

AGENDA ITEM 7

FALKIRK COUNCIL

Subject: DEVELOPMENT PLAN SCHEME 2014
Meeting: EXECUTIVE
Date: 29TH APRIL 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Under the Planning, etc (Scotland) Act 2006, planning authorities have to prepare a Development Plan Scheme at least annually. The purpose of the Development Plan Scheme is to set out the authority's programme for preparing and reviewing their development plans, and to explain how the authority will go about consulting people and agencies during the preparation of the plan.
- 1.2 Falkirk Council's first Development Plan Scheme was approved by the Council in 2009. It confirmed the Council's intention to progress with the replacement of the two tier arrangement of Structure and Local Plans by a single Local Development Plan (LDP), as required by the Act. Subsequent annual updates have been prepared, setting out timescales for, and charting the progress of, the LDP. This report presents the 2014 update of the Development Plan Scheme for consideration by Members.

2. DEVELOPMENT PLAN SCHEME

- 2.1 A copy of the proposed Development Plan Scheme 2014 is attached as Appendix 1. In summary it:
- Explains the current development plan framework covering the area;
 - Explains the key stages in preparing the new local development plan;
 - Outlines the progress already made in the process of preparing the LDP;
 - Sets out an updated timetable for the remaining stages of the LDP;
 - Confirms the Council's intention with regard to the preparation of supplementary guidance; and
 - Explains how the Council has involved, and will continue to involve people and agencies at each stage of preparing the LDP (participation statement).
- 2.2 Section 3 of the Development Plan Scheme explains the various stages in the LDP process. The Main Issues Report (MIR) stage, which is the main focus of public engagement, was completed early in 2012. This informed the preparation of the Proposed Plan, which was published in April 2013, with a six week period for representations. The Proposed Plan was submitted to Scottish Ministers for examination in February 2014, on schedule, and reporters have now been appointed by the Directorate of Planning & Environmental Appeals (DPEA) to consider the unresolved representations. Following the examination, and consideration of the examination report, the Council must modify the Proposed Plan to take account of the reporters' recommendations, and must submit it again to Scottish Ministers within 3 months of the receipt of the examination report. Once Scottish Ministers have given final approval, the plan may be adopted by the Council.

- 2.3 Section 4 outlines the projected timetable for the remaining stages of the LDP. The main consideration is the length of the time which the examination will take, which is largely outwith the control of the Council. The DPEA has a target of completing all LDP examinations within nine months. In the programme within the 2013 Development Plan Scheme, the Council allowed for a period of seven months, giving a plan adoption date of February 2015. Whilst the latter may still be achievable, it would be prudent to use the DPEA nine month period for the purposes of the current programme. This would give an estimated adoption date of March 2015.

Examination	February 2014 – November 2014
Submission of Proposed Plan as modified to Scottish Ministers	February 2014
Adoption	March 2015

- 2.4 Section 5 outlines the list of statutory supplementary guidance which is being prepared in conjunction with the LDP. The Council will consult on most of the 16 items of supplementary guidance during 2014, with a view to it being adopted simultaneously with the LDP.
- 2.5 Section 6 is the participation statement, which sets out the Council's intentions for consultation and public involvement in the LDP process. Most of the consultation associated with the LDP has now been completed, and the remaining stages involve mainly keeping those who have submitted representations, and other stakeholders, informed of the progress and outcome of the examination and adoption processes.

3. IMPLICATIONS

- 3.1 Legal: The requirement to prepare a Development Plan Scheme is part of the Planning, etc (Scotland) Act 2006 and its secondary legislation and is binding on the Council in carrying out its development planning functions.
- 3.2 Financial: None
- 3.3 Personnel: None.
- 3.4 Policy: On adoption, the Falkirk Local Development Plan will replace the Falkirk Council Structure Plan and the Falkirk Council Local Plan as the Development Plan policy framework for the Falkirk Council area.

