryside. A new-build home in a countryside location would also potentially appear to be somewhat at odds with the intended sustainable credentials of such a proposal.

14. The representation by Development and Environmental Services Limited seeks specific amendments to the criteria set by policy HC05, and one additional criterion. The first of these requested amendments relates to criterion 2, to allow for restoration and replacement to apply to properties in poor or derelict condition. Notwithstanding the council’s response to this representation, I do not interpret the wording of criterion 2 as necessarily precluding properties in poor or derelict condition. It applies to houses which are “substantially intact”, which appears to be a relatively low threshold.

15. It seems to me that there is still a distinction to be drawn between a house which is in poor or derelict condition, and one which has substantially collapsed, but the criterion’s reference to a property needing to be substantially intact clearly implies that the council

envisages the policy applying to buildings that are in some degree of disrepair. On this basis, I do not consider any modifications to the criterion is required in this regard. I note the terms of the supplementary guidance, which is referred to both by the policy and in the representation, but the examination is limited to the local development plan only, and cannot extend to considering the detailed wording within supplementary guidance.

16. I note the council has no objection to the proposed amendment to criterion 2, which would require a replacement dwelling to be of a suitable size and design, rather than necessarily a comparable size to the original. I agree that this modification would be appropriate, as this would enable greater flexibility to respond to the particular characteristics of a site.

17. The request to expand criterion (4) to include plot sub-division would align with the scope of policy HC06. However, it is clear from the council's response to this suggested change to policy HC05, that it is not the council's intention for policy HC06 to apply in all circumstances. Criterion 6 of policy HC06 requires compliance with other policies, and so in countryside locations the scope of policy HC06 is limited by policy HC05 to supporting infill development only.

18. I find that allowing appropriate infill development is a logical means of allowing limited housing supply in more rural areas, without this compromising the integrity of the countryside or leading to new clusters of new houses being formed in various locations, which would not be a desirable pattern of development. Allowing sub-division of curtilages to provide additional housing plots (other than infill development permitted by the policy) would not provide the same degree of restraint, and would not safeguard against development being more sporadically located in the countryside. I do not consider an amendment to criterion 4 to be justified on this basis.

19. It has been requested that an additional criterion be added to allow housing in the countryside, which would deliver rehabilitation and remediation of derelict or contaminated land. This bares close resemblance to the suggested brownfield land criterion discussed in paragraph 11 above, and the points already discussed above in relation to a brownfield land criterion apply equally to this suggested change. Furthermore, whilst contaminated land remediation is supported by policy PE27, this support is subject to a proposal's compliance with other relevant policies. I do not consider that the benefits that may be derived from remediation would in isolation be sufficient to justify the overriding of normal locational principles. No modification is therefore required.

#### Policy HC06 – Infill Development and Plot Sub Division

20. The suggested amendment to policy HC06 would reflect that policy HC06, in regard to infill development, applies to rural as well as urban areas, and I recommend that criterion 1 is modified accordingly.

#### Additional Housing Policy – Self Build

21. The representation requests a supportive policy statement for self-build developments be added to the plan, although no specific wording has been suggested.

22. I acknowledge that Scottish Government policy recognises the value of self-build opportunities, but this does not necessarily suggest that a specific planning policy response is required. As the council has pointed out, the planning merits of a proposal are

not altered by who intends to build and subsequently occupy a new home.

23. Taking the housing policies in the round, and in particular policies HC02 ('Windfall housing'), HC05 ('Housing in the countryside') and HC06 ('Infill development and plot sub division'), I find the plan offers ample opportunity and support for self-build proposals to be brought forward. For this reason I do not consider the plan to be deficient as a consequence of there being no specific policy reference to self-build.

Additional Housing Policy – Housing for Older People

24. The new policy, proposed by the representation, would allow housing for 'older people' subject to locational criteria provided by the same proposed policy. A countryside location would not be precluded, based on the suggested criteria. The representation also seeks specific land allocations for this purpose. Findings in respect of land at Polmont Park, sought for allocation by the same representee, are set out in Issue 6.

25. The representation draws upon the Housing Needs and Demands Assessment (HNDA) which illustrates that there is predicted to be an increasingly older age profile in the Falkirk area. Whilst I do not dispute this, the council's response highlights an important distinction between age and health, which is also made clear by the HNDA.

26. The representation refers, in broad terms, to economic difficulties of securing land to provide retirement housing. Whilst the representation makes a loose reference to social and care needs, the suggested policy wording would appear to allow for market housing subject to a minimum age restriction (although a precise age threshold has not been suggested). There is no compelling evidence to suggest that such an approach is justified, and it is unclear why the housing needs of older people could not be met by the existing housing stock, and by the planned housing supply in locations consistent with the spatial strategy.

27. Where extra care is required in later life, the housing needs of individuals may change at that stage. However, extra care housing, care homes and other forms of specific needs of this type, would not be the focus of the suggested policy. Whilst paragraph 132 of Scottish Planning Policy recognises the importance of this type of specialist housing provision, the representation relates only to housing for individuals of a certain age, rather than meeting specific needs.

28. The suggested policy would allow for housing in countryside locations, which would otherwise be contrary to policy, including policy HC05 which specifically identifies the circumstances where countryside locations would be appropriate. There would also be a tension between allowing housing for older people in locations which would otherwise be resisted, and the last bullet point in paragraph 81 of Scottish Planning Policy which requires that the use of occupancy restrictions should be avoided.

29. For the foregoing reasons, I conclude that the suggested policy should not be included in the plan.

**Reporter's recommendations:**

1. Amend policy HC05 'Housing in the Countryside' criterion (2) to read as follows: "Restoration or replacement of houses which are still substantially intact, provided that the restored/replacement house is of a suitable size and design".

2. Amend policy HC06 'Infill Development and Plot Sub Division' criterion (1) to read as follows:

"The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside character of the area".

<b>Issue 20</b>	<b>Town Centre Policies and Proposals</b>	
<b>Development plan reference:</b>	<p><u>Chapter 3 Spatial Strategy</u> Town Centres (22 - 23)</p> <p><u>Chapter 4 Policies</u> Jobs and Economy – Town Centres (pages 48 - 49)</p> <p><u>Chapter 5 Settlement Statements</u> Falkirk (pages 84 - 85) Falkirk Town Centre Major Area of Change Development Guidance (pages 86 - 87) Grangemouth (pages 94 - 95)</p> <p><u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Mixed Use – Falkirk (page a10) Mixed Use – Grangemouth (page a11)</p> <p><u>Proposals Map 2</u> Falkirk, Larbert and Stenhousemuir</p> <p><u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross</p> <p><u>Proposals Map 7</u> Falkirk Town Centre Inset</p>	<b>Reporter:</b> Philip Barton
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>LSREF3 Tiger Falkirk S.A.R.L. (02703) Falkirk Towns Ltd (00605) Hammerson UK Properties (00903) Grangemouth (including Skinflats) Community Council (02723) Team Scotland Ltd (02978) Asda Stores Ltd (00856) Scottish Government (00643)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policies on town centres and retailing, and site-specific proposals and designations within and adjacent to Falkirk, and Grangemouth Town Centres and Camelon Local Centre.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Falkirk Town Centre</u></p> <p>LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/004) - The Howgate Centre should be introduced as a key development site offering a regeneration opportunity to diversify the function of Falkirk Town Centre. There is an opportunity to reconfigure the centre to respond to the rightsizing of retail portfolios nationally and the change in space requirements for centres like Falkirk. This will lead to an opportunity to rationalise retail space towards the High Street with vacated space becoming available for higher density redevelopment for a wider range of uses including civic, business, leisure, tourism, and residential uses. Future proposals would be subject to a masterplanning exercise, as is the</p>		

case for the other mixed use development opportunities in Falkirk Town Centre (Proposals MU12 and MU13).

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/005) - Clarification is needed as to the type and quantum of retail uses that are envisaged at the Grahamston site (Proposal MU12). The effects of such a proposal should be tested through a retail assessment which would, inter alia, review the need for retail in this location and the impacts of such retail on the remainder of the Town Centre. The expansion of retail uses outwith the core areas of the Town Centre should only be considered once existing vacancies/redevelopment opportunities within the Town Centre core have been fully addressed.

Falkirk Towns Ltd (00605/3002/001) - The support given to town centres in LDP2, including Policy JE09 and the town centre first principle, is welcomed. The vision for Falkirk Town Centre is also broadly supported. However, the plan should reflect the Council's commitment to site the Council's new headquarters and arts centre within the boundary of the Business Improvement District in Falkirk Town Centre.

#### Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001) - Central Retail Park (CRP) should not be removed from the Falkirk Town Centre boundary, and should not be designated as a separate commercial centre subject to Policies JE08 and JE09. This change is not supported by Technical Report 7 (CD39), by SPP (CD1), or by any assessment of the area's retail needs. CRP is an important part of the Town Centre and its ability to meet the needs of the local population and to arrest the expenditure leakage which the area suffers should be a key factor. Surveys indicate the wide draw of CRP and the high level of linked trips to the Town Centre. CRP is not a threat to the Town Centre, and there is no basis or purpose to be served by giving the traditional Town Centre preference over it. Moreover, LDP2 should not give support for the historic Section 75 obligations restricting the range of goods at CRP. A more flexible approach is required. Anomalies which would arise between Policy JE09 and the Section 75 obligation for CRP are highlighted. CRP should also not be subject to a requirement to demonstrate 'need' as stated in bullet point 3 of Policy JE09.

#### Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001) - The area of retail and commercial uses at Glasgow Road, Camelon should be retained as part of the Camelon Local Centre boundary, and subject to Policy JE07, rather than identified as a separate Commercial Centre under Policy PE08. Most of the buildings within this area are Class 1 Retail or Class 11 Assembly and Leisure, and are larger than the 1,000 sq.m threshold adopted by Policy JE09.

#### Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011) - Given the amount of revenue generated from Grangemouth industries, the Council should be pressing the Scottish Government for additional monies to fund the redevelopment of Grangemouth town centre. This recognises Grangemouth's local and national importance. The town centre should have less shops and an increased number of non flatted family social housing. Despite rent increases the Council also appears to have a poor response to repairs in some of its Grangemouth stock.



Policy JE09 – Retail and Commercial Leisure Development

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/003) - Whilst the thrust of Policy JE09 Retail and Commercial Leisure Development is supported, objection is made to sub section (2) which states that retail development proposals of less than 1,000 sq.m. gross floorspace, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies. There is concern that the threshold is too high and that out of centre proposals of this scale or smaller could have an adverse effect on the vitality and viability of town centres such as Falkirk. Research should inform a new threshold, with 300-500 sq.m. being suggested. There is also a lack of clarity as to what would be regarded as 'significant commercial leisure development, and other significant cultural, civic and community uses' and what scale would need to be subject to assessment. Finally, in paragraph 4.51, the threshold of 2,500 sq.m for retail impact assessment is at odds with the 1,000 sq.m. 'significance' threshold.

Asda Stores Ltd (00856/3001/003) - Concern is expressed about the threshold of 2,500 sq.m. for undertaking retail and leisure impact assessments as set out in paragraph 4.51. It would be simpler to require all developments in excess of 1,000 sq.m which are not within defined centres to undertake impact assessments. This would tie in with Policy JE09 which sets 1,000 sq.m. as the threshold above which proposals are deemed 'significant'.

Scottish Government (00643/3001/007) - Policy JE09 should be renamed 'Town Centres First', and offices included in the list of uses in sub section (1). This is to ensure the policy clearly puts in place the sequential policy framework that supports the town centres first approach for the full range of uses set out in paragraph 60 and paragraph 69 of SPP.

**Modifications sought by those submitting representations:**

Falkirk Town Centre

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/004) - Insert the Howgate Shopping Centre as a new mixed use proposal. Amend the Falkirk Town Centre Major Area of Change Development Guidance accordingly.

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/005) - Amend Proposal MU12 to clarify the type and quantum of retail use, and to indicate that any retail use will be subject to assessment in terms of its impact on the core of the Town Centre.

Falkirk Towns Ltd (00605/3002/001) - Include reference in the plan to the Council's commitment to locate the new Council headquarters and arts centre within the Business Improvement District boundary in Falkirk Town Centre.

Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001) - Retain Central Retail Park within the Falkirk Town Centre boundary and do not identify it as a separate Commercial Centre in the network of centres set out in Table 3.5.

Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001) - Include the area of retail and commercial uses at Glasgow Road, Camelon as part of the Camelon Local Centre, rather than as a separate

Commercial Centre.

Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011) - Insert a commitment into the Plan that Falkirk Council will pursue monies from the Scottish Government to fund the redevelopment of Grangemouth town centre.

Policy JE09 – Retail and Commercial Leisure Development

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/003) - In Policy JE09, reduce the 'significance' threshold, below which retail development is allowed generally in the urban area from 1,000 sq.m. to 300-500sq.m. Clarify the scale of other uses which would require them to be subject to assessment, and whether in-centre development would be subject to the requirement to carry out retail and leisure impact assessments.

Asda Stores Ltd (00856/3001/003) - Amend paragraph 4.51 to indicate that retail and leisure impact assessments will be required for proposals in excess of 1,000 sq.m.

Scottish Government (00643/3001/007) - Amend the title of Policy JE09 to 'Town Centres First' and include offices in the list of uses in sub section (1).

**Summary of responses (including reasons) by planning authority:**

Falkirk Town Centre

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/004) - There is insufficient evidence at this stage to suggest that significant land use change or physical redevelopment is likely at the Howgate Centre to warrant its inclusion in LDP2 as a town centre opportunity. Although recently affected by the closure of the Marks and Spencer store, it otherwise remains a functioning mall with only an average level of vacancies. By contrast, the other town centre opportunities (Proposals MU12-MU15) comprise areas of vacant or underused land, or surface car parking that present obvious sites for redevelopment. Callendar Square shopping centre, although an existing shopping mall, has been included in Proposal MU13 because of its high level of vacant space, and because it links to the opportunity on the other side of Callendar Riggs (the vacant bus station).

The desire of the Howgate Centre to keep its options open, as the mall seeks to adapt to the rapidly changing retail climate, is nonetheless acknowledged. The LDP's town centre policies, notably Policy JE07 Town and Local Centres, would generally support such change where it would assist the vitality and viability of the centre. The fact that it is not identified as a specific opportunity is unlikely to be a barrier to any future plans which the Howgate may wish to promote in the future. The Council would consider the inclusion of appropriate wording in the Falkirk Town Centre Development Guidance (pages 86-87) to reflect the potential for restructuring of both malls in the Town Centre. An additional sentence, inserted after the 4<sup>th</sup> sentence of the Vision is suggested as follows: "The two shopping malls – Howgate and Callendar Square – may need restructuring to maintain their viability and to support the process of diversification". The two malls could also be identified with symbols on the accompanying map, labelled "Potential shopping mall restructuring to support investment" in the key. If the Reporter were minded to respond to this representation with changes to the plan, the Council would not take issues with such an amended wording. This is not regarded as a notifiable modification.

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/005) - The Grahamston opportunity (Proposal MU12) is insufficiently advanced to determine the content of any future redevelopment. The opportunity is framed flexibly to allow town centre uses generally, but the final mix will reflect market conditions. In this regard, since there is generally an excess of retail floorspace in the Town Centre, and low demand, retail is unlikely to play a major role, with office, residential and hotel uses more likely to predominate. In accordance with Policy JE07(2) any redevelopment will be required to support the vitality and viability of the Town Centre, so uses which were likely to undermine the role of the core retail area would be unlikely to be supported. For these reasons, the Council does not agree to modify the plan in response to this representation.

Falkirk Towns Ltd (00605/3002/001) - The Council is in the process of preparing a business case for a proposed new Council HQ and Arts Centre, as the current Municipal Buildings at the western end of the Town Centre has reached the end of its serviceable life. It is also intending to progress a procurement exercise to seek a preferred site and means of delivering the project (CD139). The Council is clear that the delivery of the new Council HQ is integral to the regeneration of the Town Centre, although pending the procurement process, the exact site of the new development has not been determined. In the meantime, a general statement reflecting the current status of the project could be included in the LDP. The last sentence of the 'Vision' section of the Falkirk Town Centre Major Area of Change Development Guidance (page 86) could be amended to read: "The Council has commenced a procurement process to select a site for a new Council HQ and Arts Centre which would be located in the Town Centre and contribute significantly towards its regeneration. The existing Municipal Buildings site would present an opportunity for redevelopment". If the Reporter is minded to recommend inclusion of such a statement in response to the representation, the Council would not take issue with this. This is not regarded as a notifiable modification.

#### Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001) - Central Retail Park (CRP) was developed in two phases which opened in 1995 and 2003 respectively. It was subject to a Section 75 Agreement restricting the range of goods which could be sold. The original Section 75 Agreement was renegotiated in 2001, removing the restriction on the range of goods in Phase1, while setting out a range of prohibited goods on Phase 2 (CD144). As CRP was developed, successive development plans extended the Falkirk Town Centre boundary to include it, and it currently lies within the Town Centre boundary as defined in LDP1.

As part of LDP2, the Council took the opportunity to review the position of CRP in relation to the Town Centre. This was partly in response to representations at the issues stage from LSREF3 Tiger Falkirk S.A.R.L., representing the Howgate Centre, which sought to have the status of CRP reconsidered (CD140). The issue was flagged up in Technical Report 7 (Town Centres and Retailing) (CD39). In the MIR, the Council suggested that the status quo should be maintained, although it identified the exclusion of CRP from the Town Centre boundary as a 'reasonable alternative' (CD22, page 48). In response to the MIR, there were further representations from both LSREF3 Tiger Falkirk S.A.R.L. (CD141) and Hammerson (CD142). Having considered these representations, along with the relevant sections of SPP and the current challenges facing Falkirk Town Centre, the Council decided to exclude CRP from the Town Centre boundary and to designate it as a commercial centre. This change is supported by LSREF3 Tiger Falkirk S.A.R.L. in their representation to the Proposed LDP2 (CD182). Hammerson seeks to have this change reversed.

The Council has made this change for the following reasons:

- CRP has a very separate character from the rest of the Town Centre, aligning more to the description of a commercial centre contained in SPP paragraph 63 (CD1), i.e. a more specific focus on retailing and/or leisure uses. Conversely, it lacks the diversity of use, and qualities of character and identity listed as characteristics of town centres in paragraph 62.
- Although there are clearly strong links with the traditional Town Centre, via the crossing point on Grahams Road, it lacks integration with the rest of the Town Centre.
- Although CRP has undoubtedly brought major economic benefits to the area, and indeed to the Town Centre through linked trips and a supply of free parking, it has drawn some retailers and investment out of the core of the Town Centre, to the detriment of the vitality and vitality of the High Street and the Howgate and Callendar Square shopping centres. This has exacerbated the effect of the departure of major national retailers from the town, the latest of which is Marks and Spencer. This suggests that, in terms of the network of centres and the 'town centres first' principle, a distinction needs to be drawn between CRP and the traditional Town Centre.

This change does not seek to deny the positive role which CRP plays in the network of centres or in the local economy as a whole. However, it does recognise that the interests of CRP and those of the traditional town centre are not always aligned with one another.

The change will have limited commercial effect on CRP, as it has a secure planning permission for retail and leisure use, albeit that there is some residual restriction on the type of goods that can be sold in Phase 2. The application of Policies JE08 and JE09, and the sequential approach, would only come into operation where a change of use or redevelopment was proposed, or a change to the Section 75 Agreement was sought. In these instances, it will allow a proper assessment of impacts on the traditional Town Centre to be undertaken, and application of the sequential test. In the meantime, CRP is in a healthy state, with only one vacancy out of 28 units recorded at the time of the 2019 Retail Floorspace Survey (January 2019). This 3.5% vacancy rate is in contrast to the 12% vacancy rate for the Town Centre as a whole recorded in the 2018 Town Centre Health Check Report (CD143).

Hammerson also objects to the Proposed LDP2 giving support for historic Section 75 Agreements restricting the range of uses at CRP. For the reasons stated above, and in line with SPP paragraph 63, the continuation of these restrictions is considered appropriate. However, it is open to Hammerson to seek to have the Section 75 modified, and Policy JE08 highlights how such an application would be assessed.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001) - The area of retail and leisure uses located on Glasgow Road, Camelon comprises the newer retail uses of Tesco, Aldi, and Home Bargains, alongside an older core of leisure uses including the Mariner Leisure Centre, Pro Bowl and Indoor Bowling Centre. In LDP1 this area is included within the boundary of the Camelon Local Centre.

As part of LDP2, the Council has reconsidered the character and status of this area, and its

role within the network of centres, and has decided that it would be more appropriate to identify it as a commercial centre separate from Camelon Local Centre. Team Scotland seeks to have this change reversed. The reasons for the Council's position are similar to those stated for Central Retail Park above:

- The character of the area, with its specific focus on large format retail and leisure uses matches the criteria for a commercial centre set out in SPP paragraph 63, rather than a town centre as described in paragraph 62.
- Although adjacent to the traditional part of Camelon Local Centre on the south side of Camelon Main Street, functional links are poor, with the main road and the A9/A803 roundabout causing significant severance.
- The scale of the retail/leisure uses at Glasgow Road is well in excess of that of the traditional local centre, and they serve a much wider catchment than the traditional local centre of Camelon. This causes an imbalance in the role of the local centre, which does not fit with its place in the network of centres.
- There has been some pressure for change of use of the Pro Bowl entertainment centre for retail use. Categorising this as part of a commercial centre would allow such changes of use, and indeed any other significant redevelopment, to be properly assessed in terms of impacts on Falkirk Town Centre.

For these reasons, the Council does not agree to modify the plan in response to this representation.

### Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011) - The Council recognises the concerns of Grangemouth Community Council about Grangemouth Town Centre, which faces challenges arising from social and economic change. The Investment Zone bid being prepared by the Council (CD52) includes provision for support for Falkirk's town centres, but is too early to make specific reference to any particular project within the LDP. The Council has highlighted redevelopment potential in Grangemouth Town Centre under Proposal MU18, and discussions are ongoing through the community planning process on the issues which any redevelopment should try to address, including tackling the current overprovision of retail space, and the potential for more social housing in the centre. In the meantime, the Council considers that the Proposed LDP2 includes sufficient 'hooks' to hang any future investment which may be secured through the Investment Zone bid, and there is no further information that can be usefully included in the plan at this stage.

### Policy JE09 – Retail and Commercial Leisure Development

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/003); Asda Stores Ltd (00856/3001/003) - LSREF3 Tiger Falkirk S.A.R.L. queries the threshold in Policy JE09 above which retail proposals are judged as 'significant', and require to be located within centres. The threshold is a matter of judgement. The Council considers that 1,000 square metres gross is appropriate, because it allows a reasonable level of neighbourhood shopping to be provided in local areas. Convenience stores up to this scale are likely to have a predominantly neighbourhood catchment, and are likely to have minimal impact on centres. The threshold was set at its present level in LDP1 (having previously been 500 sq.m. in the Falkirk Council Local Plan), and there is no evidence that this has caused harm to centres. With regard to the level of 'significance' for commercial, leisure, cultural, civic and community uses, it is impossible to set a threshold for these as they vary so much. A

judgement has to be made based on the nature of the proposal, and the footfall it is likely to generate.

Both LSREF3 Tiger Falkirk S.A.R.L. and Asda Stores Ltd draw attention to the difference between the 1,000 sq.m. 'significance' threshold and the 2,500 sq.m. threshold for retail impact assessment. However, these do not have to be the same. Out of centre proposals of a scale between these two figures will require some form of assessment against Policy JE09, but may not necessarily a full-blown retail impact assessment. The retail impact assessment threshold is taken from SPP paragraph 71, but both SPP and the Proposed LDP2 advise that formal assessment may still be needed below this threshold.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Scottish Government (00643/3001/007) - The Council agrees that title of Policy JE09 is less than satisfactory because it suggests that it deals only with retail and leisure development, rather than the full range of uses which generate significant footfall, as described in SPP paragraph 68. The suggested title of 'Town Centre First' would be a more accurate description. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this part of the representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

However, the Council is cautious about including 'offices' among the list of uses in Policy JE9(1), notwithstanding that it appears in the relevant paragraphs in SPP. The Council is promoting a number of economic development opportunities at various out of centre locations, where Class 4 offices are seen as appropriate. This could appear confusing and contradictory, and discouraging important economic development in the area. For this reason, the Council does not agree to modify the plan in response to this part of the representation.

### **Reporter's conclusions:**

#### Falkirk Town Centre

1. The suggested inclusion of the Howgate Centre as an additional mixed-use allocation was not considered in the Main Issues Report. Although one anchor store has evidently closed recently, I noted during my site inspection that footfall within the Centre is very high, business remains brisk and the vacancy rate appears to be relatively low. In marked contrast, the Callendar Square shopping mall was very quiet, with a very much higher vacancy rate.
2. From what I saw, shoppers seem to move principally from north to south through the town centre, with a strong pedestrian flow evident from the Central Retail Park and Grahamston Station up to High Street, where the principal entrance into the Howgate Centre is located. I agree with the council that it is those sites on the easterly extremity of the town centre that are most in need of regeneration. In my assessment, allocating the Howgate Centre as a mixed-use opportunity would be most likely to perpetuate existing disparities in trade and undermine efforts to revitalise the easterly fringe of the town centre.
3. Moreover, the significant degree of flexibility regarding changes of use in town and local centres provided for in proposed policy JE07 Town and Local Centres should allow the Howgate Centre to respond quickly to changing market conditions without the need for

a specific allocation or masterplan to be made. This approach complies with the advice in Scottish Planning Policy paragraph 60. Consequently, I see no need for any modification to be made to Appendix 1 or pages 85 to 87 of the proposed plan.

4. Although no detailed masterplanning exercise has yet been undertaken for the Grahamston site (proposed allocation MU12), the council envisages that development there would entail uses that would support, rather than undermine, trading conditions within the retail core of Falkirk. The proposed plan establishes a network of centres and it supports the town centre first principle set out in Scottish Planning Policy paragraphs 58 to 60. Proposed policy JE07 seeks to ensure that development proposals within town and local centres would support the vitality and viability of the centre within which they would be located. I see no reason why the redevelopment of MU12 would fail to support trading within the retail core. Moreover, it is likely that the details of any future masterplan would be subject to public consultation. In addition, as individual development proposals come forward, there would be an opportunity, as part of statutory development management procedures, for local people and businesses to comment upon their suitability and any likely impacts upon existing retailers. No modification is necessary.

5. I agree that, as it would be such a fundamental element in the regeneration of Falkirk, reference should be made to the nascent proposals to replace civic buildings on the westerly fringe of the town centre. This statement would be likely to strengthen developer confidence and would provide for a more complete consideration of the future shape and functionality of the town centre. Although the council could make this modification to the plan using its own discretion, for completeness I have included it in my recommendations.

#### Commercial Centre – Central Retail Park

6. There is no question that the Central Retail Park (site 235) continues to make a valuable contribution to the vibrancy, vitality and viability of trading within the historic town centre of Falkirk. Paragraph 2.2 of Technical Report 7: Town Centres and Retailing, published February 2017 makes this clear and I agree. Instead, the question here is whether site 235 should remain within the town centre boundary and thereby continue to benefit from the preferential policy status that the town centre first approach, set out in Scottish Planning Policy, affords to commercial uses that generate high footfall.

7. Scottish Planning Policy paragraph 70 states that the aim of development management in town centres is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

8. Town centres across the whole of the United Kingdom are facing challenges and retail trading conditions are becoming increasingly difficult. For a number of reasons, including format, flexibility, price and car parking, many larger retailers are moving out of historic town centres and into locations such as site 235. In Falkirk, the situation appears to be no different. At paragraph 2.5 of Technical Report 7, reference is made to the relocation of TKMaxx from Callendar Square shopping mall to site 235. I noted during my site inspection that Callendar Square appears to be performing very poorly, with high vacancy rates and very low footfall. The recent decision by Marks and Spencer to vacate the Howgate Centre whilst retaining its Simply Food store within site 235 may be another manifestation of this trend. Although it would be wrong to characterise site 235 as a threat to the historic town centre, I agree with the council that the commercial interests of the two

do not always complement each other.

9. As is the case with many town centres in the current trading climate, Falkirk town centre has become too large and I agree that it is now in the public interest to shrink it. Removing site 235 from the town centre and making it subject to the control provided by proposed policies JE08 Commercial Centres and JE09 Retail and Commercial Leisure Development will help to secure the vibrancy, vitality and viability of Falkirk town centre in the manner expected by Scottish Planning Policy paragraph 70. Site 235 will continue to play a valuable role in the economy of Falkirk, but a supporting one, as a commercial centre. This approach complies with Scottish Planning Policy paragraph 61, which states: “plans should identify a network of centres and explain how they can complement each other”.

10. I accept that, if site 235 becomes a commercial centre, the council’s approach under proposed policy JE09 would create an anomaly, whereby more floorspace could potentially be created in an out-of-centre location than in the sequentially more preferable site 235 because of the terms of the legal agreement that restricts the subdivision of premises on Phase 2 of site 235. However, application may be made to modify or revoke a Section 75 agreement and that would be the definitive and most appropriate way to address this concern.

