

**FALKIRK COUNCIL**

**Subject: PROPOSED FALKIRK LOCAL DEVELOPMENT PLAN –  
SUBMISSION TO SCOTTISH MINISTERS AND SUMMARY OF  
UNRESOLVED ISSUES**

**Meeting: FALKIRK COUNCIL**

**Date: 12 FEBRUARY 2014**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 The Council is currently preparing a single Local Development Plan (LDP) for its area, which will replace both the existing Falkirk Council Structure Plan (approved in 2007) and the Falkirk Council Local Plan (adopted in 2010). The LDP will set out both the broad vision and strategy for the area for a 20 year period (2014-2034), and detailed, site-specific policies and proposals which will guide development for the first 10 years.
- 1.2 Following extensive consultation on the Main Issues Report (MIR) over winter 2011/2012, the Council approved the Proposed Falkirk Local Development Plan on 6<sup>th</sup> March 2013. The Proposed Plan was then subject to a six week period for representations from 26<sup>th</sup> April to 7<sup>th</sup> June 2013, during which a large number of submissions were received. These submissions have been logged and assessed by officers over recent months.
- 1.3 This report give a broad indication of the scale and nature of the representations received, identifies the next steps and choices in the LDP process, and seeks approval for the submission of the Proposed Plan to Scottish Ministers, along with the Summary of Unresolved Issues attached at Appendix 2.

**2. REPRESENTATIONS**

- 2.1 The Council received some 1159 submissions during the representation period, containing 1460 individual comments on different aspects of the Proposed Plan and its associated documents. Of these, 1099 sought some form of change to the plan, whilst 352 supported the provisions of the plan. There were a further 9 comments relating to the associated documents (the Action Programme and Technical Reports).
- 2.2 Appendix 1 provides an overview of the matters to which the representations relate. Representations have been divided up into 29 issues. For each issue, the number of relevant representations is noted, the detailed sites or policies at issue are listed, and the general nature of the comments noted. Detailed summaries of individual representations may be found in Appendix 2.

- 2.3 A large proportion of the representations are housing-related, with objections being made to strategic housing land provisions, and to individual sites across the Council area. Developers have taken the opportunity to promote sites which were not included in the plan. Economic development sites have also been the subject of attention, as have infrastructure proposals. Policies on housing, business, major hazards, infrastructure, developer contributions, countryside and green belt, retailing and town centres, design, the environment, minerals, waste and energy have all attracted some level of comment, generally seeking some kind of amendment to wording.

### **3. LOCAL DEVELOPMENT PLAN: NEXT STEPS**

- 3.1 Having received representations to the LDP, the Council must decide whether it wishes to make ‘notifiable’ modifications to the Proposed Plan, in response to representations. ‘Notifiable’ modifications are defined as those which add, remove, or significantly alter any policy or proposal in the plan. If notifiable modifications are made, the Council must republish and re-advertise the whole modified plan, with a fresh opportunity for representations to be submitted.
- 3.2 Alternatively, if the Council decides not to make ‘notifiable’ modifications, it can proceed to submit the plan, along with associated documentation, to Scottish Ministers. Scottish Ministers will then appoint reporters to hold an examination into the unresolved issues.
- 3.3 Circular 6/2013 on ‘Development Planning’ states that:

*From the Proposed Plan stage, Scottish Ministers expect an authority’s priority to be to progress to adoption as quickly as possible. Pre-Examination negotiations and notifiable modifications can cause significant delay and so should not be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan’.*

- 3.4 The Proposed Plan, as approved by the Council in April 2013, is still considered a robust document. Having regard to the representations, and any changes in circumstances which may have occurred since April 2013, it is not considered that there is any overriding need or justification to make notifiable modifications to it. In the light of the above advice in Circular 6/2013, it is therefore recommended that the Council submits the Proposed Plan, in its present form, to Scottish Ministers. This will allow the plan to progress speedily to the examination stage, in accordance with the timescales set out in the Council’s Development Plan Scheme, and allow unresolved issues to be independently assessed and determined by Reporters as soon as possible.

#### **4. SUMMARY OF UNRESOLVED ISSUES**

4.1 In submitting the Proposed Plan for examination, the Council must prepare and submit a summary of unresolved issues. This groups the unresolved representations into issues and, for each issue, indicates: a list of the parties making the representations; a summary of the issues raised in the representations, and the changes to the plan sought by them; and the authority's responses. Schedule 4 of the Town & Country Planning (Development Planning) (Scotland) Regulations 2008 provides a format for the summary (the form is consequently known as a 'Schedule 4'). As noted previously, the representations have been grouped into 29 issues. The summary of unresolved issues which is proposed for submission is contained at Appendix 2.

4.2 Some of the changes sought by parties in their representations are relatively minor, and are not necessarily of a 'notifiable' nature. In some instances, the Council may not have any particular issue with these amendments. Circular 6/2013 advises that:

*'The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.'*

4.3 It is proposed that the Council adopts this approach towards representations which seek relatively minor changes that the Council considers to be acceptable. This is indicated, where relevant, within Appendix 2. For ease of reference, Appendix 1 highlights in general terms where this has been done.

#### **5. ACTION PROGRAMME**

5.1 In submitting the Proposed Plan to Scottish Ministers, the Council must also submit its proposed Action Programme, detailing the actions required to deliver the plan's policies and proposals, along with timescales and responsible agencies. The Council approved the Action Programme along with the Proposed Plan in March 2013, and this was subject to consultation. Some comments on the Action Programme have been received, and a small number of minor consequential changes made.

#### **6. IMPLICATIONS**

6.1 Legal: The requirements and procedures for the preparation of LDPs are set out in the Planning, etc (Scotland) Act 2006, and the Town and Country Planning (Development Planning)(Scotland) Regulations 2008. Explanation of the legal provision are contained in Circular 6/2013 'Development Planning'

6.2 Financial: None

6.3 Personnel: None.

6.4 Policy: The Falkirk LDP, once adopted, will constitute the statutory development plan for the area, replacing the Falkirk Council Structure Plan and the Falkirk Council Local Plan.

## 7. RECOMMENDATION

### 7.1 That the Council:

- (a) authorises the submission of the Proposed Falkirk Local Development Plan, as approved by Council in March 2013, to Scottish Ministers with a request to appoint person(s) to examine the plan; and
- (b) approves the Summary of Unresolved Issues contained in Appendix 2 as the Council's response to the unresolved representations which have been submitted to the Proposed Plan

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**Director of Development Services**

Date: 30<sup>th</sup> January, 2014

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### **APPENDICES**

1. Representations Summary
2. Summary of Unresolved Issues (Schedule 4s)

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan – Proposed Plan, April 2013
2. Falkirk Local Development Plan Revised Environmental Report.
3. Falkirk Local Development Plan Habitats Regulations Appraisal Record.
4. Falkirk Local Development Plan Technical Reports.
5. Falkirk Development Plan Scheme (4<sup>th</sup> Revision), May 2013

Any person wishing to inspect the above background papers should contact Alistair Shaw on 01324 504739