

FALKIRK COUNCIL

**Subject: FALKIRK COUNCIL LOCAL PLAN
HILLEND FARM, SLAMANNAN
RESPONSE TO REPRESENTATIONS**
Meeting: ENVIRONMENT & HERITAGE COMMITTEE
Date: 10 JUNE 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Members will recall that, at a special meeting held on 9 April 2008, this Committee considered responses to representations which had been submitted to the Falkirk Council Local Plan (Finalised Draft – Deposit Version). The Committee also considered a set of proposed pre-inquiry modifications in an attempt to resolve some of the objections to the Local Plan. The item was then referred to the full Council meeting on 30 April 2008 where final responses and pre-inquiry modifications were approved.
- 1.2 The Council recommended that consideration of two objections, relating to the allocation of land at Hillend Farm, Slamannan, be continued pending receipt of the views of Scottish Natural Heritage (SNH) on the impact of the proposed development on the Slamannan Plateau proposed Special Protection Area (pSPA). SNH have now confirmed that they no longer have an objection to the inclusion of the Hillend Farm site within the Local Plan, subject to appropriate mitigation measures. The Council is therefore now in a position to confirm its response to these representations.

2. BACKGROUND

- 2.1 The Falkirk Council Structure Plan identifies Slamannan as one of four Special Initiatives for Residential-Led Regeneration (SIRRs), within which major housing growth of 500-850 units will be permitted in order to encourage regeneration of the village. In the Finalised Draft version of the Local Plan, published in March 2005, the Council identified land at Hillend Farm as the preferred location for this growth. At the time, this was seen to be the most satisfactory direction for growth, allowing a rounding off of the village envelope, maintaining a reasonably compact settlement form and minimising landscape impact.
- 2.2 In 2006, an area of the Slamannan Plateau to the west of the village was proposed as a Special Protection Area in order to protect the flock of Taiga bean geese which overwinter in this locality. SNH advised that there was potential for the housing proposal at Hillend to have a significant effect on the bean geese. In preparing a revised version of the Local Plan towards the end of 2006, the Council carried out an Appropriate Assessment of the Local Plan, as required by the Habitats Regulations. This identified adverse impacts on the pSPA arising from the Hillend housing proposals. Accordingly, in the Finalised Draft (Deposit Version) of the Local Plan, published in April 2007, the Hillend site was reduced in size to a small residual area which equates to that contained in the current adopted Rural Local Plan. The Council identified alternative sites to the south and east of the village (H.SLA2, 4, 5 and 7) in order to deliver the SIRR.

3. HILLEND FARM REPRESENTATIONS

- 3.1 Representations objecting to the omission of larger Hillend Farm site (as contained in the March 2005 version of the local plan) were received from Persimmon Homes (Ref. 0098/169) and Mr James Kelly (Ref. 0105/185) in May 2007. The summaries of these objections are included at Appendix 1. In support of their objection, Persimmon Homes subsequently submitted a detailed appraisal of the effect of proposed development in relation to the bean geese and the pSPA. This study drew on updated survey data and highlighted the limited role which the Hillend Farm fields have played in recent times as a foraging or roosting area for the geese. It concluded that, provided certain mitigation measures were undertaken, the proposal would not adversely affect the bean geese. The study findings were referred to SNH for their consideration. SNH raised various issues with the study which were addressed in a revised version of the report. On 9 May 2008, SNH confirmed by letter that, having appraised the available information, they have concluded that the implementation of the housing proposals would not have an adverse effect on the integrity of the pSPA.
- 3.2 With these concerns removed, the Council is now in a position to support the inclusion of the larger Hillend site for housing development. The land was previously the Council's preferred location for growth in Slamannan and it is recommended that the objections of Persimmon Homes and Mr Kelly be accepted. The revised response to the objections is detailed in Appendix 2.
- 3.3 The detailed pre-inquiry modification to the Local Plan to re-introduce the larger Hillend farm housing site is also included in Appendix 2. This highlights the mitigation measures which will need to be carried out as part of the development. The small-scale opportunity for business development at the Hillend Farm steading would also be re-introduced.
- 3.4 It should be noted that Falkirk Council will be required to amend its original Appropriate Assessment of the Local Plan to include an assessment of the extended Hillend proposals. This revision will be based on the information supplied by Persimmon Homes together with SNH's appraisal of that information. The Environmental Report which is produced as part of the Strategic Environmental Assessment process will also need to be amended.