11. Scottish Planning Policy paragraph 62 sets out the principal characteristics that town centres should display. Site 235 complies with some of these. There is a degree of diversity, including shopping. It is close to Grahamston railway station and is well-served by buses. There are some uses, such as a cinema, restaurants and gymnasium, which promote economic and social activity during the evening. However, in comparison with the historic town centre, it is not well-integrated with residential areas and there is no obvious opportunity to introduce new residential uses, which the fourth bullet point of Scottish Planning Policy paragraph 60 supports. The predominance of surface car parking and largely utilitarian design of premises also fails to display qualities of character and identity which create a sense of place and further the well-being of communities. This contrasts markedly with the historic town centre, which has a very strong sense of place and is contained almost entirely within the Falkirk Conservation Area. The railway line also creates a strong sense of physical separation between the historic town centre and site 235.

12. Scottish Planning Policy paragraph 63 describes the characteristics of commercial centres. They include mixed retail and leisure developments and retail parks. It also provides support for the use of legal agreements to restrict sales in order to protect the role of town centres. There is such a legal agreement in place for phase 2 of site 235. Given my assessment of the character of site 235 above, I am satisfied that it more closely conforms to the description of a commercial centre than to a town centre or local centre.

13. I agree with the council that it is appropriate for proposed policy JE08 to require the provisions of proposed policy JE09 to be taken into account when an application to modify or discharge a disputed Section 75 agreement is being determined. This is because, although the Section 25 test (i.e. the primacy of adopted development plan policies) does not apply to the handling of Section 75A applications, development plan policies may nevertheless be ‘taken into account’ by decision makers during their determination. No modification to proposed policy JE08 is needed.

14. Proposed policy JE09 suggests that edge of town centre sites and commercial



centres occupy the same position of preference in the sequential approach to the siting of uses that generate high footfall. This is inconsistent with Scottish Planning Policy paragraph 68, which states that edge of town centre sites are sequentially more preferable than commercial centres. I therefore agree with Hammerson UK Properties plc that proposed policy JE09 should be modified.

15. In relation to development proposals for edge of town centre, commercial centre or out-of-town sites, Scottish Planning Policy paragraph 71 states that it is a matter for applicants to demonstrate that the development of sequentially less preferable sites is justified and that the impact upon existing town centres is acceptable. However, this falls short of establishing a requirement to demonstrate need. Scottish Planning Policy paragraph 73 requires only proposals in out-of-centre locations to demonstrate, amongst other criteria, that they would meet qualitative or quantitative deficiencies (i.e. 'need'). I agree that proposed policy JE09 should be modified in order to comply with this advice.

#### Commercial Centre – Glasgow Road, Camelon

16. The existing Camelon Local Centre currently comprises a historic centre to the south east of the Camelon Roundabout and a more recent extension to the north west of the roundabout. The historic centre comprises predominantly early twentieth century two and three storey terraced shops with residential accommodation above, about which are scattered a few late twentieth century civic buildings and public services, including the Falkirk Sheriff Court and the Camelon Health Clinic. This creates a very strong sense of place and local identity. There is a high degree of diversity within the historic centre, which contains most of the shops and services required to meet the day-to-day needs of a small community. These include pharmacies, a post office, opticians, hairdressers, restaurants, a funeral director, hot food takeaways and convenience stores.

17. The more recent extension (site 236) is very different, consisting of large format retail and commercial leisure uses. The businesses currently trading here include Tesco, Aldi, Home Bargains, Forth Valley Sensory Centre, Mariner Leisure Centre, Pro Bowl Entertainment Centre and an indoor bowling centre. The size and format of the units on site 236 clearly serve more than local needs, with shoppers having to rely heavily upon the use of a private motor vehicle in order to access them.

18. As far as the existing local development plan is concerned, paragraph 3.35 supports Policy TC01 Network of Centres. It refers to the strategy of decentralising food shopping to district and local centres. Table 3.3 states that the role of local centres is to serve the smaller towns and suburbs in terms of top-up shopping and limited local services. Provision is made for an anchor food store in larger catchments. Site 236 appears to be one of those where an anchor store was considered necessary. However, there is now more than one such anchor foodstore and, in my assessment, the other businesses that have grown up around them cannot accurately be described as providing "limited local services".

19. Scottish Planning Policy paragraph 68 indicates that town centres, city centres and local centres should occupy the same, sequentially most preferable, position in any hierarchy of centres included within a local development plan. Scottish Planning Policy paragraph 62 describes the principal characteristics that town centres should display. Site 236 complies with some of these. It is close to Camelon railway station and is well-served by buses. The leisure centre and the bowling facilities promote some economic and social activity during the evening.

20. However, in comparison with the historic centre, site 236 is poorly integrated with residential areas and there is no obvious opportunity to introduce new residential uses, which the fourth bullet point of Scottish Planning Policy paragraph 60 supports. There is limited diversity in the range of goods and services offered. The predominance of surface car parking and the utilitarian design of premises fails to display the qualities of character and identity which create a sense of place and further the well-being of communities. Although there are a number of pedestrian crossing places, the Camelon Roundabout and the very busy A803 (Glasgow Road) create a strong sense of isolation and physical separation from the historic centre.

21. Scottish Planning Policy paragraph 63 describes the characteristics of commercial centres. They include mixed retail and leisure developments. Given my description of the character of site 236 above, I am satisfied that it more closely conforms to the description of a commercial centre than to a town centre or local centre.

22. If site 236 were to remain within the Camelon Local Centre, the likely effect would be to attract development that meets local needs away from the historic local centre of Camelon and to attract development that meets the needs of a wider customer base away from Falkirk town centre. In my assessment, the decentralising of food shopping in the manner seen on site 236 does not accord with the sequential approach to the siting of uses that generate high footfall set out in Scottish Planning Policy and should not be continued. No modification is appropriate.

#### Grangemouth Town Centre

23. During my site inspection I noted that Grangemouth has previously received European structural funds for projects to regenerate the town centre. However, at 23:00 GMT on 31 January 2020, the United Kingdom withdrew from the European Union. The question of how future regeneration programmes will be identified, prioritised and funded is therefore uncertain at this time.

24. There is a clear intent on the council's part to work towards fulfilling the aspirations of Grangemouth residents who want to see their town centre regenerated, with fewer shops and more non-flatted family housing. This is evidenced by the allocation of Grangemouth Town Centre as a mixed-use allocation (MU18) and the preparation of an outline business case for an Investment Zone bid for the Falkirk and Grangemouth area. The update report for this bid, dated 13 March 2018, states that this bid will complement the existing Falkirk Tax Incremental Finance programme as a source of funding to regenerate the area. Paragraph 4.4.e) of this report recognises the pressures affecting the town centre and states that the project aims to make Grangemouth town centre "fit for a modern economy".

25. No mention is made of new residential development within the town centre in the update report. However, including residential uses within town centres is supported by the fourth bullet point of Scottish Planning Policy paragraph 60 and the MU18 allocation is a strong indication that new residential development is envisaged as a part of any future regeneration strategy. Indeed, proposed paragraph 5.38 states: "additional opportunities for housing may be identified in the town centre". Moreover, the community planning process will give local residents and businesses a meaningful opportunity to shape future redevelopment proposals as they progress. No modification is necessary.

#### Policy JE09 – Retail and Commercial Leisure Development

26. I accept that the threshold above which proposals for retail development will be considered 'significant' is a matter of judgment. Nevertheless, that judgement should be based upon evidence. I issued a further information request (FIR05) about this matter, to which two responses were received.
27. The threshold of 1,000 square metres for retail development has been carried forward from Policy TC03 Retail and Commercial Development of the existing local development plan. I have already found in my examination of this issue, that a strategy of decentralising food shopping would fail to comply with Scottish Planning Policy advice, as it relates to the town centre first approach to the siting of uses that generate high footfall.
28. The appropriateness of the threshold was the subject of a representation to the existing local development plan examination. The Reporter who examined this matter found "no reason to disagree with the setting of the planning threshold at 1000 square metres". His conclusion depended to a large extent upon the need for Policy TC03 to accord with "Policy ECON.2 (4) of the approved structure plan". The Falkirk Council Structure Plan was approved in 2007. It was also intended to inform lower level plan policies until 2020. However, as no order was made under the Section 7 of the Planning etc. (Scotland) Act 2006, Section 6(b) of the 2006 Act applies and Policy ECON.2 (4) ceased to have effect upon adoption of the existing local development plan.
29. Furthermore, economic and trading conditions have changed significantly since the structure plan was approved. The council has proposed changes to the boundary of Falkirk Town Centre and the Camelon Local Centre. This is, at least in part, because of the impact that the proliferation of large format retail and commercial leisure, promoted by existing Policy TC01, appears to have had upon the vibrancy, vitality and viability of the sequentially most preferable locations in the hierarchy.
30. I share the concerns expressed by LSREF3 Tiger Falkirk S.A.R.L. and Asda Stores Limited about the effect that retaining the threshold for retail development at 1,000 square metres would have upon existing centres. Paragraph 5.4 of Technical Report 7 states that leakage of comparison goods expenditure from Falkirk is likely to continue. It also points out that district and local centres (Camelon in particular) have performed more strongly in comparison with Falkirk town centre. In my assessment of the current situation, it would appear to be particularly important to ensure that smaller comparison retailers currently located within town centres are not incentivised to follow the example of larger retailers by relocating to sites that, although masquerading as local centres are, in reality, commercial centres.
31. In its representation, LSREF3 Tiger Falkirk S.A.R.L. suggests that a threshold of between 300 and 500 square metres would be more appropriate and the council confirms that the threshold in the Falkirk Local Plan, adopted 2010, was 500 square metres. In stepping back to look holistically at the council's approach to retail and commercial leisure development and considering the historical effect of existing development plan policies upon what I saw in both the historic Falkirk town centre and Grangemouth town centre, I have considerable sympathy with the view that a threshold of 1,000 square metre is too high.
32. Nevertheless, as I have already established, these matters of judgment should be based upon evidence. I do not have clear evidence before me to support reducing the threshold to 500 square metres. However, neither does Technical Report 7 provide

unambiguous support for the retention of the 1,000 square metre threshold. The most recent retail survey data was collected in the summer of 2014. In the absence of any more recent data, I am unable to safely recommend that the threshold be reduced to 500 square metres. Without the evidence to support this change, all that may be done in response to these representations is to attempt to ensure that any further harm that may be caused to the vibrancy, vitality and viability of existing centres is minimised.

33. The advice in Scottish Planning Policy paragraph 68 specifies that “retail and commercial leisure uses, offices, community and cultural facilities and...other public buildings such as libraries, and education and healthcare facilities” should be planned for following the sequential town centre first approach. Paragraph 71 of Scottish Planning Policy sets a threshold of 2,500 square metres, above which impact assessment will be required. It is a matter for planning authorities to determine how smaller retail and leisure proposals should be treated.

34. I agree that additional clarity is needed with regard to the circumstances in which development proposals of between 1,000 square metres and 2,500 square metres on sites outwith town and local centres would be required to prepare a retail and/or leisure impact assessment. LSREF3 Tiger Falkirk S.A.R.L. has suggested a modification that is based upon the council’s further information (FIR05) response. I agree that, in order to effectively support existing centres, the scope of such proposals ought to include the full range of uses specified in Scottish Planning Policy paragraph 68. However, some further amendment is needed to make it clear that this requirement relates only to proposals on sites outwith town and local centres and to more closely reflect the wording of the council’s FIR05 response. I shall recommend that proposed paragraph 4.51 is modified accordingly.

35. Scottish Planning Policy paragraph 73 states that out-of-centre locations should only be considered for uses that generate significant footfall where a proposal would, amongst other criteria, meet qualitative or quantitative deficiencies. Introducing a test of need within proposed policy JE09 would be consistent with this advice and would help to protect town and local centres, as well as commercial centres, from any unintended consequences that the application of this policy might cause in relation to the sequential approach to the siting of retail development set out in Scottish Planning Policy. I shall recommend that paragraph 2 of proposed policy JE09 is modified in the manner suggested by LSREF3 Tiger Falkirk S.A.R.L. in its FIR05 response.

36. Scottish Planning Policy paragraph 68 specifies “retail and commercial leisure uses, offices, community and cultural facilities and...other public buildings such as libraries, and education and healthcare facilities” as uses that generate significant footfall and are sequentially most preferably located within town and local centres. Paragraph 60 of the same guidance clearly states that the planning system should apply a town centre first policy when planning for, amongst other things, offices. I agree with the Scottish Government that, in order to comply with Scottish Planning Policy, offices must be included in the list of uses referred to in paragraph 1 of proposed policy JE09 and that the proposed title of the policy should be modified.

37. I accept that this may introduce some confusion for potential developers in areas outwith town and local centres where the council is seeking to promote new office development. However, all development plan policies are required to comply with Scottish Planning Policy and offices are recognised as an important element in the mix of uses that are sequentially most preferably located in town centres. Furthermore, I have no representation before me which would allow me to return to other parts of the proposed

plan and make it clear that proposals for offices outwith town and local centres would be required to satisfy the sequential approach to development and/or to prepare an impact assessment. I shall recommend that proposed policy JE09 is modified in line with the representation before me.

### **Reporter's recommendations:**

1. On page 86, delete the final sentence under the sub-heading 'Vision' and replace it with the following new wording: "The Council has commenced a procurement process to select a site for a new Council HQ and Arts Centre which would be located in the Town Centre and contribute significantly towards its regeneration. The existing Municipal Buildings site would present an opportunity for redevelopment."
2. On page 49, in the text of the second sub-bullet point of the first bullet point of paragraph 1 of Policy JE09 Retail and Commercial Leisure Development, delete " or commercial centres".
3. On page 49, in the text of the first bullet point of paragraph 1 of Policy JE09 Retail and Commercial Leisure Development, insert the following new third sub-bullet point and associated text:
  - Commercial centres;
4. On page 49, in the text of the third bullet point of paragraph 1 of Policy JE09 Retail and Commercial Leisure Development, delete " and edge of centre".
5. On page 49, in the text of paragraph 2 of Policy JE09 Retail and Commercial Leisure Development, delete the comma after "floorspace" and, in its place, insert " and ".
6. On page 49, in the text of paragraph 4.51, delete the second, third and fourth sentences and, in their place, insert: "The threshold for significant development will be 1,000 sq.m. gross floorspace, below which proposals that are shown to be serving neighbourhood needs will be supported in appropriate locations generally within the urban area. Outwith town and local centres, retail and/or leisure impact assessments and a sequential assessment will be required for development proposals in excess of 1,000 sq.m. gross floorspace but, in certain circumstances, may also be required for smaller proposals. These circumstances will vary from case-to-case but will generally occur in situations where the likely impact of a proposal would be disproportionate to its scale. Examples of disproportionate impacts include where: 1) the sale of a particular type of goods is proposed on which a nearby centre is particularly reliant; 2) the location of the proposal is such that there will be a particularly high diversion of trade, or 3) where a local centre is in a particularly vulnerable state."
7. On page 49, in the text of paragraph 2 of Policy JE09 Retail and Commercial Leisure Development, between "serving a " and "neighbourhood", insert "demonstrated ".
8. On page 49, in the title of Policy JE09 Retail and Commercial Leisure Development, after "JE09 ", delete "Retail and Commercial Leisure Development" and, in its place, insert "Town Centre First".
9. On page 49, in the text of paragraph 1 of Policy JE09 Retail and Commercial Leisure Development, between "development, " and "and other", insert "offices ".

<b>Issue 21</b>	<b>Infrastructure Policies and Proposals</b>	
<b>Development plan reference:</b>	<p>Chapter 3 Spatial Strategy Infrastructure (pages 24 - 25) <u>Chapter 4 Policies</u> Infrastructure and Resources – Infrastructure (pages 50 - 55) <u>Chapter 5 Settlement Statements</u> Bo’ness and Muirhouses (pages 62 - 63) Braes and Rural South (pages 72 - 73) Gilston Major Area of Change Development Guidance Whitecross Major Area of Change Development Guidance Grangemouth <u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Infrastructure (a17-a19) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross <u>Proposals Map 6</u> Bo’ness, Blackness and Muirhouses</p>	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scottish Government (00643) Forth Ports plc (00591) Network Rail (00493) LSREF3 Tiger Falkirk S.A.R.L. (02703) Taylor Wimpey UK Limited (00198) Homes for Scotland (00284) Gladman Developments Ltd (01258) NHS Forth Valley (NHS Board) (00522) Grangemouth (including Skinflats) Community Council (02723) SEPA (East Region) (00532) The Grangemouth Chemical Cluster Companies(00878) Joyce Hartley (02976)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Infrastructure policies, specifically IR02-06, IR08, IR10 and IR11, and provisions in respect of certain infrastructure proposals	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Policy IR02 – Developer Contributions (General)</u></p> <p>Scottish Government (00643/3001/004) - Policy IR02 should set out further detail in relation to the circumstances in which developer contributions will be sought, in particular the locations and types of development where they will be sought. Paragraph 139 of</p>		

Circular 6/2013 Development Planning (CD4) states that the circumstances in which developer contributions are to be sought should be contained within the plan as opposed to supplementary guidance.

Forth Ports plc (00591/3001/003) - The reference to securing funding for maintenance of infrastructure in Policy IR02 Developer Contributions may not comply with the terms of Circular 3/2012 Planning Obligations and Good Neighbour Agreements (CD3) and the policy should be amended to reflect this.

Network Rail (00493/3002/005) - Network Rail, as a public sector organisation and provider of key infrastructure, should be excluded from any requirements for developer contributions. Profits, including those from commercial developments, are re-invested in the railway. Improvements to rail transport contribute to the public good and support regeneration, and railway developments should not be expected to support other public projects.

#### Policy IR02 – Developer Contributions (Town Centre Exemption)

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/006) - In Policy IR02 Developer Contributions, the exemption for town centre residential developments of up to 50 units from education and open space contributions is supported. However, the wording should be changed so that the first 50 units of a scheme of any size can benefit from the exemption.

Taylor Wimpey UK Limited (00198/3005/003) - In Policy IR02 Developer Contributions, the exemption for town centre residential developments of up to 50 units from education and open space contributions is not supported. Although the objective of trying to encourage new development in town centres is acknowledged, such developments have the potential to generate pressure on existing infrastructure in the area and increase the burden on other developments in the area. It would rather be appropriate to waive developer contributions for all tenures of affordable housing and there may be merit in similarly applying this waiver to small 1-bed flats/ sheltered housing which are not likely to attract child generating occupants. However, mainstream flatted development does not fall within this category.

#### Policy IR02 – Developer Contributions (Healthcare)

Homes for Scotland (00284/3003/009) - The inclusion of healthcare contributions is not supported. Healthcare is funded through central government and development should not have to fund any shortfall to provide primary healthcare provision, nor should housebuilders have to supplement other businesses such as GP surgeries. As no specific costs are set out in LDP2 the implications of these obligations on viability and the deliverability of the Plan will need to be considered at the supplementary guidance stage.

Gladman Developments Ltd (01258/3005/003) - Whilst the overall aim and wording of Policy IR02 Developer Contributions is supported, there is concern at the inclusion of 'Healthcare Facilities' in Table 4.1, especially as the most-cited requirement is for primary healthcare (i.e. GP surgery facilities). GP practices tend to be private businesses contracting to the NHS, and as such, funding their growth through developer contributions sits awkwardly with Circular 3/2012.

Policy IR03 – Education and New Housing Development

Homes for Scotland (00284/3003/010) - Policy IR03 Education and New Housing Development is too negative. LDP2 should take a coordinated approach to ensure that education capacity is available. The policy should therefore not apply to allocated sites, but this is not made clear in the policy or supporting text. Furthermore, if a site was coming forward due to a shortfall in the effective land supply, it could be assumed that additional capacity would exist elsewhere as planned sites had not delivered. Decision makers should identify practical solutions which recognise the importance of new house building. Not developing sufficient homes to meet identified housing need is not an appropriate response to a deficiency in education capacity. The final sentence of the policy should be deleted so as not to preclude other pragmatic solutions.

Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009) - Policy IR04 Community Facilities does not include any requirement to consult the community on the loss of community facilities. It notes a requirement for Changing Places toilets in all new public buildings but does not require these to be retrofitted in suitable existing public buildings.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004) - Policy IR05 Transport Assessment should require air quality impact assessments in all cases unless the proposal leads to a reduction in traffic or is using cleaner vehicles. Gains in emissions reductions are negated by increased traffic. The Transport Appraisal for four Forth Ports sites notes that there will be a major impact on the A904 and M9 junctions 5 and 6 and the M9 corridor. The sites are also adjacent to corridors with peak time congestion. The Freight Transport section then goes on to identify only a moderate impact on local communities and the road network. Even though Forth Ports has permitted development rights this should not allow them to cause pollution through increased traffic. The Strategic Environmental Assessment objectives must be regarding air quality in Grangemouth.

Scottish Government (00643/3001/005) - To accord with paragraph 273 of SPP (CD1), Policies IR05 Transport Assessment and IR06 Active Travel should be clearer that the aim is to promote development that maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars. There is a danger of this arising from the fact that not all development proposals will trigger the need for a transport assessment.

SEPA (East Region) (00532/3003/017) - Policy IR06, sub section (2) should require the design of active travel routes to conform to other environmental protection policies as well as meeting the relevant standards where routes are to be adopted by the Council.

Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003) - Policy IR08 Freight Transport identifies Grangemouth as the preferred location for freight development. This is not possible without having a significant effect on local communities and local or strategic roads. This policy and the proposed Bo'ness Road closure conflict with Policies PE01 and PE26 in relation to increasing air pollution. HGV's should not be allowed on



narrow streets with housing which causes pollution and damage. Weight restrictions should also be applied 24/7 and enforced. Additional road infrastructure around i.e. avoiding the town, is required. The plan also makes no provision for parking for industrial traffic and associated facilities.

#### Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018) - In Policy IR10 Drainage Infrastructure, references to 'Sewers to Scotland' and the SUDS Manual should be made more general so that they are not tied to particular editions of these documents. There should be a requirement that developments should have sufficient space to accommodate SUDS including the provision of temporary/construction phase SUDS.

#### Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006) - Policy IR11 Digital Infrastructure does not fully address the criteria set out within paragraphs 295 and 296 of SPP. The policy should be updated to more fully reflect the options and matters outlined within the guidance.

SEPA (East Region) (00532/3003/019) - Policy IR11 Digital Infrastructure should be changed to make it a requirement for operationally redundant communication installations to be immediately removed and for the site to be restored to its original conditions.

#### Rail Infrastructure

Network Rail (00493/3002/001, 00493/3002/004) - Consideration should be given to the impacts that the proposed housing and business development at Whitecross (Proposals H29 and BUS02) and business development at Gilston (Proposal BUS21) will have on the existing rail network, particularly impact on the nearby Polmont Station. These impacts should be assessed and contributions towards rail infrastructure sought as appropriate.

The Grangemouth Chemical Cluster Companies (00878/3003/002) - Proposal IN14 Grangemouth Rail Station Site Safeguarding is not objected to in principle but it should not prejudice the development of the chemical companies. The Council acknowledged that a full HSE assessment would be carried out in their response to an MIR representation and this should be formally included in the comments on the proposal in Appendix 1.

#### Active Travel Infrastructure

Scottish Government (00643/3001/001) - To accord with paragraph 5.14 of NPF3 (CD2), LDP2 should identify at least one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting the vision for increased cycling.

Joyce Hartley (02976/3001/001) - A proposal for an active travel route should be identified alongside the A904 from the village of Muirhouses to Champany Corner. This would provide a route for walkers and cyclists on a dangerous stretch of road, giving an alternative to the car for people travelling from Bo'ness to Linlithgow. A grass verge on the A904 is wide and could easily accommodate an off-road path.

#### Health Care Infrastructure

NHS Forth Valley (00522/3002/003) - Whilst the Proposed Plan is supported, additional

commentary is required with regard to certain sections of the plan to reflect up to date information on capacity issues with primary health care facilities. Generally, in the Falkirk Council area there are issues with primary care service provision, with many of the GP practices at capacity. This relates to both GP recruitment issues and premises capacity. Specific areas where additional acknowledgement of capacity issues is needed include the Braes and Rural South settlement statement, where Meadowbank Health Centre is at capacity, and the guidance for the Major Growth Areas for Maddiston East, Whitecross and Bonnybridge/Banknock.

**Modifications sought by those submitting representations:**

Policy IR02 – Developer Contributions (General)

Scottish Government (00643/3001/004) - Amend Policy IR02 to include further detail in relation to the circumstances in which developer contributions will be sought, in particular the locations and types of development where they will be sought.

Forth Ports plc (00591/3001/003) - Amend Policy IR02 Developer Contributions by inserting the words "where appropriate" before "maintenance of infrastructure".

Network Rail (00493/3002/005) - Amend Policy IR02 by adding the statement: "public sector organisations are excluded from any developer contribution requirement".

Policy IR02 – Developer Contributions (Town Centre Exemption)

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/006) - Amend Policy IR02, replacing the last sentence with: "Developer contributions for education and open space will be waived for flatted residential development, or conversion of buildings for residential use, for the first 50 units of a scheme within town centre boundaries. Contributions for the 51st unit and above will be required (subject to viability considerations above)".

Taylor Wimpey UK Limited (00198/3005/003) - Amend the last sentence of Policy IR02 to read "Developer contributions for education and open space will be waived in certain limited circumstances, those circumstances being for either flatted residential development where each unit comprises of no more than 1-bedroom, or in the case of conversions of buildings for residential use that would not be child generating, of up to 50 units within town centre boundaries".

Policy IR02 – Developer Contributions (Healthcare)

Homes for Scotland (00284/3003/009); Gladman Developments Ltd (01258/3005/003) - Delete the entry on "Healthcare Facilities" in Table 4.1 (page 51).

Policy IR03 – Education and New Housing

Homes for Scotland (00284/3003/010) - Delete the last sentence in Policy IR03. Clarification should be offered that the policy will not apply to allocated sites.

Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009) - Amend Policy IR04 to require consultation with affected communities before granting applications which

would involve the loss of community facilities.

#### Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004) - Introduce a policy to reduce traffic pollution rather than having policies which maintain current levels. Amend Policy IR05 to require air quality impact assessments in all cases unless the proposal includes a reduction in traffic or cleaner vehicles are utilised for the life of the project.

Scottish Government (00643/3001/005) - Amend Policies IR05 and IR06 to clarify that the aim is to promote development that maximises the extent to which its travel demands are met first through walking, then cycling, the public transport and finally through the use of private cars.

SEPA (East Region) (00532/3003/017) - Amend Policy IR06, sub section (2), third bullet, to read "Conform to other environmental protection policies and meet the relevant standards where routes are to be adopted by the Council".

#### Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003) - Amend Policy IR08 to redirect freight intensive development away from Grangemouth. Provide facilities for HGV traffic already using town.

#### Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018) - Amend Policy IR10 as follows:

- Sub section (2), change "Sewers for Scotland (3rd Edition)" to "the most recent version of Sewers for Scotland".
- Sub section (4) change last sentence to "The strategy should follow the latest version of the SUDS Manual".
- Add a requirement for development to have sufficient space to accommodate SUDS and include provision for temporary/construction phase SUDS.

#### Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006) - Amend Policy IR11 so it more fully reflects the options and matters outlined within SPP paragraphs 295 and 296.

SEPA (East Region) (00532/3003/019) - Amend Policy IR11 by adding a requirement for operationally redundant communication installations to be immediately removed and for the site to be restored to its original conditions.

#### Rail Infrastructure

Network Rail (00493/3002/001, 00493/3002/004) - In the Development Guidance on Whitecross, after "transport assessment will be required", and in the Development Guidance on Gilston after "where there are parking limitations", the following wording should be inserted: "The TA should consider the impact on the nearby Polmont Station and identify appropriate mitigation measures in consultation with Network Rail and Scotrail".

The Grangemouth Chemical Cluster Companies (00878/3003/002) - Amend the comments section of Proposal IN14 Grangemouth Rail Station Site Safeguarding to include a reference to the requirement to undertake a full HSE assessment should the proposal come forward.

#### Active Travel Infrastructure

Scottish Government (00643/3001/001) - Identify an exemplar active travel settlement in LDP2.

Joyce Hartley (02976/3001/001) - Insert additional proposal for an active travel route for pedestrians and cyclists from Muirhouses to Champany Corner.

#### Health Care Infrastructure

NHS Forth Valley (00522/3002/003) - Include additional text on healthcare capacity issues within the Infrastructure section of the Spatial Strategy, the Braes and Rural South Settlement Statement, and the guidance for the Major Areas of Change at Maddiston East, Whitecross and Bonnybridge/Banknock.

