

FALKIRK COUNCIL

**Subject: CONSULTATIVE DRAFT DEVELOPMENT FRAMEWORK
FOR THE BANKNOCK AND HAGGS SPECIAL INITIATIVE
FOR RESIDENTIAL LED REGENERATION (SIRR)**
**Meeting: ECONOMIC STRATEGY AND DEVELOPMENT
COMMITTEE**
Date: 16 JUNE 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 A report on the Consultative Draft Development Framework for the Banknock and Haggs Special Initiative for Residential Led Regeneration (SIRR) was presented to the former Environment and Heritage Committee on 25th November 2008.
- 1.2 Following consideration, it was agreed that officers undertake consultation and report back in due course. This report sets out the results of the consultation and recommends that, subject to the changes proposed as a result of the consultation process outlined in Appendices A and C to this report, that the Development Framework is referred to the Policy and Resources Committee for approval as Supplementary Planning Guidance.

2. CONSULTATION PROCESS

- 2.1 The consultation period ran from 1st December 2008 – 30th January 2009. A letter informing the recipients of the availability of the Consultative Draft Development Framework and Environmental Report was sent to 298 addresses including statutory and non statutory stakeholders, housebuilders, local businesses and services, people who live adjacent to the development sites and people who had attended the consultation events in September 2007 and June 2008.
- 2.2 An advert was placed in the Falkirk Herald and a notice placed on the Falkirk Council website advertising the availability of the framework document.
- 2.3 Copies of the Development Framework and the Environmental Report were placed in Abbotsford House, Bonnybridge Library, Banknock Community Centre and Banknock Community Wing. Electronic copies of both were available for download via the Falkirk Council website.

3. CONSULTATION RESULTS

- 3.1 In total 18 separate responses were received on the Consultative Draft Development Framework. Written comments were received from the following:

Internal Council Consultees

- Environmental Protection Unit

National Stakeholders

- Scotways
- SEStran
- Architecture and Design Scotland
- Scottish Natural Heritage
- Historic Scotland
- Scottish Environmental Protection Agency
- The Forestry Commission
- Transport Scotland

Local Landowners & Stakeholding Developers

- IH Brown, Owners of northern SIRR development site
- MacTaggart & Mickel, Joint developers of site H.B&B21 Dennyloanhead
- Bellway Homes, Joint developers of site H.B&B21 Dennyloanhead
- Mr Potter & Mr Cook, Owners of site H.B&B16 Coneypark

Local Residents

- Mr & Mrs McLellan
- Denis Delworth
- Anita Clark

3.2 Oral comments were received from the following:

- Mr Roy MacDonald
- Householder in Kilsyth Road

3.3 Summaries of comments received and proposed responses to them are set out in Appendix B. Overall, however, the majority of national stakeholders generally approved of the SPG, or suggested minor amendments. However, Architecture and Design Scotland (A+DS) were critical of the content of the Development Framework suggesting that:

- The Council and Project Team needs to be more pro-active in setting-out a vision of Banknock and Haggs as a sustainable community with a real sense of place, for all occupants to live work and play;
- The principles of the proposals need to be more defined, particularly in fixing a spatial vision to be followed in future masterplans;
- The vision and framework needs to address the whole settlement as a place; and
- The location and nature of the new village centre, and the provision of communal facilities, need to be reviewed.

3.4 The Council's vision for Banknock and Haggs has been set out firstly through the approved Structure Plan; secondly through the settlement statement for Bonnybridge and Banknock contained in the emerging Local Plan and thirdly through the information contained within the Banknock and Haggs SIRR Development Framework. All three documents have been through extensive consultation processes and it is considered that the current vision for the Banknock and Haggs area strikes the right balance between sustainable aspiration and commercial realism:

“Banknock is a successful settlement with good local services focussed around a small and vibrant town centre, providing a focus for distinct and appealing residential neighbourhoods designed to promote sustainable living.”

