

APPENDIX 1

SUMMARY OF COMMENTS AND PROPOSED RESPONSES

SG01 Development in the Countryside

Organisation	SPG Para/ Section	Summary of Comment	Proposed Response
Scottish Natural Heritage (SNH)	Non-specific	It is commented that SG01 is an attractive, easily accessible and very well presented document. SNH are generally supportive of the SG and emphasis on design that fits the character of an area.	Comments noted.
	Non-specific	Reference to forthcoming SG09 'Landscape Character Assessment and Landscape Designations' noted. Suggests SG01 clarifies whether there will be additional requirements for siting and design within local landscape designations.	Paras 5.8 & 5.9 of SG01 already cross-reference SG09 and recommend that applicants refer to SG09 to ensure that the proposed location and design of development proposals enhance positive attributes of the surrounding landscape character. No additional text required.
	Non-specific	The re-use of existing buildings should include a reference to protected species, particularly bats and barn owls. This would allow for more detailed exploration of how to address their presence through design.	Agreed. Whilst Policy GN03 Biodiversity and Geodiversity is already referenced in Appendix 1 – additional reference will be made.
	Paras 3.6-3.12	Criteria outlined in paragraphs 3.6-3.12 to support the interpretation of sub sections 1-6 of Policy CG03 does not include identical wording in each sub section. Suggest that identical wording is used ' <i>...all of the following criteria must be met</i> ' to avoid any opportunities for misinterpretation.	Agreed. The text in each sub section will be revised to include a standardised wording.
	Photograph / Drawing page 6	Note slight inconsistency between the existing elevations shown on the drawing and that shown in the	Agreed. illustrations will be amended accordingly.

		photograph.	
	Figure 1 page 10	Suggest that page 10 shows appropriate infill development (circled bottom left drawing) in a form which on page 36 is identified as unacceptable.	Not agreed. The diagrams are not directly comparable and are intended for illustrative purposes only. No change is necessary.
	Diagram page 38	Diagram explaining building orientation should be clarified.	Agreed. This diagram would benefit from some further clarification.
	Para 5.44	Should include clarification that landscape features is not confined to trees and hedgerows, suggests where stone walls are a significant landscape feature these should be retained/restored.	Not agreed. This issue is covered by para. 5.43, and there is no need for any further duplication.
Dan Henderson	Non-specific	The approach set out in SG01 is too rigorous and a less rigorous approach is required.	Not agreed. SG01 must fit with the relevant countryside policies of the Proposed LDP. These policies and SG01 have a positive approach to development in rural areas which are consistent with Scottish Planning Policy (SPP). They adhere 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.
	Non-specific	Should make greater recognition of the economic benefits brought to the community through farming / countryside business & the need for ongoing new housing for farming families.	Comments noted. No further revisions necessary. SG01 promotes sustainable economic development in rural areas and recognises the benefits it can bring, whilst being mindful that some economic activities have implications for the character of the countryside. LDP Policy CG03 and the supporting information contained in SG01 recognise that there are circumstances where new houses in the countryside are necessary and justified.
	Non specific	Construction of new houses for the next farming generation should be a routine process not requiring external consultants.	Not agreed. Supporting information is considered to be essential to ensure that proposals for housing in the countryside are properly justified.
	Non specific	The use of Agricultural Consultants needs to be re-assessed to help streamline the system and save consultants fees.	Not agreed. SG01 does not contain any specific reference to 'Agricultural Consultants'. However, robust information, from whatever source, is