### **Summary of responses (including reasons) by planning authority:**

#### Policy IR02 – Developer Contributions (General)

Scottish Government (00643/3001/004) - The Council considers that Policy IR02 complies with the guidance in paragraph 139 of Circular 6/2013 Development Planning (CD4) in that it sets out within the policy itself and, more specifically, within the associated Table 4.1 (page 51), the general circumstances in which developer contributions will be sought. Table 4.1 identifies the items for which contributions will be sought (e.g. schools and nurseries) and the circumstances in which they will be required (e.g. where school/nursery capacity needs to be enhanced to mitigate the impacts of children generated by new development). The Council's supplementary guidance provides detail on the contribution rates and methodologies which will be applied, which is in line with Circular 6/2013. Therefore the Council does not agree to modify the plan in response to this representation.

Forth Ports plc (00591/3001/003) - The policy tests in Circular 3/2012 Planning Obligations and Good Neighbour Agreements (CD3) do not rule out maintenance of infrastructure as a legitimate subject of a planning obligation *per se*. This would be likely to come down to the test of reasonableness. Provision for maintenance could, for example, relate to a new play area, or area of open space, which was provided through contributions. It would not be unreasonable to factor into the contribution a commuted sum to cover maintenance of this new asset. Indeed, where the Council adopts a new area of open space provided within a development, it will ask for payment of a sum equivalent to ten times the annual maintenance cost, albeit that this would normally be secured through a normal contract rather than a planning obligation. However, it would probably not be reasonable simply to ask for a commuted sum to assist in maintaining an existing open space. The Council does not routinely seek contributions for maintenance, but could envisage situations in which it might be appropriate. Therefore the Council does not agree to modify the plan in response to this representation.

Network Rail (00493/3002/005) - The fact that a developer is a public sector organisation is of no relevance to whether developer contributions will be sought under Policy IR02. It is

the nature of the impacts and the need to mitigate those impacts that is important. For example, the Council routinely pays contributions towards education and open space to mitigate the impact of new Council housing developments.

Policy IR02 – Developer Contributions (Town Centre Exemption)

LSREF3 Tiger Falkirk S.A.R.L. (02703/3004/006) - The Council has promoted this exemption in order to assist the introduction of more residential use in the area's town centres as a further tool to promote their regeneration. The exemption will have potential financial implications for the Council as education authority, but this is considered justified given the overriding concern about the vitality and viability of our town centres.

The ceiling of 50 units has been set in order to limit the Council's exposure to financial risk which might arise with large scale developments which might have a particularly significant impact on school capacity. However, the purpose of the ceiling is also to target smaller scale developments which are known to experience particular viability and deliverability issues. These tend to be taken on by smaller scale builders and social housing providers who may be less able to bear the burden of contributions. The better funded volume builders will generally not consider sites of less than 50 units. If the exemption was extended to the first 50 units of larger developments, this 'targeting' would be diluted, and larger, more viable developments could benefit from a discount that was not necessarily needed. Therefore the Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198/3005/003) - The exemption on town centre sites up to 50 units is not expected to increase the burden on other developments in the area. Contributions from developments will continue to be based on the set contribution rates in supplementary guidance. If any developments are subject to the exemption, then it is the Council that will bear the burden of loss of income, rather than other developments. Moreover, it is unlikely that the scale of exempted developments, which are more likely to be smaller flatted schemes and conversions, will be such as to have major impacts on infrastructure.

The suggestion that all affordable housing should be exempt from contributions is not supported. Affordable housing places burdens on infrastructure in the same way as market housing and there is no rationale for exempting it on the basis of tenure. Over the last 10 years around 10% of completions have been social housing. Failing to secure contributions for these units would potentially create significant issues and a gap in funding for necessary infrastructure. One bedroom flats and sheltered housing are already exempted from education contributions (CD16, paragraph 3.4), and open space requirements for flatted developments are similarly discounted to take account of their particular characteristics (CD18, paragraph 2.6).

Therefore the Council does not agree to modify the plan in response to this representation.

Policy IR02 – Developer Contributions (Healthcare)

Homes for Scotland (00284/3003/009); Gladman Developments Ltd (01258/3005/003) - Primary healthcare infrastructure is considered to be a legitimate form of community infrastructure for which developer contributions can be sought, and should feature within Table 4.1. Within some parts of the Council area, community growth has put pressure on GP premises, and it is appropriate for developments to make proportionate contributions to any necessary upgrading or extension of premises. The principle of healthcare

contributions was established within LDP1 through Policy INF06 Healthcare and New Housing Development (CD12, page 49) and the linked supplementary guidance SG11 (CD17). This policy was challenged as part of the LDP1 Examination and the Reporter upheld the Council's position (CD13, pages 361-362), seeing no reason why healthcare infrastructure could not be subject of planning obligations, provided the policy tests in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements' (CD3) are met. The provision is supported by NHS Forth Valley, who have restated their commitment to work with the Council to update the relevant supplementary guidance and to help identify where contributions would be required (CD185). The revised supplementary guidance will specify contribution rates and how these are calculated.

Gladman has drawn attention to the fact that GP practices are private businesses and that this presents a particular issue in terms of Circular 3/2012. The Council acknowledges that seeking contributions for the upgrading of privately owned assets may present difficulties. However, the trend is increasingly for GP practices to lease their premises from the NHS, and so it is more likely that contributions will be channelled to the NHS. In the National Code of Practice for GP Premises, the Scottish Government commits to moving to a model where GPs do not provide their practice premises (CD145). Where capacity issues exist, contributions can be utilised to deliver new or expanded premises which will be owned by the NHS, and facilitate this shift. The issue of private ownership of some GP premises does not, of itself, invalidate the principle of seeking contributions.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy IR03 – Education and New Housing

Homes for Scotland (00284/3003/010) - Policy IR03 makes no distinction between allocated sites and non-allocated sites, and there is no ambiguity about contributions being sought for both. Where education contributions are likely to be required for sites, this is highlighted in the site comments in Appendix 1. There is no reason why allocated sites should be exempt from education contributions. The Council does not have the capital resources to make the necessary investment and, in the absence of any other government support or funding mechanism, there is no other way of delivering the infrastructure needed to support housing growth. The final sentence of Policy IR03 is considered necessary. Whilst the Council is willing to deploy a variety of education solutions to facilitate new development, there will sometimes be circumstances where there is no practical way of providing adequate school capacity for a development. For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009) - Where the loss of a community facility would involve a planning application (e.g. through a change of use or redevelopment), consultation with the community would take place through the application process in line with the legislative requirements. Otherwise, consultation on the disposal of community facilities would be outwith the remit of the planning system, and would not be appropriate to include in Policy IR04. The Council will, of course, have non-planning procedures and practices for consulting with communities on these matters.

With regard to Changing Places toilets, the planning system can only legislate for the inclusion of such facilities in new development. It cannot require retrofitting into existing

buildings.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004) - Policy PE26 Air Quality states that air quality assessments may be required for developments that are within an Air Quality Management Area (AQMA) or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. This will be the case in only a minority of proposals where a transport assessment is needed. It would not be proportionate to require an air quality assessment with every transport assessment. Nonetheless, in recognition of local concerns, a sentence has been included in the supporting paragraph to Policy PE26 (Page 42, paragraph 4.29) stating that “in areas with significant potential for further industrial development such as Grangemouth, proposals may require an air quality assessment even where no breach of air quality standards is anticipated”.

In relation to the development of policies which reduce traffic pollution in Grangemouth rather than sustain current levels, the Council operates an air quality monitoring system under the Environment (Scotland) Act 2005, which aims to ensure that air pollution levels comply with national air quality objectives, and promotes and reports on measures to reduce air pollution. The Council’s latest report (CD146) confirms that traffic derived pollutants (nitrogen dioxide and PM10 particulates) at all Grangemouth monitoring stations are well within all the statutory limits. Grangemouth does have an AQMA but this is for sulphur dioxide and is industry rather than traffic related. Policy PE26 Air Quality provides the necessary planning input to the air quality management process, and there is no need for any further planning policies on reduction in traffic pollution.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Government (00643/3001/005) - Policy IR05 is explicit about the hierarchy of transport modes, in line with SPP paragraph 273. The policy itself states that “assessment will focus on the hierarchy of transport modes, favouring walking, cycling and public transport over use of the car”. This is further reinforced in the supporting paragraph 4.57. For this reason, the Council does not agree to modify the plan in response to this representation.

SEPA (East Region) (00532/3003/017) - The Council considers the suggested additional wording to be unnecessary. However, if the Reporter considers that the plan should be amended, this would be better as a separate bullet point which simply states the design of routes should comply with other LDP policies. This is not regarded as a notifiable modification.

Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003) - The identification of Grangemouth as a preferred location for freight intensive development in Policy IR08 aligns with the designation of the Grangemouth Investment Zone as a National Development in NPF3 (CD3, page 78). NPF3 refers to the town’s “nationally important role in freight handling” and “the need for further upgrading of freight handling facilities to

enhance business activity on the site". The town benefits from its port, easy access to the strategic rail and road network, and intermodal freight handling facilities. It is well placed to help facilitate the movement of freight off the road network.

It is accepted that these activities bring HGV traffic into the town, and NPF3 recognises that there is a need to improve transport links to assist with logistics and minimise the impact of industrial traffic on the surrounding community. This is recognised through Proposal IN08 Grangemouth Access Improvements. Mention is made of the Bo'ness Road closure, which has been approved following a public inquiry, but will be accompanied by mitigation. It is worth noting that most of the main roads for freight (Earls Road, Forth and Clyde Way, Inchyra Road) are separate from residential streets. Beancross Road, where there are residential properties, has a weight restriction on the road for vehicles over 7.5 tonnes except for access to the town centre and certain industrial areas. HGV routing and the enforcement of weight restrictions is not a matter for the planning system or the LDP.

On the issue of parking for HGVs, Scottish Enterprise undertook a study of freight issues in the Grangemouth Investment Zone in 2017 which identified the development of a HGV parking facility within the associated action plan. This is an action for the private sector, with public sector support, but no progress has been made on this, and no site yet identified.

For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018) - The suggested changes to the references to Sewers for Scotland and the SUDS Manual are sensible and the Council would have no issue with them. This is not regarded as a notifiable modification.

Additional reference to the inclusion of sufficient space for SUDS is not considered necessary as it is implicit in sub section (2) of Policy IR10. The Council does not agree to modify the plan in response to this part of the representation.

#### Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006) - Policy IR11 is worded differently from SPP paragraphs 295 and 296 (CD1), and does not contain all of the technical detail in SPP. Nonetheless the policy covers all the relevant issues raised by SPP including siting and design options, minimising visual impact, compliance with ICNIRP guidance, and the submission of supporting information to demonstrate that these issues have been addressed. The Council sees no overriding need to change the policy so that it mimics the detail in SPP. Accordingly, the Council does not agree to modify the plan in response to this part of the representation.

SEPA (East Region) (00532/3003/019) - The Council applies a standard condition on planning permissions for telecommunications masts requiring the operator to notify the Council if they cease to be operational, and for them to be removed, and the site reinstated, within two months of the date that they ceased to be in use. Whilst inclusion of this provision within the policy is not considered necessary, if the Reporter is minded to recommend that the plan be amended in line with the representation, the Council would not take issue with an amended wording along the lines of the Council's standard condition.



Rail Infrastructure

Network Rail (00493/3002/001, 00493/3002/004) - The Council recognises that access to the rail network will be factors to be considered as part of the transport assessments for both Gilston and Whitecross. It is also acknowledged that there are capacity issues at Polmont station car park, with no real option to expand the existing facility. Nonetheless, the existing references in the development guidance for these sites are considered appropriate, and it is unlikely that any mitigation or contributions to rail infrastructure would be justified in either case. For Gilston, the existing wording states "Transport assessment required to establish impacts on the local and strategic transport network... Travel Plan will be essential which includes measures to connect the development with Polmont railway station". As an employment rather a residential development, Gilston is less likely to put more pressure on the car park, with the important thing being walking, cycling and public transport links between the proposed development and the station. For Whitecross, again the predominant land use proposed is employment, with the residential element amounting to just 200 units. The requirement that a transport assessment is undertaken should be sufficient, without any specific indication that impacts on the rail network will need to be addressed. For these reasons, the Council does not agree to modify the plan in response to this part of the representation.

The Grangemouth Chemical Cluster Companies (00878/3003/002) - The Council recognises that Proposal IN14 Grangemouth Rail Station Site Safeguarding is within a Major Hazard Consultation Zone, and if the station were to be taken forward following all the relevant appraisal processes, it would require to be subject to consultation with the HSE. A statement within the comments section in Appendix 1 that it is within a Major Hazard Consultation Zone would be appropriate, and consistent with the treatment of other proposals. Therefore, if the Reporter is minded to recommend that the plan be amended to address this representation, the Council would not take issue with the inclusion of this additional wording. This is not regarded as a notifiable modification.

Active Travel Infrastructure

Scottish Government (00643/3001/001) - Paragraph 5.14 of NPF3 (CD2) states that the Scottish Government will "encourage" local authorities to develop at least one exemplar walking- and cycling-friendly settlement. The Council feels that this is an old fashioned approach which fails to take account of the fact that promoting active travel has been a mainstream activity in local authorities for many years. Since 2010, the Council has added nearly 200km of paths to the network across its area, and since 2014 alone there has been an investment of over £6m in new or improved routes, much of this funded in partnership with Sustrans. The Council's approach is to continue to roll out improvements to the active travel network across the whole authority area, including strategic and local connections within the various settlements, and strategic connections between settlements. This is reflected in both the Spatial Strategy for the Green and Blue Network outlined in LDP2 (pages 16-17) and in the Falkirk Greenspace Strategy (CD42). The identification of an exemplar walking- and cycling- friendly settlement is therefore not considered relevant to the Council area. For this reason, the Council does not agree to modify the plan in response to this representation.

Joyce Hartley (02976/3001/001) - The Council recognises that a route as suggested between Muirhouses and Champany Corner could be beneficial in terms of facilitating active travel options between Bo'ness and Muirhouses. Accordingly, a feasibility study was undertaken in 2013 (CD147). Two options were considered, with the cost of the preferred

option being £1,358,350. Because of the high cost, the requirement to acquire private land, and the need for extensive removal of mature trees, the scheme was not progressed. Bearing in mind the existing focus on other strategic active travel projects in LDP2 such as the Denny/Bonnybridge to Falkirk route (Proposal IN16), It is not considered likely that this project would be taken forward in the period of the plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

### Health Care Infrastructure

NHS Forth Valley (00522/3002/003) - The Council welcomes the updated information on capacity in primary healthcare facilities supplied by NHS Forth Valley, particularly with regard to critical issues in the Braes area which have not previously been highlighted. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the insertion of the additional information into the relevant sections of the plan.

### **Reporter's conclusions:**

#### Policy IR02 – Developer Contributions (General)

1. The representation advises that additional detail is required to be included in policy IR02, in order to comply with circular 6/2013. Specific reference is made to the terms of paragraph 139 of the circular, which provides examples of topics which are suitable for supplementary guidance, and topics which should be addressed by the plan.
2. The table in paragraph 139 of the circular requires local development plans to establish that developer contributions for specific items/infrastructure may be sought in particular circumstances. It also advises that more detailed matters including the exact level of contributions and methodologies to calculate them are suitable to be left to supplementary guidance.
3. Policy IR02 is essentially in two parts, as it must be read alongside table 4.1 on the following page. The first column of table 4.1 identifies the items and infrastructure for which contributions may be sought, with the second column setting out (albeit in broad terms) the circumstances where contributions would be required. Policy IR02 also identifies that site-specific requirements are identified elsewhere in the LDP (set out in appendix 1 'proposals and opportunities schedule'), as well as identifying specific exemptions from the normal requirements, for certain development types.
4. I find that, taking policy IR02, table 4.1 and appendix 1 together, the proposed plan does provide sufficient detail in regard to when and where developer contributions may be required, in alignment with circular 6/2013. No modifications are required.
5. Forth Ports plc is seeking an amendment to the wording of policy IR02, to make clear that contributions towards the maintenance of infrastructure may not always be a reasonable request, having regard to the provisions of circular 3/2012.
6. The council has not agreed to the suggested amendment. I note however that the council's response highlights that whilst there are circumstances where maintenance contributions could reasonably be sought, this is not a routine request. The policy as worded appears to be more definitive, intimating that contributions towards the provision, upgrading and maintenance of infrastructure "will" be required.

7. On balance, given the limited circumstances where contributions towards maintenance are envisaged to be sought, and the more limited circumstances where maintenance would align with circular 3/2012, I support the suggested amendment of the policy to include the words “where appropriate”.

8. Network Rail has requested that its developments be exempt from any developer contribution requirement, as it is a public sector organisation which reinvests profits into its infrastructure. The suggested amendment to policy IR02 would exclude all public sector organisations from the policy requirement.

9. Circular 3/2012 makes no distinction between public and private sector development in regard to the appropriateness of seeking developer contributions. I agree with the council that the relevant consideration is not the status of the developer but the effects of the development, which should dictate when contributions are required. I reject the suggested modification on this basis.

#### Policy IR02 – Developer Contributions (Town Centre Exemption)

10. Two representations relate to the last sentence of policy IR02, which waives the potential requirement for flatted developments of up to 50 units within town centre boundaries to make education and open space contributions.

11. The representations seek different amendments, requesting that the exemption to apply to the first 50 units in larger flatted development scheme, and alternatively, that rather than the proposed exemption, contributions from affordable housing should be waived.

12. Whilst neither the policy nor accompanying text in the plan explains the reason for the proposed policy exemption, the council’s response has clarified that it is to facilitate town centre regeneration by supporting the viability of smaller scale residential developments in such locations.

13. Town centre regeneration is one of the main plan objectives identified by the ‘vision’ section of the plan, and I consider that the proposed exemption is consistent with this priority. I appreciate that the council must try to strike a balance between encouraging development and unnecessarily offering contribution exemptions which could then place a financial burden upon the council to fund improvements needed to accommodate development. It seems to me that focusing the policy exemption on smaller developments is a logical and reasonable approach, as this should support developments of a scale which, due to financial viability, may not otherwise come forwards. In the council’s opinion, developments of this size would not place excessive financial burden upon its own finances, to address any infrastructure issues arising.

14. The policy does not preclude negotiations between applicants and the council, where the viability of larger schemes in town centres would be affected by the requirement for contributions. However, I consider the general policy presumption - that these larger schemes (of more than 50 units) should be required to make necessary contributions - represents a reasonable starting point. Given the intention of the policy exemption, I do not consider a modification is required, to allow the first 50 units of larger schemes to be excluded from contribution calculations.

15. Concern has been raised that by offering a contributions exemption to smaller scale

flatted developments in town centres, this would lead to an increased financial burden upon other developments so that infrastructure needs are able to be met. The council has clarified that it would itself be responsible for bearing the cost of infrastructure or contributions otherwise required by exempt development. In any event, if contributions were being sought from other developments and these extended beyond what was reasonably necessary in connection with the specific proposal, this would fail to accord with the provisions of circular 3/2012. This offers an additional safeguard against such a situation arising.

16. As an alternative to the exemption set out in policy IR02, it has been suggested that an exemption for all tenures of affordable housing would be more appropriate. The difficulty with such an approach would be, firstly, it would not offer the same focused support for developments within town centres, and so would be unlikely to promote the wider plan objective to regenerate town centres. Second, no evidence has been put forward to indicate that the viability of affordable housing is being affected by the requirement for contributions (which would ordinarily be reflected in the land value). It is however inevitable, as the council has asserted, that affordable housing generates the same infrastructure burdens as market housing. On the basis of the above, I do not consider such an exemption would be justified.

17. The council has clarified that one bedroom flats and sheltered housing schemes are exempt from education contributions, and also benefit from reduced open space contributions. This aligns with this aspect of the representation, and so no modifications are required in this regard.

#### Policy IR02 – Developer Contributions (Healthcare)

18. Representations have challenged the appropriateness of healthcare facilities being identified as a potential requirement for developer contributions. This is principally on the basis that healthcare provision should be funded through general taxation, and because many GP practices are privately owned businesses which should not benefit from developer contributions.

19. There is wide scope for a diverse range of types of developer contributions to potentially be sought, subject to them satisfying all of the policy tests for planning obligations (under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)) set out in circular 3/2012 ('Planning obligations and good neighbour agreements'). I can see no reason in principle, why contributions towards addressing the capacity of healthcare facilities would be incapable of potentially satisfying all five policy tests.

20. Whilst it is true that ongoing healthcare provision is funded through general taxation, the same applies to schools and some transport infrastructure for example, both of which are well established as legitimate matters to address through contributions, where a development gives rise to capacity issues. Where local healthcare provision would have inadequate capacity to accommodate increased demand arising from a development, I find it would be legitimate for the council to seek contributions to address this, subject to adherence to the circular's policy tests.

21. Table 4.1 of the plan provides clarity that contributions towards healthcare facilities may be sought only where the physical capacity of facilities needs to be increased, in order to accommodate development. It would not be to meet ongoing staff or other revenue

costs.

22. I recognise that some GP practices operate as private businesses and in privately owned premises. It is conceivable that this may, in some instances, indicate that a contribution may not be appropriate, depending on precisely how contributions would be used. This would very much depend on the details specific to each case, but there is no overriding presumption (in circular 3/2012 or elsewhere) against contributions towards infrastructure of services which happen to be privately operated or owned.

23. I note the principle of healthcare contributions was also accepted during the examination of LDP1. I have found no basis to deviate from that position, and I am satisfied that no amendments to the plan are required in response to these representations.

#### Policy IR03 – Education and New Housing

24. The representation contends that policy IR03, and the potential need for education capacity to be addressed through contributions, should not apply to allocated housing sites. The premise of the representation is that if sites are allocated, their development can be anticipated and so the need for education capacity to serve those developments can also be anticipated. The representation does not, however, take account of how additional education capacity may otherwise be funded. The council, in its response, has explained the lack of alternatives to developer contributions. I consider the policy is justified in applying to all housing sites, whether allocated or not, and regardless of the effective housing land situation at any given point.

25. The policy is, in my opinion, not worded unduly negatively. It does not for instance state that where there are capacity constraints, development will be resisted. It simply makes it clear that contributions will be sought to mitigate impacts. I appreciate that the last sentence of the policy does take this a stage further by indicating that should there be circumstances where appropriate mitigation cannot be achieved, development will not be supported. The representation seeks the deletion of the last sentence of the policy.

26. I have no difficulty with the last sentence of the policy and its implication that, in a situation where education capacity needs arising from a proposed development cannot be satisfactorily met, this may be grounds for refusal. I do however agree with the representation that ordinarily there should be an expectation that the council would be able to identify an appropriate solution to enable housing development to go ahead. For this reason, whilst I do not consider the sentence should be deleted, I recommend it should be amended to make clear that education capacity would not normally prevent development from proceeding, subject to appropriate developer contributions being secured.

#### Policy IR04 – Community Facilities

27. The policy's provisions would apply to individual development proposals where planning permission would be required. Regulations which apply to development management procedures, including specified consultation requirements, would therefore also apply in such circumstances. With this in mind, I do not consider that there would be added value from making reference to community consultation in the policy wording.

28. The requirement for 'Changing Places' toilets in major new public buildings cannot, through the planning system, be extended to require existing public buildings to also

provide these facilities, as the planning system is concerned only with new development proposals. No modifications to policy IR04 are required.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

29. There is undoubtedly an interrelationship between traffic levels and air quality, and this is already recognised by the third bullet point of policy IR05, which identifies that transport assessments should include air quality impact assessments in appropriate cases.

30. Whilst I understand the basis of the community council's request to require an air quality impact assessment with all transport assessments, I agree with the council that this would be disproportionate in many instances where a transport assessment would be required. Despite the link between the issues, I consider it important for the main focus of the plan's respective policies relating to transport and air quality to not be confused with one-another. The principal purpose of a transport assessment is explained succinctly by paragraph 4.57 of the plan, and to extend its scope to air quality in all cases would be unjustified.

31. This is not to underplay the importance of air quality, and I note that in addition to the provisions of policy PE26, the wording of paragraph 4.29 explicitly extends the potential requirement for an air quality assessment to areas with significant industrial development potential, such as Grangemouth.

32. Taking the provisions of policies IR05 and PE26 together and alongside the supporting text, I do not find the plan to be deficient in its approach to transport, air quality and the interaction between the two issues.

33. The Scottish Government representation considers that the terms of policies IR05 and IR06 could provide potential for development to come forward which is not of a sufficient scale to trigger a transport assessment, but which is designed primarily around a car based access strategy. It asserts that whilst such developments may provide connections to existing active travel routes, this would sustain car based design approaches rather than supporting development which promotes active and sustainable travel modes first.

34. I agree with the council that policy IR05 explicitly refers to the hierarchy of transport modes, aligning with paragraph 273 of Scottish Planning Policy. The council's response to this representation has not however addressed the main point being made by the Scottish Government. The reference to the hierarchy of transport modes is embedded within a policy which would only apply where a transport assessment is deemed to be necessary. Therefore, if a transport assessment is not required, there is no policy requirement in the proposed plan for development to show how it accords with the hierarchy. Policy IR06 would apply, but this is focused solely on active travel opportunities, rather than the wider matter of whether the proposal demonstrably prioritises and encourages active travel over car usage.

35. I consider that a modification to policy IR05 is justified, in order to extend the potential applicability of the hierarchy of travel modes to all development, regardless of whether a transport assessment is required. This can be achieved by reordering the policy so that the hierarchy is referred to first and applicable in all cases, followed by provisions which are relevant only where a transport assessment is required. To reflect this additional policy breadth, I have also recommended that the policy title should be amended.

36. The Scottish Environment Protection Agency (SEPA) has requested that policy IR06 should be expanded to require active travel routes to conform to other environmental protection policies.

37. The plan and its policies must always be read together. Compliance with one policy does not imply that other policy requirements would be met. I do not find it would be necessary to provide such a cross-reference in policy IR06. This would not provide any greater policy protection to environmental interests, which is provided by a dedicated suite of policies already contained elsewhere in the plan. The danger with including such cross-references is also that this could be open to misinterpretation. It could imply that policies which are not cross-referenced are not applicable to a particular proposal, which clearly may not be the case.

#### Policy IR08 - Freight Transport

38. Policy IR08 refers to the Grangemouth Investment Zone's role as a freight hub, which aligns with its identification in Scotland's Third National Planning Framework (NPF3) as a nationally-significant site for industry and freight.

39. The community council's representation is concerned with the effect of freight-intensive development on the existing road infrastructure, and wider community effects, and seeks improvements to roads to keep freight traffic away from residential areas.

40. The investment zone is of local and national strategic importance, and I am in no doubt the proposed plan should be supportive of development which aligns with NPF3, and that it is appropriate for freight-intensive development to be located here. However, I recognise the potential tensions between this strategic approach and safeguarding the wider amenity of Grangemouth residents.

41. The proposed plan has identified a need for further access improvements to support industrial growth (and to accommodate associated freight traffic) on allocated sites in Grangemouth. Infrastructure proposal IN08, which is a new project established by the proposed plan, broadly aligns with the community council's position by recognising that major growth would need to be supported by upgrades to strategic road infrastructure.

42. A number of the issues raised in the representation seem to relate more to existing issues with industrial traffic in Grangemouth, rather than directly relating to the policy's provisions or wider plan proposals. Some of the issues raised also extend beyond the remit of the plan. Taking the representation at face value however, and in particular noting the council's reference to a Scottish Enterprise study on the matter, it appears that there would be justification for an HGV parking facility to be planned for in or near to Grangemouth, to reduce the use of residential streets for this purpose.

43. It would potentially have been open to the council to seek to identify and potentially allocate a site for such a use, although I do not consider there to be any policy barrier to such a facility being proposed in an appropriate location. In the absence of any specific site suggestions, environmental information or consultation on this matter, I am not able to recommend a site through this examination process.

44. The effect of freight traffic upon air quality is a relevant consideration, but I find this matter is capable of being adequately considered under the provisions of policies PE01, PE26 and (when applicable) IR05, and further reference to air quality in policy IR08 would

be unnecessary duplication. I do not agree that policy IR08 would run counter to policy provisions relating to air quality, as policies relating to air quality would continue to apply; the plan must be read as a whole rather than citing individual policies in isolation from others.

#### Policy IR10 - Drainage Infrastructure

45. In the interests of the policy's longevity, I agree with the representation that more generic references to relevant guidance would be beneficial. Noting that the council has no objection to this, I have included these modifications in my recommendations.

46. I do not consider the policy to be deficient as a consequence of it not specifying that sufficient space must be provided for sustainable urban drainage systems (SUDS), and for temporary/ construction phase SUDS. I agree with the council that in order to satisfy subsection (2) of the policy, the space requirements for a SUDS scheme would need to have been factored into a proposal's site layout, and so a separate explicit policy requirement is unnecessary.

#### Policy IR11 – Digital Infrastructure

47. Paragraphs 295 and 296 of Scottish Planning Policy (SPP) prescribe what considerations should be expressly included in local development plans, in regard to proposals for communications equipment.

48. I agree with the council that it is not necessary for policy IR11 to provide a verbatim reproduction of SPP. I do however consider that the proposed policy is inadequate, because it fails to identify the same breadth of locational considerations and other matters identified by SPP. The matters listed in SPP paragraphs 295 and 296 are not cited as examples of possible policy considerations, but as a definitive approach to guiding site selection and assessing specific proposals.