- 3.5 The Council has been pro-active in setting out a vision of Banknock and Haggs. In order to achieve A+DS’s vision of creating a self sustaining community in Banknock and Haggs through the creation of large scale employment uses, an alteration to the approved Falkirk Council Structure Plan 2007 would be required. This is clearly not within the remit of the Development Framework.
- 3.6 Further technical work will be required to satisfy A+DS’s concerns relating to fixing a spatial vision to be followed in future masterplans, therefore the Development Framework should be altered to require the location and nature of the new village centre to be outlined in the masterplan which will accompany an outline planning application for the development of the northern SIRR site.
- 3.7 Local landowners and stakeholding developers were generally supportive of proposals within the Development Framework, but Bellway Homes were concerned that the SIRR proposals would not be considered at the forthcoming Local Plan Inquiry and MacTaggart and Mickel considered that the adoption of the Development Framework would be premature prior to a full and transparent debate on the transport and infrastructure proposals in Banknock, Haggs, Dennyloanhead and Denny taking place at the Local Plan Inquiry.
- 3.8 The Development Framework will not be debated at the Local Plan Inquiry. There are no outstanding objections to the boundary of the Banknock and Haggs SIRR or to any sites within the SIRR boundary which will be considered at the forthcoming inquiry. The debate surrounding transport and infrastructure proposals in the local area at the Local Plan Inquiry will be restricted to the effect that they may have on the proposed housing site at Dennyloanhead. The principle of the site at Dennyloanhead contributing towards the provision of physical infrastructure has been established through the Local Plan and has not been objected to.
- 3.9 Bellway Homes, MacTaggart & Mickel and Mr Potter and Mr Cook sought further clarity as to the mechanism which might be used to gather financial contributions towards the M80/A80 slip road junction improvements which will require to be in place before their developments can commence. The Development Framework states that it is likely costs will be met by all parties based on equitable sharing relative to each development’s contribution to traffic generation.
- 3.10 IH Brown are currently in negotiation with the Council with a view to acquiring a portion of Council owned land which will enable the construction of accesses into the northern SIRR site as envisaged within the Draft Development Framework. IH Brown recorded a holding objection on this point until the issue of land acquisition is agreed in principle with Falkirk Council as development partner. Negotiations on this point continue. However, to address IH Brown’s concerns additional wording has been proposed for inclusion within the Development Framework in order to ensure IH Brown have the flexibility to investigate alternative access options.

- 3.11 There has been only a limited response from local residents and no response from the Banknock, Haggs and Longcroft Community Council. This appears to reflect the efforts made during the extensive period of consultation throughout 2007 and 2008 in advance of the Consultative Draft Development Framework being put out for formal consultation and an indication of broad support for the Development Framework proposals within the local community.
- 3.12 Denis Delworth and Anita Clark were concerned that the Development Framework was proposing large scale housing development without a commensurate improvement in local facilities and services. They have been written to individually highlighting the parts of the Development Framework which indicate the levels of local facilities and services towards which new housing development will be required to contribute.
- 3.13 Mr Delworth was concerned that the Development Framework proposals would lead to the loss of Banknock Health Centre. The Health Centre is a private facility and it is not the role of the Development Framework to decide whether the surgery stays within Banknock. This is a matter between NHS Forth Valley and the GPs at the current surgery. However it is recognised that the increase in population proposed by the Development Framework will place additional pressure on the centre and accordingly new housing development will be required to make a financial contribution towards the establishment of an improved healthcare facility to serve the local population.
- 3.14 Mr & Mrs McLellan live adjacent to the M80/A80 southbound slip road. The Development Framework indicates that in order to accommodate traffic increases generated by development, the existing mini-roundabout junction at the slip road to/from the southbound M80/A80 at Haggs will require upgrading and enlarging. Officers met Mr & Mrs McLellan to discuss the emerging proposals and it was explained that further modelling work would need to be undertaken before confirmation of the impact on their property. However, one of the emerging options will require to utilise land within Mr & Mrs McLellan's ownership and occupied by their house.
- 3.15 Mr & Mrs McLellan consider their property to be blighted. Whilst the potential impact of the Development Framework on their property may be substantial, it will enable the regeneration of Banknock and Haggs in line with objectives contained within the approved Structure Plan and Local Plan.
- 3.16 The slip road junction improvement is required to enable not only development proposed as part of the SIRR but also other sites in the local area which are outside the SIRR boundary. The Development Framework states that it is likely that costs, including any land acquisition, will be met by all parties based on equitable sharing relative to each development's contribution to traffic generation at the new slip road junction and that details of how this will be taken forward in practice will be subject to the agreement of all parties concerned.
- 3.17 Oral comments were provided by Mr Roy MacDonald and another party. Both parties requested minor changes to the indicative concept plan to address their concerns. It is considered appropriate to amend the indicative concept plan accordingly.