4. IMPLICATIONS FOR THE SLAMANNAN SIRR

- 4.1 The re-introduction of the Hillend farm site requires a re-evaluation of the Slamannan SIRR as a whole, having regard to its overall scale as set out in the Structure Plan and its objectives as described in the Local Plan. It is considered that the housing sites to the south and east of the village which were introduced as a replacement to the Hillend site, could still play an important role in the regeneration of the village and should be retained. The aggregate capacity of all the sites is approximately 850, which accords with the Structure Plan threshold.
- 4.2 With the SIRR now comprising two major growth locations, it is vitally important that key planning and infrastructure requirements are co-ordinated across all the sites through a comprehensive development framework. The proposed development framework will highlight these requirements, including strategic improvements to transport and drainage infrastructure, community facilities and the environment in the

village, and how the various sites are expected to contribute to the delivery of such infrastructure. The need for the development of all the sites to conform to a development framework is reflected in text changes to each of the SIRR housing opportunities, as detailed in Appendix 2.

5. NEXT STEPS

- 5.1 If the changes detailed above are accepted, the updated response will be conveyed to the two objectors, who will be invited to withdraw or maintain their objections. There will also be a need to advertise the additional proposed pre-inquiry modifications to provide the opportunity for any party to object to the changes. Depending on the outcome of these processes, the Hillend site may still require to be considered at the local plan inquiry which is expected to commence in early 2009.

6. IMPLICATIONS

- 6.1 Policy. The Local Plan is the main mechanism for implementing the Falkirk Council Structure Plan and its detailed land use policies and allocations will impact on other corporate policy areas. The final plan will therefore be a significant policy document affecting the whole of the Council area.
- 6.2 Legal. The Local Plan is being undertaken in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, and the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. In respect of the Hillend Farm site and any potential effects on the Slamannan Plateau pSPA, the Council must adhere to the Conservation (Natural Habitats &c) Regulations 1994 as amended, and is required as competent authority to undertake an Appropriate Assessment of the implications of the proposed development for the conservation interests for which the pSPA is designated.
- 6.3 Financial. None.
- 6.4 Personnel. None.

7. RECOMMENDATIONS

7.1 That Committee:

- (a) recommends to full Council that Local Plan objections 098/169 (Persimmon Homes) and 0105/185 (Mr John Kelly) be accepted, and the responses to those objections detailed in Appendix 2 be approved;
- (b) recommends to full Council that the proposed pre-inquiry modifications contained in Appendix 2 be approved, and thereafter advertised to allow the opportunity for further representations; and
- (c)/

- (c) recommends to full Council that, should objections remain unresolved and be considered at the Local Plan Inquiry, the responses and proposed pre-inquiry modifications form the basis of the Council's position at the Inquiry.

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Director of Development Services

Date: 28 May 2008

Contact Officer: Alistair Shaw (Development Plan Co-ordinator), ext 4739

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan, January 2007
2. Falkirk Council Local Plan, Finalised Draft (Deposit Version), April 2007.
3. Letters of Representation to the Falkirk Council Local Plan, Finalised Draft (Deposit Version)
4. Falkirk Council Local Plan, Appropriate Assessment, February 2007.
5. 'Natura Appraisal of the Proposed Housing Development at Hillend Farm (Slamannan) in relation to the Taiga Bean Goose Qualifying Interest of the Slamannan Plateau Potential SPA', HEL Limited, March 2008.
6. Letter from Scottish Natural Heritage regarding the Slamannan Plateau SPA and proposed housing development at Slamannan, dated 9 May 2008.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504739 and ask for Alistair Shaw (Development Plan Co-ordinator).