49. On this basis, I conclude that policy IR11 should be revised to more fully reflect the provisions of SPP paragraphs 295 and 296. The changes I have recommended maintain the structure of the proposed policy, whilst elaborating on certain points to ensure the scope of the policy is consistent with what is expected by SPP.

50. A representation has sought the expansion of policy IR11 to make clear that operationally redundant equipment should be removed and the site restored. No policy requirement can be applied retrospectively to existing permissions. Its utility would be limited to providing additional support for the use of conditions to require removal of equipment and site restoration. However, I do not consider a specific policy reference is needed in order for such a condition to satisfy the requirements of circular 4/1998, and I note the council already imposes a condition to this effect as a matter of course. For this reason, I do not consider a modification to be necessary.

#### Rail Infrastructure

51. Representations relating to sites H29 and BUS02 in Whitecross are addressed in issue 10, and those relating to site BUS21 at Gilston, Polmont, are dealt with in issue 6. There we have taken into account Network Rail's representations which raise concerns over how additional pressure and demand on Polmont railway station would be mitigated by development of allocated sites in Whitecross and Gilston. For the avoidance of any



confusion and/or duplication, we have dealt with these Network Rail representations in issues 10 and 11 respectively so these issues can be taken into account in the round, as part of our wider consideration of representations relating to these specific sites. There, we have also had regard to the council's response to Network Rail's representation as outlined above.

52. The safeguarded site for provision of a railway station in Grangemouth is within the Major Hazard Consultation Zone. As the council has pointed out, this is referred to elsewhere in the proposals and opportunities schedule, and for consistency I recommend wording to this effect also be added to the IN14 project comments section, in appendix 1.

#### Active travel infrastructure

53. The third National Planning Framework (NPF3) states, in paragraph 5.14, that local authorities will be encouraged to develop at least one exemplar walking and cycling friendly settlement. The purpose of this is to demonstrate how active travel networks can be significantly improved.

54. I agree with the council that the identification of such an exemplar is not mandatory, although I consider that deviation from the approach advocated by NPF3 should be well justified. The council has highlighted the extensive investments and improvements made to walking and cycling networks throughout the council area, and the spatial strategy in the proposed plan continues to focus on active travel improvements both within and between settlements.

55. My impression of the plan is that active travel is a well-established concept which has been embedded into a wide range of proposals and opportunities, as well as captured by specific policies. Given the relatively small geographic area which this plan applies to, and as settlements are typically relatively close to one-another, I consider a more holistic approach to supporting and developing active travel opportunities across the whole plan area is desirable. This approach enables the network between as well as within settlements to be enhanced, which is an aspect of the strategy which could be weakened if a greater focus was to be placed on one specific settlement.

56. I am left in no doubt that the plan recognises the benefits of active travel networks, and that it makes provision for their enhancement as well as expecting developments to link to them. All told, I am satisfied that in these particular circumstances, it is justified to not identify an 'exemplar' settlement.

57. A representation has sought the identification of an active travel route between Muirhouses and Champany Corner. I note a feasibility study has already been undertaken, but issues with deliverability suggest it would be unlikely to be implemented during this plan period. For this reason, I do not consider the plan to be deficient on the basis of this route not being identified. Whilst not identified by the plan, this would not prevent the scheme being brought forward should it become deliverable.

#### Health Care Infrastructure

58. The principle of seeking developer contributions to provide necessary healthcare capacity has been considered in issue 19, where I conclude that there are circumstances where contributions could reasonably be sought for this purpose.

59. The healthcare capacity situation outlined by NHS Forth Valley is essentially a factual update, which I consider logical to reflect in the plan. However, some caution is needed where capacity constraints may relate principally to recruitment or staff retention issues, rather than the physical capacity of premises to accommodate additional demand generated by developments.

60. The changes I recommend have therefore been deliberately worded to broadly identify the issue, without adding a rigid requirement for developer contributions, given the lack of clarity over how capacity issues would need to be addressed.

### **Reporter's recommendations:**

1. Amend the first sentence of policy IR02 to read: "Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure..."

2. Amend the beginning of the last sentence of policy IR03 to read: "In the rare circumstances..."

3. Amend the title of policy IR05 to "Travel Hierarchy and Transport Assessment" and amend the policy wording to read as follows:

"1. Development proposals should support a hierarchy of travel which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.

2. Transport assessments will be required for development proposals where the impact of the development on the transport network is likely to result in an increase in the number of trips, such that there will be significant impact on the operation of the transport network, requiring mitigation. Assessments will focus on the hierarchy of travel and should include, where appropriate:

- Travel plans;
- Safety audits of proposed mitigation measures; and
- Air quality impact assessments.

3. The Council will only support development proposals where the transport assessment and travel plan have been appropriately scoped, the network impacts properly defined, and suitable mitigation measures identified."

4. Make a consequential amendment to the contents page to reflect the revised title of policy IR05.

5. Amend policy IR10 as follows:

- In sub-section (2), change "Sewers for Scotland (3rd Edition)" to "the most recent version of Sewers for Scotland".
- In sub-section (4) change the last sentence to "The strategy should follow the latest version of the SUDS Manual".

6. Replace the wording of policy IR11 with the following:

"Proposals for new communications equipment should minimise impact on the

environment and communities. Planning applications should be accompanied by supporting information demonstrating that:

1. All siting and design options have been fully considered, including options for site and mast sharing, installation on buildings or other existing structures, or use of ground-based masts. Of the options which meet operational requirements, the chosen site and design should be shown to have the least impacts;
2. The visual impact of the equipment has been minimised or eliminated through design, landscaping and screening, including the use of concealment or camouflage techniques where appropriate. Full details of the design, including height, materials and all components of the proposal should be provided, and normally the smallest suitable equipment should be utilised where it would be visible;
3. Where siting of the equipment is proposed in locations which are designated for their ecological or historic environment importance, or provide the setting or supporting habitat for designations, all other options have been exhausted and, for Natura 2000 sites, that the terms of Policy PE19 have been met; and
4. Where applicable, the cumulative effects of the proposed development in combination with existing equipment in the area has been assessed. Applications should be accompanied by an explanation of how the proposed equipment fits into the wider network;
5. The equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radio frequency radiation provided by International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Developers should consider the provision of digital infrastructure to houses and businesses where new development is proposed, in consultation with service providers.”

7. On page a18, at the end of the comments section for IN13-14 add “Site IN14 is within the Major Hazard Consultation Zone”.
8. Amend second sentence of paragraph 3.29 on page 24 to read: “Issues also exist in primary healthcare with some local GP practices coming under pressure in the Denny, Bonnybridge / Banknock and the Maddiston East / Whitecross / the Braes areas, although no site-specific solutions have yet been agreed.”
9. On page 68 add the following text to the end of the fourth bullet point under the ‘Other requirements’ sub-heading: “Contributions towards provision of additional primary healthcare capacity may be required.”
10. On page 70 add the following text to the end of the third bullet point under the ‘Other requirements’ sub-heading: “Contributions towards provision of additional primary healthcare capacity may be required.”
11. On page 76 add the following text to the end of the second bullet point under the ‘Other requirements’ sub-heading: “Contributions towards provision of additional primary healthcare capacity may be required.”

12. On page 78 under the 'Other requirements' sub-heading, add an additional point after the first bullet point to read: "Contributions towards provision of additional primary healthcare capacity may be required."

<b>Issue 22</b>	<b>Energy Policies</b>	
<b>Development plan reference:</b>	<u>Chapter 3 Spatial Strategy</u> Energy and Minerals (pages 26 - 28) <u>Chapter 4 Policies</u> Infrastructure and Resources – Minerals (pages 57 - 58)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (East Region) (00532) Grangemouth (including Skinflats) Community Council (02723) Homes for Scotland (00284) The Grangemouth Chemical Cluster Companies (TGCCC) (00878) Forth Ports plc (00591)		
<b>Provision of the development plan to which the issue relates:</b>	Energy policies IR12-14	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy IR12 – Energy Generation</u></p> <p>SEPA (East Region) (00532/3003/020) - Policy IR12 should make specific reference to issues related to forestry and make reference to the management of waste arising from energy generation development, having regard to Policy IR18. The policy requires a change so that it is flexible enough to apply to a full range of energy generation technology, in particular the wider range of renewable energy technology.</p> <p>The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006) - Policy IR12 refers to Supplementary Guidance SG14 which has not yet been written. It is therefore impossible to comment on it in relation to Policy IR12. TGCCC reserve their position on SG14 and other SG's until they become available for consultation.</p> <p>Policy IR12 should contain support for gas fired Combined Heat and Power (CHP) plants recognising the need for a balanced energy portfolio and for companies to generate on site heat and electricity.</p> <p><u>Policy IR13 – Low and Zero Carbon Development</u></p> <p>SEPA (East Region) (00532/3003/021) - Policy IR13 should be extended to any building that is a substantial change of use, extension and alteration. This will meet future Energy Performance Certificate targets set out in the Energy Strategy and take the opportunity to deal with low energy efficient buildings now, rather than in the future.</p> <p>Homes for Scotland (00284/3003/011) - The wording in Policy IR13 appears to duplicate what is already in the Building Regulations. Homes for Scotland support a fabric first approach to reducing carbon emissions and consider that this matter should be addressed at the building warrant stage and not in a planning application.</p>		

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007) - The Grangemouth Chemical Cluster Companies operate in a highly competitive global environment. It is therefore essential that they are not disadvantaged by the impact of sustainability requirements.

Policy IR14 Heat Networks

SEPA (East Region) (00532/3003/022) - In Policy IR14 the wording "major new development" should be replaced "substantial developments". The policy should be changed so that any land required for the heat network is protected. This is to prevent new infrastructure prejudicing the expansion of the heat network. Another policy change is needed so that new developments located adjacent to existing or proposed heat networks, or significant heat sources, should be designed to be capable of connecting to the heat supply.

Homes for Scotland (00284/3003/012) - For the majority of development a heat network will not be viable and the production of an energy statement to explain this should not be required. Instead the policy should enable the requirement to be scoped out of an application in agreement with planning officers.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008) - Firm evidence is required to justify the provision and safeguarding of expensive infrastructure within sites. Heat is a vital component for some sites and Policy IR14 should recognise that they may not have spare capacity for any district heating network. Progress on schemes also needs to be made in the near future to enable companies to incorporate this into their energy planning.

Forth Ports plc (00591/3001/004) - The principle of heat networks is supported. However Policy IR14 places unreasonable requirements on new development which could affect their viability. The policy should provide more direction on the type of development which must provide detail on decentralised energy generation with heat recovery or allow flexibility for when such statements should be submitted. The provision of pipework to the curtilage of the development is also considered unreasonable because of costs, uncertainty of its future use and its remaining fit for purpose.

Grangemouth (including Skinflats) Community Council (02723/3002/007) - A local heat network has been on the agenda for Grangemouth since the 1970's. Without the proper funding, possibly from revenues raised in the area, this will never materialise. This is particularly true since Ineos withdrew their involvement in the scheme. All references to the heat network should be removed from the Plan.

**Modifications sought by those submitting representations:**

Policy IR12 – Energy Generation

SEPA (East Region) (00532/3003/020) - Amend Policy IR12 so that the policy makes specific reference to issues related to trees, woodland and forestry, and makes reference to the management of waste arising from energy generation development and requiring to have regard to Policy IR18. Amend the wording of the Policy so that the policy can be applied to a full range of energy generation technology.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006) - Amend

Policy IR12 Energy Generation Development to include support for gas powered CHP plants.

Policy IR13 – Low and Zero Carbon Development

SEPA (East Region) (00532/3003/021) - Amend Policy IR 13, Criterion 1 by adding after "All new buildings"... ", and buildings undergoing substantial change of use, extensions or alterations,"

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007) - Amend Policy IR13 Low and Zero Carbon Development by inserting a new section 3 after section 2 to read:

"3. The economic impact of sustainability requirements on businesses will be taken into account particularly in relation to energy costs and global competitiveness."

Homes for Scotland (00284/3003/011) - Delete Policy IR13 Low and Zero Carbon Development.

Policy IR14 – Heat Networks

SEPA (East Region) (00532/3003/022) - Amend Policy IR14, replacing the wording "major new development" with "substantial developments" and adding a requirement requiring new developments located adjacent to existing or proposed heat networks, or significant heat sources, to be designed so that they are capable of connecting to the heat supply. The policy should also be changed to protect any land required for the heat network.

Homes for Scotland (00284/3003/012) - Amend Policy IR14 Heat Networks to allow for the requirement to produce an Energy Statement to be scoped out of a planning application in agreement with planning officers.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008) - Amend Policy IR14 Heat Networks by adding an additional section 3 after section 2 to read: "3. The installation of pipework to the curtilage of development and safeguarding of pipe runs within development will only be required where there is firm evidence that a future heat network is a realistic possibility; and"

Forth Ports plc (00591/3001/004) - Amend Policy IR14 Heat Networks as suggested in the representation to introduce flexibility into the requirement in sub section (1) to produce an assessment of the viability of such schemes. In sub section (2) developers should consider the potential for heat networks in their energy statements. The reference to the installation of pipework should be deleted and provision for the safeguarding of pipe runs should be sought only where it is likely to become feasible in the future.

Grangemouth (including Skinflats) Community Council (02723/3002/007) - All promises to deliver a local heat network for Grangemouth should be removed from the plan.

**Summary of responses (including reasons) by planning authority:**

Policy IR12 – Energy Generation

SEPA (East Region) (00532/3003/020) - This representation is partly accepted. The policy criteria were broadly based on the considerations in paragraph 169 of SPP (CD1).

However, the Council would not object to a specific reference to forestry, if the Reporter were minded to recommend such a change. Potential wording would be: *“Impacts on forestry, having regard to Policy PE20.”*

In terms of the management of waste from energy developments, this is not considered to require mention in IR12. Policy IR18 is sufficient to deal with this issue. For this reason, the Council does not agree to modify the Plan in response to this part of the representation.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006) - The Council will be consulting with a wide range of stakeholders, once SG14 is produced, and there will be opportunity to influence the content of the guidance then.

Policy IR12 and IR13 seek to support the delivery of all renewable and low-carbon development, which can include CHP which is powered from low-carbon sources, and which results in carbon savings from its operation. Further detail on the range of low carbon technologies and their applicability will be published in SG14. For this reason, the Council does not agree to modify the Plan in response to the representation.

#### Policy IR13 – Low and Zero Carbon Development

SEPA (East Region) (00532/3003/021) - Policy IR13 is based on the exclusions set out in the current Building Regulations. This is to ensure that the building standards regime can be used to assess the proportion of carbon savings derived from LZCGT using the methodology set out in the Building Standards Handbook. For this reason, the Council does not agree to modify the plan in response to the representation.

Homes for Scotland (00284/3003/011) - Policy IR13 has been included in the Proposed LDP2 to comply with Section 72 of the Climate Change (Scotland) Act 2009 (CD150), introduced as Section 3F of the Town and Country Planning (Scotland) Act 1997. Under this Act, local development plans must require all new buildings to be designed to avoid a specified and rising proportion of projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies. The requirement is re-iterated in the SPP (CD1, paragraph 44).

Paragraph 47, page 14 of the Ninth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 (CD148) published in March 2019 monitors the implementation of the requirements of the Act, and confirms that the commitment to retain Section 3F has not changed. The report states in paragraph 17, page 7 that SPP will be reviewed and NPF4 will be prepared and that the Scottish Government will consider how the new format National Planning Framework might respond to Section 3F in a way which could be taken forward locally by planning authorities.

In terms of the requirements of the Act, the Council acknowledges that the most cost effective means of reducing the carbon footprint of buildings is through energy efficiency measures in the building fabric. However, the intention of the Act is still to build up domestic renewable energy infrastructure capacity to assist in meeting the Scottish Government’s ambitious renewable energy targets.

Removal of the policy would mean that the Council would not meet the requirements of the Climate Change Act. For this reason, the Council does not agree to modify the plan in response to this representation.



The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007) - The Council acknowledges that the economic viability of new development can be challenged by the requirements of planning policy. However, as indicated above, the Council is obliged by law to ensure that the requirements of Section 72 of the Climate Change (Scotland) Act are reflected in development plan policy.

Policy IR13 states that *“All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT.”* It is therefore considered that this gives adequate scope to demonstrate whether or not the constraints would result in the policy requirements being financially unviable. For this reason, the Council does not agree to modify the plan in response to this representation

#### Policy IR14 - Heat Networks

SEPA (East Region) (00532/3003/022) - The Council considers that the term ‘major new development’ is easier to define than ‘substantial developments’. This is in the context of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 which quantifies the threshold for major development in terms of number of units or floorspace. SEPA also references the hierarchy of developments in paragraph DM50 of their Planning Background Paper on Heat Networks and District Heating. (CD149) The requirement for an energy statement is not limited to ‘major’ new development as defined in the hierarchy, but applies to all new development, except that which falls within the exceptions set out in Policy IR13.

With regard to safeguarding of pipe networks, Policy IR14 states that *“The installation of pipework to the curtilage of development and safeguarding of piperuns within developments to allow future connection will be required unless the submitted Energy Statement, informed by Scotland’s Heat Map and local Council strategies, demonstrates that there are financial or technical barriers to installation.”* The Council considers that this provides adequate scope to ensure that piperuns are safeguarded. There may also be piperuns outwith the development area, and the suitability of these would be assessed in the context of a planning application.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Homes for Scotland (00284/3003/012); Forth Ports plc (00591/3001/004); The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008) - Three representations were received regarding viability concerns in relation to Policy IR14, which seeks to ensure that major new developments include an energy statement which undertakes an assessment of the viability of decentralised energy within the proposal.

SPP (CD1, paragraphs 158 and 159) makes it clear that development plans should support the development of heat networks in as many locations as possible, including safeguarding of piperuns within developments for later connection and pipework to the curtilage of development.

The Council considers Policy IR14 to be in line with SPP. It accepts that not every proposal will be able to provide a decentralised energy scheme, or be in an area which is likely to be feasible for a heat network in the future. However, it is the purpose of the Energy

Statement to explore this. The onus is on the applicant to assess the potential within the overall context of development viability. For these reasons, the Council does not agree to modify the plan in response to this representation

Grangemouth (including Skinflats) Community Council (02723/3002/007) - The Council recognises that the community aspirations for a heat network to serve existing housing and community facilities have not been delivered. Ineos, in conjunction with the Chemical Cluster Companies are developing their own steam and power generation energy plant within their sites. It does, however, remain the Council's aspiration to support low-carbon energy development including decentralised energy networks in the Council area, including at Grangemouth. A new Combined Heat and Power (CHP) Plant, utilising energy from waste at Earls Gate, was approved in January 2017 and construction is due to start in 2019. The Proposed Plan Vision highlights the aspiration for low carbon energy and heat, as well as decentralised energy networks. The Spatial Strategy also highlights the main focus being around Grangemouth for the development of heat networks in paragraph 3.36. LDP aims to provide support for any further proposals which may come forward, and the Council therefore considers it appropriate to retain references to heat network opportunities in Grangemouth.

### **Reporter's conclusions:**

#### Policy IR12 – Energy Generation

1. A representation by the Scottish Environment Protection Agency (SEPA) is generally supportive of the policy, but requests a modification so that issues related to forestry are referred to in the list of factors against which proposals would be assessed.
2. The council is agreeable to modifying the policy accordingly, and has suggested wording which would link back to policy PE20. This cross-referencing to another policy would be consistent with the approach taken for other considerations identified in policy IR12.
3. I note that the council has broadly based the considerations listed in policy IR12 on those provided by paragraph 169 of Scottish Planning Policy (SPP). Paragraph 169 does not identify impacts on forestry as a consideration for energy infrastructure developments, but nor is paragraph 169 intended to be an exhaustive list of considerations (made clear by the second sentence of the paragraph where it states considerations "...are likely to include"). I do not therefore consider that policy IR12 should necessarily be restricted to only containing considerations identified in SPP paragraph 169. Indeed the policy already includes an additional consideration which is not referred to in SPP paragraph 169, with its reference to green belt objectives.
4. I consider that for consistency with the approach taken to other considerations listed by policy IR12, it would be appropriate to include a reference to forestry issues, with a cross-reference to policy PE20. I recommend a modification using the wording put forward by the council.
5. Conversely, the council does not agree with SEPA's request for the policy to also refer to management of waste, with a cross-reference to policy IR18. The council considers that this change is not required and that policy IR18 is sufficient in its own right.
6. Whilst I tend to agree with the council, this could arguably be said of the numerous

factors referred to by policy IR12 which do not provide criteria in their own right but instead rely on references to other policies. It would therefore be consistent with how policy IR12 is intended to function to also include a cross-reference to waste management. Given that energy generation proposals can often be major developments, waste management is not a peripheral issue. I recommend that an additional bullet point be included in the policy for these reasons.

7. The final modification being sought by SEPA in relation to policy IR12 would be to ensure that the policy would apply to all energy proposals, and not just wind energy. This same principle should, in SEPA's view, also apply to the supplementary guidance SG14 referred to by the policy.

8. I do not find that policy IR12 restricts its applicability to only certain types of energy generation development. Whilst part 2 of the policy is focused specifically on wind energy proposals, part 1 applies to all forms of energy generation and therefore I do not consider a modification is required. Furthermore, I note that the reference to supplementary guidance is within part 1 of the policy, and not part 2, so its scope is not restricted to wind energy. The council has confirmed this in its response to the representation, and no modification is required.

9. A representee has stated that it cannot comment on the policy in the absence of the supplementary guidance, so reserves its position. I have noted that the council has stated its commitment to consult on the supplementary guidance. I am satisfied that the policy can rely on supplementary guidance to provide additional detail on the factors identified by the policy, so no changes to the plan itself are necessary in response to this representation.

#### Policy IR13 – Low and zero carbon development

10. SEPA supports the policy but recommends that its provisions be extended so that it also applies to proposals for substantial changes of use, extensions and alterations to any buildings.

11. The council has explained that the scope of the policy aligns with current building standards, which enables effective monitoring of the carbon savings generated by on-site low and zero carbon-generating technologies. Whilst I consider there to be some merit in extending the provisions of the policy further, particularly as doing so would be likely to generate additional carbon savings, I do not find the policy to be deficient in its scope. I also acknowledge the council's point regarding the ability to assess the effectiveness of the approach. I do not consider a modification to the policy to be essential.

12. A representation considers the policy unnecessarily duplicates the requirements of building regulations and should therefore be deleted. However, I agree with the council that in order to comply with section 72 of the Climate Change (Scotland) Act 2009, and accordingly section 3F of the Town and Country Planning (Scotland) Act 1997, a policy of this type is required. I consider the retention of the policy is justified for this reason; the deletion of the policy would result in a deficiency in the proposed plan.

13. Another representation has stated that the policy must not put businesses (with specific reference to Grangemouth Chemical Cluster Companies) at an economic disadvantage, and seeks an amendment to the policy to reflect this point. In response, the council has referred to the provisions of the policy, which requires the mandatory energy

statement to set out the reasons for a proposed development not incorporating low and zero carbon-generating technologies, be it technical and/or practical constraints that would prevent full compliance. The policy therefore has an inherent degree of flexibility to respond to different circumstances on a case by case basis, which would allow for economic considerations to be taken into account.

14. I am concerned that by broadening the potential circumstances where full compliance with the policy would not be required, this could be to the detriment of the overall thrust and spirit of the policy. I consider that the policy makes ample provision for economic factors to be given due regard in applying its usual requirements, and therefore no modifications are required.

#### Policy IR14 – Heat Networks

15. SEPA wants a modification to the policy so that it applies to ‘substantial developments’ rather than major developments. This proposed modification is intended to widen the range of developments to which part 1 of the policy would apply.

16. The difficulty with this suggested amendment is that ‘substantial development’ is open to interpretation unless the term is defined within the plan. The representation includes a definition but this does not quantify development size by land area, number of units or floorspace, so I do not consider this would address the potential ambiguity.

17. I agree with the council that the advantage of referring to major development is that it is a well understood term, which is quantified by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The thresholds set by the regulations can easily and unambiguously be used in establishing whether the first part of the policy should apply to a proposal. For this reason, I am satisfied that no modification is required.

18. The same representation seeks a modification to ensure that any land required for a planned heat network is protected. The policy reflects the provisions of paragraph 159 of Scottish Planning Policy (SPP) by safeguarding pipeworks to allow for future connections to be made. The representation does not explain why further land, in addition to where the pipeworks could be located, would potentially be required for a heat network to be provided. I find the policy provides an appropriate level of protection for networks to be developed and potentially extended, which aligns with SPP.

19. SEPA’s representation also seeks a modification to the policy, to require developments located adjacent to existing or proposed heat networks to be designed to be capable of being connected. The council has not directly responded to this aspect of the representation.

20. I note that the policy requires installation of pipework to the curtilage of development in order to enable future connections to be made, which accords with SPP. This would enable adjacent developments to connect to each other when a heat network became available.

21. The last sentence of SPP paragraph 159 states that “Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network. I find that the policy makes adequate provision for

enabling connections to be made to existing and planned heat networks, and so no modification is required.

22. Representations have raised concerns over the policy, including the implications of its requirements upon development viability, and whether it is reasonable to expect infrastructure of this nature to be provided when there may not be a prospect of it being used.

23. I have already found above that the policy is aligned with SPP. The policy’s wording does also show an awareness that viability and/or technical constraints may exist, which could mean that it would not be realistic or worthwhile to provide such infrastructure.

24. I do not consider it appropriate for the policy to provide further exceptions or caveats to its general presumption, given the thrust of SPP on this matter. I find the policy approach, which requires an energy statement (which should explore the opportunity for provision of heat network infrastructure) to be proportionate. Without a clear presumption and a requirement for an energy statement to provide an assessment of viability, it is likely that the ability to apply the policy would be substantially weakened. No modifications are required in response to these representations.

25. A representation has raised doubt over whether a planned heat network in Grangemouth will ever materialise, and suggests that reference to this should now be removed from the plan. I do not find that these references would be of any detriment to development in and around Grangemouth, and this strategic aspiration is logical given there is greater potential to provide a heat network in this area compared to many other locations. I recognise that ambitions of this nature are not straightforward to achieve, and so I do not consider these references should be removed from the plan simply because it is a relatively longstanding ambition which has not, to date, significantly progressed. No modification is required.

**Reporter’s recommendations:**

1. Add an additional bullet point to part 1 of policy IR12, to read: “Impacts on forestry, having regard to Policy PE20;”
2. Add an additional bullet point to part 1 of policy IR12, to read: “The extent to which waste would be minimised during construction and operation, having regard to Policy IR18;”

<b>Issue 23</b>	<b>Mineral Policies</b>	
<b>Development plan reference:</b>	<u>Chapter 3 Spatial Strategy</u> Energy and Minerals (pages 26 - 28) <u>Chapter 4 Policies</u> Infrastructure and Resources – Minerals (pages 57 - 58)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (East Region) (00532) RSPB (00977) Tillicoultry Quarries (02968) Grangemouth (including Skinflats) Community Council (02723) Ineos Upstream Ltd (03039)		
<b>Provision of the development plan to which the issue relates:</b>	Mineral policies IR15 and IR16, including consideration of provisions for onshore oil and gas extraction	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Spatial Strategy – Energy and Minerals</u></p> <p>SEPA (East Region) (00532/3003/023) - SEPA recommend that the heading for Map 3.8 (page 28) is changed to Onshore Oil, Gas and Minerals and references to PEDL licences on the map and text are checked against the latest information from Scottish Government. Some PEDL Licences may have been extended or surrendered.</p> <p>RSPB (00977/3002/004, 00977/3002/005) - Paragraph 3.38 of the Proposed Plan does not mention commercial peat extraction despite this activity having extant planning permission and still taking place in the area.</p> <p>In addition, Chapter 4, Infrastructure and Resources - Minerals makes no mention of commercial peat extraction. At paragraph 241, SPP (CD1) states "policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible".</p> <p><u>Policy IR15 – Mineral Resources</u></p> <p>Tillicoultry Quarries (02968/3001/001) - Tillicoultry Quarries have operated at Northfield Quarry since 1998 providing a sustainable supply of construction aggregate to the Falkirk and wider central Scotland area which contributes to the 10 year supply required by SPP (CD1). The site could be extended if the 10 year supply of minerals is no longer available and the demand for materials arises. Extensions rather than new quarries are generally preferred over new sites due to potential environmental impacts. For this reason the policy should be amended to allow extensions if a proven demand that is not being met elsewhere can be demonstrated. Support is also expressed for Section 4 of the policy which states that the sterilisation of minerals through development will not be permitted.</p>		

Ineos Upstream Ltd (03039/3001/002) - The Proposals Map should promote opportunities and should safeguard Petroleum Exploration Development Licence areas (PEDL).