4. PROPOSED CHANGES TO THE DEVELOPMENT FRAMEWORK

- 4.1 Proposed changes to the Development Framework arising from consultation are detailed within Appendix A to this report.

5. RESPONSES TO THE ENVIRONMENTAL REPORT

- 5.1 Responses to the Environmental Report were received from Historic Scotland (HS), Scottish Natural Heritage (SNH) and the Scottish Environmental Protection Agency (SEPA).
- 5.2 SNH and SEPA were generally happy with the content, format and findings of the Environmental Report.
- 5.3 HS suggested some minor amendments to the Environmental Report citing recent updates to National Guidance and had some helpful suggestions on how to present the findings of the Environmental Report within the post adoption statement. HS also suggested adding a second SEA objective for the historic environment as follows: “protect and, where appropriate, enhance the historic environment”. In their opinion this will ensure that all of the appropriate features are considered in the final assessment i.e. potential impacts upon scheduled monuments and their settings, listed buildings and their settings, designed gardens and landscapes, archaeological sites and their settings, townscapes and conservation areas and historic landscapes.
- 5.4 HS consider that there is a potential for the Land Use Mix Development Framework Concept to have a significant negative effect on the historic environment, however they recognise that there may be the opportunity to reduce the significance of this environmental effect through landscape structure planting.
- 5.5 HS consider that there is the potential for the Open Space and Land Use Strategy Development Framework Concept to have a minimal negative effect on the historic environment, however they recognise that the eventual result of landscape structure planting may eventually soften the appearance of any adverse impact to either no or a minimal positive effect.

6 THE NEXT STEPS

- 6.1 Once the Development Framework has been approved as Supplementary Planning Guidance (SPG), it is envisaged that this would be followed by the preparation of two separate comprehensive masterplans for the site, one comprising the land to the north of Kilsyth Road including a new village centre and shared infrastructure improvements undertaken by IH Brown and their development partners and one comprising land to the southwest of Banknock undertaken by Falkirk Council, JB Bennett and their development partners. The masterplans will provide a further level of detail, by confirming development areas, indicative building layouts, access and drainage requirements and broad phasing requirements. The masterplans would also outline arrangements for the management and maintenance of green space areas.

- 6.2 It is understood that IH Brown will be pursuing an outline planning application in 2009 for the land to the north of Kilsyth Road. This will require to be accompanied by the submission of a masterplan for the site including a new village centre and shared infrastructure improvements.