HILLEND FARM, SLAMANNAN REPRESENTATIONS

Respondent: 0098 Persimmon Homes (Halliday Fraser Munro Planning)
Representation 169 Type of Representation Objection
Subject Additional Housing Proposal – Hillend Farm, Slamannan

Summary This site was supported in the Draft and Finalised Local Plan but most is now de-allocated because of the potential adverse effect that development would have on overwintering bean geese and the integrity of the proposed Special Protection Area (pSPA). The objectors have undertaken a Special Study of bean geese in the Slamannan area, the interim conclusions of which conclude that the proposed development would have no significant effect on the integrity of the pSPA. The inclusion of land at Hillend Farm has until recently enjoyed Council Officer and Member support and strong support from the local community. The site is well located to provide for additional growth and its development will allow the full package of significant social and infrastructure improvements to be realised.

Respondent: 0105 Mr James Kelly (Hendersons Chartered Surveyors)
Representation 185 Type of Representation Objection
Subject Additional Housing Proposal – Hillend Farm, Slamannan

Summary The objection is to the omission of the Hillend Farm site for residential purposes. The site has the potential to integrate visually with the village and is the most readily available and least constrained site with the capability to deliver 400 – 600 houses to aid the regeneration aspirations of Slamannan. It is important to note that the Council commissioned study into the Local Plan proposals on the proposed Special Protection Area noted that the Hillend proposals had the ‘potential’ for disturbance and could not be definitive. It is furthermore a ‘desk top’ study undertaken over a relatively short period using historic data. Further scientific and factual evidence will be presented to support the position that impact on the bean geese population will be negligible and that conservation measures could be implemented to enhance their habitat. The historic use of the site for dairy farming has changed which in turn had changed the habitat at Hillend.

**HILLEND FARM, SLAMANNAN
RESPONSE TO REPRESENTATIONS & ASSOCIATED PROPOSED PRE-
INQUIRY MODIFICATIONS**

Representation 98/169 (Persimmon Homes)
Representation 105/185 (Mr James Kelly)

Council Response
Objection Accepted

Reason:

The Council had previously supported the site at Hillend Farm as the preferred location for growth in the village, but subsequently reduced the site significantly due to concerns about potential adverse effects on the Slamannan Plateau pSPA. Subsequent information provided by Persimmon Homes and appraisal by SNH has shown that, with appropriate mitigation, the development of this site will not adversely affect the integrity of the Slamannan Plateau pSPA. The site's development for housing will assist the Council in achieving the target for housing growth set out in Schedule Com1.b of the Structure Plan and allow a full package of significant social and infrastructure improvements to be realised in support of the Local Plan's regeneration objectives for the village.

Additional Proposed Pre-Inquiry Modifications

Additional Housing & Business Opportunities – Hillend Farm, Slamannan

- Amend boundary of Opportunity H.SLA1, as shown on Map 23.
- Amend text of Opportunity H.SLA1 as follows:
 - H.SLA1: Hillend Farm*
 - Site Area: 67.6 hectares*
 - Capacity: Approximately 550*
 - Developer: Private*
 - Status: Opportunity - Part of SIRR*
 - Comments: Major housing development at Hillend Farm incorporating economic development uses (see ED.SLA1), open space, landscaping and recreation areas. Masterplan required which must conform to a Council approved Development Framework for the wider Slamannan SIRR. Developer contributions to physical/community infrastructure as outlined in paragraphs 5.5-5.6 above will be required. Specific mitigation to reduce the impact on wintering bean geese to acceptable levels will be required as follows. Construction activities must not be undertaken within the wintering period for bean geese (from beginning of October to end February). A greenspace buffer around the River Avon should be established with the aim of providing alternative areas for the bean geese to forage. This greenspace buffer should be separated from development by appropriate measures (e.g. screening) and should not be made available for public recreational use. A management plan for the green space buffer area must be submitted as part of the masterplan with a suitable monitoring programme set up to monitor the success of mitigation. A financial contribution to cover the lifetime cost of implementing and monitoring the management plan will also be required.'*