Policy IR16 – Assessment of Mineral Proposals

Ineos Upstream Ltd (03039/3001/001) - Onshore hydrocarbons are likely to become an important part of national energy policy. They are different from other forms of mineral extraction and require a separate policy which should cover all forms of extraction. Whilst there is a moratorium there has been no change to national policy and the plan should reflect this. Main benefits include a secure energy supply and local raw materials, tax revenues, jobs and a community benefit scheme.

The planning process is one of the five regulatory functions affecting operations and the plan should include a review of these identifying those that fall outwith the planning process. The policy should not include a generic set of criteria which may not be relevant to every application which can be considered against other LDP policies.

Grangemouth (including Skinflats) Community Council (02723/3002/010) - No fracking or unconventional oil and gas recovery should be allowed in the central belt. This would spell the end of the tourist industry as well as having other detrimental effects.

**Modifications sought by those submitting representations:**

Spatial Strategy – Energy and Minerals

SEPA (East Region) (00532/3003/023) - Amend the heading for Map 3.8 to Onshore, Oil, Gas and Minerals. Confirm the most up to date information on PEDL licence areas.

RSPB (00977/3002/004, 00977/3002/005) - Insert a reference to operational commercial peat extraction in paragraph 3.38. Insert a reference to commercial peat extraction in the text at paragraph 4.69.

Policy IR15 – Mineral Resources

Tillicoultry Quarries (02968/3001/001) - Amend section 2 of Policy IR15 after 2nd sentence deleting the full stop and adding "or if a proven demand that is not being met elsewhere can be demonstrated."

Ineos Upstream Ltd (03039/3001/002) - Identify and safeguard PEDL areas on the Proposals Map.

Policy IR16 – Assessment of Mineral Proposals

Ineos Upstream Ltd (03039/3001/001) - Amend Policy IR16 to exclude references to oil and gas extraction. Insert an additional policy after IR16 as submitted with supporting text providing background and justification against national policies.

Grangemouth (including Skinflats) Community Council (02723/3002/010) - Amend the plan to insert a presumption against fracking or unconventional oil and gas recovery.

**Summary of responses (including reasons) by planning authority:**Spatial Strategy – Energy and Minerals

SEPA (East Region) (00532/3003/023) - The Scottish Government has confirmed that there has been no change to the boundaries of the Petroleum Exploration and Development Licence (PEDL) areas and PEDL 133 remains in place until 30<sup>th</sup> June 2035 in the third production phase. PEDL 162 is still in the first exploration phase of the licence and this part of the licence is currently extended to 30<sup>th</sup> June 2020 (CD151). The title of Map 3.8 should read “Spatial Strategy - Onshore Oil, Gas and Minerals” and if the Reporter is minded to recommend that the plan be amended in line with SEPA’s representation in this regard the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

RSPB (00977/3002/004, 00977/3002/005) - Paragraph 3.38 (page 26) of the Proposed Plan highlights the dominant mineral resources in the Falkirk Council area and supporting paragraphs 4.69 and 4.70 at page 57 of the plan also note the main minerals in the area. It is acknowledged that there is one active commercial peat extraction site in the north of the Council area near Letham which has been worked since 1937 and has a Certificate of Lawful Use. Policy PE25 (page 41) specifies that development involving the significant permanent loss of carbon rich soils including peat will not be permitted subject to criteria. Policy IR16 also highlights that proposals for mineral extraction will be assessed against Policy PE25. This is in accordance with the requirement in SPP paragraph 241 to protect areas of peatland (CD1). For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR15 – Mineral Resources

Tillicoultry Quarries (02968/3001/001) - Hard rock is available to the north west of the Council area and also south of Avonbridge in the south east although not all of this will be workable (CD152). The assumption has been made that there is an adequate landbank in the Council area with quarries to the north west of Denny at Northfield and Boards and also in the recent past at Cowdenhill to the north of Banknock. The quarries have ceased operation from time to time dependent on market conditions. There is an outstanding planning application to quarry for hard rock immediately to the west of Cowdenhill in North Lanarkshire at Tomfyne and consent for this site will include restoration of the Cowdenhill Quarry within the Falkirk Council boundary.

Policy IR15 seeks to put the onus on operators to prove the need for additional mineral workings in the absence of reliable market information or up-to-date knowledge on reserves. The most recent Scottish Aggregates Survey in 2012 and published in 2015 did not provide any information on hard rock quarries in the Forth Valley area (Stirling, Clackmannanshire and Falkirk) and the small number of quarries means that commercial sensitivity precludes the publication of data where quarries could be individually identified. SPP paragraph 238 (CD1) states that plans should support the maintenance of a landbank of permitted reserves of a minimum 10 years extraction through the identification of areas of search or, as an alternative, a criteria based approach may be taken. Policy IR16 provides such a criteria based approach to mineral sites. It is generally accepted that aggregates travel around 30 miles from their extraction site to market and the market area is likely to extend across local authority boundaries. Boards Quarry, Northfield Quarry and the proposed Tomfyne Quarry (North Lanarkshire) will all contribute to this landbank as well as quarries in other local authority areas.



The policy allows proposals to come forward if evidence is available with regard to any changes in the landbank and it is not considered necessary to add additional wording regarding demand for materials. For these reasons, the Council does not agree to modify the plan in response to this representation.

The Coal Authority (CD186) supports the inclusion of Policy IR15 Mineral Resources which identifies the preferred area of search for surface coal in Falkirk and is pleased that the sterilisation of mineral resources capable of acceptable extraction will not be permitted.

Ineos Upstream Ltd (03039/3001/002) - SPP paragraph 240 (CD1) states that development plans should identify PEDL areas. The PEDL areas are clearly identified on Map 3.8, page 28, of the Spatial Strategy section of the plan. This fully identifies the areas covered by the licence areas, and there is no need to replicate this on the Proposals Maps

While SPP recognises the national benefit of indigenous oil and gas production at paragraph 235, it does not require PEDL areas to be safeguarded. Most of the Council area is covered by PEDL areas and safeguarding this land for unconventional oil and gas development could place constraints on other development plan proposals in the Council area at a time when the Scottish Government has placed a moratorium on granting planning applications for such development (CD153) and expressed a policy position which does not support the development of unconventional oil and gas in Scotland (CD154). For these reasons, the Council does not agree to modify the plan in response to this representation.

#### Policy IR16 – Assessment of Mineral Proposals

Ineos Upstream Ltd (03039/3001/001) - As previously stated the Government established a moratorium on granting planning applications for unconventional oil and gas developments (CD153) in 2015. A position statement has since been published by the Scottish Government (CD154) which does not support the development of unconventional oil and gas in Scotland. This policy is expected to be embedded in the next National Planning Framework due. In the meantime, policy on onshore oil and gas in SPP (CD01) remains extant. Paragraph 235 recognises the national benefit of indigenous oil and gas production. SPP also notes a number of requirements for the development plan at paragraph 240 for areas covered by PEDLs. There is no explicit support expressed in SPP, NPF 3 (CD2) or the Scottish Government's Energy Strategy (CD155) for unconventional oil and gas extraction and the representee's proposed policy expresses support for such development. While certain aspects of energy policy are reserved to the UK Government, licencing and planning are devolved matters and the UK Government's support for unconventional oil and gas will not be implemented in Scotland. It is noted that the regulation, including setting of the consideration payable for a licence remains reserved. In addition, the UK Government has powers to revoke a licence on the basis of failure to make payments due under the licence.

Policy IR16 covers all minerals development in the Council area including onshore oil and gas development. The policy highlights the many factors which need to be taken into account in assessing mineral applications and also details specific requirements relating to onshore oil and gas which were inserted into the adopted plan following the last Examination Report, page 407 (CD56). Given the expectation that the Scottish Government's policy position will be confirmed in NPF 4 and SPP in 2020 and the plan's accordance with SPP, there is no specific need or requirement to insert a separate policy for onshore oil and gas development. For these reasons, the Council does not agree to

modify the plan in response to this representation.

The Coal Authority (CD186) has indicated its support for Policy IR16 Assessment of Mineral Proposals.

Grangemouth (including Skinflats) Community Council (02723/3002/010) - As noted above, notwithstanding the Government's moratorium on granting planning applications for unconventional oil and gas developments (CD153), SPP remains extant, continues to recognise the national benefit of indigenous oil and gas production and notes a number of requirements for the development plan at paragraph 240 for areas covered by PEDLs. LDP2 must reflect SPP, and does so through Policy IR16 Assessment of Mineral Proposals, with additional references in paragraphs 3.39 and 4.69. Introducing a presumption against unconventional oil and gas developments would not, at this stage, be in accord with SPP. For these reasons, the Council does not agree to modify the plan in response to this representation.

### **Reporter's conclusions:**

#### Spatial Strategy – Energy and Minerals

1. A representation made by SEPA recommended that the Petroleum Exploration and Development Licence (PEDL) areas shown in map 3.8 of the plan be checked, to ensure that they are up-to-date. The council, in its response, has confirmed that map 3.8 is accurate with the exception of its title, which SEPA had also noted. I recommend the title of the map should be amended accordingly.
2. The RSPB's representation seeks modifications to reflect that commercial peat extraction operations exist in the area. However, I am satisfied that paragraph 3.38 of the spatial strategy is appropriately focused on the dominant mineral resources of coal and hard rock. There is only one peat extraction site currently, and so this resource is not of strategic significance to the proposed plan.
3. The representee recommends that reference should be made to peat extraction in the supporting text which accompanies policy IR15 (Mineral Resources), in order to satisfy the provisions of paragraph 241 of Scottish Planning Policy (SPP). The council has referred me to policy PE25 (Soils and Agricultural Land). In issue 18 we have recommended modifications to the wording of policy PE25. In regard to the specific protection the policy affords to peatlands, I consider that both the originally proposed and modified policy wording would provide an appropriate level of protection to peatlands, in line with SPP. I consider that adding further reference to peat extraction under the plan's references to minerals would result in unnecessary duplication, which could be detrimental to the effectiveness of the plan. No modifications are required.

#### Policy IR15 – Mineral Resources

4. The representation from Tillicoultry Quarries, which operates Northfield Quarry, generally indicates that it supports policy IR15. A modification to part 2 of the policy has been suggested, which would also allow new quarries or extensions to existing quarries if a proven demand, which is not being met, can be demonstrated.
5. Part 2 of policy IR15 relates solely to quarrying for construction aggregates, which are generally readily available. This contrasts with some more localised, specific hard rock

resources, which may be in demand but more difficult to source. Policy IR15 allows additional quarrying where evidence shows that less than a 10 year landbank of permitted reserves exists. This provides the industry with ample opportunity to respond to a situation where supply relative to demand is reducing, and enables additional quarrying opportunities to be explored and consented where justified and appropriate.

6. The approach followed by policy IR15 reflects the provisions of SPP paragraph 238 in regard to supporting the maintenance of a 10 year landbank of construction aggregates. The suggested modification would extend support to wider circumstances, the need for which has not been explained or justified. I do not find that the policy as worded would hinder the industry's ability to maintain a reliable supply of construction aggregates. No modification is required.

7. A representation on behalf of Ineos Upstream Ltd. seeks an amendment to the proposals maps so that it includes, and safeguards, Petroleum Exploration and Development Licence (PEDL) areas.

8. Map 3.8 in the proposed plan clearly identifies the locations of the two PEDL areas which apply to the Falkirk area. Given the extensive geographic areas to which these apply, I consider map 3.8 illustrates the locations of the PEDL areas at an appropriate scale. The proposals map consists of seven individual maps, which are at an appropriate scale to be able to identify site specific allocations, designations and other opportunities and constraints. I can see no value in also showing the PEDL areas on these maps, particularly as for many of the areas it would relate to the full extent of the map.

9. Map 3.8 satisfies the SPP requirement (in paragraph 240) for PEDL areas to be identified by the local development plan. The plan deals with this requirement appropriately and no modification to the proposals map is required. Furthermore, if PEDL areas were included on the proposals map, this would potentially misrepresent their status. There is no requirement in national policy to safeguard PEDL areas, and there is no reason why being located in a PEDL area would in itself potentially act as a constraint to other unrelated forms of development. I am therefore satisfied that the plan provides appropriate references to PEDL areas, and no modifications are required.

#### Policy IR16 – Assessment of Mineral Proposals

10. Ineos Upstream Ltd. has requested that policy IR16 should not be used to assess proposals for oil and gas extraction. It instead seeks the inclusion of a new policy and supporting text specifically relating to oil and gas development. Proposed wording has been provided, which does not distinguish between the different methods of exploration and extraction of hydrocarbons which this could potentially encompass.

11. As the council has pointed out, the Scottish Government does not support unconventional oil and gas extraction. It first of all introduced a moratorium on granting planning permission for such proposals in 2015, and a position statement published in October 2018 reinforces its stance.

12. The representation draws upon the energy policies of the UK Government, but this does not account for devolved powers held by the Scottish Government relating to licencing and planning. Whilst a Direction was issued by the Scottish Government on 3 October 2019 setting out the arrangements for notifying planning applications relating to unconventional oil and gas development to the Scottish Ministers and restricting

authorities from granting planning permission without notification to them, national policy in National Planning Framework 3 (NPF3), SPP and the Energy Strategy have not been updated to reflect the Scottish Government’s current position on unconventional oil and gas extraction. I consider it would be inappropriate and unjustified to include a policy in the LDP which would intimate support for such proposals in this context. The Scottish Government’s position is clear and, in any event, I agree with the council that none of the foregoing policy documents provide express support for unconventional oil and gas extraction.

13. In relation to onshore oil and gas extraction proposals more widely, policy IR16 identifies wide-ranging factors to be taken into account. Whilst there are a number of cross-references to other plan policies within policy IR16, I consider it is helpful to provide these links in the interests of clarity; it would be possible to rely on those policies without such cross-references, but it is consistent with the approach taken in other plan policies and ultimately I do not find this to be inappropriate or a deficiency.

14. Parts 2 and 3 of the plan also set out specific requirements which apply to onshore oil and gas proposals, which satisfy the expectations of LDPs in relation to areas covered by a PEDL set out in SPP paragraph 240.

15. Whilst I accept the representee’s point regarding other regulatory regimes which apply to oil and gas extraction, and which no doubt provide wide-ranging and stringent operational conditions, this should not necessarily restrict the scope of planning policy, where matters are capable of being material in the determination of a planning application. I do not find that the factors and requirements identified by policy IR16 are excessive in nature or breadth for guiding the assessment of proposals of this type. No modification is required.

16. A representation from Grangemouth (including Skinflats) Community Council would like to see the plan provide an explicit presumption against unconventional oil and gas extraction. In this regard, I consider the plan has struck an appropriate balance which accords with SPP, but which does not diverge from the Scottish Government’s position on the matter, outlined above.

17. I find that, at this stage, an express presumption against such developments would be inappropriate as no such statement is yet expressed in Scottish Government policy. For this reason, no modification is required.

**Reporter’s recommendations:**

1. Amend the title of Map 3.8 on page 28 to “Spatial Strategy – Onshore Oil, Gas and Minerals”.

<b>Issue 24</b>	<b>Waste Policies and Proposals</b>	
<b>Development plan reference:</b>	<u>Chapter 3 Spatial Strategy</u> Energy and Minerals (pages 26 - 28) <u>Chapter 4 Policies</u> Infrastructure and Resources – Waste (pages 55 - 57)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Grangemouth (including Skinflats) Community Council (02723) Avondale Holdings Ltd (03026)		
<b>Provision of the development plan to which the issue relates:</b>	Waste policy IR17 Waste Management Facilities and the non-allocation of a site for an extension to the Avondale waste management facility.	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Policy IR17 – Waste Management Facilities</u></p> <p>Grangemouth (including Skinflats) Community Council (02723/3002/005) - Waste management facilities in the Falkirk Council area should only be used for people resident in the area. Notwithstanding the Zero Waste Plan and SPP, waste should be dealt with where it is generated and not brought into this area for disposal.</p> <p>Avondale Holdings Ltd (03026/3001/002) - Policy IR17 should be amended to support the co-location of new waste management facilities in or adjacent to existing waste management facilities to allow for the creation of a circular economy on waste. The reference to sustainable transport should acknowledge the benefits of co-location. The preferred location for energy from waste plants should also be in or adjacent to existing waste management facilities.</p> <p><u>Non-allocated Site – Avondale (Site Ref 097)</u></p> <p>Avondale Holdings Ltd (03026/3001/001) - The site safeguarded in LDP1 as an extension to the Avondale Landfill Site should be allocated as an extension to the existing waste management facility for the processing and reuse of waste including Energy from Waste. This would protect existing employment, create additional jobs and reduce the amount of waste going to landfill. It would also be in accordance with the Zero Waste Policy and SPP. The proposal would also enable the co-location of a number of facilities in one location.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Policy IR17 – Waste Management Facilities</u></p> <p>Grangemouth (including Skinflats) Community Council (02723/3002/005) - Amend Policy IR17 to exclude waste from outwith the Falkirk Council area from being processed within the area.</p>		

Avondale Holdings Ltd (03026/3001/002) - Amend Policy IR17 as specified in the representation. Amend 2<sup>nd</sup> sentence to include a reference to co-location. In sub section (2), bullet point 4, state that the preferred location for energy from waste facilities will be within or adjacent to existing waste management facilities. In bullet point 5, state that the promotion of sustainable transport will be through the co-location of waste management facilities.

Non-allocated Site – Avondale (Site Ref 097)

Avondale Holdings Ltd (03026/3001/001) - Reinstate the safeguarded site in LDP1 as an extension to the existing waste management facility.

**Summary of responses (including reasons) by planning authority:**

Policy IR 17 – Waste Management Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/005) - The establishment of waste management facilities is market led and the regional additional capacity figures published annually by SEPA (CD157) are not intended to limit the development of waste management facilities as noted in SPP, paragraph 181 (CD1). SEPA's development plan guidance note on sustainable resource use and energy, page 10 (CD156) indicates that where there is a national shortfall in waste management infrastructure development plans must provide capacity for waste management facilities that may manage waste from both in and out with the Council area. Development Plans should set out policies to enable the development of facilities to contribute to the additional capacity requirement. SPP paragraph 182 (CD01) also notes that while there is a shortfall in capacity the emphasis should be on need over proximity. In paragraph 186 it states that development plans should identify appropriate locations and should provide a policy framework to facilitate delivery. The regional capacity tables (CD157) indicate that there is a continuing capacity requirement in the Forth Valley area and nationally for operational waste management facilities. It is therefore appropriate for the plan to support the development of waste management facilities and to highlight the need to contribute to national capacity requirements. Amending Policy IR17 to exclude waste from outwith the area would therefore not accord with national and regional policy and guidance. For these reasons, the Council does not agree to modify the plan in response to this representation.

Avondale Holdings Ltd (03026/3001/002) - SPP (CD1) paragraphs 178 - 187 sets out the requirements for local development plans in relation to planning for zero waste. Paragraph 180 recognises that industry and business should engage with planning authorities to identify sites which would enable co-location with end users of waste outputs. Paragraph 182 states that the planning system should support the provision of a network of infrastructure for Scotland's waste resources to be managed in one of the nearest appropriate installations. Paragraph 183 notes that any sites for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Local development plans should also identify appropriate locations for new infrastructure and safeguard existing installations. Paragraph 158 of SPP highlights that development plans should use heat mapping to identify the potential for co-location for developments with a high heat demand with sources of heat supply. SEPA also acknowledges that co-location for heat supply and demand should be supported by the development plan (CD156, page 14). Neither SPP nor SEPA identify a requirement to support the co-location of waste management facilities but SPP recognises the benefit of the co-location of the producer of waste with a potential user for that waste and both SPP and SEPA support co-

location for heat supply and demand.

Policy IR17 sub section (1) states that “the preferred location for waste management facilities for all types of waste will be within or adjacent to existing waste management facilities or on land identified for employment or industrial use as well as mineral sites”. This recognises that the expansion of waste management facilities can take place and support should be in place to enable this to happen in accordance with SPP. The representation seeks the use of the word ‘co-location’ instead of ‘within or adjacent to’. This change is unnecessary, adds nothing to the meaning, and indeed is confusing in that the term ‘co-location’ is used in a separate context in SPP to refer to the connection between facilities and end users of waste outputs.

In sub section (2) bullet point 4, Policy IR17 states that for “energy from waste facilities, co-location with other heat users should be sought”. This wording accords with SPP. The representation tries to extend this by stating that energy from waste facilities should be co-located with other waste management facilities.

However, blanket support for the co-location of energy from waste facilities with other waste management facilities is neither desirable nor required by SPP. In bullet point 5, the suggested change to the wording in relation to sustainable transport is inappropriate because it would limit the scope of this criterion.

In short, the policy as drafted is appropriately worded. It is supported by SEPA (00532) who particularly express support for the wording in sub sections (1) and (3) which they consider protects existing waste management facilities and allows for their growth or expansion without being restricted or prejudiced by adjoining land uses.

For these reasons, the Council does not agree to modify the plan in response to this representation.

SEPA express general support for Policy IR17 which gives priority to development which supports the waste hierarchy and clearly refers to facilities for all types of waste. The reference to the Zero Waste Plan, the national capacity requirements and other criteria in part 2 as well as designing energy from waste facilities to enable links to users of heat and power is also supported.

#### Non-allocated Site – Avondale (Site Ref 097)

Avondale Holdings Ltd (03026/3001/001) - Proposal INF34 in LDP1 (CD12, appendix 1, page 23) safeguards this site for the extension of the existing Avondale landfill facility. The extension area is bounded to the south by the M9 motorway, to the east by open farmland, to the west and north by the existing landfill site and to the north east by woodland and a SINC. It is located within the green belt, is prime agricultural land, and is traversed by oil and ethylene pipelines.

The safeguarding was inserted into the Falkirk Council Local Plan in 2010 as a post inquiry change following the Local Plan Inquiry. The Reporter at that time declined to allocate the site as an extension to the landfill facility as there was no immediate and overriding need for the site and because of the site’s countryside and green belt location - Inquiry Report extract paragraph 27.2.36 (CD158). The safeguarding was carried through into LDP1 and was not considered at the LDP1 Examination. However, the safeguarding has been reassessed through LDP2, in the light of the reduction of waste going to landfill. The

Regional Capacity Tables produced by SEPA (CD157) now indicate a ten year rolling landfill capacity requirement in the Forth Valley area of 1,340,000 tonnes (Stirling, Clackmannanshire and Falkirk Council areas). All of the operational landfill capacity is in the Falkirk Council area and includes Avondale Landfill, Avondale Hazardous Landfill, West Carron landfill and Broadside landfill (waste water sludge). The most up-to-date landfill capacity for these sites at December 2017 was 2,908,508 tonnes (CD159). There is therefore no longer a need to safeguard an additional site for landfill and the safeguarding has therefore been removed in the Proposed Plan. SEPA have made no objection to its removal.

The existing Avondale landfill site has capacity at current infill rates for approximately six more years of operation from December 2017, and the consent includes a restoration plan once landfilling ceases. It has however had a number of consents which could extend the longevity of the site. Consent was granted for a composting facility to create a soil substitute in 2017 and for the expansion of the existing gasification plant in 2016. Both of these consents relied on using materials from the Materials Recycling Facility to the west of the landfill site which has operated intermittently since its consent in 2008. Neither of these has been implemented.

It is suggested by the representee that the extension site should be retained for waste management purposes but not for landfill use. The suggested use is for an energy from waste plant. Whilst Policy IR17 is generally supportive of new waste management facilities being located adjacent to existing waste facilities, this preference must obviously be caveated by other LDP policies and considerations. It does not provide explicit support for all sites adjacent to existing waste management sites but recognises that these are generally the preferred locations for such uses. There may also be requirements for businesses to extend out with their existing sites. Such proposals will be assessed against SPP, other LDP policies and the factors highlighted in part 2 of Policy IR17. In the case of Avondale, the extension site is in a sensitive location within the green belt, on the edge of the Bo'ness South Local Landscape Area, highly visible from the M9, and comprises prime agricultural land. It is also traversed by gas and oil pipelines (CD160). It would not be suitable for a major, permanent built facility such as an energy from waste plant, and therefore the Council does not support its allocation as a general waste management facility, or specifically an energy from waste plant.

It should be stressed that the Council area has a significant amount of business and industrial land, particularly in Grangemouth, which would offer more suitable sites for waste management facilities. Indeed, two energy from waste plants have been consented in Grangemouth, at Forth Ports and at CalaChem which have not yet been implemented. For these reasons, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

Policy IR17 – Waste Management Facilities

1. Scottish Planning Policy (2014) (SPP) is instructive regarding the approach to be taken by the planning system, in order to provide effective waste management infrastructure. Paragraph 182 of SPP in particular recognises that “The achievement of a sustainable strategy may involve waste crossing planning boundaries”.
2. SPP paragraph 182 goes on to recognise that when such infrastructure becomes more fully developed, greater weight may be given to proximity when identifying suitable locations for new facilities. It would not however be consistent with SPP for policy IR17 to



seek to prevent waste being brought to facilities from other areas, noting that the evidence before me shows that there is a continuing capacity requirement, both in the Forth Valley area (comprising of Falkirk, Stirling and Clackmannanshire) and nationally. I consider policy IR17 appropriately provides support for the provision of waste management facilities, as part of a wider national network of infrastructure. On this basis, I do not consider that any modifications are required to the policy in response to the representation by Grangemouth (including Skinflats) Community Council.

3. Avondale Holdings Ltd seeks amendments to policy IR17 so that it would provide explicit support for energy from waste facilities being co-located with other waste management facilities.

4. I am satisfied that part 1 of policy IR17 already articulates appropriate support for new waste management facilities being located within or adjacent to existing waste management facilities. I agree with the council that the proposed amendment to this part of the policy would not change its meaning, and that by introducing the term 'co-location', this may give rise to confusion with other related provisions in SPP where this term is used in a different context. I find that the policy as worded already aligns with the approach promoted by the representee.

5. Under part 2 of the policy, amendments are sought to the fourth and fifth bullet points. The suggested change to bullet point 4 would shift the focus away from co-locating energy from waste facilities with heat users, and where links could most readily be made for users, instead prioritising their siting alongside existing waste management facilities. It may however be the case that by giving preference to siting such facilities alongside waste management facilities, this could limit the overall benefits from, and potential users of, the heat or power being generated, relative to alternative locations away from existing waste management facilities. There is no overriding practical reason why such facilities should be located together, and nor does SPP require this. I find bullet point 4 in the proposed plan to be consistent with SPP, and it does not require modification.

6. In regard to bullet point 5, the suggested change would limit the applicability of the requirement, by implying that 'co-location' of facilities is the only means by which sustainable transport can be promoted. Whilst locating complementary facilities together may reduce the length or number of journeys, it may be that other sites could offer sustainable transport options not available at or near to existing facilities, which may be a preferable option. In any event, given my findings above it would be inconsistent with the policy's wider provisions to modify this bullet point as suggested.

#### Non-allocated site – Avondale (site ref: 097)

7. Avondale Holdings Ltd are seeking a modification to the plan, so that land adjacent to the existing Avondale landfill site is safeguarded for the processing and re-use of waste. The site in question was safeguarded in the 2015 LDP (and the local plan preceding it) for the purposes of a possible extension to the landfill site, should a need arise. The safeguarded land was therefore for a materially different purpose to what is now being promoted by the representee.

8. The proposed plan does not safeguard the Avondale site for a landfill extension, or for any other purpose, although I note that it is within the designated green belt. The council's decision to remove the safeguard is based on evidence (principally SEPA's regional capacity tables) that in the Forth Valley area there is a substantial surplus in landfill

capacity relative to the ten-year rolling landfill capacity requirement. The council's decision to remove the safeguard for landfill purposes had not been challenged by the representee, indicating agreement to the council's approach in this regard. I return to this issue below however, in light of further submissions on this matter.

9. The representee has sought changes to the policy approach, and in particular the locational principles, which would apply to proposals for waste management facilities. Above I have considered the suggested amendments to policy IR17, and I have found the approach taken by the policy to be appropriate and consistent with Scottish Planning Policy.

10. The council's preferred approach is to consider the appropriateness of locations for waste management facilities on a case by case basis, assessed against policy IR17 as well as other relevant plan policies. As the council has a substantial supply of employment land which policy IR17 supports in principle for waste management facilities, I see no reason why the absence of safeguarded land for the specific purpose of waste management would act as a potential impediment to its provision.

11. The council has identified some concerns regarding the Avondale site's suitability for the uses referred to in the representation. These issues have not been addressed adequately in the representation. In this context I do not consider it appropriate for the site to be safeguarded for waste management facilities, and I find that the plan provides appropriate and clear policy provisions in regard to the locational principles that should be applied to any specific proposals. The plan therefore enables a more fully informed assessment of the site specific implications of a proposal, on this or any other site, through the planning application process. I consider this provides greater flexibility in future decision-making, within clear policy parameters that align with the provisions of SPP. In conclusion, I do not support a modification to safeguard the Avondale site for waste management purposes.

12. The representee submitted unsolicited correspondence to the examination, dated 30 October 2019. This maintained the position that the site ought to be safeguarded for a waste management facility, but also introduced a second preference for the landfill safeguard to be retained. The representee presented the case for this revised position as stemming from a recently announced delay to the intended 2021 ban on biodegradable municipal waste going to landfill. The representee considers that this is a significant material change to the context in which the issue should be assessed. Having accepted this submission, I also sought further comments from both the council and SEPA on the matters raised.