			considered essential to ensure that proposals are properly justified.
	Non specific	Financial assessment of farming businesses is not necessary.	Not agreed. If housing is required to support a rural business, it is considered necessary to ensure that the business is economically viable and that the housing is requisite for the operation of the business. For this purpose a supporting statement which includes financial information will be required.
	Non specific	Requirement for applications to include a structural engineers report certifying the building is capable of conversion should be deleted or reworded to allow Architects / Building Surveyors to deal with the issue. This will avoid duplication as these matters will be dealt with by Building Standards anyway.	Not agreed. Sub section (2) of Policy CG03 allows for the restoration of existing buildings in the countryside. The emphasis is on preserving and retaining the special character of the existing historic building fabric. By including the requirement that buildings should be substantially intact and be accompanied by a structural engineers report, the Council seeks to ensure the area's vernacular character is preserved. This is a separate preliminary stage required prior to development so there is no duplication with the Building Standards / Building Warrants process.
	Page 16	Guidance allows for business proposals to reuse brownfield land. Suggests it should also be acceptable for small housing developments to reuse brownfield land.	Not agreed. This would be contrary to the policy framework set out in the Proposed LDP. Sub section (3) of LDP Policy CG04 allows for business proposals to reuse brownfield land on the basis that it facilitates beneficial economic development in the countryside. It is not accepted that this should apply to new housing on brownfield land. The scale of brownfield land in the countryside is such that this would lead to a proliferation of sporadic developments to the detriment of Falkirk's countryside.
	Illustrations	A more consistent approach should be adopted. Some have credits & references to copyright whereas others do not.	Not agreed. A consistent approach has been taken. Copyright and Credits are given where the images were provided by sources other than the Council. Those images which have been included in SG01

			without credits have been selected from photographs taken by Council staff.
	Page 32	Questions whether the owner has consented to their house being used to illustrate inappropriate development.	Not agreed. Although the owner has not been contacted, any examples used to illustrate inappropriate development do not identify the location to ensure anonymity and avoid any embarrassment to the owner.
	Page 10	Suggests using a theoretical location to demonstrate unacceptable infill development rather than Braeface.	Not agreed. The location used to highlight potential examples of unacceptable / acceptable development is not identified, and is unlikely to be recognisable by most users of the document. Nonetheless it was considered to be helpful to use an actual local example.
	Page 39	Questions whether the owner has consented to their boundary fencing being used to illustrate inappropriate development.	Not agreed. Although the owner has not been contacted, any examples used to illustrate inappropriate development do not identify the location to ensure anonymity and avoid any embarrassment to the owner.
Charles Tibbles Planning	Para 3.9(4)	The criteria for assessing infill development should be amended as follows: a cluster within which infill development should be allowed should only need to be 'predominantly' residential; and allowable infill development should include the conversion, replacement or reconstruction and extension of an existing stone building	Not agreed. It is considered that residential infill should relate only to residential gap sites. The restoration/ conversion of non-residential buildings is already supported by SG01 as described in para 3.8 (3)(a). The replacement of non-residential buildings by houses within a building cluster is likely to be covered by the guidance on steading redevelopment (para 3.8 (3)(b)). The changes are therefore not considered appropriate or necessary.
Profili Partnership	Para 3.9 (4)	Questions why existing cluster is limited to 3 or more existing residential properties. Requests that guidance allows for infill development between two residential properties where the existing form of development provides an appropriate location/setting. Plot boundary treatments in the countryside (substantial walls or	Partially agreed. It is accepted that an appropriate gap site can exist between 2 residential properties. The first two bullet points of para 3.8 (4) will be amended to delete reference to the requirements for a cluster of three houses, and to allow infill development where a gap site of no more than 80

