

List of Enclosures – Agenda Item 4

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Policies Applicable to Review:-

28.	<ul style="list-style-type: none"> Falkirk Council Local Development Plan - Emerging Plan – http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-development-plan/ 	
29.	<ul style="list-style-type: none"> o Policy D02 - Sustainable Design Principles 	69 – 70
30.	<ul style="list-style-type: none"> o Policy D07 – Antonine Wall 	71
31.	<ul style="list-style-type: none"> o Policy D08 - Sites of Archaeological Interest 	72
32.	<ul style="list-style-type: none"> o Policy INF10 – Transport Assessments 	73
	Falkirk Council Local Plan - http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan	
33.	<ul style="list-style-type: none"> o Policy EQ01 - Sustainable Design Principles 	74
34.	<ul style="list-style-type: none"> o Policy EQ16 – Sites of Archaeological Interest 	75 - 76
35.	<ul style="list-style-type: none"> o Policy EQ17 - Antonine Wall 	77 - 78
36.	<ul style="list-style-type: none"> o Policy ST07 - Transport Assessments 	79
	Falkirk Council Local Plan - Main Issues Report http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan	

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	Alastair
Surname		Surname	Bell
Company Name	Manor Forrest Ltd	Company Name	McLean Bell Consultants Ltd
Building No./Name	Atrium House	Building No./Name	33
Address Line 1	Callendar Boulevard	Address Line 1	Miller Park
Address Line 2	Callendar Business Park	Address Line 2	Polmont
Town/City	Falkirk	Town/City	Falkirk
Postcode	FK1 1XR	Postcode	Fk2 0UJ
Telephone		Telephone	
Mobile		Mobile	07803 591 530
Fax		Fax	01324 720732
Email		Email	mcleanbell@btconnect.com
3. Application Details			
Planning authority	Falkirk Council		
Planning authority's application reference number	P/14/0046/PPP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Milnquarter Farm, Roman Road, Bonnybridge, FK4 2DE </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Distributor Road and Associated Earth Works. </div>		

Date of application

17th February 2014

Date of decision (if any)

16th May 2014

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application) ☐
- Application for planning permission in principle ☒
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions ☐
- One or more hearing sessions ☒
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

The Local Review Body would benefit from hearing evidence from the applicant, Historic Scotland and Council officers due to the complex nature of the issues involved in this proposal.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land? ☐
- Is it possible for the site to be accessed safely, and without barriers to entry? ☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The site is fenced and from time to time contains farm animals. The applicant can arrange for safe access to be obtained at a time suitable to the Review Body

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached sheet.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

See attached sheet.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

McLean Bell Consultants Ltd

Date:

27th June 2014

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Statement of Appeal

Planning Application P/14/0046/PPP

This development proposal has been refused consent for three reasons {see decision notice}. The appellant comments on each of these reasons as follows.

Reason 1

- Reason 1 refers to Policy EQ16 of the adopted Falkirk Local Plan and also to Policy D08 of the proposed Falkirk Local Development Plan. In general these policies both seek to retain and protect Sites of Archaeological Interest and their setting from development which would have an adverse impact on either the Site or its setting.
- The site of this road proposal does not impact on the actual line of the Antonine Wall or any scheduled monument associated with the Wall. Consequently the issue appears to be concern by Historic Scotland over the potential adverse impact of this road proposal on the integrity of the setting of the Antonine Wall, Milnquarter Roman Camp and the Motte. The appellant considers that a road by its very nature has extremely limited vertical profile and on that basis it is difficult to understand what adverse visual impact it could have. There are certainly other developments both planned and under construction in the area which are likely to have a greater adverse visual impact, including developments immediately adjacent to these structures.
- The appellant has previously submitted a Cultural Heritage Assessment for the land at Milnquarter Farm and it is not considered necessary to replicate that work for a planning application in principle for a road. There is no evidence from Historic Scotland or planning officials that there would be any adverse impact on the setting of the Wall.