7. IMPLICATIONS

- 7.1 Financial: In taking forward the Development Framework planning contributions will be expected from the partners to address the feasibility work and infrastructure provisions required to enable the Development Framework.
- 7.2 Legal: The Environmental Assessment (Scotland) Act 2005 requires that before the Development Framework can be adopted, the Environmental Report and the outcome of consultations open it should be taken into account. Once the Development Framework is adopted as SPG a statement should be published which explains how the Council have taken the SEA process into account and how environmental considerations have been integrated into the Development Framework. Once approved, it is intended that the Development Framework would have the status of Supplementary Planning Guidance.
- 7.3 Policy: The Banknock and Haggs SIRR is identified in the approved Falkirk Council Structure and Local Plan. The Development Framework will guide and facilitate the planning process in the delivery of up to 700 houses and associated infrastructure improvements.
- 7.4 Personnel: No implications

8. RECOMMENDATION

- 8.1 That Committee agrees the proposed modifications and responses contained in appendices to this report and refers the Development Framework for the Banknock and Haggs SIRR to Council for approval as Supplementary Planning Guidance.**

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Director of Development Services
8 June 2009

Contact officer: Danny Thallon, Planning Officer, ext 4927

LIST OF BACKGROUND PAPERS

1. Consultative Draft Development Framework for the Banknock and Haggs Special Initiative for Residential Led Regeneration.
2. Consultative Draft Development Framework for the Banknock and Haggs Special Initiative for Residential Led Regeneration – Environmental Report.

Any person wishing to inspect the background papers listed above should contact Danny Thallon on 01324 504927.

Appendix A

Proposed changes to draft SPG

Contents Page

Delete appendix 3 The Antonine Wall Setting Framework and replace with:

“The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Setting Framework.”

Delete 2.1 – 2.5 and replace with:

- “2.1 Introduction*
- 2.2 Falkirk Council Structure Plan*
- 2.3 Bonnybridge and Banknock Local Plan*
- 2.4 Falkirk Council Local Plan Finalised Draft*
- 2.5 Supplementary Planning Guidance*
- 2.6 National Planning Policy”*

Reason: In response to comment by Historic Scotland and Transport Scotland

Paragraph 1.5.2

Delete 4th bullet point and replace with:

“A strategy for mitigating the impact that the development may have on the setting of The Frontiers of the Roman Empire (Antonine Wall) World Heritage (see Appendix 3: The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Setting Framework.).”

Reason: In response to comment by Historic Scotland

Table 2.3

Add Policy EQ17 Antonine Wall to Environmental Quality Section

Reason: In response to comment by Historic Scotland

Table 2.4

Delete NPPG 5 and NPPG18 from the National Planning Policy Guidelines section.

Add SPP23 Planning and the Historic Environment to the Scottish Planning Policy section

Add PAN42 Archaeology to the Planning Advice Notes section
Section 2.5 Supplementary Planning Guidance

Reason: In response to comments by Historic Scotland

2.4 Supplementary Planning Guidance

Add new paragraph after paragraph 2.5.1:

“The Council is in the process of producing further supplementary planning guidance complementary to the Development Plan. Emerging SPG which should inform future land use proposals are as follows:

*Sustainable Design and Construction
Flooding and Sustainable Urban Drainage Systems”*

Reason: In response to comments by A+DS, and SNH

Figure 3

Add the Forth and Clyde Canal as a scheduled ancient monument to this figure.

Delete reference to Antonine Wall World Heritage Site and replace with:

“The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site(WHS)”

Delete reference to the Antonine Wall Buffer Zone and replace with:

“WHS buffer zone.”

Reason: In response to comments by Historic Scotland

Section 3 - The Site: Key Influences

Add a new section after 3.7 entitled “Village Structure Analysis” which gives examples of successful village structure typologies and suggests how these can be applied to the regeneration of Banknock and Haggs. Proposed text shown at Appendix C page 4-6

Reason: in response to a comment by A+DS

Section 3.1 Local Context

Add new paragraph after 3.1.1 setting out the historical context of the village and how this will influence the design narrative of the Development Framework. Proposed text shown at Appendix C page 2-3 & 6

Reason: in response to a comment by A+DS

Paragraph 3.2.4

Delete and replace with:

“A buffer zone has been identified in the Finalised Draft Falkirk Council Local Plan to protect the setting of The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS). The location of the WHS and its buffer zone in relation to the SIRR sites is illustrated in Figure 3. The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Setting Framework (Appendix 3) describes the existing landscape context in more detail.”