		mature hedging) can visually and physically offer containment either end of two dwellings with a gap in the middle appropriate for infill development.	metres exists between two residential properties fronting a road. It is not, however, considered appropriate to allow other physical features to provide an 'end stop' for infill development, as this is too vague and is likely to promote ribbon development.
	Para 3.9 (4)	Reference to 80 metres as the limit for a gap site should be deleted. Other authorities specify 100 metres and some authorities do not specify any measurement. A measurement is not helpful in the countryside where plot sizes are large and where building groups and clusters may be tightly or loosely formed. A sympathetically designed new dwelling can be responsive to the architecture and character of a group without having to adhere to a strict measurement. If a measurement is to be provided, appropriate wording should be inserted that allows for measurement to be approximate such as 'in the region of x metres'.	Not agreed. It is considered to be important to define the maximum extent of a 'gap' for the purposes of assessing infill development. 80 metres is considered to be an appropriate distance, giving reasonable scope for infill while limiting its impact.
	Para 3.9 (4)	Request a change to criteria 2 to allow for infill development to be an extension of the building group where there is an appropriate topographical feature that would limit the development. Stirling Council's SG provides for the extension of a group of house in either direction of a building group if there is an appropriate topographical stop.	Not agreed. Urban and village limits are established in the LDP. Scope for acceptable expansion of these boundaries has already been assessed through that process.
	Para 3.9 (4)	Further definition of ribbon development is needed, as in countryside situations the nature of development is normally housing located along a single country road which some authorities refer to as frontage development and not ribbon development. Such authorities support the extension of groups of buildings outwards in either direction by a further 2 dwellings or more in certain circumstances. Guidance should include reference to frontage development and circumstances in which it will	Partially agreed. Clarification of the term 'ribbon development', defined as the outward linear growth of development along a road, will be provided in SG01. Allowance for further expansion at the edges of housing clusters in the rural areas is not favoured, as it could lead to ribbon development.

		be allowed.	
	Para 3.7 (2b)	Criterion does not provide for constructing a house on the site of a former house if there is evidence of a foundation. Request the inclusion of evidence of a foundation as a basis for allowing a replacement house and only in circumstances where a new dwelling would be an environmental benefit offering enhancement of the existing landscape.	Not agreed. There are many circumstances where there may have been houses in the countryside in the past, and permitting development where there has been evidence of a foundation would lead to a proliferation of sporadic developments to the detriment of Falkirk's countryside.
	Non specific	Guidance does not address the issue of land outwith the urban settlement boundary and so designated as countryside although having an unmanaged and rough/vacant land appearance. There is no provision within policy terms or the SG for the use of this land for new housing other than if housing is needed to support an agricultural or rural business need. Infill development section in SG should be expanded to allow such land on the fringes of our urban settlement to be brought into housing use where the development would offer enhancement of the specific site and surrounding environment and benefits to the local community.	Not agreed. Urban and village limits are established in the LDP. Scope for acceptable expansion of these boundaries has already been assessed through that process.

SG05 Biodiversity and Development

Organisation	SPG Para/ Section	Summary of Comment	Proposed Response
RSPB	Non specific	RSPB welcomes SG05 and feels it is an excellent example of its type.	Comments noted.
Scottish Natural Heritage (SNH)	Non specific	Guidance welcomed and considered to be a comprehensive and useful document.	Comments noted.
	Table 1	Refers to Species Directive, it is assumed that this intended to Birds Directive as Habitats Directive already included in list.	Comments noted. Clarification will be provided.
	Section 2	SG sets out existing Local Policy and Proposed LDP	Comments noted. References to existing Local Plan

		policy, so there is some scope for confusion. It is suggested until LDP is adopted and Policy EQ24 can be removed, some explanatory text should be provided to guide readers to GN03.	policies will be removed, as the SG relates solely to the emerging LDP.
	Section 5	Biodiversity checklist provides a clear useful guide to developers. However references to consulting SNH should be amended to 'consult the SNH website'.	Agreed. References will be amended as suggested. Reference to SNH's website will also be added to Appendix 7 – Useful Contacts for consistency.
	Section 5	Where advice is specific to wind turbines and wind farms SNH website should be provided as a first point of call.	Agreed. References will be amended as suggested. Reference to SNH's website will also be added to Appendix 7 – Useful Contacts for consistency.