4. RECOMMENDATION

4.1 That the Executive approves the attached Development Plan Scheme 2014.

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Director of Development Services

Date: 11th April 2014

Contact officer: Alistair Shaw, Development Plan Co-ordinator, ext 4739

LIST OF BACKGROUND PAPERS

None

APPENDIX 1

Falkirk Council

Development Plan Scheme

April 2014

(5th Revision)



Falkirk Council

Development Services

FALKIRK COUNCIL DEVELOPMENT PLAN SCHEME

1. INTRODUCTION

1.1 What is a development plan?

Development plans are prepared by local authorities to guide the use and development of land within their areas. They contain policies and proposals which indicate where development should or should not take place, and provide guidance on topics such as housing, business and industry, shopping, transport and infrastructure, recreation and community facilities and built and natural heritage.

1.2 The development planning system in Scotland

The Planning etc (Scotland) Act 2006 brought in a new planning system in Scotland, with revised arrangements for the preparation of development plans. Structure plans and local plans are being replaced by

- strategic development plans; and
- local development plans

However, only the city regions of Scotland will have a two tier system with both types of plans. Elsewhere, there will only be local development plans.

Falkirk Council is preparing a single local development plan which will replace the current framework of structure and local plans. This should help to simplify development planning in the area.

1.3 What is a development plan scheme?

Planning authorities are required to prepare a development plan scheme. This must set out the authority's programme for preparing and reviewing development plans, including when it will publish each stage of the plan. It must also explain how the authority will go about consulting people and agencies during the preparation of the plan, including when, how and with whom it will consult at each key stage (the participation statement). Development plan schemes will be updated each year.

Falkirk Council's first development plan scheme was published in May 2009, with subsequent annual revisions. This 5th revision:

- Explains the current development plan framework covering the area;
- Explains the key stages in preparing the new local development plan;

- Outlines the progress already made in the process of preparing the local development plan;
- Sets out an updated timetable for the remaining stages of the local development plan;
- Confirms the Council's intentions for the preparation of supplementary guidance; and
- Explains how the Council has involved, and will continue to involve, people and agencies at each stage of preparing the local development plan (participation statement).

The development plan scheme will be subject to further annual updates as the local development plan process advances.

2. THE EXISTING DEVELOPMENT PLAN IN THE FALKIRK COUNCIL AREA

2.1 Falkirk Council Structure Plan

The Falkirk Council Structure Plan was approved by Scottish Ministers in January 2007. It is based on a strategy of 'sustainable growth in all our communities', and sets out a vision of how the area will develop in broad terms until 2020. It:

- highlights the intended scale and distribution of housing growth in the area between 2001 and 2020;
- identifies four special initiatives for residential led regeneration (SIRRs)
- identifies nine strategic development opportunities for major economic development;
- sets out a network of protected areas, including a system of green belts separating the main settlements;
- sets out the hierarchy of shopping centres in the Council area which will be promoted and protected;
- highlights the priorities for environmental enhancement in the area; and
- sets out broad areas where developers will be expected to contribute to physical and social infrastructure.

2.2 Local Plan

Currently, the Local Plan covering the Council area is the Falkirk Council Local Plan which was adopted in December 2010. It contains detailed policies and proposals which implement the provisions of the Structure Plan at a site-specific level.

2.3 Supplementary Guidance

In addition to the structure and local plans, the Council has produced a range of supplementary planning guidance which provides more detailed guidance on certain topics or sites. These are listed below.

<u>Design</u> Housing Extensions & Alterations Housing Layout & Design Design Statements Shopfronts	<u>Natural/Built Heritage</u> You and Your Trees Trees and Development Biodiversity & Development Frontiers of the Roman Empire (Antonine Wall) World Heritage Site
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<u>Transport/Infrastructure</u> Waste & Development Flooding & Sustainable Urban Drainage Systems Travel Plans Spatial Framework for Wind Energy Developments Delivery of Denny Eastern Access Road	<u>Developer Contributions</u> Education & New Housing Development Affordable Housing
<u>Site-Specific Guidance</u> Rosebank Distillery Planning Brief Bellsdyke Planning Brief Overton Farm Development Brief Former RSNH Site Development Framework Community Schools Planning Brief Carrongrove Mill Planning Brief Banknock & Haggs SIRR Development Framework	<u>Village Housing Allocations</u> Standburn

Supplementary guidance has been given enhanced status within the new development planning system. Section 4 indicates the Council's future intentions for statutory supplementary guidance.