Reason 2

- Reason 2 refers to Policy EQ17 of the adopted Falkirk Local Plan and also to Policy D07 of the proposed Falkirk Local Development Plan. In general these policies both seek to retain and protect the Antonine Wall and its setting from development which would have an adverse impact on either the Wall or its setting.
- The Antonine Wall is now inscribed as part of the Frontiers of the Roman Empire World Heritage Site and the proposed road crosses through an area defined as a “buffer zone” in the adopted Falkirk Local Plan. Again it appears that Historic Scotland and planning officials are concerned about the potential adverse impact on the setting of the Wall and Camp at this location. As stated above, the appellant considers that a road by its very nature has extremely limited vertical profile and on that basis it is difficult to understand what adverse visual impact it could have. There are certainly other developments both planned and under construction in the area which are likely to have a greater adverse visual impact, including developments immediately adjacent to these structures.
- As mentioned above, the appellant has previously submitted a Cultural Heritage Assessment for the land at Milnquarter Farm and it is not considered necessary to replicate that work for a planning application in principle for a road. There is no

evidence from Historic Scotland or planning officials that there would be any adverse impact on the setting of the Wall or the Buffer Zone.

Reason 3

- This application is for planning permission in principle and matters of detailed design such as junction arrangements can be addressed under an application for matters subject to conditions.
- The Council has previously granted planning permission for the formation of a roundabout at the junction of this proposed road and Broomhill Road, Bonnybridge – planning applications P/07/0982/OUT and P/08/0489/REM refer}. It is recognised that these planning consents have lapsed but the design principles accepted in both consents have not changed and it is clear this junction can be constructed to meet the Council roads standards.
- The appellant has previously submitted a Transport Statement, an Access Appraisal and a Road safety Audit – Stage 1 in relation to this site. These documents have all been available to council officials.

McLean Bell Consultants Ltd.

27th June 2014

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Miss	Ref No.	
Forename	Fiona	Forename	
Surname	Stewart	Surname	
Company Name	Manor Forrest Ltd	Company Name	
Building No./Name	Atrium House	Building No./Name	
Address Line 1	Callendar Business Park	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Falkirk	Town/City	
Postcode	FK1 1XR	Postcode	
Telephone	01224670000	Telephone	
Mobile		Mobile	
Fax		Fax	
Email	fiona@manorforrest.com	Email	

3. Postal Address or Location of Proposed Development (please include postcode)

Milnquarter Farm, Bonnybridge, FK4 2DE

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div>	Date: <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div>
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****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Distributor road and associated works

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.6

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Agriculture and industrial

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NA

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

NA

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☒
 No, proposing to make private drainage arrangements ☐
 Not applicable – only arrangement for water supply required ☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway ☐
 Discharge to watercourse(s) (including partial soakaway) ☐
 Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?
 Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
 Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☐ No ☒

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m.):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☐ Don't Know ☒

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature



Name:

Manor Forrest Ltd

Date:

28th Feb 2014

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



Falkirk Council

MANOR FORREST LTD
 ATRIUM HOUSE
 CALLENDAR BUSINESS PARK
 FALKIRK
 FK1 1XR

Abbotsford House

Abbotsford House**Receipt**

Transaction Date: 29/01/2014
 14:20:56

Operator ID: DS010

Machine: DS001

Account Details

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Unit Manangement (DC) Planning Applications / MANOR FORREST LTD					

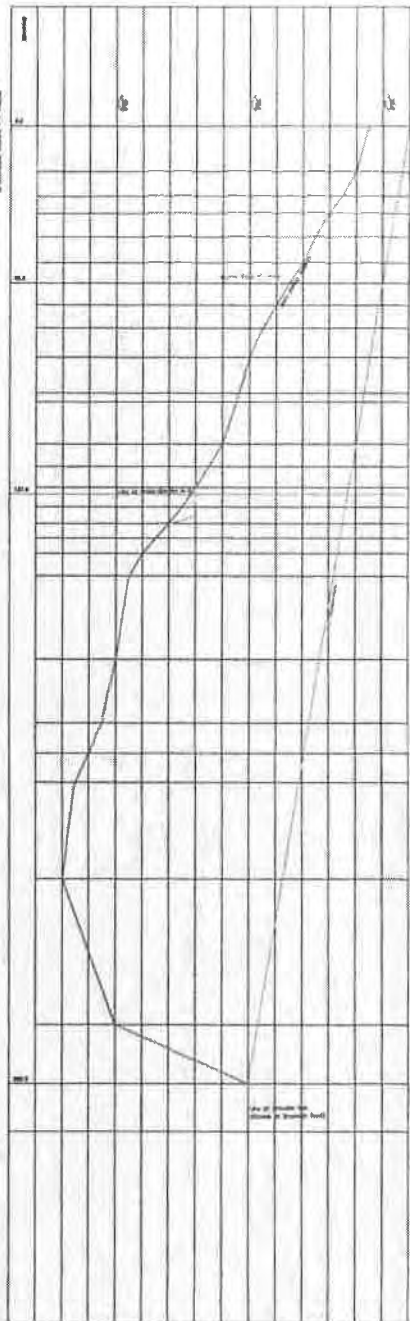
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MOP	Payment Ref	Payment Amt
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Please keep this copy for your records		Total Amt Paid: £2,292.00