SG06 Trees and Development

Organisation	SPG Para/ Section	Comment	Proposed Response
Forestry Commission Scotland (FCS)	Non specific	Document is a useful tool in helping to safeguard the interests of trees and woodlands as part of achieving sustainable development.	Comments noted.
	Para 1.2	Suggest that the purpose of the guidance is broadened slightly to include: - Safeguard and protect trees and woodlands within developments - Guide developers to ensure the correct tree felling consent is obtained.	Agreed. Text will be revised accordingly
	Para 2.1	Suggest that the following legislation is included: Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999. Some types of forestry project are likely to have a significant impact on the environment. The types of forestry work that an EIA applies to include: *Afforestation: planting new woods and forests: *Deforestation: felling woodland and trees to use the	Agreed. Text will be revised to include reference to Environmental Impact Assessment (Forestry) Regulations

		land for a different purpose.	
	Para 2.2	Suggest that the following SPP quote is included: Paragraph 148. "The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy and this should be taken into account when preparing development plans and deciding planning applications".	Agreed. Text will be revised accordingly.
	Section 3	It would be helpful to explain the consenting procedures for tree felling. Suggest the following wording: Tree Felling Consent:- Tree felling generally requires consent and this is obtainable via two separate legislative mechanisms. For the purposes of development, tree felling required for the construction phase of development should be detailed in the planning application with felling consent being secured as part of the planning permission. All other tree felling consent is obtained by submitting a felling licence application to Forestry Commission Scotland.	Agreed. Text will be revised accordingly
Scottish Natural Heritage (SNH)	Para 3.2	Recommends that reference is made to Scottish Governments Control of Woodland Removal Policy. This policy requires that woodland lost to development, of any type should be compensated for.	Agreed. Text will be revised accordingly.
	Para 3.4	Page 8 of para 3.4 refers to contacting SNH for further information in relation to bat roosts in trees. This advice may conflict with information set out in SNH's Service Statement for Planning and Development, so it is recommended that it is replaced with advice to consult	Agreed. Text will be revised accordingly.

		SNH website.	
	Non specific	Suggest guidance reinforces the idea that trees will increase the value of development, and not just in terms of visual impact.	Agreed. Text will be revised accordingly.

SG13 Open Space and New Development

Organisation	SPG Para/ Section	Summary of Comment	Proposed Response
Sportscotland	Non specific	<p>Suggests that references should be made to the findings of the Falkirk Pitches Strategy (Jan 2013), which provides information on the requirements for new/upgrades to existing pitch provision for cricket, football, hockey, rugby and tennis, and could therefore provide an evidence base for the consideration of the type of sports area provision required on-site, or the locations to which developer contributions could be directed for off-site contributions for new sports areas or upgrades to existing.</p> <p>Recommends that consideration is given as to how the Pitches Strategy can inform the methodology described in the SG.</p>	Comment noted. Since the Falkirk Pitches Strategy is a draft document with no firm timetable for approval, it is not considered appropriate to refer to it in the SG. Nonetheless, if and when it is formally approved, it would, along with the Open Space Strategy, inform judgements about how new development would contribute to open space provision.
	Table 2	Suggests that Table 2 makes reference to Sportscotland's guidance notes on pitch and court markings, which provide information on the guideline dimensions for pitches for a variety of sports.	Comment noted. References to Sportscotland's guideline dimensions for pitches will be inserted into the text.
	Paragraph 2.34	Indicates that they would expect that any compensatory measures required for the loss of a pitch would be made in accordance with the provisions of bullet 3 of Policy INF03(2) of the Proposed Plan (which reflects paragraph 156 of SPP), and suggests that consideration should therefore be given as to how the requirement set out in the	Agreed. Compensatory measures required for the loss of a pitch would need to be made in accordance with the provisions of bullet 3 of policy INF03 (which reflect paragraph 156 of SPP). Wording will be added to the text to clarify this.