2.4 Monitoring

The Council produces an annual Development Plan Monitoring Report which assesses progress on the implementation of both the Falkirk Council Structure Plan and the Falkirk Council Local Plan against a range of indicators contained within these documents. The most recent Monitoring Report was produced in Summer 2013.

3. THE NEW LOCAL DEVELOPMENT PLAN (LDP)

3.1 Scope and Plan Period

The new Falkirk Local Development Plan (LDP) will replace the existing Structure Plan and Local Plans which cover the Falkirk Council area and will bring the whole development plan into one document.

The new LDP will have a lifespan of 10 years for its detailed policies and land use allocations and, in its broad strategy, it will look ahead up to 20 years from its adoption date. The first new LDP will encompass the period up to 2034. However, while looking ahead up to 20 years, the Plan will be replaced every 5 years in a rolling programme.

3.2 Content

The principal contents of the LDP are:

- **Vision** - a statement of the future we aspire to in 2034.
- **Spatial Strategy** - the scale and location of new housing and economic development, the strategic infrastructure needed to support such growth, and the shape of the green network we hope to develop over the plan period.
- **Settlement Statements** - the implications of the spatial strategy for each settlement area, including a description of how it is expected to change over the plan period and the key proposals affecting it.
- **Supporting Policies** - the detailed policies which we will use to guide and assess development proposals on a day-to-day basis.
- **Appendices** – these include a site schedule which provides detail on each of the proposals included in the plan, guidance on strategic growth areas, a list of supplementary guidance, a monitoring framework and an index of all policies.

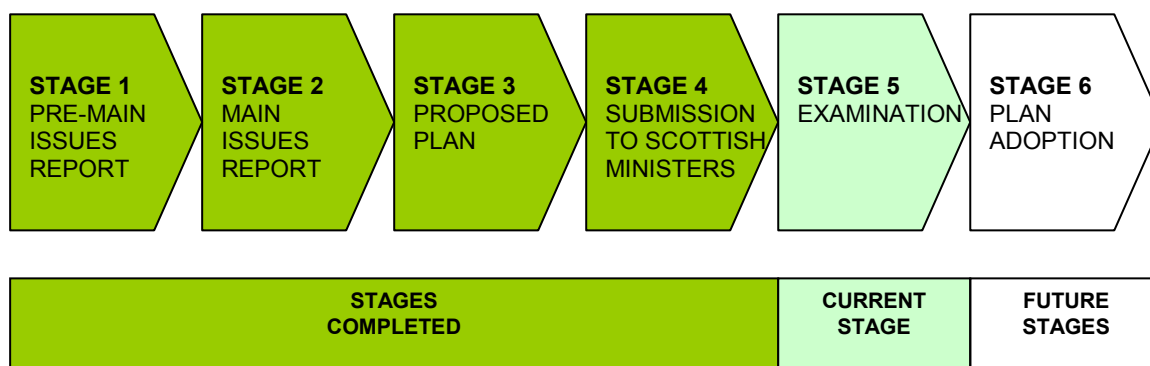
Other components of the LDP will be a Proposals Map, and a Schedule of Land owned by the Council which would be affected by proposals or policies.

A number of other supporting documents are being prepared to accompany the plan. These include:

- various Technical Reports, including the Monitoring Statement required by legislation
- Environment Report
- Habitats Regulation Appraisal Record
- Action Programme.

3.3 Plan Preparation Process

Preparing the new LDP involves six main stages. As can be seen from the diagram, substantial progress has already been made.



The stages are explained in more detail below.