Reason: in response to comments by Historic Scotland

Paragraph 3.3.8

Delete 4th sentence and replace with:

“From the data available at the time of reporting there are no reasons to believe that any works will have to be licensed or that the local population of otter, which has Favourable Conservation Status according to the latest SNH national survey, will be adversely impacted by the proposed development.”

Reason: in response to a comment by SNH

Section 3.5 Drainage, Flood-risk and Utilities

Change title of section to Drainage, Flood Risk, Air Quality and Utilities.

Add paragraph after 3.5.10:

“Local Authorities are required to review, monitor and work towards achieving air quality objectives for seven pollutants; benzene, 1,3 butadiene, carbon monoxide, lead, nitrogen dioxide, particulate matter (PM10) and sulphur dioxide.

During the review and assessment process if it is identified that an objective may be breached, a Detailed Assessment is conducted. The Detailed Assessment aims to use monitoring and modelling to identify whether the identified objective is in fact being breached. If the objective is being breached then an Air Quality Management Area is required, this is followed by the implementation of an Action Plan. The aim of which is to reduce concentrations in the area so that they are within the objectives.

Banknock/Haggs area work

As part of the Local Air Quality Management process a potential breach of the annual mean nitrogen dioxide objective was identified in 2006. An automatic monitor was installed with monitoring commencing in November 2007. In September 2008 the Council submitted a Detailed Assessment to the Scottish Government. However, a revised DA was submitted in May 2009 to take account of a full year's worth of monitoring data. The 2008 monitoring data indicates that the annual nitrogen dioxide objective is being breached in a small area near Kerr Crescent, Haggs. It is therefore likely that an Air Quality Management Area (AQMA) will be required. The Council is currently at the Detailed Assessment stage for a potential breach of the PM10 objectives in relation to fugitive dust emissions in the Banknock area, automatic monitoring is scheduled to commence shortly.

If an AQMA is designated then development proposals will have to be aware of the implications the AQMA action plan may have for the form of proposed development.”

Reason: in response to comment by Falkirk Council’s Environmental Protection Unit

Paragraph 5.2.12 Protecting Biodiversity

Insert new sentence after 2nd paragraph as follows:

“The use of inappropriate night-time lighting has the potential to impact on wildlife and the rural qualities of the countryside, its use should also be carefully considered to avoid light spillage and glare. Development proposals will be required to be in full accordance with Scottish Government Guideline (2007) "Controlling Light Pollution and Reducing Energy Consumption"

Reason: in response to comments by SNH

Paragraph 5.2.15 Using Resources Efficiently

Add new sentence after 2nd sentence:

“Banknock sits on a south facing slope, opportunities to design housing to maximise passive solar gain to enhance energy efficiency should be explored in accordance with Policy EQ.6 “Design and Energy Use” of the Falkirk Council Local Plan and the forthcoming Sustainable Design and Construction SPG.”

Reason: in response to comment by A+DS.

Paragraph 5.2.7 Housing Variety and Mix

Delete first sentence and replace with:

“A full range of housing types sizes and tenures, including provision for live work units, should be provided to encourage a balanced and sustainable community mix.”

Reason: in response to comments by A+DS

Paragraph 5.3.2

Delete paragraph and replace with:

“The Development Framework Concept Plan identifies proposed access points to both SIRR sites together with a proposed road pattern. The access points and road pattern may be subject to change as a result of technical investigation and design. Where proposals depart from any aspect of the Concept Plan, they should be fully justified and demonstrate how they meet the sustainable design objectives (Section 5.2), the aims and objectives and individual policies of the Development Plan (Section 2), together with other relevant considerations such as national planning policy.”