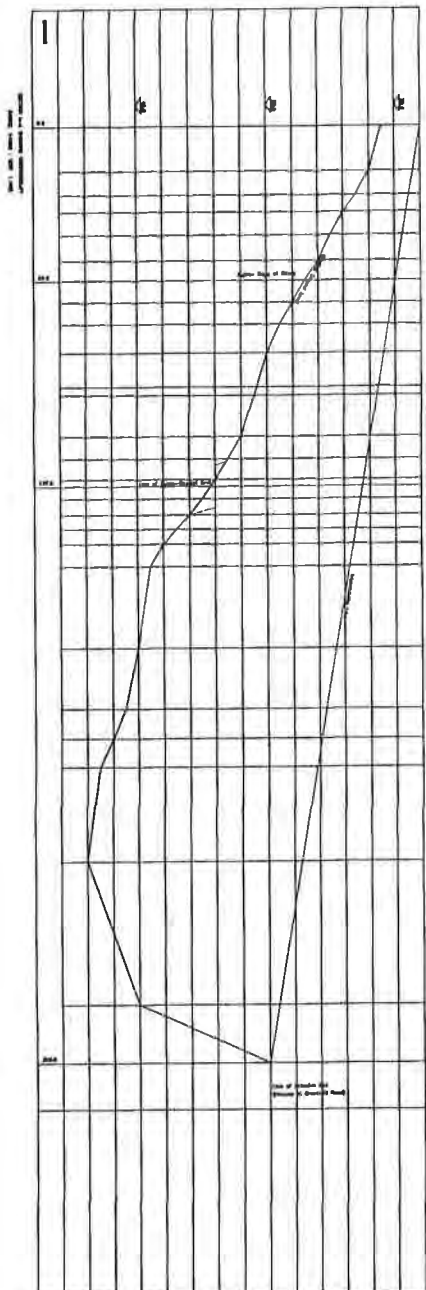
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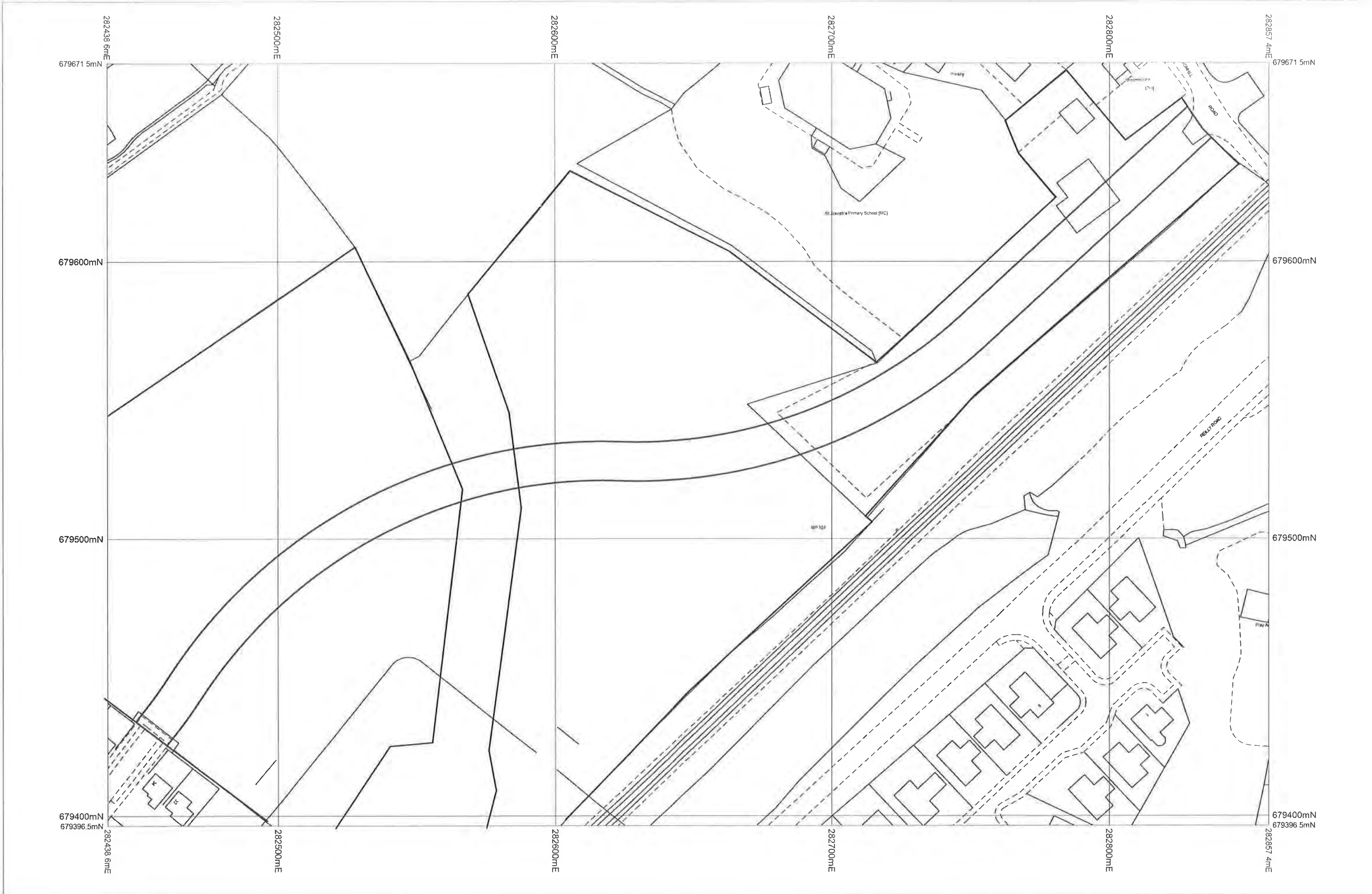
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<p>DATE: 27/1/14</p> <p>BY: AS SHOWN</p> <p>PROJECT: D113/SK/02</p> <p>CLIENT: ANDREW CARRIE</p> <p>PROJECT: TRAFFIC & TRANSPORTATION</p> <p>SCALE: 1" = 20' HORIZ</p> <p>SCALE: 1" = 10' VERT</p> <p>DATE: 27/1/14</p> <p>BY: AS SHOWN</p> <p>PROJECT: D113/SK/02</p> <p>CLIENT: ANDREW CARRIE</p> <p>PROJECT: TRAFFIC & TRANSPORTATION</p> <p>SCALE: 1" = 20' HORIZ</p> <p>SCALE: 1" = 10' VERT</p>	
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LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Falkirk Council Property Services	Suite 1a, Falkirk Stadium, 4 Stadium Way, Falkirk, FK2 9EE	28/01/2014