Stage 1 Pre-Main Issues Report

This stage of early consultation, to inform the Main Issues Report, was completed in 2010/2011 and included:

- a series of themed workshops for key stakeholders were held in May and June 2010;
- a training event for Community Councils was held in June 2010;
- A sites and issues consultation, including an invitation to developers and landowners to submit ‘expressions of interest’ for sites, was carried out from July to September 2010;
- the Council engaged with key agencies, Scottish Ministers and adjoining planning authorities through meetings and the themed workshops; and
- youth engagement has been undertaken in the form of a presentation and discussion with the area’s Pupil Council, and a planning exercise with pupils at Wallacestone Primary School led by Planning Aid for Scotland under their IMBY (‘in my backyard’) programme.

Stage 2 Main Issues Report (MIR)

The Council published the Main Issues Report in November 2011. It:

- set out a preferred vision for the period 2014-2034 for the Falkirk area, including alternatives;
- identified 14 development and land use issues facing the area under the themes of thriving communities, a growing economy and a sustainable place;
- set out preferred options for tackling these issues, and alternatives;
- identified preferred new sites for development, as well as sites proposed to be carried forward from the existing Local Plan, and non-preferred sites; and
- brought together the key spatial elements of the preferred options to define a preferred spatial strategy

As part of the Strategic Environmental Assessment process, an Environmental Report was published alongside the Main Issues Report. It highlighted the environmental effects of the preferred policies and proposals, and of the alternatives, and outlined potential mitigation to reduce significant negative environmental effects. A number of Technical Reports were also published as the evidence base for the Main Issues Report.

The Main Issues Report provided the focus for public engagement on the LDP. The Council carried out consultation on the Main Issues Report for a 12 week period between 18th November 2011 and 10th February 2012, and used a range of approaches to involve people and organisations, as outlined generally within the participation statement (Section 5). Details of the consultation are contained within the ‘Report of Consultation on the Main Issues Report’ which is available on the Council’s web site.

Stage 3 Proposed Plan

The Council published the Proposed Plan in April 2013. Its preparation was informed by a review of the representations made at the Main Issues Report stage, and by further consultation with the key agencies. At this stage the Council firmed up its views on where development proposals should go and which policies should be contained in the plan.

A further six week representation period was undertaken in line with the participation statement (section 5). A new procedure introduced by the Planning Act at this stage was the notification of owners and neighbours of land which the plan proposes for development. This notification was additional to the standard opportunity for developers, the public, environmental agencies and community groups to make representations.

Stage 4 Submission to Scottish Ministers

The Council submitted the Proposed Plan to Scottish Ministers in February 2014, having decided not to make any modifications in response to representations. The submitted plan was accompanied by:

- A Proposed Action Programme which will set out how the Council, in partnership with developers and key agencies, proposes to implement the LDP.
- A Report of Conformity with the Participation Statement, which shows how the Council has complied with its commitments to consultation during the various stages of plan preparation;
- A Habitats Regulations Appraisal Record setting out how the Council has determined that there is not likely to be a significant effect on European nature conservation sites.

Stage 5 Examination

In February 2014, Reporters were appointed by Scottish Ministers to conduct the Examination of the Proposed Plan. The Examination process is focused on the unresolved issues identified by the Council which have arisen out of the representations. The Reporter will rely on the original written submissions of representees, and will request additional written material from parties or hold a hearing only where necessary. After the Examination the Reporter will prepare an Examination Report for consideration by the Council.

Stage 6 Adoption of LDP

Reporters' recommendations are now largely binding on Councils and any modifications proposed by the Reporter will be incorporated into the plan by the Council unless they are considered to contravene a limited range of circumstances. The plan as modified will then be advertised and submitted to Scottish Ministers within 3 months of receipt of the Examination Report along with the final Environmental Report. The Council will be able to adopt the Plan 28 days after submission to Scottish Ministers unless otherwise directed.

4. TIMETABLE

4.1 Timetable for Remaining Stages of LDP

The timetable for the remaining stages of the LDP process is dependent on the length of the Examination, which is outwith the control of the Council. The Directorate for Planning & Environmental Appeals has a general nine month target period for concluding Examinations, and this has been used in the timetable. The key dates are shown below.