13. Having regard to all of these submissions, I find that whilst the ban on biodegradable municipal waste being delayed to 2025 may lead to some such waste continuing to be directed to landfill until that date, SEPA's latest regional capacity tables (based on 2017 data) do not indicate that this would reduce the sufficiency of landfill capacity in the Forth Valley area as a whole. Conversely, the updated regional capacity calculations present a reduction in the required 10 year rolling capacity, from 1,340,000 tonnes to 790,000 tonnes. This reduction of 555,000 tonnes is greater than the reduction in landfill capacity based also on updated calculations, which has reduced by approximately 478,500 tonnes.

14. It is significant to note that the updated SEPA calculations have been provided with an awareness of the delay to the ban, and as the council asserts, the methodology report accompanying the calculations indicates that any effect of this delay at the regional level

has been accounted for.

15. The representation is quite understandably focused on the future of the Avondale site. However, the representation addendum does not demonstrate a potential shortfall in the required landfill capacity more widely across the Forth Valley area. The representee's argument for maintaining the safeguarding of the site for landfill is also contradicted by its first preference being the identification of the site for a waste management facility. The preferred approach of the representee would not address the issue it has raised in regard to landfill capacity.

16. All told, I find the plan outlines an appropriate approach to waste management, and I do not consider the lack of a site safeguard at Avondale to be a deficiency of the plan. The plan aligns with SPP in regard to waste management, and no modifications are required.

**Reporter's recommendations:**

None.

<b>Issue 25</b>	<b>Site Specific Environmental Mitigation</b>	
<b>Development plan reference:</b>	<u>Appendix 1 Proposals and Opportunities Schedule</u> (pages a02 - a24) <u>Chapter 5 Settlement Statements</u> Major Areas of Change Development Guidance	<b>Reporter:</b> Amanda Chisholm
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Historic Environment Scotland (02656) SEPA (East Region) (00532) National Grid (00583) Woodland Trust Scotland (00549) Scottish Natural Heritage (00646)		
<b>Provision of the development plan to which the issue relates:</b>	Site comments and requirements for miscellaneous proposals, where agencies have sought detailed changes in relation to environmental mitigation.	
<b>Planning authority's summary of the representation(s):</b>		
<p>This issue brings together environmental mitigation sought by various agencies in relation to a number of proposals in the plan. The mitigation sought relates to the site comments section of Appendix 1 (Proposals and Opportunities Schedule) or the Major Areas of Change Development Guidance within Chapter 5 (Settlement Statements). The mitigation sought is grouped by type underlined below. A spreadsheet (CD161) has also been produced which summarises the mitigation sought on a site by site basis.</p> <p><u>Forth and Clyde Canal Scheduled Monument</u></p> <p>Historic Environment Scotland (02656/3002/003) - Proposals MU05 Bonnybridge Town Centre and BUS11 Falkirk Wheel include part of the Forth and Clyde Canal Scheduled Monument while Proposal BUS04 A801 Union Canal is immediately adjacent to this scheduled monument. These proposals, therefore, have to carefully consider potential impacts on the setting of the canal and seek to address the canal frontage. Development within the scheduled area of the canal will also require Scheduled Monument Consent from Historic Environment Scotland.</p> <p><u>Antonine Wall World Heritage Site Buffer Zone</u></p> <p>Historic Environment Scotland (02656/3002/004, 02656/3002/006) - Proposals BUS03 Beancross and BUS10 Wester Carmuir are located entirely within the Antonine Wall World Heritage Site Buffer Zone. Proposal BUS11 Falkirk Wheel is partly located within this buffer zone. Development at these allocated sites should therefore be informed by a detailed heritage assessment.</p> <p><u>Flood risk assessments</u></p> <p>SEPA (East Region) (00532/3003/001) - Appendix 1 site comments states a flood risk</p>		

assessment (FRA) may be required for specific allocated sites. SEPA takes a precautionary approach to flood risk and therefore considers that in most cases the Proposed LDP2 should state that a FRA is, rather than may be, required. This text change is necessary to ensure development avoids areas at medium to high flood risk (unless development accords with SPP's risk framework) and there is safe flood-free pedestrian access and egress at times of flood.

In Table 3 of its representation, SEPA has listed the following allocated sites where it believes a FRA is, rather than may be, required to inform the scale, layout and form of development:

- H01 Drum Farm North
- H02 Kinglass Farm 2
- H09 Dennyloanhead
- H13 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H20 Redding Park
- H21 Hillcrest
- H28 Standburn West
- H33 Carrongrove Mill
- H35 Rosebank, Dunipace
- H36 Gowan Avenue
- H43 Westburn Avenue
- H47 Pretoria Road
- H48 Castle View, Airth
- H49 Airth Castle South
- H51 Former Torwood School
- MU02 Drum Farm South
- MU03 Crawfield Lane
- MU05 Bonnybridge Town Centre
- MU11 Portdownie
- MU13 Callendar Riggs
- MU16 Falkirk Gateway
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS05 Falkirk Stadium
- BUS06 Abbotsford Business Park
- BUS07 Caledon Business Park
- BUS10 Wester Carmuir
- BUS11 Falkirk Wheel
- BUS22 Maddiston Fire Station
- BUS 23 Grandsable Road
- IN13 Bonnybridge Station
- IN14 Grangemouth Railway Station Site Safeguarding

Protection and enhancement of the water environment

SEPA (East Region) (00532/3003/002) - In Table 5 of its representation, SEPA has provided specific advice for each of the following allocated sites in relation to the protection and enhancement of the water environment:

- H04 South Street
- H05 Main Street
- H06 Union Street
- H10 Broomhill Road
- H32 Mydub 2
- H39 Cauldhame Farm
- H41 Grangemouth Road
- H53 Cumbernauld Road
- MU01 Links Road
- MU05 Bonnybridge Town Centre
- MU09 Broad Street
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS10 Wester Carmuir
- BUS15 Grangemouth Docks West
- BUS19 Glenbervie
- BUS22 Maddiston Fire Station.

SEPA recommends this advice should be incorporated within Chapter 5 Settlement Statements and Appendix 1 site comments.

Open watercourse retention

SEPA (East Region) (00532/3003/003) - Where there is a watercourse within or immediately adjacent to a site, SEPA recommend that a developer requirement is attached to the site to ensure that the watercourse is not culverted for land gain and that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.

The inclusion of an undeveloped buffer and retention of the open water of the open watercourse accords with 'protect and improve' objectives of the Water Framework Directive (CD9) and the Council's duties as responsible authority under the Water Environment and Services (Scotland) Act 2003 (CD10).

De-culverting

SEPA (East Region) (00532/3003/004) - Where there are culverted watercourses within or immediately adjacent to a site, there may be opportunities to restore the water environment to its natural state by removing the culvert. SEPA, therefore, recommend that a developer requirement is attached to sites, requiring a feasibility study, including a flood risk assessment, to be undertaken prior to development to assess the potential for channel restoration.

Watercourse restoration accords with the Water Framework Directive (WFD) objectives

(CD9) as it will help move a waterbody towards good status. It will achieve the Council's associated duties under the Water Environment and Water Services (Scotland) Act 2003 (CD10), relating to the WFD and River Basin Planning Process.

Cemetery allocations

SEPA (East Region) (00532/3003/005) - The Proposed LDP2 allocates the following sites as extensions to cemeteries:

- IN37 - Camelon
- IN38 - Muiravonside
- IN39 - Hills of Dunipace
- IN40 - Weedingshall

Appendix 1 site comments, page a19, states the development of these sites will have to meet SEPA's Guidance on Assessing the Impacts of Cemeteries on Groundwater (CD165). SEPA support this requirement. However, it should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Co-location with waste management facilities

SEPA (East Region) (00532/3003/006) - The following lists allocated sites which are located adjacent to activities that are regulated by SEPA under a Waste Management Licence or Pollution Prevention and Control (PPC) Permit:

- H39 Cauldhame Farm
- MU16 Falkirk Gateway
- MU17 Carron Road
- BUS04 A802 Union Canal
- BUS15 Grangemouth Docks
- BUS21 Gilston

In Table 5 of its representation, SEPA has provided comments for each of these allocated sites. SEPA recommends that the comments are incorporated into the plan as development requirements.

Contaminated land

SEPA (East Region) (00532/3003/007) - SEPA recommends, where the Strategic Environment Assessment (SEA) has identified opportunities for land remediation within allocated sites, these opportunities should be reflected Appendix 1 site comments or Major Areas of Change: Development Guidance.

Air quality

SEPA (East Region) (00532/3003/008) - Appendix 1 site comments or the Major Areas of Change Development Guidance should be amended to specify that an Air Quality Assessment is required for allocated sites within Falkirk Town Centre, Grangemouth, and Banknock and Hags as these sites are within or close to an Air Quality Management Area.

Infrastructure Proposals

SEPA (East Region) (00532/3003/009) - Appendix 1 site comments for infrastructure proposals (pages a17-18) should refer to opportunities for watercourse restoration and look to ensure future proofing of the usage of low carbon resources and, where possible, facilitate the provision for connecting low carbon heat networks.

Historic Environment Scotland (02656/3002/002) - Appendix 1 site comments for infrastructure proposals (pages a17-18) include no historic environment mitigation advice.

District Heating

SEPA (East Region) (00532/3003/010) - The Revised Environmental Report, Appendix 2, identifies district heating as a mitigation measure for the following allocated sites:

- H01 Drum Farm North
- H13 Parkhall Farm 1
- H14 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H25 Slamannan Road
- H27 Main Street
- H29 Whitecross
- H54 The Haining
- MU02 Drum Farm South
- MU08 Stein's Brickworks

Appendix 1 site comments does not mention district heating as a requirement for the development of these allocated sites.

Major Hazard Pipelines

National Grid (00583/3002/001) - The location of a major hazard pipeline should be taken into account when site options are developed in more detail for the following allocated sites:

- MU20 East Bonnybridge
- IN16 Falkirk - Denny/Bonnybridge Path
- IN39 Hills of Dunipace Cemetery Extension

The pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to retain existing pipelines in situ.

Ancient Woodland

Woodland Trust Scotland (00549/3002/001) - The Woodland Trust Scotland state the following allocated sites are adjacent or within areas of ancient woodland:

- H01 Drum Farm North



- H15 Parkhall Farm 3
- H18 Parkhall Farm 5
- H30 Former Denny High School
- H42 Woodend Farm.
- H46 Hill of Kinnaird 1
- H48 Castleview
- H49 Airth Castle
- H52 McLaren Park
- H54 The Haining
- MU8 Stein's Works
- MU11 Portdownie
- MU19 Hill of Kinnaird 2
- BUS02 Whitecross /Manuel Works

The plan should specify a suitable buffer between ancient woodland and the development of these allocated sites to minimise the negative impact on ancient woodland.

In Appendix 1, page a06, the site comments should specify the buffer as 50m as a requirement for H18 Parkhall Farm 5, H42 Woodend Farm and H54 The Haining. The buffer for H42 Woodend Farm is needed to protect Callendar Wood as an Inventory Garden and Designed Landscape.

#### Habitats Regulations Appraisal

Scottish Natural Heritage (00646//3004/001) - Appendix 1 site comments states the following proposals must be accompanied by project-specific information to inform an appropriate assessment:

- H27 Main Street
- BUS15 Grangemouth Docks West
- BUS18 Wholeflats Business Park
- IN19 Dalderse
- IN20 Torwood
- IN21 Whitecross Waste Water Treatment Works
- GN01 John Muir Way
- GN03 Kinneil Kerse
- GN04 Bothkennar/Skinflats
- GN06 River Carror Corridor Improvements
- GN19 River Avon Corridor
- GN25 Outdoor Learning Sites

The site comments should be changed. As currently written, they include a reference to a single stage of the assessment process (i.e. appropriate assessment). The complete assessment process for Natura 2000 sites is the Habitats Regulations Appraisal, which includes screening sites for likely significant effect through to appropriate assessment if required. The site comments make an assumption that appropriate assessment will always be required and in SNH's experience this is not the case.

#### Other Site Comments

Scottish Natural Heritage (00646/3004/002) - Additional requirements for Proposal MU20

East Bonnybridge should be set out at Appendix 1 site comments. These requirements should address the:

- sensitivity of the site as a new gateway to Bonnybridge
- importance of frontages facing the road
- retention of existing walls and hedgerows
- potential impact on protected species associated with riparian corridors and links to the Forth & Clyde Canal.

Scottish Natural Heritage (00646/3004/007) - The development guidance for Proposal MU11 Portdownie is generally supported. However, the south bank of the canal at this site is relatively quiet with well-established woodland and scrub and emergent vegetation along the canal bank. This character should be retained to assist in establishing a sense of place in the new development. Reference should also be made to the potential for protected species and the need for appropriate surveys.

**Modifications sought by those submitting representations:**

Forth and Clyde Canal Scheduled Monument

Historic Environment Scotland (02656/3002/003) - Amend Appendix 1 site comments for MU05 Bonnybridge Town, BUS11 Falkirk Wheel and BUS04 A801 Union Canal to state: "Carefully consider potential impacts on the setting of the canal and address the canal frontage. Development within the schedule area of the canal will require Scheduled Monument Consent from Historic Environment Scotland".

Antonine Wall World Heritage Site Buffer Zone

Historic Environment Scotland (02656/3002/006) - Amend Appendix 1 site comments for BUS03 Beancross and BUS10 Wester Carmuir to state: "Entirety of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment."

Amend Appendix 1 site comments for BUS11 Falkirk Wheel to state: "Part of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment."

Flood Risk Assessments

SEPA (East Region) (00532/3003/001) - Amend Appendix 1 site comments to state that a "flood risk assessment is required" for each of the following allocated sites:

- H01 Drum Farm North
- H02 Kinglass Farm 2
- H09 Dennyloanhead
- H13 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H20 Redding Park

- H21 Hillcrest
- H28 Standburn West
- H33 Carrongrove Mill
- H35 Rosebank, Dunipace
- H36 Gowan Avenue
- H43 Westburn Avenue
- H47 Pretoria Road
- H48 Castle View, Airth
- H49 Airth Castle South
- H51 Former Torwood School
- MU02 Drum Farm South
- MU03 Crawfield Lane
- MU05 Bonnybridge Town Centre
- MU11 Portdownie
- MU13 Callendar Riggs
- MU16 Falkirk Gateway
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS05 Falkirk Stadium
- BUS06 Abbotsford Business Park
- BUS07 Caledon Business Park
- BUS10 Wester Carmuir
- BUS11 Falkirk Wheel
- BUS22 Maddiston Fire Station
- BUS 23 Grandsable Road
- IN13 Bonnybridge Station
- IN14 Grangemouth Railway Station Site Safeguarding

Protection and Enhancement of the Water Environment

SEPA (East Region) (00532/3003/002) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate SEPA's comments as stated in Table 5 of representation. SEPA's comments relate to the following sites:

- H04 South Street
- H05 Main Street
- H06 Union Street
- H10 Broomhill Road
- H32 Mydub 2
- H39 Cauldhame Farm
- H41 Grangemouth Road
- H53 Cumbernauld Road
- MU01 Links Road
- MU04 Banknock North
- MU05 Bonnybridge Town Centre
- MU09 Broad Street
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS10 Wester Carmuir

- BUS15 Grangemouth Docks West
- BUS19 Glenbervie
- BUS22 Maddiston Fire Station.

### Open Watercourse Retention

SEPA (East Region) (00532/3003/003) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to include the following requirement for all allocated sites including or immediately adjacent to a watercourse: “the watercourse should not be culverted for land gain and a maintenance buffer strip of at least 6 metres wide should be provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures”. SEPA do not specifically state allocated sites to attach this requirement.

### De-culverting

SEPA (East Region) (00532/3003/004) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate the following requirement for all allocated sites including or immediately adjacent to a watercourse: “Prior to development, a feasibility study is to be undertaken as part of the flood risk assessment to assess the potential for channel restoration”. SEPA does not specifically state allocated sites to include this requirement.

### Cemetery Allocations

SEPA (East Region) (00532/3003/005) - Amend Appendix 1 site comments for the following cemetery allocations to state that “the findings of the investigation may indicate that a site is not suitable for a cemetery due to an unavoidable impact on groundwater”:

- IN37 - Camelon
- IN38 - Muiravonside
- IN39 - Hills of Dunipace
- IN40 - Weedingshall

### Co-location with Waste Management Facilities

SEPA (East Region) (00532/3003/006) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate SEPA's comments as stated in Table 6 of its representation. SEPA's comments relate to the following allocated sites:

- H39 Cauldhame Farm
- MU16 Falkirk Gateway
- MU17 Carron Road
- BUS04 A802 Union Canal
- BUS15 Grangemouth Docks
- BUS21 Gilston

Contaminated Land

SEPA (East Region) (00532/3003/007) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to state potential remediation opportunities as a requirement for allocated sites, identified by the Strategic Environmental Assessment, as having land contamination.

Air Quality

SEPA (East Region) (00532/3003/008) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require proposals for allocated sites in Falkirk Town Centre, Grangemouth, and Banknock and Haggs to be accompanied by an Air Quality Assessment.

Infrastructure Proposals

SEPA (East Region) (00532/3003/009) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require infrastructure proposals to refer to opportunities for watercourse restoration and to future proof for usage of low carbon resources and, where possible, facilitate the provision for connecting low carbon heat networks.

Historic Environment Scotland (02656/3002/002) - Amend, where relevant, Appendix 1 site comments for infrastructure proposals to include historic environment mitigation.

District Heating

SEPA (East Region) (00532/3003/010) - No change specified.

Major Hazard Pipelines

National Grid (00583/3002/001) - Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require development at the following sites to take into account the position of major hazard pipelines:

- IN16 Falkirk - Denny/Bonnybridge Path
- IN39 Hills of Dunipace Cemetery Extension.

Ancient Woodland

Woodland Trust Scotland (00549/3002/001) - Amend the requirements associated with the following allocated sites in Appendix 1 site comments or Major Areas of Change: Development Guidance to include references to the presence of ancient woodland, and the need for suitable buffers between ancient woodland and development:

- H01 Drum Farm North
- H15 Parkhall Farm 3
- H18 Parkhall Farm 5
- H30 Former Denny High School
- H42 Woodend Farm.
- H46 Hill of Kinnaird 1
- H48 Castleview

- H49 Airth Castle
- H52 McLaren Park
- H54 The Haining
- MU8 Stein's Works
- MU11 Portdownie
- MU19 Hill of Kinnaird 2
- BUS02 Whitecross/Manuel Works

Particular requirements are requested:

- Specify the buffers for H18 Parkhall Farm 5, H42 Woodend Farm, H54 The Haining, as 50m wide
- Specify the buffer for BUS02 Whitecross/Manuel Works is to be reinforced with native tree planting

### Habitats Regulations Appraisal

Scottish Natural Heritage (00646/3004/001) - Appendix 1 site comments to state the following proposals must be accompanied by project-specific information to inform an appropriate assessment:

- BUS15 Grangemouth Docks West
- BUS18 Wholeflats Business Park
- IN19 Dalderse
- IN20 Torwood
- IN21 Whitecross Waste Water Treatment Works
- GN01 John Muir Way
- GN03 Kinneil Kerse
- GN04 Bothkennar/Skinflats
- GN06 River Carror Corridor Improvements
- GN19 River Avon Corridor
- GN25 Outdoor Learning Sites

For each of these proposals, amend the site comments to read: "For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of [INSERT NAME(S) OF RELEVANT NATURA SITE(S)]\*, either alone or in combination with other plans or projects."

\*The name(s) of Natura Site(s) corresponding to the proposal is stated within the Appendix 1 site comments.

### Other Site Comments

Scottish Natural Heritage (00646/3004/002) - Amend Appendix 1 site comments for MU20 East Bonnybridge to include the following:

- Proposals to give careful consideration to frontages along the A803 Falkirk Road, and structure planting to establish, and enhance, settlement edge to Bonnybridge.
- Potential protected species issues associated with the Bonny Water, Rowan Tree Burn

and Forth & Clyde Canal. Ecological survey required.

- Pedestrian and cycle links to the Forth & Clyde Canal towpath and via existing routes such as along the A803, Smeaton Drive and Gateside Avenue.

Scottish Natural Heritage (00646/3004/007) - Amend the development guidance for the Portdownie Major Areas of Change. In 'Key Principles', points 6 and 8 should include the following wording: "Existing trees are retained and incorporated into the public realm, as appropriate". Under 'Other Requirements' include the following wording: "Undertake species surveys and prepare any required Species Management Plan(s)". Amend the development guidance map to show the north elevation of the Union Inn as a key frontage.

**Summary of responses (including reasons) by planning authority:**

Forth and Clyde Canal Scheduled Monument

Historic Environment Scotland (02656/3002/003) - Forth and Clyde Canal Scheduled Monument lies within the allocated sites of MU05 Bonnybridge Town Centre and BUS11 Falkirk Wheel. The scheduled monument also neighbours the allocated site of BUS04 A801 Union Canal.

It is not necessary to incorporate the sought mitigation within the Proposed LDP2. The plan has sufficient policies, such as Policies PE01, PE06 and PE12, to ensure the setting, and canal frontage, are taken into account within future development. Furthermore, it is not the primary purpose of development plans to specify when and where Scheduled Monument Consent is required for development.

However, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Antonine Wall World Heritage Site Buffer Zone

Historic Environment Scotland (02656/3002/006) - The purpose of the Antonine Wall World Heritage Site Buffer Zone is to protect the landscape setting of the Antonine Wall (CD21, paragraph 1.5.1).

The Proposals Maps already show BUS03 Beancross and BUS10 Wester Carmuir are entirely within the Antonine Wall World Heritage Site Buffer Zone and that BUS11 Falkirk Wheel is partly within this zone. Therefore, it is not strictly necessary to indicate the presence of the zone within the Appendix 1 site comments for these proposals.

Policy PE05 of the Proposed LDP2 states that the Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. The policy is sufficient to ensure that the Antonine Wall is taken into account within future development, and planning application decisions.

The Council, therefore, does not believe it to be necessary to expressly reference the requirement for a formal heritage assessment, as sought by Historic Environment Scotland.

Nevertheless, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Flood risk assessments

SEPA (East Region) (00532/3003/001) - Policy PE24 of the Proposed LDP2 relates to management of flood risk and embeds a precautionary approach to flood risk from all sources. Criterion 3 of the policy includes criteria for when flood risk assessments are required. The criteria are based on SPP's flood risk framework and paragraph 236 (CD1).

For the following allocated sites, Chapter 5 Settlement Statements or Appendix 1 specify that a flood risk assessment may be required to accompany proposals:

- H01 Drum Farm North (page 64, Other Requirements)
- MU02 Drum Farm South (page 64, Other Requirements)
- H33 Carrongrove Mill (page a05, site comments)
- H35 Rosebank, Dunipace (page a05, site comments)
- H43 Westburn Avenue (page a06, site comments)
- MU13 Callendar Riggs (page a10, sites comments)
- BUS07 Caledon Business Park (page a13, site comments)
- BUS11 Falkirk Wheel (page a13, site comments)
- BUS12 Earlsgate Park (page a14, site comments)
- BUS14 South Bridge Street (page a14, site comments)
- BUS18 Wholeflats Business Park (page a15, site comments)
- BUS23 Grandsable Road (page a16, site comments)
- IN13-14 Bonnybridge/Grangemouth Rail Station Site Safeguarding (page a18, site comments)

SEPA requests a modification to state a flood risk assessment is, rather than may be, required for these allocated sites. The Council accept that this would be consistent with the precautionary approach as stated in Policy PE24. The modification would also better reflect the flood risk management duties of the Council as stated within the Flood Risk Management (Scotland) Act 2009 (CD162). These duties include “exercise their flood risk related functions with a view to reducing overall flood risk” and “promote sustainable flood risk management”.

The Proposed LDP2 does not specifically state a flood risk assessment is required for the following allocated sites:

- BUS01 Kinneil Walled Garden (page a12, site comments)
- H02 Kinglass Farm 2 (page a01, site comments)
- MU03 Crawfield Lane (page a09, site comments)
- H09 Dennyloanhead (page70, Other Requirements)
- MU05 Bonnybridge Town Centre (page a09, site comments)
- BUS05 Falkirk Stadium (page 88, Key Principles)
- BUS06 Abbotsford Business Park (page a13, site comments)
- BUS10 Wester Carmuir (page a13, site comments)
- H36 Gowan Avenue (page a06, site comments)
- MU11 Portdownie (page 92, Other Requirements)
- MU16 Falkirk Gateway (page 88, Key Principles)
- H47 Pretoria Road (page a07, site comments)
- BUS04 A801 Union Canal (page a12, site comments)
- BUS22 Maddiston Fire Station (page a16, site comments)
- H13 Parkhall Farm 1 (page 76, Other Requirements)



- H15 Parkhall Farm 3 (page 76, Other Requirements)
- H16 Parkhall Farm 4 (page 76, Other Requirements)
- H17 Toravon Farm (page 76, Other Requirements)
- H18 Parkhall Farm 5 (page 76, Other Requirements)
- H20 Redding Park (page a03, site comments)
- H48 Castleview (page a07, site comments)
- H49 Airth Castle South (page a07, site comments)
- H51 Former Torwood School (page a08, site comments)
- H21 Hillcrest (page a03, site comments)
- H28 Standburn West (page a03, site comments)

SEPA seeks a modification to state a flood risk assessment is required for these sites, stating they have potential flood risk issues requiring assessment. The Council accepts that this would make prospective developers aware of potential flood risk issues at an early stage. The modification would also better reflect the Council's flood risk management duties.

If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Protection and enhancement of the water environment

SEPA (East Region) (00532/3003/002) - In Table 5 of its representation, SEPA has provided comments for 18 allocated sites in relation to the protection and enhancement of the water environment. SEPA recommends the comments are incorporated, where relevant, within the Major Areas of Change: Development Guidance or Appendix 1 site comments of the Proposed LDP2. The Council has responded individually to these comments within CD163, stating which comments it would or would not accept as a modification to be incorporated within the Proposed LDP2.

Open Watercourse Retention

SEPA (East Region) (00532/3003/003) - The provision of a maintenance buffer strip is not an exceptional form of mitigation. The requirements for the maintenance buffer strip can be addressed by Policy PE22, criterion 3, which states: "Development proposals adjacent to a waterbody should provide for an appropriate undeveloped and suitably landscape riparian corridor to avoid such impacts".

SEPA supports the wording of Policy PE22, and the term "undeveloped and suitably landscaped riparian corridor" can include a maintenance buffer strip. The policy will ensure maintenance buffer strips are given appropriate consideration through the planning application process.

Based on the foregoing, the Council believes no changes to the plan are necessary in respect of this representation.

De-culverting

SEPA (East Region) (00532//3003/004) - The requirements for de-culverting can be addressed by Policies PE22 and PE24. The Proposed LDP2, therefore, does not need to expressly state these requirements for all relevant allocated sites.

Policy PE22, criterion 2, states “opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water, engineering installations; and restoring the natural course of watercourses should be exploited where possible”. Policy PE24 requires flood risk assessments to follow SEPA’s Technical Flood Risk Guidance for Stakeholders (CD164). This guidance states a flood risk assessment should consider flood risk from all sources, including culverts, and identify acceptable mitigation measures for flood risk. The measures may include watercourse restoration depending on the findings of the flood risk assessment. It would be a matter for the planning application process to determine the appropriateness of the measures.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

### Cemetery allocations

SEPA (East Region) (00532/3003/005) - Appendix 1 site comments, page a19, set out guidance for the development of all allocated cemetery extension sites. These sites are:

- IN37 Camelon
- IN38 Muiravonside
- IN39 Hills of Dunipace
- IN40 Weedingshall

The site comments clearly state that the cemetery development of these sites is dependent on detailed site investigations, and meeting SEPA’s Guidance on Assessing the Impacts of Cemeteries on Groundwater (CD165). SEPA’s guidance contains detailed criteria to enable the planning application process to ascertain whether or not a cemetery proposal would have acceptable impacts on groundwater. In addition, Policy PE22 protects the ecological status and quality of water bodies.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

### Co-location with waste management facilities

SEPA (East Region) (00532/3003/006) - It is not necessary to indicate potential co-location issues for particular allocated sites as these issues would be identified and considered through the planning application process. The Council’s planners take expert advice from the Council’s Environmental Health Officers and SEPA, if necessary, on co-location issues. In addition, the Proposed LDP2 has sufficient policy safeguards to protect sensitive developments.

Nevertheless, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

### Contaminated land

SEPA (East Region) (00532/3003/007) - The Revised Environmental Report (CD25) does acknowledge that the development of several allocated sites would achieve potentially positive effects on the environment through land remediation.

However, the requirements for land remediation can be addressed by a single policy.

