

**FALKIRK COUNCIL**

**Subject: FALKIRK LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY  
GUIDANCE FINALISED DRAFTS**  
**Meeting: EXECUTIVE**  
**Date: 27 MAY 2014**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1.0 INTRODUCTION**

- 1.1 Members will recall that a report outlining the process for preparing Supplementary Guidance (SG) in Falkirk was presented to the Executive on 25<sup>th</sup> February 2014. The Executive authorised officers to prepare and undertake consultation on the 16 SG notes referred to in the Proposed Falkirk Local Development Plan (LDP). It was agreed that the outcome of these consultations and the proposed content of the finalised SG would be reported back to the Executive on an ongoing basis.
- 1.2 As previously noted consultation on the majority of the SG will be undertaken in several batches throughout 2014 as and when they are produced or revised.
- 1.3 The first batch of SG has now gone through its statutory consultation process. The following four SG notes were included in the first batch:
  - SG01 Development in the Countryside
  - SG05 Biodiversity and Development
  - SG06 Trees and Development
  - SG13 Open Space and New Development
- 1.4 It is anticipated that the Council will be consulting on two more batches of SG in May/June and September/October this year.
- 1.5 This report sets out the results of the consultation and recommends, subject to a number of amendments, that the four finalised SG notes are submitted to the Scottish Ministers with the LDP and adopted with the Plan. Submission of the LDP is currently scheduled for February 2015 as set out in the timetable contained in the Falkirk Local Development Plan Scheme, with adoption in March 2015.

**2.0 SUMMARY OF SUPPLEMENTARY GUIDANCE**

- 2.1 For background information purposes this section of the Committee report includes a summary of the four SG notes contained in the first consultation batch.

## **SG01     Development in the Countryside**

- 2.2 SG01 is a new SG note which has been produced to elaborate on the key countryside policies contained in the LDP. The 'countryside' is defined as those areas outwith the urban and village limits. It adheres to the LDP's objective of protecting the character and environmental quality of Falkirk's countryside whilst facilitating well designed development, in the right places, where it is justified and necessary. It provides detailed guidance to developers and others on matters to take into account when approaching the Council with proposals for development in the countryside, in particular:

- (a) the circumstances in which development in the countryside will be permitted, and;
- (b) design guidance on new development in the countryside.

SG01 contains many illustrations and photographs to show both good and bad developments, and hopefully inspire good design in proposed developments.

## **SG05     Biodiversity and Development**

- 2.3 SG05 is an updated version of the previous SPG Biodiversity and Development (February 2007). This SG emphasises the shared responsibility to conserve and enhance our local biodiversity for the good of current and future generations. It outlines that by considering biodiversity early in the planning process, quality development can be achieved that protects, enhances and benefits from biodiversity. The SG includes:

- (a) an introduction to key biodiversity legislation, policy and guidance;
- (b) an outline of the Council's Biodiversity Objectives;
- (c) details of how biodiversity conservation should be incorporated into development, and;
- (d) checklists for different development types.

## **SG06     Trees and Development**

- 2.4 SG06 is an updated version of the previous SPG Trees and Development (October 2007). This SG emphasises the value of trees, which not only benefit developments, but also the wider population, local wildlife and the environment for many years after the development has been completed. The purpose of the SG is to:

- (a) encourage developers, through the Development Management process, to effectively manage existing trees and woodlands, and;
- (b) provide the right conditions for new trees on construction sites.

## **SG13     Open Space and New Development**

- 2.5 SG13 is an updated version of the previous SPG Open Space, Falkirk Greenspace and New Development (June 2011). This SG emphasises the value of open space. The term open space is used to encompass all functional and publicly accessible greenspace and bluespace (water environments). It provides the Council's guidance on the provision of open space in new developments and its contribution towards the development of the Central Scotland Green Network (CSGN) within the Council area. It would be used in tandem with the Council's open space audit and Open Space Strategy. The SG includes:

- (a) the overall standards for provision of open space within new development;
- (b) how the requirements for open space for new development will be calculated;
- (c) what types of open space should be provided;

- (d) whether the open space should be provided on-site or a financial contribution towards off-site provision will be sought;
- (e) how financial contributions towards open space will be calculated, and;
- (f) the process for the delivery and subsequent maintenance of new open space.

An Environmental Report accompanies this SG, as required by the Environmental Assessment (Scotland) Act 2005. This assessment indicates the environmental benefits and potential environmental impacts of implementing the SG, which ensures that the environment is considered within all tiers of the SG.

### **3.0 CONSULTATION PROCESS**

- 3.1 A wide range of key agencies, organisations and individuals were notified by letter or email of the commencement of the consultation process and the availability of the four Consultative Draft SGs on the Council website. All Community Councils were included in this mailing. Copies of the four SG notes were also deposited at Council Offices (Abbotsford House and the Municipal Buildings), all Council Libraries and One Stop Shops.
- 3.2 Consultation took place over a 6 week period between 7<sup>th</sup> March and 18<sup>th</sup> April 2014.
- 3.3 Responses were received from the following 6 individuals/organisations:
  - Forestry Commission Scotland (SG06)
  - Scottish Natural Heritage (SG01, SG05, SG06 & SG13)
  - The Coal Authority (SG13)
  - RSPB Scotland, South and West Region (SG05)
  - Dan Henderson (SG01)
  - Charles Tibbles Planning (SG01)
  - The Profili Partnership (SG01)
  - Barrat Homes (SG13)
- 3.4 Detailed summaries of all the comments received and the Council's proposed draft responses are contained in Appendix 1, under the four SG headings. Appendix 2 contains the consultation drafts of the various SG notes. Scottish Planning Policy (SPP) is quoted in some of the notes. In case non-significant changes are made to this by the Scottish Parliament in June, permission is sought for the Director of Development Services to make minor adjustments in this and similar instances.

### **4.0 PROPOSED CHANGES TO THE DRAFT SG**

- 4.1 In the light of the responses to the consultation a number of changes are proposed to the four SG notes in order to provide clarification or remove errors. These proposed changes are set out in Appendix 1. Subject to the insertion of the proposed changes into the finalised versions, the four SGs are recommended for approval.

### **5.0 IMPLICATIONS**

- 5.1 Legal: The requirements and procedures for the preparation of SG are set out in Section 22 of the Town & Country Planning (Scotland) Act 1997, as inserted by the Planning, etc (Scotland) Act 2006, and the Town & Country Planning (Development Planning) (Scotland) Regulations 2008.

- 5.2 Financial: None
- 5.3 Personnel: None.
- 5.4 Policy: Supplementary Guidance once adopted, will constitute a part of the statutory Development Plan for the Falkirk Council area i.e. the proposed Falkirk Local Development Plan.

## **6.0 RECOMMENDATION**

- 6.1 That the Executive approves the following Supplementary Guidance notes, including modifications in response to consultations as detailed in Appendix 1, and to submit these to Scottish Ministers for approval, along with the Falkirk Local Development Plan:

SG01	Development in the Countryside
SG05	Biodiversity and Development
SG06	Trees and Development
SG13	Open Space and New Development

And authorise the Director of Development Services to make minor adjustments to text arising from change of circumstances

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**Director of Development Services**

15<sup>th</sup> May 2014

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## **APPENDICES**

1. Appendix 1 Summary of Comments and Proposed Responses
2. Appendix 2 Consultation Drafts of the four SG notes.

## **LIST OF BACKGROUND PAPERS**

1. Proposed Falkirk Local Development Plan
2. Comments submitted by consultees

Any person wishing to inspect the background papers listed above should contact Louise Blance on 01324 504717