Reason: in response to comments by IH Brown

Figure 6 Indicative Concept Plan.

Remove the footpath/cycle path which runs to the south of Rusticbank and Rusticbank Cottage.

Change retained woodland to the north of 225 Kilsyth Road to an existing residential area.

Reason: in response to comments by Roy MacDonald and the owners of 225 Kilsyth Road.

Figure 7 Proposed Green Network

Remove connecting green corridor which runs along the private road to the south of Rusticbank and Rusticbank Cottage

Reason: in response to comments by Roy MacDonald.

Paragraph 5.14.7 Other Housing Design Issues

Add new sentence after 1st sentence:

“Rusticbank and Rusticbank Cottage currently site within the southwestern quadrant of the northern development site adjacent to the highest density of proposed new residential development and the proposed new village centre. These properties are currently accessed via a private road which joins Kilsyth road just to the north of Bankier Primary School. Provision must be made for these properties to be accessed from the principal road network within the northern development site, this will allow the current private road to closed to vehicular traffic. Careful attention must be paid to providing these properties with adequate screening, privacy and security from the new greenspace directly to the south.”

Reason: In response to a comment by Roy MacDonald

Paragraph 5.5.2 Village Centre

Delete 2nd sentence and replace with:

“This may include a small general food store (size to be confirmed by findings of a retail capacity study), small retail units, small financial or other professional services, café or snack bar, community uses, bus stops, integral public space and must include housing (including flats above shops).”

Delete 1st sentence in paragraph 5.5.3

Reason: In response to comments by IH Brown

Paragraph 5.6.3 Pedestrian and Cycle Network

Add new sentence after 2nd sentence as follows:

“To ensure that access provision meets current good practice guidelines, the Countryside Access Design Guide, which is available from SNH should be referred to.”

Reason: in response to comments by SNH

Paragraph 5.6.8

Delete paragraph and replace with:

“It is likely that costs, including any necessary land acquisition, will be met by all parties based on equitable sharing relative to each development’s contribution to traffic generation at the new sliproad junctions, although the details of how this will be taken forward in practice will be subject to agreement of all the parties concerned and will be reflective of the timing of the particular development site within the overall SIRR timetable. Development sites within the SIRR boundary and development sites outside the SIRR boundary which contribute towards traffic generation at these junctions are considered to be:

H.B&B3	Mayfield Drive A, Longcroft
H.B&B6	Mayfield Drive B, Longcroft
H.B&B10	Kilsyth Road, Haggs 1
H.B&B11	Kilsyth Road, Haggs 2
H.B&B12	John Bassey Drive, Banknock
H.B&B13	Bankier Distillery, Banknock
H.B&B14	Wellpark Road, Banknock
H.B&B15	Kilsyth Road A, Haggs
H.B&B16	Coneypark, Banknock
H.B&B17	Auchincloch Drive, Banknock
H.B&B18	Kilsyth Road, Haggs 3
H.B&B19	Cannerton Brickworks
H.B&B20	Land to the West of Banknock
H.B&B21	Longcroft/Dennyloanhead
H.B&B*	Garncrew Road”

Reason: in response to comments by MacTaggart & Mickel, Bellway Homes and Mr Potter & Mr Cook

Paragraph 5.6.9

Delete paragraph and replace with:

“The principal road network upgrades will require to be operational before any additional housing on the above sites is occupied unless in discussion with the Council and Transport Scotland, it is agreed that:

- the impact of development on the transport network will not require mitigation; or*
- the impact of development on the transport network is acceptable in the short term and a financial contribution towards the cost of the sliproad junction improvements (including any land acquisition) is made based on the development’s contribution to traffic generation at the new sliproad junctions; or*
- An interim solution to serve a proportion of the sites covered by the Development Framework (H.B&B12,13,14,19 & 20) up to a maximum number of units is proved to be feasible and considered to be desirable.”*