		SG ties in with the SPP and LDP policy requirement.	
NHS Forth Valley	Non specific	Acknowledges that the SG states, “play is a vital element of the physical and mental development of all children...”. Agrees that space can make a positive contribution including to wildlife and a sense of place.	Comment noted.
	Consultation Question 1	<p>Accepts that the standardised open space requirement could be appropriate in certain circumstances, and in particular where large masterplan developments are being proposed.</p> <p>Suggests that it would not be appropriate to apply a standard open space requirement to all developments as some are located where there is already a surplus of open space and capacity exists to absorb the proposed development without the need to provide further facilities.</p> <p>This situation could arise where a proposed development is in close proximity / adjacent to an area of well specified open space. Another example could be where a proposal is to be located within a dense urban area, where provision of open space would not be consistent with the established urban grain.</p>	Not agreed. The principle that all residential development of over 3 units should contribute to open space and play provision has already been established by Policy INF04 of the Proposed Plan. This is on the basis that all development places additional pressures on open space. There is no scope to depart from this principle in the SG. The quality and extent of local open space provision will nonetheless influence <u>how</u> development should contribute to the open space resource.
	Consultation Question 2	<p>Indicates that a flat rate of open space requirement regardless of house type would not be appropriate as it would not differentiate between different types of housing, inherent differences in the provision of garden space and also likely characteristics of occupiers, which could vary widely.</p> <p>Suggests that it is important to recognise that housing will</p>	Comment noted. The SG has opted to differentiate between flats and houses, with a higher rate for houses on the basis of larger households. Private gardens are not public open space, and it is inappropriate to allow the size of private gardens to influence the amount of public open space which is required.

		have private gardens and this should be factored into the provision of open space.	
	Consultation Question 3	<p>Supports the principle that where there is sufficient existing provision in the vicinity of a development, no open space requirement should be sought.</p> <p>Suggests that where it is clear that not only a quantitative, but also a qualitative, level of provision exists, no contribution should be sought and that this approach is consistent with the Scottish Government's approach to developer contributions and Section 75s.</p>	<p>Comment noted. The principle that all residential development of over 3 units should contribute to open space and play provision has already been established by Policy INF04 of the Proposed Plan. This is on the basis that all development places additional pressures on open space. There is no scope to depart from this principle in the SG. The quality and extent of local open space provision will nonetheless influence <u>how</u> development contributes to the open space resource.</p>
	Consultation Question 4	<p>Agrees that it is reasonable to differentiate between functional and non-functional open space. The provision of structure planting can be used as functional open space for walking, playing and climbing.</p>	<p>Comment noted. Paragraph 2.14 of the SG already indicates structure planning with high amenity value which contributes to the enhancement of the green network can be considered to contribute towards meeting a development's open space requirement.</p> <p>The text will be amended to clarify the descriptions of functional and non-functional open spaces in paragraphs 2.12 - 2.14.</p>
	Consultation Question 5	<p>Agrees that it is reasonable to differentiate between active and passive open space although the rationale for a rise in contributions should there be no differentiation is unclear.</p>	<p>Comment noted. The SG intends to continue to differentiate between active and passive open space.</p>
	Consultation Question 6	<p>Welcomes the use of the construction output price (all new construction) index as it is an independently produced document.</p> <p>Indicates that new development should not be subsidising already deficient provision which the Council should be improving. New development should only be improving / providing new facilities where this is clearly and directly linked to the development proposed.</p>	<p>Comment noted. Paragraph 2.44 of the SG already indicates that open space contributions should comply with the policy tests set out in Circular 3/2012, i.e. be related to the impacts of the development. This does not mean that developer contributions cannot legitimately be applied to rectifying existing deficiencies, where new development will exacerbate those deficiencies.</p>
	Consultation	<p>Supports the adoption of the open space by the Council in</p>	<p>Comment noted. Money received for the</p>