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and the applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) The applicant has been unable to serve notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) The applicant has been unable to serve notice on any person other than the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and the applicant has been unable to serve notice on any person other than the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding the applicant has served notice on each of the following persons other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and has been unable to do so.

Steps taken:

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CERTIFICATE D
Certificate D

Certificate D is for use where the application is for mineral development.

- (1) No person other the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) The applicant has served notice on each of the following persons other than the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:*

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Distributor Road and Associated Earth Works
LOCATION : Milnquarter Farm, Roman Road, Bonnybridge, FK4 2DE
APPLICANT : Manor Forrest Ltd
APPN. NO. : P/14/0046/PPP
REGISTRATION DATE : 17 February 2014

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application site consists of open land and part of an industrial site, situated between a housing development to the west and Broomhill Road to the east. The site generally rises in level from east to west across the open land, whilst the industrial portion of the site is flat. The site occupies land between the Antonine Wall and a temporary camp associated with the Antonine Wall.

The application seeks planning permission in principle for a distributor road and associated earthworks.

2. SITE HISTORY

Planning application P/07/0069/OUT for development of land for housing purposes was granted in February 2008.

Planning application P/07/0982/OUT for formation of a roundabout and access improvements was granted in December 2007. This permission has now lapsed.

Planning application P/08/0489/REM for formation of a roundabout and access improvements was granted in November 2008. This approval of reserved matters has now lapsed.

Planning application P/11/0039/PPP for development of land for residential purposes (renewal of P/07/0069/OUT) was granted in November 2012.