Plan Stage/Process	Date
Submission of Proposed Plan to Scottish Ministers	February 2014
Examination of Proposed Plan	February 2014 – November 2014
Submission of Proposed Plan as modified to Scottish Ministers	February 2015
Adoption of Plan	March 2015

5. FUTURE SUPPLEMENTARY GUIDANCE

5.1 Scope

The Planning etc (Scotland) Act 2006 sets out provisions for supplementary guidance to be part of the development plan and have statutory status. Such guidance has to have an explicit link to the LDP and its preparation must follow certain procedures. The Council intends to prepare the supplementary guidance as indicated below. In some instances, this will be through the conversion and updating of current non-statutory guidance. In others, it will involve the preparation of new guidance.

5.2 Timetable

The Council is intending to consult on this supplementary guidance during 2014 with a view to having the majority approved simultaneously with the LDP in March 2015. The programmed dates for consultation are indicated below.

Ref.	Title	Consultation Date
SG01	Development in the Countryside	March 2014
SG02	Housing Layout and Design	Sept 2014
SG03	House Extensions and Alterations	May 2014
SG04	Shopfronts	May 2014
SG05	Biodiversity and Development	March 2014
SG06	Trees and Development	March 2014
SG07	Frontiers of the Roman Empire (Antonine Wall) World Heritage Site	TBC
SG08	Local Nature Conservation and Geodiversity Sites	TBC
SG09	Landscape Character and Assessment	May 2014
SG10	Education and New Housing Development	May 2014
SG11	Healthcare and New Housing Development	Sept 2014
SG12	Affordable Housing	May 2014
SG13	Open Space and New Development	March 2014
SG14	Spatial Framework for Wind Energy Development	Sept 2014
SG15	Low and Zero Carbon Development	Sept 2014
SG16	Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas	Sept 2014

6. GETTING PEOPLE INVOLVED IN THE LOCAL DEVELOPMENT PLAN

6.1 The need to be inclusive

The success of the local development plan depends on getting a wide range of stakeholders involved in the process. Many different people and organisations have an interest in the future development of the area, and the plan will have an impact on everyone who lives and works here. It is important that they are given the opportunity to provide an input to plan preparation. and to express their views on the draft policies and proposals.

In the past, consultation exercises have not always been successful at getting people to participate in plan preparation. People are not sufficiently aware of development plans and their importance, and they may find it difficult to understand the process. Opportunities for involvement may have been too limited, and this may have made it difficult for particular groups to play a part. Sometimes people feel that their views will not be taken into account.

In preparing the Local Development Plan, the Council has endeavoured to improve the way people are involved in plan making. In doing so the Council has been guided by its Principles for Community Involvement and by Planning Advice Note (PAN81) on Community Engagement – Planning for People, which highlights good practice.

6.2 General principles

The principles Falkirk Council has tried to follow in involving people in the Local Development Plan are as follows:

1. PURPOSE : in each situation where we engage with the local community, we will be clear about whether we are informing, consulting or engaging.
2. INVOLVEMENT : we will identify who might be interested in any consultation or engagement and encourage them to be involved. We will also try to overcome any barriers they may face so that no group or individual is excluded.
3. METHODS : we will use the right methods of engagement in each situation and ensure that timescales are long enough for people to participate effectively.
4. INFORMATION : we will share all the information necessary for people to participate and we will use clear, accessible language.
5. WORKING TOGETHER : we will treat all participants with respect and we will expect all participants to treat us and others with respect. We may require people and organisations that represent their communities to show us how they have collected the views of their community.
6. FEEDBACK : we will always explain how people will receive feedback before they participate. We will always try to show how people's views have influenced the outcome.
7. IMPROVEMENT : we will monitor and evaluate our approaches to community involvement so that we can improve over time.

The Council will provide a clear point of contact for raising questions and concerns if it is thought we have not stuck to the principles during a particular consultation. We will do what we can to address concerns if the consultation is still live, and we will try to identify lessons for future work.

6.3 Who we will involve?

The Council has been engaging with various groups of people and agencies in the preparation of development plans for many years, and has built up a list of organisations and individuals who have an interest in the process. We have developed and updated this information to provide a comprehensive database of stakeholders as a basis for consultation on the Local Development Plan.