	Question 7	return for a commuted sum equal to 10 x the annual maintenance cost. The commuted sum must be directly linked to the provision required as a consequence of the proposed development, and for no other space/ facilities.	maintenance of new open space passed to the Council for adoption would be used for that purpose rather than to subsidise existing maintenance schedules.
	Non specific	<p>Welcomes the Council's approach to the provision of open space detailed in SG. Indicates that the general principles appear to be reasonable although three key issues require to be reflected in the emerging SG, that is :-</p> <ul style="list-style-type: none"> • There should not be default position that all development requires to provide additional open space, whether active or passive, and that every application should be taken on its own merits. • The provision should be proportionate and directly linked to the development. • The SG should not be used to provide facilities / open space where it can be demonstrated that these are already inadequate. 	Comments noted. These points are responded to above.
Scottish Natural Heritage	Consultation Question 1	Welcomes the rate of 70m ² /dwelling of open space provision for new residential developments.	Support welcomed
	Consultation Question 2	<p>Seeks reassurance that that the open space requirement for flats are per individual flat as opposed to per block of flats.</p> <p>Draws attention to alternative approaches to differentiating between dwelling types elsewhere used in supplementary guidance elsewhere in Scotland (e.g. Aberdeen, Highland)</p> <p>Recommends that whatever decision is taken about whether to differentiate between different house types or not, comparative worked examples should be offered. For example, the Aberdeen approach of using household size could be added to the existing worked examples, offering a clearer understanding of the respective requirements.</p>	<p>The figures quoted in Table 1 are per residential unit.</p> <p>No further consultation on the residential open space requirement rate is intended so there would be no benefit inserting a comparison of approaches to the finalised SG.</p> <p>The chosen approach is considered to offer the greatest clarity, consistency and mirrors current practice for calculating developer contributions to education provision.</p>

	Consultation Question 3	<p>Indicates that the rules for deciding whether an open space requirement should be met through on site provision or financial contributions towards off site creation/ improvement are clear and should give certainty to developers.</p> <p>Outlines different approaches to threshold size for functional open space throughout Scotland, mainly in response to local circumstances.</p> <p>Supports the approach set out in SPP which emphasises networks of linked, good quality open space, and use of off-site contributions to existing nearby open space,</p> <p>Suggests that decisions to improve and enhance open space nearby should be informed by the Open Space Strategy.</p>	Comments noted. Paragraph 2.40 of the SG already sets out that, in general, open space contributions will be spent taking account of the Open Space Strategy, Core Paths Plan and Falkirk Greenspace Strategy
	Consultation Question 4	<p>Suggests that before deciding whether functional and non functional open space should be differentiated the term 'non-functional' should be qualified. While the 'non-functional' types listed as examples in paragraph 2.13 are not functional in the same sense as those in paragraph 2.12, they nevertheless have a function. In these cases, it is likely that this function will be related to delivery of Falkirk's Integrated Habitat Network and Green Network.</p> <p>Recommends that discussion of function in the SG is reviewed in the context of SPP and Green Infrastructure: Design and Placemaking and the wider contributions that open space of all types makes.</p>	<p>Comment noted. Paragraph 2.14 of the SG already indicates that non-functional open space which has a high biodiversity or amenity value and can contribute towards the enhancement of the Falkirk Integrated Habitat Network, the Green Network or both of these will be considered to contribute towards meeting a development's open space requirement.</p> <p>Nevertheless, the text will be amended to clarify the descriptions of functional and non-functional open spaces in paragraphs 2.12 - 2.14.</p>
	Consultation Question 5	<p>Suggests that if active and passive open space are to be differentiated then the terms need further definition.</p> <p>Supports SPP's recommendation that there should be open spaces within settlements that can be used by</p>	Comment noted. The text will be amended to clarify the definitions of active and passive open space.