Planning application P/11/0142/PPP for development of land for residential purposes was received in March 2011 and is pending consideration.

3. CONSULTATIONS

The following responses to consultation were received:

Transport Planning Unit	Further information requested
Historic Scotland	Objection
Roads Development Unit	Concerns noted
Scottish Water	No objection
Museum Service	Objection
Scottish Environment Protection Agency	No objection subject to conditions
Network Rail	No objection

The Coal Authority

No objection

Environmental Protection Unit

Response awaited

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

In the course of the application, 12 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Objections (3)

- The location of the proposed development mentions Roman Road but the proposed road is from Milnquarter Road to Broomhill Road.
- Opening up a road between Milnquarter Road and Broomhill Road would bring no benefit.
- It would create a 'rat run' between these two roads.
- There are existing problems with the amount of traffic on Broomhill Road at certain times of the day.
- There are school runs to two schools, children walking and Central Demolition lorries using Broomhill Road.
- The road from High Bonnybridge under the railway line is single lane.
- It is currently unsafe for children of High Bonnybridge to walk to school bearing in mind the narrow footpaths, HGV traffic and lack of appropriate parking.
- Adding more traffic to Broomhill Road is totally undesirable and dangerous.
- What is the point of this proposed road?

In support (9)

- Look forward to its completion as soon as possible.
- Good for the area.
- Benefit the whole community.
- It will make Greenhill Road safer.
- Will help in relation to the two bad bridges.
- Very good for access.
- Provide a relief road and reduce congestion in the area.
- Good for getting children to school rather than the long detour they have to make at present.
- Provide a safer route to schools for local children.
- Provide a better use for this area which is used for rough grazing.

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

Falkirk Council Structure Plan

There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

EQ01 - Sustainable Design Principles

EQ16 - Sites of Archaeological Interest

EQ17 - Antonine Wall

ST07 - Transport Assessments

Falkirk Council Local Development Plan - Proposed Plan

D02 - Sustainable Design Principles

D07 - Antonine Wall

D08 - Sites of Archaeological Interest

INF10 - Transport Assessments

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Falkirk Council Supplementary Guidance

Responses to Consultation

Assessment of Public Representations

Falkirk Local Development Plan (Proposed Plan)

6. PLANNING ASSESSMENT

The Development Plan

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

Local Plan Policies

Policy EQ1 requires new development to achieve a high standard of design quality and compliance with principles of sustainable development. These principles include that existing heritage features should be conserved, enhanced and integrated sensitively into development, and that infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques.

Policy EQ16 states that development that would have an adverse effect on scheduled monuments or the integrity of their settings will not be permitted, unless there are exceptional circumstances.

Policy EQ17 presumes against development that would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and its setting.

Policy ST7 requires transport assessments where the impact of the development is likely to require mitigation. Planning permission will only be granted where the transport assessment has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.

The proposal has the potential to deliver sustainability benefits in that it would provide a more direct route between Greenhill Road and Broomhill Road for local residents. However the impacts of the proposal in terms of road capacity and safety issues, its impacts on heritage features and the availability of suitable measures to mitigate the impacts have not been addressed, as the applicant has failed to provide any relevant assessments. It has therefore not been demonstrated that the application accords with these policies.

Falkirk Council Supplementary Guidance

The Council's SPG for the Frontiers of the Roman Empire (Antonine Wall) WHS explains the significance of the Antonine Wall and its status as a World Heritage Site (WHS), outlines the approach and procedure

for assessing development affecting the WHS and sets out the criteria that will be applied in determining planning applications for development within the setting of the WHS. The applicant has not submitted suitable information to address the requirements of the SPG therefore the proposal cannot be supported within the terms of the SPG.

Responses to Consultation

The Roads Development Unit have noted that the proposed road does not appear as an infrastructure proposal in either the current Local Plan or the emerging Local Development Plan, therefore they consider that the requirement for provision of the road is not clear. In addition, they have requested submission of the drainage proposals.

The Transport Planning Unit have requested the submission of a transport assessment (including a road safety audit), in order to identify the traffic flows generated as a consequence of the proposed distributor road link and, in turn, the type of arrangement that would be appropriate at the junction between the new road and Broomhill Road.