- Insert new economic development opportunity ED.SLA1, as shown on Map 23, and in text as follows:
*'ED.SLA1: Hillend Farm
 Proposal: Business/Industrial Use
 Agency: Private
 Comments: Opportunity to provide premises and land to encourage business development.'*
- Paragraph 6.2. Delete and replace with:
'A business development area is identified at Hillend Farm, which is to be developed along with residential development. Although no other sites have been identified for economic development uses, any such proposals will be considered favourably, subject to assessment against relevant policies.'
- Amend Slamannan Urban Limit as shown on Map 23.
- Amend SIRR Boundary as shown on Map 23.
- Paragraph 5.3. Delete 3rd, 4th and 5th sentences and replace with:
'The Appropriate Assessment originally determined that the designation of the housing sites at Hillend Farm would adversely affect the integrity of the proposed Special Protection Area (pSPA) and consequently they were removed from the Falkirk Council Local Plan Finalised Draft (Deposit Version). Consequently, following the receipt of additional information it was determined, in consultation with SNH, that with appropriate mitigation the housing sites at Hillend Farm would not adversely affect the integrity of the pSPA and they have therefore been reinstated.'
- Paragraph 5.4. Delete and replace with:
'The two main areas to which new development will be directed are Hillend Farm to the north west of the village and Southfield Farm to the south west. Two smaller areas to the east on Avonbridge Road and to the south at the Rumlie are also allocated. Expansion in these areas will allow a 'rounding off' of the village, maintain a relatively compact settlement form, and minimise impact on the surrounding landscape. There are a number of physical and community infrastructure improvements which will be enabled by development and the costs should be shared equitably between all developers within the Slamannan SIRR. A Council approved Development Framework will set out what this shared infrastructure is and set the basis for equitable contributions towards the shared infrastructure. The preparation of masterplans for the two main areas of development will also be required, and must conform to the Council approved Development Framework. Masterplans should show land uses, housing form, access arrangements, landscaping and open space, phasing and the relationship and linkages to existing areas.'

Reason: In response to representations by Persimmon Homes and Mr James Kelly, the housing and business sites at Hillend Farm have been reintroduced to the plan, following confirmation that the proposals, with mitigation, will not have an adverse impact on the integrity of the Slamannan Plateau pSPA.

Opportunities H.SLA2 - Avonbridge Road/H.SLA4 - Blinkbonnie Terrace/ H.SLA6 - The Rumlie/H.SLA7 - Southfield Farm

- Opportunity H.SLA2. In comments section, delete 1st sentence and replace with:
'Planning Brief required which must conform to a Council approved Development Framework for the wider Slamannan SIRR. Developer contributions to physical/community infrastructure as outlined in paragraphs 5.5-5.6 above will be required.'

- Opportunity H.SLA4. In comments section, delete 1st sentence and replace with:
'Masterplan required in conjunction with site H.SLA7 which must conform to a Council approved Development Framework for the wider Slamannan SIRR. Developer contributions to physical/community infrastructure as outlined in paragraphs 5.5-5.6 above will be required.'
- Opportunity H.SLA6. Amend text as follows:

<i>'H.SLA6:</i>	<i>The Rumlie</i>
<i>Site Area:</i>	<i>1.6 hectares</i>
<i>Capacity:</i>	<i>Approximately 30</i>
<i>Developer:</i>	<i>Falkirk Council</i>
<i>Status:</i>	<i>Opportunity - part of SIRR</i>
<i>Comments:</i>	<i>Development must conform to a Council approved Development Framework for the wider Slamannan SIRR. Developer contributions to physical/community infrastructure as outlined in paragraphs 5.5-5.6 above will be required. Site includes blaes play area. Play equipment will have to be provided either on off site as directed by the Development Framework. Flood risk assessment will be required for the part of the site adjacent to the Culloch Burn and an attenuation pond is likely to be required within the site to address flooding and water quality issues.'</i>
- Opportunity H.SLA7. In comments section, delete 1st sentence and replace with:
'Masterplan required in conjunction with site H.SLA 4 and subject to similar considerations. Masterplan must conform to a Council approved Development Framework for the wider Slamannan SIRR.'

Reason: In response to the reinstatement of the Hillend Farm housing site, changes to the wording of other housing sites are required to ensure that all sites conform to a Council approved Development Framework through which overall infrastructure requirements are co-ordinated.