		everyone regardless of age, gender or disability.	
	Consultation Question 7	Indicates that appropriate maintenance of open space is key if these areas are to deliver their intended functions and contribute to placemaking. SPP requires that open space is “fit for purpose, maintained and sustainable over the long term”.	Comment noted.
	Paragraph 2.21	<p>Welcomes paragraph 2.21 which outlines opportunities to link open spaces to the green network and the core path network, all of which can help contribute towards the development of the Central Scotland Green Network (CSGN).</p> <p>Recommends that a stronger link is made to the Falkirk Greenspace Strategy and that developers are encouraged to refer to this document in addition to the Open Space Strategy and Core Path Plan.</p>	Comment noted. Additional text will be inserted into paragraph 2.21 to strengthen the link to the Falkirk Greenspace Strategy.
	Table 2	Points out that Table 2 is incorrectly annotated twice in the document – Table 3 on page 8 is marked as Table 2.	Comment noted. This will be corrected.
	Section 4	Welcome the worked examples for developers. However some of the examples have apparent errors and are difficult to follow.	Comments noted. These are typographical errors which will be corrected.
The Coal Authority	Non specific	Indicates that some of the estimated 1600 recorded mine entries across the Council area may be present in areas designated for open space and areas of green infrastructure, and could potentially be just under the surface of grassed areas. Existing GIS data should be used to undertake a due diligence check to identify whether there are coal mining features present within areas of publically accessible open space and ensure that the site is fit for purpose.	Comment noted. An assessment of the fitness for purpose of existing open spaces is one of the pieces of work being undertaken in advance of the Open Space Strategy Review. The existence of coal mining features in existing open space and their impact on the fitness for purpose of that open space will be taken into account during this process.
Barratt West Scotland	Non specific	Agrees with the benefits of open space described in the SG.	Comment noted
	Consultation	Accepts that the standardised open space requirement	Not agreed. The principle that all residential

	Question 1	could be appropriate in certain circumstances, and in particular where large masterplan developments are being proposed. However, it would not be appropriate to apply a standard open space requirement to all developments as some are located where there is already a surplus of open space and capacity exists to absorb the proposed development without the need to provide further facilities.	development of over 3 units should contribute to open space and play provision has already been established by Policy INF04 of the Proposed Plan. This is on the basis that all development places additional pressures on open space. There is no scope to depart from this principle in the SG. The quality and extent of local open space provision will nonetheless influence <u>how</u> development should contribute to the open space resource.
	Consultation Question 1	<p>Suggests that the SG should be highlighted as guidance rather than a hard and fast blanket policy, and considered within the context of the specific site and proposal and any relevant open space audit or other relevant evidence.</p> <p>Indicates that they have had several customer complaints about the provision of open space and the associated maintenance issues on developments as they can become undesirable and attract anti-social behaviour.</p> <p>Flexibility is therefore required and the SG should make specific reference to open space provision being the subject of negotiation between the developer and the Council.</p>	<p>Under the Planning etc (Scotland) Act 2007 the SG will be part of the statutory development plan with appropriate weight attached to it in decision making.</p> <p>The SG contains enough flexibility to allow the context of any specific site to dictate the balance between whether the open space requirement is delivered through on site provision or through the upgrading of off site open space. The checklist for developers at paragraph 2.48 of the SG provides further detail about how the process should work.</p>
	Consultation Question 1	<p>Suggests that when considering detailed proposals, a detailed assessment of needs or audit of existing facilities should be carried out.</p> <p>Any provision of new open space or financial contribution towards the improvement of existing open space should be used to address the open space requirements generated by the proposed development rather than rectifying any existing issues or simply requiring delivery of open space as a standard matter of course where factors dictate otherwise.</p>	<p>Policy INFO04 makes it clear that decisions about how a development should contribute to open space will be informed by the Council's open space audit.</p> <p>Paragraph 2.44 of the SG already indicates that open space contributions should comply with the policy tests set out in Circular 3/2012, i.e. be related to the impacts of the development. This does not mean that developer contributions cannot legitimately be applied to rectifying existing deficiencies, where new development will</p>