Historic Scotland have objected to the application due to the potential for significant adverse impacts on the setting of scheduled monuments and the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. They advise that the present land use allows for clear views between the line of the Antonine Wall and the remains of a Roman construction camp which are unparalleled elsewhere within the World Heritage Site, and which allow for a clear appreciation and understanding of this relationship. They consider that the built elements associated with a linking road (including the road itself and attendant roadside furniture, lighting provision, property boundaries and associated features) would have the potential to adversely and significantly impact on the OUV of the World Heritage Site. They do not consider that Planning Permission in Principle is an appropriate mechanism for determining the proposals.

Museum Services have objected to the application as they are concerned about the impact of the whole scheme on the setting of the Antonine Wall World Heritage Site and the nearby scheduled sites.

SEPA have no objection to the application subject to the attachment of a suitably worded condition to ensure the provision of safe overland flow paths through the site should the culvert at the railway embankment surcharge.

Network Rail have no objection in principle to the proposal, but request that certain matters be taken into account either as conditions or advisory notes. These matters relate to the undertaking of construction works in a safe manner which does not disturb the operation of the neighbouring railway and the submission of details of changes in levels, laying of foundation and operation of mechanical plant in proximity to the rail line for their approval.

The Coal Authority have advised that the site falls within the defined Development High Risk Area and their records indicate that the site is located in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. They have reviewed the information submitted by the applicant and consider the information to be acceptable and that there will be relatively little operational development resulting from the proposal that would intersect the ground and could pose a risk to the coal mining features. Accordingly they have no objection to the application.

Scottish Water have no objection to the application and note that a totally separate drainage system may be required with the surface water discharging to a suitable outlet.

Assessment of Public Representations

The following comments are considered to be relevant in respect of the public representations:-

- It is noted that there is both community opposition and support for the proposal.
- There is already a distributor road (Reilly Road) linking Greenhill Road and Broomhill Road, however it is recognised that the proposal would provide a more direct link for some local residents.
- There is an existing Safe Route to Schools in this area.

- Concerns about traffic and safety are noted and these matters have not been addressed by the applicant as detailed in this report.
- The present use of the land safeguards the inter-visibility between the line of the Antonine Wall and the outlying Roman construction camp. The impact of the proposal on this relationship has not been addressed by the application as detailed in this report.

Falkirk Local Development Plan (Proposed Plan)

The Proposed Falkirk Local Development Plan was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

The application site lies partly within housing opportunity site H12, and partly within the Antonine Wall buffer zone, as defined in the Proposed Plan. The relevant policies of the Proposed Plan are similar to those of the Falkirk Council Local Plan, which the application has been assessed in this report as being contrary to. Accordingly, the application does not accord with the relevant policies of the Proposed Plan.

7. CONCLUSION

The application does not accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for refusal and it is considered that there are no material planning considerations to justify setting aside the terms of the Development Plan.

The determining issues include a failure by the application to address the impacts of the proposed development on the transport network and the historic environment. It would not be appropriate to condition the submission of transport and heritage impact assessments, as these matters need to be suitably addressed prior to determination, in order to establish the principle of the proposed road.

8. RECOMMENDATION

Refuse Planning Permission in Principle

Refusal is recommended for the following

Reason(s):

1. The application does not accord with Policy EQ16 of the Falkirk Council Local Plan and Policy D08 of the Falkirk Local Development Plan (Proposed Plan) (April 2013), as the applicant has failed to demonstrate that the proposed road and associated infrastructure would not have an adverse effect on the integrity of the setting of the following scheduled monuments: 'Antonine Wall, Milnquarter, Roman camp', 'Antonine Wall, 160m ENE to 155m NW of St Joseph's Church' and 'Antonine Wall and motte, 75m SW of Antonine Primary School'.
2. The application does not accord with Policy EQ17 of the Falkirk Council Local Plan, Policy D07 of the Falkirk Local Development Plan (Proposed Plan) (April 2013) and Falkirk Council's Supplementary Planning Guidance for the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site', as the applicant has failed to demonstrate that the proposal would not have an adverse impact on the setting of the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site', or that suitable mitigating action can be taken to redress the adverse impact.
3. The application does not accord with Policy ST7 of the Falkirk Council Local Plan and Policy INF10 of the Falkirk Local Development Plan (Proposed Plan) (April 2013), as it has not been demonstrated that the impacts of the proposal on the road network have been properly defined,

or that suitable mitigation measures (including the new junction arrangement) have been identified.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.


 Director of Development Services

9.5.19
 Date

**Contact Officer : Brent Vivian
 (Senior Planning Officer) 01324 504935**