Through Policy PE27, the Council supports proposals that would address contaminated land within allocated sites. Furthermore, the Council has established procedures for identifying contamination and appropriate means of mitigation through the planning process. These procedures are consistent with PAN33 (CD6), and described within the Council's supplementary planning guidance note on contaminated land (CD53).

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

#### Air quality

SEPA (East Region) (00532/3003/008) - Paragraph 4.29 of the Proposed LDP2 acknowledges Air Quality Management Areas have been established at Banknock, Grangemouth, Falkirk Town Centre and Haggs.

The requirements for an air quality assessment can be addressed by Policy PE26. Therefore, they do not need to be expressly stated for allocated sites within or close to existing Air Quality Management Areas.

The modification sought by SEPA implies proposals for allocated sites within or close to Air Quality Management Areas will always need to be accompanied by an air quality assessment. This is not always the case. The actual need for an air quality assessment will be determined on a case-by-case basis, using professional judgement and taking into account the expert views of the Council's Environmental Health Services, the characteristics and scale of development, potential changes in traffic flows and the air quality sensitivity of the location.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

#### Infrastructure Proposals

SEPA (East Region) (00532/3003/009) - Requirements for watercourse restoration and future proofing of low carbon resources can be addressed respectively by Policies PE22 and IR14 of the Proposed LDP2. Therefore, the requirements do not need to be expressly stated within the Appendix 1 site comments for infrastructure proposals (page a17-a19). Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Historic Environment Scotland (02656/3002/002) - Requirements for the historic environment can be addressed by Policies PE05 -PE12 of the Proposed LDP2. Therefore, the requirements do not need to be expressly stated within the Appendix 1 site comments for infrastructure proposals (page a17-a19). Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

#### District Heating

SEPA (East Region) (00532/3003/010) - The Revised Environment Report (CD25) does indicate district heating opportunities for several allocated sites. However, the requirements for district heating can be addressed by Policy IR13 and IR14. Therefore, they do not need to be expressly stated within the Proposed LDP2. The Council also has concerns that the extent of changes sought would be inconsistent with the Scottish Government's wish for

development plans to be concise.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

### Major Hazard Pipelines

National Grid (00583/3002/001) - The Proposed LDP2, and development management process, provides an adequate framework for identification and consideration of pipeline hazards. Policy JE06 of Proposed LDP2 does not support development where there is a risk that it may cause an unacceptable danger to the public or prejudice the development or use of land. To help identify risks, consultation zones were created around major gas pipelines. Proposals Map 1 of the Proposed LDP2 already shows IN39 is entirely within the pipeline consultation zone and that IN16 transects this zone.

IN39 and IN16 are Council projects. When preparing proposals for IN39 and IN16, the Council will seek the advice of its planning officers and the Health and Safety Executive regarding potential pipeline hazards.

The mitigation sought is not strictly necessary for the reasons stated. However, the Council would have no objection if the Reporter sees merit in amending the plan as follows:

Amend Appendix 1 site comments for IN16 Falkirk - Denny/Bonnybridge Path to state: "Part of the path route falls within the pipeline consultation zone (refer to Policy JE06)."

Amend Appendix 1 sites comments for IN39 Hills of Dunipace Cemetery to state: "Proposal IN39 Hills of Dunipace is within the pipeline consultation zone (refer to Policy JE06)."

Proposals Map 1 shows most of MU20 within the pipeline consultation zone, and Appendix 1 site comments (Proposed LDP2, page a11) already acknowledges the site's gas pipeline and associated health and safety constraints. Therefore, it is not necessary to modify the plan with regard to MU20 and the representation.

### Ancient Woodland

Woodland Trust Scotland (00549/3002/001) - Each of the following sites includes or is adjacent to land within the Scottish Ancient Woodland Inventory:

- H01 Drum Farm North (CD167)
- H15 Parkhall Farm 3 (CD168)
- H18 Parkhall Farm 5 (CD168)
- H30 Former Denny High School (CD170)
- H42 Woodend Farm (CD171)
- H48 Castleview (CD169)
- H49 Airth Castle (CD169)
- H52 McLaren Park (CD174)
- H54 The Haining (CD168)
- MU11 Portdownie (CD172)
- BUS02 Whitecross/Manuel Works (CD173)

The Proposed LDP2 has a robust framework for the protection of woodland. Specifically, Policy PE20 Trees, Woodland and Hedgerows, criterion 1, has a presumption against the

removal of safe and healthy trees, where such removal would be detrimental to landscape, local amenity, nature conservation, recreation or historic environment interests or erosion and flooding control. Criterion 2 offers specific protection to ancient woodland, stating sites within the Scottish Ancient Woodland Inventory will be protected as a resource of irreplaceable value. As this policy provides safeguards for ancient woodland, it is not strictly necessary to indicate in the Proposed LDP2 the presence of ancient woodland within or adjacent to the sites, listed above. However, if the Reporter thinks it would be helpful and appropriate to do so, the Council would not take issue with the amended wording.

Through its Strategic Housing Investment Plan (CD48), the Council is committed to delivering new Council housing at H42 Woodend Farm. The provision of a 50m buffer would unreasonably constrain the development of the site for affordable housing, and inhibit its contribution to the housing land requirement. Appropriate requirements for structural tree planting and buffers, can be addressed by Policy PE20 and future Supplementary Guidance SG06 'Trees and Development', which will update and replace the Council's current guidance (CD14). It is, therefore, not necessary for the Proposed LDP2 to state structure planting and buffer requirements for the sites, listed above.

H46 Hill of Kinnaird 1 (CD175), MU19 Hill of Kinnaird 2 (CD175) and MU08 Stein's Brickworks (CD176) do not include land within the Scottish Ancient Woodland Inventory (AWI). The three sites are well separated from AWI sites by distance and/or intervening development. However, Policy PE20 will ensure proposals affecting trees are given appropriate consideration through the planning application process. Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of the three sites and the Woodland Trust Scotland's representation.

#### Habitats Regulations Appraisal

Scottish Natural Heritage (00646/3004/001) - The Council accepts the modification sought by SNH. The modification is consistent with the Habitats Regulations Appraisal process as described in SNH's own guidance (CD177, page 14). If the Reporter is minded to recommend that the plan be amended in line with this modification, the Council would not take issue with the amended wording.

#### Other Site Comments

Scottish Natural Heritage (00646/3004/002, 00646/3004/007) - The Council accepts the modifications sought by SNH. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

#### **Reporter's conclusions:**

1. The proposed plan includes site-specific guidance for the individual allocations, in the Development Guidance for Major Areas of Change or the site comments in Appendix 1. Representations have been received from a range of organisations, requesting that this guidance be amended either by revising existing wording or by adding additional text.
2. I acknowledge the council's efforts in providing their expectations regarding site development in a pro-active manner. However, for certain topics, I have noted that advice is not always consistent between sites.

3. At the same time I am mindful of the need for balance in providing necessary and sufficient information. It is the responsibility of a developer to be familiar with the characteristics of and issues associated with a potential development site. However, where there are key issues that require to be addressed, for example in progressing site design, I acknowledge the benefit of bringing these to the early attention of developers in the development plan.

#### Forth and Clyde and Union Canals Scheduled Monuments

4. Both the Forth and Clyde Canal and the Union Canal are scheduled monuments, as well as being key components of the Green and Blue Network. Policy PE06 (Archaeological Sites) presumes against development that would have an adverse effect on scheduled monuments or the integrity of their setting unless there are exceptional circumstances. Policy PE12 (Canals) seeks to promote the sustainable development of both canals as major recreational, tourism and heritage assets and therefore supports the protection and enhancement of their archaeological and built heritage, alongside ecology, visual amenity and quality of the water environment. None of the supporting paragraphs to these policies mention the canals' scheduled monument status

5. My perusal of the proposals maps shows that fourteen allocated sites are in the vicinity of the Union Canal or the Forth and Clyde Canal. Site-specific advice is provided for nine of these sites, either in the Major Areas of Change guidance or the Appendix 1 site comments; this generally refers to the need to address the canal frontage. The exception is MU20 East Bonnybridge, where the site comments refer to its proximity to the canal and the need for a detailed heritage assessment.

6. Of the five remaining sites, one is separated from the canal by a road and the other is the subject of a planning brief, and I can appreciate why the council reached the view that there is no need for the site comments to feature the canal in these circumstances. The other three (MU05 Bonnybridge Town Centre, BUS11 Falkirk Wheel and BUS04 A801 Union Canal) are the subject of the representation from Historic Environment Scotland (02656/3002/003), which requests that guidance should be provided regarding the need to consider the potential impacts on the setting of the canal and to address the canal frontage.

7. The Environmental Report indicates that each of these sites could adversely affect the canal and/or its setting and states, in mitigation, that development should be undertaken sensitively to avoid such adverse impact. I am mindful of the fact that the canals are nationally important features, by virtue of their designation, and consider that early provision of this information would ensure that these issues are taken into account at the site development stage, which would assist developers in complying with the requirements of proposed Policies PE06 and PE12. I am also aware that paragraph 139 of Scottish Planning Policy requires local development plans to provide a framework for protecting all elements of the historic environment. In light of this, and the information provided by Historic Environment Scotland, I recommend that the site comments for these three allocations be amended as requested.

8. Historic Environment Scotland also requested that reference be made to the need for Scheduled Monument Consent where development would take place with the scheduled area of the canal. In my experience developments may require a range of other consents alongside planning permission. As the council notes, it is not the purpose of local development plans to identify these. I therefore do not accept this request for modification.

### Antonine Wall World Heritage Site Buffer Zone

9. As noted by the council, there is a policy framework within the proposed local development plan relating to the Antonine Wall World Heritage Site and buffer zone. Policy PE05 (Antonine Wall) seeks to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting, by presuming against development that would have an adverse impact on the world heritage site. The same presumption applies to the buffer zone, unless mitigating action can be taken without conflicting with other policies. Advice on the world heritage site and the assessment and mitigation of impacts is provided in the supplementary planning guidance “Frontiers of the Roman Empire (Antonine Wall) World Heritage Site”.

10. On the proposals maps I observed five business allocations located within the world heritage site and/or its buffer zone. The site-specific comments in Appendix 1 note this for two of these allocations and advise that sensitivity/careful consideration will be required (BUS01 Kinneil Walled Garden; BUS23 Grandsable Road). BUS03 Beancross is shown on proposals map 2, on which it is clear that the northern boundary of the allocated site is adjacent to the world heritage site and that the whole of the site is within the buffer zone. BUS10 Wester Carmuir and BUS11 Falkirk Wheel are shown on Proposal Map 2. The former is wholly within the buffer zone and the southern boundary of the latter is adjacent to the world heritage site and buffer zone. However, it is not clear from the map that part of BUS11 also lies within the buffer zone, nor is the extent of this overlap obvious.

11. No advice is provided for BUS03 Beancross or BUS10 Wester Carmuir. Although there is advice for BUS11 Falkirk Wheel, this states only that proximity to the Antonine Wall is one of the site’s environmental sensitivities, which I consider to be inadequate. The environmental report indicates that each of these sites could adversely affect the world heritage site and/or its setting, and advises that development should be undertaken sensitively to avoid such impact. The environmental report also notes that mitigation will be provided by wording in the proposals and opportunities schedule in appendix 1.

12. I note the council’s view that these sites are already shown on the proposals maps. Whilst this may be so for BUS03 and BUS10, as noted in paragraph 10 above, I consider that proposals map 2 does not clearly indicate that part of BUS11 lies within the buffer zone. In any case, I consider that the lack of appropriate advice in Appendix 1 for these three allocations is inconsistent with the approach that has been taken to the other allocated sites.

13. Given the international importance of the Antonine Wall, I consider it important that developers are aware of, and take into account, any potential impacts of their proposals on the world heritage site and its buffer zone, in order to comply with policy PE05. I am also aware that paragraph 139 of Scottish Planning Policy requires local development plans to provide a framework for protecting all elements of the historic environment, which could include site-specific guidance. In light of this, and the information provided by Historic Environment Scotland, I recommend amendment of the site comments for these three allocations as requested.

### Flood risk assessment

14. Scottish Planning Policy requires the planning system to promote a precautionary approach to flood risk; flood avoidance and reduction; and the use of sustainable drainage

systems (paragraph 255). In addition, paragraph 263 sets out a flood risk framework to guide development. The proposed plan gives local expression to these approaches through policy PE24 (Flood Management).

15. SEPA's representation identifies 36 allocated sites where a flood risk assessment is considered necessary, and requests that the developer guidance be modified to include a requirement that a flood risk assessment will be undertaken prior to any development occurring and that the findings are used to inform the scale, layout and form of development on the site. From my review of the plan, eleven of these sites have site-specific guidance stating that a flood risk assessment may be required. The council has identified another three such sites which say an assessment 'may' be required. The remaining twenty-five sites currently have no advice or, in my view, have advice where the wording is such that it could be misinterpreted.

16. I accept the need for flood risk assessment of all of these sites, given the reasons provided by SEPA in its representation including, for example, the presence of watercourses on or near the site, the occurrence of structures such as bridges or culverts which could exacerbate flood risk, site topography and the potential for increased overland flow, and/or the results of SEPA's review of the 1 in 200 year flood maps. The council has not provided its reasons for including the additional three sites, but I have assumed that it has undertaken a similar review, the results of which have led to this suggestion. Given the need for a precautionary approach set out in SPP and policy PE24, and so that the plan is consistent in relation to all sites where flood risk is a factor, I agree that it would be helpful to make it clear at an early stage that such an assessment is required.

17. I consider that the undertaking of a flood risk assessment in this way would assist in preventing flooding by ensuring that flood risk is taken into account when progressing development. This would be consistent with the precautionary approach set out in Scottish Planning Policy and in policy PE24, as well as with the flood risk management duties of the council in promoting sustainable flood management, resulting from the Water Environment and Water Services (Scotland) Act 2003. I therefore recommend that Appendix 1 be modified as requested.

18. The council has advised that it accepts the requirement for a flood risk assessment. However, it has remained silent on the remainder of the requested wording. Paragraph 3 of policy PE24 (Flood Management) requires that flood risk assessments should demonstrate that any flood risks can be adequately managed both within and outwith the site, and I have taken this to include the scale, layout and form of development. I therefore consider that the additional wording requested would be unnecessary, and have confined my attention to the requirement for flood risk assessment.

19. The site comments for H28 Standburn West in Appendix 1 state that (site-specific) supplementary planning guidance covers flood risk, amongst other things. I note that the guidance (CD93) referred to states, on page 10, that "housing layout in this area should be informed by a flood risk assessment". I have recommended amendment of the wording in the site comments to ensure that it is clear that a flood risk assessment will be required.

#### Protection and enhancement of the water environment

20. Policy PE22 of the local development plan recognises the importance of and seeks to protect the water environment, as well as supporting opportunities to improve and/or restore watercourses. SEPA has requested modifications to the site-specific comments for



eighteen proposed sites, relating to sewer capacity, watercourse morphology and de-culverting, ecological assessment, and watercourse restoration opportunities. I note that site MU04 is missing from the summary of SEPA's representation, but included in the council's response. I deal with each of these in the following paragraphs.

21. In relation to sewer capacity, SEPA has requested that the site-specific guidance for eight sites include a requirement to consult with Scottish Water regarding the capacity of waste water treatment works. From my perusal of the proposed plan, such site-specific guidance is provided only for the Banknock Strategic Growth Area (page 68) and my understanding is that this has been provided as a result of considerable prior consultation with Scottish Water during the preparation of the Banknock and Haggs Special Initiative for Residential led Regeneration (SIRR) Development Framework (paragraph 3.5.3 of CD63), which was jointly developed by the council and the two landowners. For the requested allocations the council has indicated that Scottish Water has not identified capacity constraints. In any case, it appears to me that the requested approach is the exception rather than the rule. My understanding is that it is the responsibility of developers to engage directly with Scottish Water on this issue at the site development stage. I therefore do not recommend modification as requested.

22. SEPA has also requested that a site-specific requirement be included for the development of MU09 Broad Street to assist the adjacent caravan site in connecting to Denny waste water treatment works. I agree that the improvement of sewerage connections at this location would be a matter for the caravan site, rather than the developer of site MU09. I therefore do not recommend modification as requested.

23. Criterion 2 of policy PE22 notes that opportunities to improve the water environment by opening out previously culverted watercourses and restoring the natural course of watercourses should be exploited where possible. This is reiterated in supporting paragraph 4.24 to the policy. I also note the council's duties as a responsible authority under the Water Services and Water Environment (Scotland) Act 2003. SEPA has requested that the site-specific comments for seven sites include the potential for watercourse restoration, which was identified by the revised environmental report (CD25). For six of these sites, there is no evidence before me to explain the background to this request and I consider that the requirements of policy PE22 are adequate in this regard. However, for site MU09, information has been provided that Sclanders Burn is a straightened waterway within the site that would benefit from restoration of the natural course of the burn and the removal of culvert(s). Given this reasoning, which would be helpful to developers and others, I am content to recommend modification of the site-specific comments in this way. I have also taken the opportunity to correct an error on the accompanying map on page 83, where site MU09 is erroneously identified as site MU02.

#### Open Watercourse Retention and De-culverting

24. Criterion 4 of policy PE22 notes that there will be a general presumption against any unnecessary engineering works in the water environment and notes that such works include new culverts, bridges, watercourse diversions, bank modifications or dams. This is in step with criterion 2 of the policy, which seeks to improve the water environment by removing such engineering works, for example. Criterion 3 of the policy, in the last sentence, requires development opportunities to provide for an appropriate undeveloped and suitably landscaped riparian corridor to avoid impacts on the ecological status of watercourses and their integrity, water quality or recreational amenity. I also note the council's duties as a responsible authority under the Water Services and Water

Environment (Scotland) Act 2003.

25. SEPA's representation requests that site-specific comments be modified to require, where there is a watercourse within or immediately adjacent to a site, that the watercourse is not culverted for land gain and that a maintenance buffer strip of at least six metres in width is provided. There is no evidence before me as to which sites are included in this request. In general terms, I consider that, in the absence of specific detail, the aforementioned criteria 3 and 4 are clear in their requirements in this regard. In particular I agree that the requirement of criterion 3 for an appropriate undeveloped and suitably landscaped riparian corridor would provide the maintenance buffer strip sought by SEPA. I therefore do not consider the requested amendment to be necessary and do not recommend modification in this regard.

#### De-culverting

26. Criterion 2 of policy PE22 notes that opportunities to improve the water environment by opening out previously culverted watercourses and restoring the natural course of watercourses should be exploited where possible and this is reiterated in supporting paragraph 4.24 to the policy. I also note the council's duties as a responsible authority under the Water Services and Water Environment (Scotland) Act 2003. SEPA's representation requests that site-specific comments be modified to require, where there is a watercourse within or immediately adjacent to a site, that a feasibility study be undertaken as part of the flood risk assessment to assess the potential for channel restoration. This would apply, for example, to watercourses which are culverted. There is no evidence before me as to which sites are included in this request. In the absence of specific detail, I consider that criterion 2 is clear in this regard and thus already provides the requirements sought by SEPA. I therefore do not consider the requested amendment to be necessary and do not recommend modification in this regard. I have dealt with the need for flood risk assessment for individual sites under paragraphs 12-17 above.

#### Cemetery allocations

27. A key environmental risk from cemeteries is the potential for pollution of groundwater. Policy PE22 of the proposed local development plan seeks to protect the water environment by presuming against development which would lead to deterioration of the ecological status of any element of the water environment. Paragraph 4.24 of the proposed plan states that the "water environment" includes groundwater.

28. Further advice is provided by SEPA's "Guidance on Assessing the Impacts of Cemeteries on Groundwater" 2017 (CD165), which sets out detailed guidance and criteria for the assessment of site suitability. This includes requirements for ground investigation in the form of trial pits or site investigation boreholes. These requirements are emphasised in SEPA's representation that a proposed cemetery's acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. My understanding is that ground investigation information relating to these proposed sites has not been provided to SEPA, and that SEPA has therefore reserved its position on the acceptability of these allocations.

29. The site comments relating to these proposed allocations in Appendix 1 of the proposed plan (page a19) state that development of the allocated sites will have to meet SEPA's aforementioned guidance. They also indicate that all these sites are known to be subject to ground condition constraints and that detailed site investigations will be required

to establish their suitability for coffin and/or casket burials.

30. While I consider that the site comments clearly point to the requirements for sites to be assessed in accordance with the aforementioned guidance, I agree that the wording regarding site suitability could be misinterpreted. However, I consider that SEPA's proposed wording is overly detailed. I therefore recommend that the site comments should be amended to include the words "or otherwise" after "suitability". I consider that this would provide a clear signpost to developers regarding the risks associated with development of these proposed allocations for a cemetery. I also take the opportunity to provide a minor amendment by inserting the words "will be" before "required".

#### Co-location with waste management facilities

31. I note SEPA's concerns regarding the proximity of six allocations to activities that are regulated by SEPA under a Waste Management Licence or Pollution Prevention and Control permit. I agree that the location of noise or nuisance sensitive developments, such as housing, should be considered in relation to existing land uses that give rise to noise or nuisance, in the interests of both residential and industrial interests. While the council considers that the plan has sufficient policy safeguards to protect sensitive developments, my perusal of the policies has not identified such safeguards. Policy HC07 (Established Residential Areas) refers to the introduction of incompatible uses into residential areas, whereas this representation concerns the opposite case. I note, however, that the Avondale landfill is clearly marked on proposal map 5, although the Carron landfill is not.

32. SEPA requests that the site-specific comments be amended to include identification of the proximity of the allocations to these SEPA-regulated activities. I consider that the Avondale waste facility is clearly marked on the proposals map and that such identification is unnecessary. As Carron landfill is not so identified, I consider that it would be helpful to include this information in the site-specific guidance. In regard to the other sites, SEPA suggests that the guidance indicate that there are several SEPA regulated activities close to the proposed allocation. In my view this information is too vague and does not indicate the issues that should be taken into account in site design. In contrast the issues associated with landfill and waste management facilities, such as odour and pests, are well known. I therefore agree that amendments with regard to the Carron landfill site should be made, but that the other amendments are too general to be helpful.

#### Contaminated land

33. Scottish Planning Policy supports the re-use or development of previously developed land (paragraph 40). This is given local expression by policy PE27 (Vacant, Derelict and Contaminated Land), which supports proposals that reduce the incidence of contaminated land, subject to compliance with other plan policies. Planning Advice Note 33 (Development on Contaminated Land) sets out the role of the planning system in general and notes in particular that development plans provide an opportunity for authorities to set out their priorities for the reclamation and re-use of contaminated land, and to inform developers of the availability of sites and the potential constraints attached to them. The council's supplementary planning guidance on development of land affected by contamination advises on land contamination assessments, legislative responsibilities and the planning process.

34. SEPA's representation requests that the site-specific guidance in the plan identify potential opportunities for the remediation of contaminated allocated sites, based on the

mitigation measures identified in the revised environmental report (CD25). I consider that the early provision of such advice would be helpful to developers and others, and would be in line with the guidance in the planning advice note.

35. However, SEPA has not identified which sites it thinks should be amended. I note that the proposed plan does provide site-specific guidance on brownfield, derelict and contaminated land for a range of housing, mixed use and business allocations. However, my brief comparison of this guidance with the mitigation identified in the revised environmental report (CD25) indicates a lack of correlation between the two documents. I am therefore not in a position to recommend a suitable modification of the plan.

#### Air quality

36. Four Air Quality Management Areas have been established in the Falkirk council area, related to breaches of various air quality objectives: Banknock, Grangemouth, Falkirk Town Centre and Haggs. Policy PE01 (Placemaking) and PE26 (Air Quality) seek to avoid the exacerbation of existing air quality issues or the introduction of new sources of pollution without appropriate mitigation. The latter is clear that impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas. In issue 21 we have recommended a modification to policy IR05 (Transport Assessment). The policy's provisions in regard to air quality impact assessments remain unchanged however. This requires, where appropriate, an air quality impact assessment to be undertaken as part of a transport assessment.

37. My perusal of the proposed plan indicates that, for two sites in Haggs, air quality assessment and monitoring are required in the site-specific comments for H12 Garngrew Road and MU08 Stein's Brickworks respectively, both of which are not far from Haggs. In Grangemouth, the allocated business sites (BUS12-18) are required by the site-specific guidance to address cumulative impact on sensitive receptors, including increases in air pollution. No such advice is provided for Falkirk or Banknock sites.

38. From the evidence before me, I am not convinced that there is a need for the blanket assessment requested. As the council has indicated, the need for air quality assessment is ascertained on a case-by-case basis. In my view, developments in or close to Air Quality Management Areas may not affect air quality, while others further afield may result in impacts, depending on the traffic volumes generated, the origin and destination of these vehicles and the routes utilised.

39. Consequently, drawing all of the above together, I am satisfied that the proposed plan adequately addresses air quality and provides appropriate policy provisions to require assessment and mitigation where necessary. I do not therefore recommend that the plan be modified as requested.

#### Infrastructure Proposals

40. Representations from SEPA and Historic Environment Scotland request amendments to the site-specific guidance for infrastructure to include: opportunities for watercourse restoration; opportunities to future-proof for usage of low carbon resources; opportunities to facilitate the provision for connecting low carbon heat networks; and historic environment mitigation.

41. The proposals referred to include a wide range of infrastructure including road and

junction improvements, rail projects, paths and cycleways, waste water treatment works upgrades, education, healthcare and community facilities, and cemeteries.

42. Criterion 2 of policy PE22 notes that opportunities to improve the water environment by opening out previously culverted watercourses and restoring the natural course of watercourses should be exploited where possible and this is reiterated in supporting paragraph 4.24 to the policy. I also note the council's duties as a responsible authority under the Water Services and Water Environment (Scotland) Act 2003. SEPA's representation requests that site-specific comments for all infrastructure proposals be modified to refer to opportunities for watercourse restoration. There is no evidence before me regarding the need for such a requirement for any of these proposals. In the absence of specific detail, I consider that criterion 2 is clear in this regard and thus already provides the requirements sought by SEPA. I therefore do not consider the requested amendment to be necessary and do not recommend a modification in this regard.

43. Policy IR14 (Heat Networks) encourages decentralised energy generation with heat recovery and/or district heating systems as part of major new developments and notes that where such provision is not feasible, developers should future-proof their sites where possible for connection to future heat networks. SEPA's representation on policy IR14 is dealt with in issue 22. There we have concluded that no modifications to the policy are required. In this issue, SEPA's representation requests that site-specific comments for all infrastructure proposals be modified to refer to such opportunities. There is no evidence before me regarding the need for such a requirement in relation to these proposals. In the absence of specific detail, I consider that policy IR14 is clear in this regard and thus already provides the requirements sought by SEPA. I therefore do not consider the requested amendment to be necessary and do not recommend a modification.

44. Policies PE05-12 relate to the historic environment, in terms of the Antonine Wall, archaeological sites, listed buildings, conservation areas, areas of townscape value, historic gardens and designed landscapes, battlefield sites and canals. Taken together (and noting the modification to policy PE06 which we have recommended in issue 18), these policies seek to protect the historic environment from inappropriate development. In terms of the proposed infrastructure allocations, these policies would apply where historic environment features are present and could be affected. In the absence of further evidence, I therefore consider that the aforementioned policy framework would adequately address the need for historic environment features to be taken into account when progressing infrastructure development, including the need for mitigation. I do not recommend modification of the plan as requested.

#### District Heating

45. Policy IR14 (Heat Networks) encourages decentralised energy generation with heat recovery and/or district heating systems as part of major new developments. It notes that where such provision is not feasible, developers should future-proof their sites where possible for connection to future heat networks. New developments are therefore required to consider the potential for heat networks. SEPA's representation requests that site-specific comments for thirteen allocations be modified to refer to such opportunities, given their identification in the revised environmental report. It is not obvious why these sites are thought to have particular suitability for district heating, in comparison with the other allocated sites in the plan, so as to demonstrate why reliance on policy IR14 would not be sufficient in these instances. In the absence of specific detail, I consider that policy IR14 is clear in this regard and thus already provides the requirements sought by SEPA. I

therefore do not consider the requested amendment to be justified and do not recommend a modification.

### Major Hazard Pipelines

46. Policy JE06 (Major Hazards) requires development proposals within Pipeline Consultation Zones to be assessed against four factors, including any increase in the number of people exposed to risk. The proposals maps show the Pipeline Consultation Zones in the Falkirk Council area. Supporting paragraph 4.46 indicates that these pipelines are involved in the manufacture, processing, storage or transmission of dangerous chemicals and substances in quantities or at pressures that could pose a risk to workers, local people and the environment in the event of a major accident.

47. My perusal of the proposals maps identified several housing, mixed use and business allocations lying wholly or partly within Pipeline Consultation Zones and this is noted in the site-specific guidance for each of these sites. The exceptions are some infrastructure and blue/green network sites, two of which (IN39 Hills of Dunipace Cemetery Extension and IN16 Falkirk-Denny/Bonnybridge Path) are identified in the representation by National Grid (00583/3002/001) as being in the locale of an underground high-pressure gas pipeline. No site-specific advice in this regard is provided for these two allocations.