The main groups which are being involved include:

Public sector

- Scottish Government (including executive agencies of the Government such as Historic Scotland and Transport Scotland)
- Key agencies (bodies specified by Scottish Ministers who have to co-operate with the Council in preparing the development plan, i.e. SNH, SEPA, 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)
- Other public sector organisations (e.g. Scottish Canals, Sportscotland, Forestry Commission)

Private sector

- Landowners
- Developers and housebuilders
- Key local companies and businesses
- Housing associations
- Transport companies (e.g. Network Rail, First Bus, First ScotRail)
- Telecommunication companies
- Energy and utility companies
- Mineral operators

Other organisations

- Environmental and amenity organisations (e.g. Central Scotland Forest Trust, RSPB, Scottish Wildlife Trust, Civic Trust)
- Transport organisations (e.g. Sustrans)
- Business organisations (e.g. Falkirk for Business, Chamber of Commerce, Falkirk and District Town Centre Management)

Community Organisations & Representatives

- Community Councils
- Local Councillors
- Local MPs and MSPs
- Residents associations and groups
- Local amenity and interest groups
- Churches and faith groups

Individuals

6.4 What will we do to get people involved?

There is a wide range of means of getting people involved in the plan making process. These have expanded greatly in recent years through the use of the internet, which offers new opportunities for communication with the wider public. However, there is a limit to the resources which the Council has available. It is important that consultation is targeted appropriately, so that the right people are involved at the right time, and generally that consultation is ‘front loaded’ at a point when they can influence the outcomes of the plan.

In broad terms, the following steps have, or will be undertaken at each stage of the plan. As noted previously, the pre-MIR, MIR and Proposed Plan stages are now complete.

Stage	Methods
Pre-Main Issues Report (pre-MIR)	<ul style="list-style-type: none">• Publicise Development Plan Scheme by placing it on-line and in libraries and other deposit locations and distributing copies to all on consultation database• Update and develop stakeholder database• Consult on the scope and issues to be covered in plan• Consult on the scope of Strategic Environmental Assessment• Invite developers and landowners to submit development proposals for consideration• Hold topic focus groups with key stakeholders• Organise training for community councils and others on engagement in Main Issues Report stage• Carry out specific youth engagement exercise• Issue Development Plan Newsletter and review Council web site to update all stakeholders on progress
Main Issues Report (MIR)	<ul style="list-style-type: none">• Advert, press release and letter to all stakeholders• Make documents and response forms available online, in libraries and other deposit locations• Minimum 12 week period for engagement• Hold area-based exhibitions and workshops across Council area• Hold workshops with community councils and other community groups where requested• Issue Development Plan Newsletter to provide concise summary of Main Issues Report
Proposed Plan	<ul style="list-style-type: none">• Organise training for community organisations on participation in the Proposed Plan and examination stages• Advert, press release and letter to all stakeholders, including those who commented on Main Issues Report stage• Make documents and objection forms available online, in libraries and other deposit locations• Publicise summary of all comments on the Main Issues Report

	<ul style="list-style-type: none"> • Notify neighbours and owner/occupiers of proposed sites • Formal period of at least six weeks for representations • Issue Development Plan Newsletter to provide concise summary of proposed plan
Examination	<ul style="list-style-type: none"> • Advert • Notification to all parties with unresolved representations • Make examination documents available at Development Services, with key information on the Council's web site
Stage	Methods
Adoption	<ul style="list-style-type: none"> • Advert, press release and letter to all stakeholders including those who participated at Main Issues Report, Proposed Plan and examination stages • Make documents available online, in libraries and other deposit locations

7. LET US KNOW WHAT YOU THINK

The Council would welcome comments on this Development Plan Scheme, to help inform how we go about preparing the Local Development Plan and how we involve people in it.

The contact details for sending comments or finding out more about the Local Development Plan are as follows:

Planning & Environment Unit, Development Services, Falkirk Council, Abbotsford House, Davids Loan, Falkirk FK2 7YZ

Telephone: 01342 504720 (Colin Hemfrey)
01324 504739 (Alistair Shaw)

E-mail: ldp@falkirk.gov.uk