			exacerbate those deficiencies.
	Consultation Question 2	Indicates that a flat rate of open space requirement regardless of house type would not be appropriate as it would not differentiate between different types of housing, inherent differences in the provision of garden space and also likely characteristics of occupiers, which could vary widely. It is important to recognise that housing will have private gardens and this should be factored into the provision of open space.	Comment noted. The SG has opted to differentiate between flats and houses, with a higher rate for houses on the basis of larger households. Private gardens are not public open space, and it is inappropriate to allow the size of private gardens to influence the amount of public open space which is required.
	Consultation Question 3	States that where there is sufficient existing provision in the vicinity of a development, no open space requirement should be sought.	Not agreed. The principle that all residential development of over 3 units should contribute to open space and play provision has already been established by Policy INF04 of the Proposed Plan. This is on the basis that all development places additional pressures on open space. There is no scope to depart from this principle in the SG. The quality and extent of local open space provision will nonetheless influence <u>how</u> development should contribute to the open space resource.
	Consultation Question 3	Suggests that any commuted sum payable in lieu of on site provision of open space should vary depending upon the kind of public open space, i.e. woodland, parks etc, and the sum is directly related to this provision.	Comment noted. The commuted sum does vary according to the kind of open space required with a separate rate for active open space and passive open space. Any further breakdown of the required rate would make the system too complex and difficult to administer.
	Consultation Question 4	Agrees that it is reasonable to differentiate between functional and non-functional open space. The provision of structure planting can be used as functional open space for walking, playing and climbing.	Comment noted. Paragraph 2.14 of the SG already indicates structure planning with high amenity value which contributes to the enhancement of the green network can be considered to contribute towards meeting a development's open space requirement. The text will be amended to clarify the descriptions of functional and non-functional open spaces in paragraphs 2.12 - 2.14.
	Consultation	Agrees that it is reasonable to differentiate between active	Comment noted. The SG intends to continue to

	Question 5	and passive open space although the rationale for a rise in contributions should there be no differentiation is unclear.	differentiate between active and passive open space.
	Consultation Question 6	<p>Welcomes the use of the construction output price (all new construction) index as it is an independently produced document.</p> <p>Indicates that new development should not be subsidising already deficient provision which the Council should be improving. New development should only be improving / providing new facilities where this is clearly and directly linked to the development proposed.</p>	Comment noted. Paragraph 2.44 of the SG already indicates that open space contributions should comply with the policy tests set out in Circular 3/2012, i.e. be related to the impacts of the development. This does not mean that developer contributions cannot legitimately be applied to rectifying existing deficiencies, where new development will exacerbate those deficiencies.
	Consultation Question 6	Suggests that the costs of upgrading open space outlined at paragraph 2.31 are higher than neighbouring authorities' figures and this could act as a deterrent to investment in Falkirk.	<p>Comment noted. The Council is aware of the developer contribution rates applied in adjacent authorities but caution is required in making comparisons as charging regimes for different sizes and types of houses are not generally comparable and policies will be applied in different ways between different authorities. At least two adjacent authorities are in the process of reviewing charges.</p> <p>Such variations as can be discerned are very small in relation to overall development costs and are very unlikely to have any impact on investment decisions by housebuilders. There is certainly no evidence to suggest that the scale of charges in Falkirk is having any effect on housebuilders' willingness to build houses in the Council area.</p>
	Consultation Question 7	Supports the adoption of the open space by the Council in return for a commuted sum equal to 10 x the annual maintenance cost. The commuted sum must be directly linked to the provision required as a consequence of the proposed development, and for no other space/ facilities.	Comment noted. Money received for the maintenance of new open space passed to the Council for adoption would be used for that purpose rather than to subsidise existing maintenance schedules.
	Non specific	Welcomes the Council's approach to the provision of open space detailed in SG. Indicates that the general principles	Comments noted. These points are responded to above.

		<p>appear to be reasonable although three key issues require to be reflected in the emerging SG, that is :-</p> <ul style="list-style-type: none"> • There should not be default position that all development requires to provide additional open space, whether active or passive, and that every application should be taken on its own merits. • The provision should be proportionate and directly linked to the development. • The SG should not be used to provide facilities / open space where it can be demonstrated that these are already inadequate. 	
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