48. My understanding from the representation is that National Grid is seeking assurance that any high-pressure gas pipelines will be taken into account when proposals are developed. In my view this would best be ensured through the provision of site-specific advice, as has been done for the other allocations. I note the council's view that these sites are already shown on the proposals maps and that both would be progressed by the council in consultation with planning officers and the Health and Safety Executive, and that the provision of further information is therefore unnecessary. However, given the risks associated with public health and safety, and in the interests of consistency across the proposed plan, I consider it appropriate to amend the site-specific comments for each of these allocations to indicate the presence of the Pipeline Consultation Zone.

49. National Grid's representation also makes mention of MU20 East Bonnybridge in this regard. However, as the site-specific advice on page a11 of Appendix 1, Mixed Use, identifies a requirement for a masterplan to address the presence of two high-pressure gas pipelines crossing the site and the associated health and safety constraints, I consider that the provision of additional information would be superfluous in this instance.

### Ancient Woodland

50. Representations relating to the terms of policy PE20 (Trees, Woodland and Hedgerows) are addressed in issue 18. Policy PE20 protects sites identified in the Scottish Ancient Woodland Inventory as a resource of irreplaceable value, and presumes against the removal of safe and healthy trees that contribute to landscape, local amenity, nature conservation, recreation or historic environment interests, or erosion and flooding control. For development likely to affect trees, it also sets out requirements for a tree survey and tree constraints plan.

51. The Woodland Trust Scotland has requested that site-specific guidance be provided for fourteen sites, identifying the presence of ancient woodland and the need for suitable buffers between ancient woodland and development. My review of the maps provided by the council indicates that sites H46, MU8 and MU19 are sufficiently distant from sites on

the Ancient Woodland Inventory so as to have no effect on the trees therein. I therefore do not recommend amendment of the site-specific guidance for these sites.

52. The site-specific comments for only two sites (H18 and H54) note the presence of ancient woodland. The guidance for the other sites varies: five identify requirements for woodland without noting the presence of ancient woodland sites, while the remainder make no mention of woodland at all. I therefore consider the advice in the site-specific guidance to be somewhat inconsistent. In light of this, the fact that development can have both direct and indirect effects on woodland, and that the proposals maps do not identify ancient woodland, I recommend that the site-specific guidance be amended to include reference to the presence of ancient woodland and the need for a suitable buffer.

53. I note that the site-specific comments for site H42 in Appendix 1 identify the need for a suitable buffer between the new housing and Callendar Wood, citing its inclusion on the Garden and Designed Landscape Inventory as a reason. The Woodland Trust's representation (00549/3002/001) requests recognition of the status of Callendar Wood as ancient woodland, and that the buffer width be specified as 50 metres. I am content to recommend inclusion of the information about the ancient woodland in this comment. However, I do not consider it appropriate to specify a 50-metre buffer, as there is no evidence before me as to why this distance would be appropriate. The same applies to sites H18 and H54. I note that SG06 (Trees and Development) states that proposed developments that affect Ancient Woodlands will be subject to close scrutiny and that developers will be expected to prepare appropriate management plans to minimise any adverse impacts (paragraph 2.5). This requirement, together with those of policy PE20, should give developers the necessary flexibility for site design whilst continuing to protect ancient woodland.

54. Finally I note the Woodland Trust's request that the reinforcement planting at site H01, set out in the site-specific guidance, be undertaken using native species. The council has erroneously identified this request as applying to BUS02 in its summary of the requested modifications. Given that native species would support the existing woodland, which would also be in line with criterion 7 of policy PE20, I recommend that this wording be added to the guidance.

#### Habitats Regulations Appraisal

55. Several of the proposed allocations in the local development plan have been identified in the proposed plan as having the potential to affect Natura 2000 sites (i.e. Special Protection Areas and Special Areas of Conservation). Scottish Natural Heritage's guidance (CD177) states that "under the Habitats Regulations, decision makers can only agree to development proposals which are unconnected with the nature conservation management of the site after having confirmed that they will not affect the integrity of the Natura site. The process of coming to this judgement is commonly referred to as Habitats Regulations Appraisal". Figure 1 of the guidance sets out the steps involved: where the proposal is likely to have a significant effect (ascertained by the initial screening stage) then an appropriate assessment is undertaken of the impacts on the Natura site's qualifying interests.

56. Scottish Planning Policy highlights, in paragraph 207, that any development proposal likely to have a significant effect on Natura 2000 sites must be subject to an "appropriate assessment". This is given local expression through paragraph 1 of policy PE19 (Biodiversity and Geodiversity) of the local development plan.

57. An appropriate assessment is therefore undertaken only where a proposal has been identified as likely to have a significant effect. At present the site-specific comments for these proposed allocations refer to an appropriate assessment, and I consider that this requirement pre-supposes likely significant effect. I therefore agree that the requirement should rather refer to a Habitats Regulations Appraisal and recommend that the plan be modified as requested.

58. I note that the site-specific comments applying to IN19-IN21 require assessment at Dalderse Waste Water Treatment Works only, and have therefore recommended that the wording be amended only for this proposal.

Other Site Comments

59. The site-specific comments for site MU20 in Appendix 1 indicate that a masterplan is required. Scottish Natural Heritage has requested that additional information be included in the requirements for the masterplan. Given that, in this location, the Forth and Clyde Canal is identified on proposal map 2 as a wildlife site, I agree that protected species may be present and that a requirement for species surveys to be undertaken, with the preparation of species management plan(s), would be appropriate. I note that such requirements exist for some other allocations. In terms of recreational use and active travel, I note the request for pedestrian and cycle links and consider that these would be helpful, likewise the inclusion of reference to the importance of frontages along the A803 Falkirk Road. Taking all of this together I recommend that these changes be made.

60. Scottish Natural Heritage has also requested that additional information be included in the site-specific comments for site MU11 on page 92. Given the contribution of the existing woodland and trees to the future amenity of this area, I recommend that the plan requires that this vegetation is retained wherever possible. Scottish Natural Heritage has requested that wording be added to two of the “Key Principles” on page 92. However, to avoid repetition I have amended the wording to reflect the points made about the canal frontage and inserted the additional wording as a new bullet point. As with site MU20, in this location the Forth and Clyde Canal is identified on proposal map 2 as a wildlife site. I agree that protected species may be present and that a requirement for species surveys to be undertaken, with the preparation of species management plan(s), would be appropriate. I note that such requirements exist for some other allocations.

61. Scottish Natural Heritage has also requested that the accompanying map on page 93 be amended to show the north elevation of the Union Inn (Key Principle 2) as a key frontage. I note that the council is not opposed to this request and I recommend this amendment, given the importance of the Union Inn to the regeneration of this site.

**Reporter’s recommendations:**

Union Canal and Forth and Clyde Canal Scheduled Monument

1. In Appendix 1, Mixed Use (page a09), for site MU05 Bonnybridge Town Centre, amend the site comments by adding the following text: “Carefully consider potential impacts on the setting of the canal and address the canal frontage.”
2. In Appendix 1, Business (page a12), for site BUS04 A801 Union Canal, amend the site comments by adding the following text: “Carefully consider potential impacts on the setting



of the canal and address the canal frontage.”

3. In Appendix 1, Business (page a13), for site BUS11 Falkirk Wheel, amend the site comments by adding the following text: “Carefully consider potential impacts on the setting of the canal and address the canal frontage.”

Antonine Wall World Heritage Site Buffer Zone

4. In Appendix 1, Business (page a12), for site BUS03 Beancross, amend the site comments by adding the following text: “Entirety of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment.”

5. In Appendix 1, Business (page a13), for site BUS10 Wester Carmuir, amend the site comments by adding the following text: “Entirety of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment.”

6. In Appendix 1, Business (page a13), for site BUS11 Falkirk Wheel, amend site comments by adding the following text: “Part of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment.” Delete “proximity to Antonine Wall” from text.

Flood risk assessments

7. On page 64, under “Other Requirements” for sites H01 and MU02, amend fifth bullet to read: “Flood risk assessments will be required.”

8. On page 70, under “Other Requirements” for site H09 add: “Flood risk assessment will be required.”

9. On page 76, under “Other Requirements” for sites H13-18 and H54 add: “Flood risk assessment will be required.”

10. On page 88, under “Other Requirements” for sites MU16/BUS05/H41 amend second bullet to read “Drainage assessments required for these flat and relatively low-lying areas. Drainage strategy has already been prepared for Falkirk Gateway Zones 1 and 4.” Add sixth bullet point: “Flood risk assessment will be required.”

11. On page 92, under “Other Requirements” for site MU11 add: “Flood risk assessment will be required.”

12. In Appendix 1, Housing (page a05), change last sentence in site comments for H33 Carrongrove Mill to read: “Updated flood risk assessment will be required in the event of changes/extensions to approved proposals”.

13. In Appendix 1, Housing (page a01), add the following wording to site comments for H03 Kinglass Farm 2: “Flood risk assessment will be required.”

14. In Appendix 1, Housing (page a03), add the following wording to site comments for H20 Redding Park: “Flood risk assessment will be required.”

15. In Appendix 1, Housing (page a03), add the following wording to site comments for H21 Hillcrest: “Flood risk assessment will be required.”

16. In Appendix 1, Housing (page a04), add the following wording to site comments for H28 Standburn West: "Flood risk assessment will be required."
17. In Appendix 1, Housing (page a06), add the following wording to site comments for H36 Gowan Avenue: "Flood risk assessment will be required."
18. In Appendix 1, Housing (page a07), add the following wording to site comments for H47 Pretoria Road: "Flood risk assessment will be required."
19. In Appendix 1, Housing (page a07), add the following wording to site comments for H48 Castle View, Airth: "Flood risk assessment will be required."
20. In Appendix 1, Housing (page a07) add the following wording to site comments for H49 Airth Castle South: "Flood risk assessment will be required."
21. In Appendix 1, Housing (page a08) add the following wording to site comments for H51 Former Torwood School: "Flood risk assessment will be required."
22. In Appendix 1, Mixed Use (page a09), add the following wording to site comments for MU03 Crawfield Lane: "Flood risk assessment will be required."
23. In Appendix 1, Housing (page a09) add the following wording to site comments for MU05 Bonnybridge Town Centre: "Flood risk assessment will be required."
24. In Appendix 1, Business (page a12), add the following wording to site comments for BUS01 Kinneil Walled Garden: "Flood risk assessment will be required."
25. In Appendix 1, Business (page a12), add the following wording to site comments for BUS04 A801 Union Canal: "Flood risk assessment will be required."
26. In Appendix 1, Business (page a13), add the following wording to site comments for BUS06 Abbotsford Business Park: "Flood risk assessment will be required."
27. In Appendix 1, Business (page a13), add the following wording to site comments for BUS07 Caledon Business Park: "Flood risk assessment will be required."
28. In Appendix 1, Business (page a13), add the following wording to site comments for BUS10 Wester Carmuir: "Flood risk assessment will be required."
29. In Appendix 1, Business (page a16), add the following wording to site comments for BUS22 Maddiston Fire Station: "Flood risk assessment will be required."
30. In Appendix 1, Housing (page a05), amend the final sentence in the site comments for H35 Rosebank, Dunipace to read: "A flood risk assessment will be required."
31. In Appendix 1, Housing (page a06), amend sixth sentence in the site comments for H43 Westburn Avenue to read: "Culverted watercourse through site requires investigation and flood risk assessment required."
32. In Appendix 1, Mixed Use (page a10), amend last sentence in the site comments for MU13 Callendar Riggs to read: "Flood risk assessment will be required."

33. In Appendix 1, Business (page a13), amend final sentence in site comments for BUS07 Caledon Business Park to read: "Flood risk assessment will be required."

34. In Appendix 1, Business (page a13), amend final sentence in site comments for BUS11 Falkirk Wheel to read: "Number of watercourses in or adjacent to site and flood risk assessment will be required."

35. In Appendix 1, Business (page a16), amend third sentence in site comments for BUS23 Grandsable Road to read: "Site is also subject to flood risk and a flood risk assessment will be required." Amend final sentence in site comments to read: "Heritage impact assessment may be required."

36. In Appendix 1, Infrastructure (page a18), amend final sentence in site comments for IN13-IN14 Bonnybridge/Grangemouth Rail Station Site Safeguarding to read: "A flood risk assessment will be required."

#### Protection and enhancement of the water environment

37. On page 82, under "Key Principles" for MU09 Broad Street, add a seventh bullet point that read "Sclanders Burn is a straightened waterway within the site. Restoration of the natural course of the burn should be investigated along with opportunities to de-culvert."

38. On the accompanying map on page 83, change "MU02" to "MU09".

#### Cemetery allocations

39. In Appendix 1, Infrastructure (page a19), amend third sentence of site comments for IN37-IN40 to read: "All sites are known to be subject to ground condition constraints, and detailed site investigations will be required to establish their suitability or otherwise for coffin and/or casket burials."

#### Co-location with waste management facilities

40. On page 90, under "Key Principles" for site H39 Cauldhame Farm, Falkirk, provide an additional bullet point to read: "Proximity to Carron Landfill".

41. In Appendix 1, page a10, add the following text to site comments for site MU17 Carron Road: "Proximity to Carron Landfill".

#### Major Hazard Pipelines

42. In Appendix 1, Infrastructure (page a18), amend the site comments for IN16 Falkirk-Denny/Bonnybridge Path by adding the following wording: "Part of the path route falls within the Pipeline Consultation Zone."

43. In Appendix 1, Infrastructure (page a19), amend the site comments for IN39 Hills of Dunipace Cemetery Extension by adding the following wording: "Proposal IN39 Hills of Dunipace is within the Pipeline Consultation Zone."

#### Ancient Woodland

44. On page 64, under "Key Principles" for H01 Drum Farm North, amend fourth bullet

point to read “Existing woodland to north of site includes Ancient Woodland and is to be reinforced using native species and brought under management”.

45. On page 76, under “Landscape and Open Space”, second bullet point, insert new sentence to read “Woodland on northern boundary of Parkhall Farm 3 (H15) is Ancient Woodland and a suitable buffer between ancient woodland and housing should be provided”.

46. On page 76, under “Landscape and Open Space”, third bullet point, amend second sentence to read “Areas of ancient and semi-natural woodland within and adjacent to the sites should be retained, reinforced and brought under management, with a suitable buffer provided between ancient woodland and housing”.

47. In Appendix 1, page a05, add the following text to the site comments for H30 Former Denny High School: “Ancient Woodland is present to the south of the site. A suitable buffer should be provided between ancient woodland and housing”.

48. In Appendix 1, page a06, amend sixth sentence to read “Callendar Wood and boundary wall to be sensitively treated with suitable buffer, bearing in mind status as an Inventory Garden and Designed Landscape and Ancient Woodland”.

49. In Appendix 1, page a07, add the following text to the site comments for H48 Castle View: “Ancient Woodland is present in the south-west of the site. A suitable buffer should be provided between ancient woodland and housing”.

50. In Appendix 1, page a07, add the following text to the site comments for H49 Airth Castle South: “Ancient Woodland is present to the north, east, and south of the site. A suitable buffer should be provided between ancient woodland and housing”.

51. In Appendix 1, page a08, add the following text to the site comments for H52 McLaren Park: “Ancient Woodland is present to the north-east of the site. A suitable buffer should be provided between ancient woodland and housing”.

52. On page 92, under “Key Principles” for site MU11 Portdownie, Falkirk, provide additional bullet point to read: “Ancient woodland present to south-west of site. A suitable buffer should be provided between ancient woodland and housing.”

53. On page 78, under “Key Principles” for site BUS02 Manuel Works, provide additional bullet point to read: “Ancient woodland present in north-west of site. A suitable buffer should be provided between ancient woodland and development.”

#### Habitats Regulations Appraisal

55. In Appendix 1, Housing (page a04), amend the site comments for H27 Main Street to read: “For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Slamannan Plateau SPA, either alone or in combination with other plans or projects.”

56. In Appendix 1, Business (page a14), amend the site comments for BUS15 Grangemouth Docks West to read: “For permission to be granted, proposals must be

accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA, River Teith SAC and Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

57. In Appendix 1, Business (page a15), amend the site comments for BUS18 Wholeflats Business Park to read: "For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA, River Teith SAC and Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

58. In Appendix 1, Infrastructure (page a19), amend the site comments for IN19-21 Dalderse, Torwood, Whitecross Waste Water Treatment Works Upgrades to read: "At Dalderse WWTW for permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the River Teith SAC, either alone or in combination with other plans or projects."

59. In Appendix 1, Green and Blue Network (page a20), amend the site comments for GN01 John Muir Way to read: "In respect of proposals affecting the River Forth, for permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA, or Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

60. In Appendix 1, Green and Blue Network (page a20), amend the site comments for GN03 Kinneil Kerse to read: "In respect of proposals affecting the River Forth, for permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA, River Teith SAC, or Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

61. In Appendix 1, Green and Blue Network (page a20), amend the site comments for GN04 Bothkennar/Skinflats to read: "For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA, or Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

62. In Appendix 1, Green and Blue Network (page a21), amend the site comments for GN06 River Carron Corridor Improvements to read: "For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations

Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the River Teith SAC, Firth of Forth SPA and the Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

63. In Appendix 1, Green and Blue Network (page a22), amend the site comments for GN19 River Avon Corridor to read: "For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Slamannan Plateau SPA, either alone or in combination with other plans or projects."

64. In Appendix 1, Green and Blue Network (page a24), amend the site comments for GN25 Outdoor Learning Sites to read: "In respect of the Kinneil Foreshore LNR, for permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA or the Outer Firth of Forth and St Andrew's Bay Complex pSPA, either alone or in combination with other plans or projects."

#### Other Site Comments

65. On page 92, under "Key Principles" for site MU11 Portdownie, Falkirk, provide additional bullet point to read "Existing trees are retained and incorporated into the public realm, as appropriate". Under "Other Requirements" provide additional bullet point to read "Undertake species surveys and prepare any required species Management Plan(s)".

66. On page 93, on accompanying map, show the north elevation of the Union Inn as a key frontage.

67. In Appendix 1, page a11, amend the site comments for MU20 East Bonnybridge by adding the following text: "Principles for frontages along the A803 Falkirk Road, establishing new gateway / settlement edge to this new boundary for Bonnybridge. Protected species surveys to be undertaken particularly along the Bonny Water, Rowan Tree Burn and Forth & Clyde Canal with preparation of any required Species Management Plan(s). Pedestrian and cycle links, including as part of green networks, to the Forth & Clyde Canal towpath and via existing routes such as along the A803, Smeaton Drive and Gateside Avenue."

<b>Issue 26</b>	<b>Miscellaneous</b>	
<b>Development plan reference:</b>	<u>Chapter 3 Spatial Strategy</u> Place (pages 14 - 15) Green and Blue Network (pages 16 - 17) <u>Chapter 4 Policies</u> Business (pages 46 - 47) <u>Appendix 1 Proposals and Opportunities</u> <u>Schedule</u> Green and Blue Network (page a24)	<b>Reporter:</b> Christopher Warren
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
RSPB (00977) Scottish Government (00643) Maddiston Community Council (00323)		
<b>Provision of the development plan to which the issue relates:</b>	Miscellaneous matters including homeworking, energy/waste innovation in business areas, biodiversity references in the text, and green network opportunities	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Chapter 1 – Introduction</u></p> <p>RSPB (00977/3002/001) - The last sentence of paragraph 1.01 of the Proposed LDP2 (page 4) should be revised from: "...and how our natural and historic environment should be protected" to "...and how our natural and historic environment should be protected <i>and enhanced</i>". The insertion of "and enhanced" is needed for completeness and to infer something positive will be delivered through LDP2.</p> <p><u>Policy JE04 - Business Development outwith Designated Business Areas</u></p> <p>Scottish Government (00643/3001/002) - To accord with SPP, paragraph 95, the Proposed LDP2 should encourage opportunities for home-working, live-work units, micro-businesses and community hubs as this helps to support the transition to a low carbon economy and a positive and flexible approach to town centres, housing design and integrated placemaking. This policy consideration could be addressed by modifying Policy JE04 'Business Development outwith Designated Business Areas'.</p> <p><u>Spatial Strategy – Place</u></p> <p>Scottish Government (00643/3001/003) - To accord with SPP paragraph 96, the Proposed LDP2 should support opportunities for integrating efficient energy and waste innovations within business environments. This policy consideration could be addressed by being referenced as a core principle to inform the masterplanning for any strategic sites as noted in page14, paragraph 3.03 Major Areas of Change.</p> <p>RSPB (00977/3002/003) - Paragraph 3.04 of the Proposed LDP2 should be amended to highlight the contribution of the green and blue network to health and well-being.</p>		

Green Network Opportunities

Maddiston Community Council (00323/3002/003) - Concern is expressed about the identification of California Road Playing Fields as a GN24 Community Growing Site. No suitable community growing sites have been found in Maddiston. This is why Maddiston Community Council established a growing site within Muiravonside Park.

RSPB (00977/3002/006) - RSPB requests two sites to be added to the list of outdoor learning sites on page a24, Appendix 1 - Proposals and Opportunities Schedule Green and Blue Network, site comments for GN25. The first site is Skinflats Nature Reserve where the RSPB has created a new education space, funded by the Inner Forth Landscape Initiative. The second site is Scottish Wildlife Trust's Jupiter Urban Wildlife Centre in Grangemouth, which has a long history of offering outdoor learning opportunities.

**Modifications sought by those submitting representations:**

Chapter 1 – Introduction

RSPB (00977/3002/001) - Amend paragraph 1.01, page 4, last sentence to read ...”and how our natural and historic environment should be protected and enhanced.”

Policy JE04 Business Development outwith Designated Business Areas

Scottish Government (00643/3001/002) - Amend Policy JE04, or make other amendments to LDP2, to encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

Spatial Strategy – Place

Scottish Government (00643/3001/003) - Amend paragraph 3.03, or make other amendments to LDP2, to support opportunities for integrating efficient energy and waste innovations within business environments.

RSPB (00977/3002/003) - Amend paragraph 3.04 to highlight the contribution of the green and blue network to health and well-being.

Green Network Opportunities

Maddiston Community Council (00323/3002/003) - Remove California Road Playing Fields from the list of community growing opportunities under Opportunity GN24.

RSPB (00977/3002/006) - At Appendix 1, page a24, comments for GN25, insert Skinflats Nature Reserve, Skinflats and Jupiter Reserve, Grangemouth as additional outdoor learning sites.

**Summary of responses (including reasons) by planning authority:**

Chapter 1 – Introduction

RSPB (00977/3002/001) - The wording “*and enhanced*” would be consistent with general thrust of the Proposed LDP2’s environmental objectives and policies. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this



representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

#### Policy JE04 - Business Development outwith Designated Business Areas

Scottish Government (00643/3001/002) - The Proposed LDP2 already has sufficient policies, such as policies HC07, JE04, JE05 and JE07, which would support appropriate proposals for home-working, live-work units, micro-businesses and community hubs in the right location. For example, Policy HC07 states that proposal for compatible business uses (e.g. home business) in established residential areas 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. For this reason, the Council does not agree to modify the plan in response to this representation.

#### Spatial Strategy – Place

Scottish Government (00643/3001/003) - The Proposed LDP2 has sufficient policies, such as Policies PE01, IR13, IR14, IR18 and IR18, which encourage energy efficiency and waste reduction measures within the masterplanning of strategic sites. The same policies satisfy SPP, paragraph 96 (CD1), by supporting opportunities for such measures. For example, Policy PE01 is an overarching design policy that expands the SPP's six qualities of successful plan into key principles which will apply to all new development. Under 6 Resource Efficient, the policy requires development to "promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and source of materials; incorporation of low and zero carbon generating technologies (LZCGT) and integration into neighbourhood and district heating networks".

The plan's policies for low and zero carbon development will be supplemented by SG14 Renewable and Low Carbon Energy, which will consolidate and update two current supplementary guidance documents (CD19 and CD20). SG14 will provide further information on how to incorporate energy efficiency measures, LZCGT and heating networks within masterplans, the layout and design of developments.

For this reason, the Council does not agree to modify the plan in response to this representation.

RSPB (00977/3002/003) - The modification sought by RSPB is a minor wording change, which will recognise the positive contribution of green and blue networks to health and well-being. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with this. The first sentence of paragraph 3.04 could be changed to read: "Sustained investment over a number of years has created a network of green and blue spaces around and within our communities, which contributes hugely to quality of life, health and well-being and sense of place". This is not regarded as a notifiable modification.

#### Green Network Opportunities

Maddiston Community Council (00323/3002/003) - SPP, paragraph 227 (CD1) states local development plans should encourage opportunities for a range of community growing spaces. The Proposed LDP2 meets this SPP requirement by identifying seven opportunities for community growing sites under GN24 (page a23).

The Council believes that the playing fields at California Road (see site plan) have potential for community growing, which could provide a more accessible resource for local people in Maddiston than the current facility at Muiravonside Country Park (see site plan). The Community Council has not indicated any specific reasons why it feels this site is inappropriate. Any specific project would, of course, be subject to more detailed assessment and consultation with the local community, including the Community Council. For this reason, the Council does not agree to modify the plan in response to this representation.

RSPB (00977/3002/006) - The Proposed LDP2 lists a total of 15 sites as opportunities for outdoor learning site (page a24, GN25 comments). The list only includes new sites, which is why all established outdoor learning sites including Jupiter Urban Wildlife Centre and Skinflats Nature Reserve (see site plans) have not been included. The Council is focusing on new sites to help achieve the Falkirk Greenspace Strategy's aspirations for a wider network of outdoor learning sites. For this reason, the Council does not agree to modify the plan in response to this representation.

**Reporter's conclusions:**

Chapter 1 – Introduction

1. The suggested amendment to the end of paragraph 1.01 would more fully reflect the proposed plan's policy approach, which seeks the enhancement as well as the protection of the natural and historic environment. I note the council has no objection to the proposed additional wording, and I have included this minor amendment in my recommendations.

Policy JE04 – Business development outwith designated business areas

2. The Scottish Government representation suggests amendments to the plan, focused on policy JE04, to give cognisance to paragraph 95 of Scottish Planning Policy (SPP), which requires plans to encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

3. The proposed plan appropriately directs most business development to identified business areas, but policy JE04 provides some flexibility in order to accommodate business development of an appropriate nature and scale in other locations, subject to a range of typical planning considerations.

4. Read alongside policy HC07, JE05 and IR04 in particular, I find the proposed plan does provide an appropriately supportive policy framework to enable the types of opportunity, referred to by paragraph 95 of SPP, to be progressed in suitable locations. For this reason, I do not find the plan to be deficient in this regard and no modification is required.

Spatial Strategy - Place

5. A representation from the Scottish Government has proposed that paragraph 3.03 be expanded, so that the terms of SPP paragraph 96 (relating to giving support to opportunities for integrating efficient energy and waste innovations within business environments) is a principle which informs the masterplanning of strategic sites.

6. In response, the council has referred me to various policy provisions in the plan which,

when taken together, satisfy the requirements of SPP paragraph 96. Policy PE01 applies to all development, and broadly encapsulates the focus of SPP. It also links to other policies including policy IR13 which, with some limited exceptions, requires all new buildings to incorporate on-site low and zero carbon-generating technologies. Waste management is appropriately dealt with by policy IR18.

7. Taking these provisions together, I consider the plan does satisfy the requirements of SPP paragraph 96. I do not consider it essential for this matter to also be referred to in paragraph 3.03. I am also concerned that by broadening the paragraph in this way, it could detract from its particular focus on major areas for change. No modification is required.

8. The RSPB's suggested modification to paragraph 3.04 would acknowledge the wider value of green and blue networks, although I do not consider the plan would be deficient or inappropriate in the absence of this amendment. I therefore consider it more appropriate to leave it to the council's discretion to decide whether or not it wishes to make this minor change.

#### Green Network Opportunities

9. A representation by Maddiston Community Council notes concern regarding a proposed community growing area at a site on California Road. No reasons are given for why this site raises concern. I note however that appendix 1 of the plan (on page a23) states that potential community growing sites would be subject to consultation with communities, stakeholders and partner organisations as part of the council's food growing strategy. This would provide the representee with a means by which any ongoing concerns in regard to this site could be raised.

10. The principle of identifying sites for community growing is soundly based and grounded in SPP, and in the absence of any evidence to suggest the California Road site would be unsuitable for this purpose, I do not consider a modification is required.

11. The RSPB's representation requests that two further sites be added to the list of outdoor learning sites identified in appendix 1 under reference GN25. The sites referred to in the representation are sites which already provide learning opportunities, but the council has clarified that the list of sites in the plan refers to new locations where there is scope to provide learning opportunities. This is also explained in the comments section of appendix 1 under reference GN25.

12. The inclusion of the sites referred to in the representation would not be consistent with the purpose of identifying new sites which offer new (rather than existing) opportunities for the creation of outdoor learning sites. I do not consider the proposed modification should be made on this basis.

#### **Reporter's recommendations:**

1. On page 4, add "...and enhanced." to the end of the last sentence of paragraph 1.01.