Reason: in response to comments by MacTaggart & Mickel, Bellway Homes and Mr Potter & Mr Cook

Section 5.13 Infrastructure & Phasing

Add additional wording setting out the likely broad phases of development and which broad phase the different infrastructure elements should be delivered within. Proposed text shown at Appendix C page 8

Add additional figure showing likely broad phases of development. Figure shown at Appendix C page 7

Reason: In response to comment by Bellway Homes and Mr & Mrs McLellan

Table 5.3 Standard Planning Obligations

North site, delete point 11 and replace with:

“Developing and funding site biodiversity action plan linked to Conservation Strategy.”

South site, delete point 7 and replace with:

“Developing and funding site biodiversity action plan linked to Conservation Strategy.”

Reason: in response to comments by SNH

Section 5.15 Planning Requirements

Delete paragraph 5.15.1 and replace with:

“Outline Planning Applications/ Planning Permission in Principle Applications, with supporting masterplans will be submitted for:

- *North Site, incorporating a New Village Centre and Shared Infrastructure Improvements*
- *South Site”*

Add new paragraph after 5.15.1 entitled “New Village Centre Masterplan”:

“A new village centre masterplan should be prepared in partnership with Falkirk Council and with Banknock, Hags and Longcroft Community Council and Bankier Primary School as key stakeholders. The masterplan should incorporate the following uses in addition to those uses outlined in paragraph 5.5.2:

- *Expansion of Bankier Primary School*
- *Enhanced Community Centre*

The masterplan should establish the most appropriate location for the village centre including the consideration of sites to the north and south of Kilsyth Road. The masterplan should establish the most appropriate orientation for a new high street including the consideration of a north/south as well as an east/west orientation. The masterplan should maximise opportunities to create a village centre which integrates existing development to the south of Kilsyth Road with new development to the north of Kilsyth Road and should pay particular attention to establishing an appropriate three dimensional spatial vision.”

Delete paragraph 5.15.4 “Transport Statement” and replace with:

“Transport Assessment

A transport assessment must accompany the outline planning/ planning permission in principle applications for each site. Transport Assessments will be required to assess the cumulative impact of the SIRR on the trunk road network.”

Delete paragraph 5.15.6 “Biodiversity Requirments” and replace with:

“Planning applications must be accompanied by a Site Biodiversity Action Plan which conforms to the principles of the Banknock and Hags SIRR Conservation Strategy (Appendix 14) including the Great Crested Newt Mitigation Strategy annex. Site Biodiversity Action Plans should be prepared in conjunction with Falkirk Council’s Biodiversity Officers and follow guidance set out in Falkirk Council’s Biodiversity and Development SPG.”

At paragraph 5.15.7, insert new sentence after 1st sentence:

“Planning applications should also be accompanied by a Drainage Impact Assessment.”

Reason: in response to comments by A+DS, SNH, SEPA & Transport Scotland

Appendix 14 Banknock and Haggs SIRR conservation Strategy:

Add an additional annex entitled: “Great Crested Newt Mitigation Strategy” Content of strategy to be confirmed.

Reason: in response to comments by SNH.

Appendix B Summary of comments received and proposed officer response.

Environmental Protection Unit

Comment: Local Authorities are required to review, monitor and work towards achieving air quality objectives for seven pollutants; benzene, 1,3 butadiene, carbon monoxide, lead, nitrogen dioxide, particulate matter (PM10) and sulphur dioxide.

During the review and assessment process if it is identified that an objective may be breached, a Detailed Assessment is conducted. The Detailed Assessment aims to use monitoring and modelling to identify whether the identified objective is in fact being breached. If the objective is being breached then an Air Quality Management Area is required, this is followed by the implementation of an Action Plan. The aim of which is to reduce concentrations in the area so that they are within the objectives.

Banknock/Haggs area work

As part of the LAQM process a potential breach of the annual mean nitrogen dioxide objective was identified in 2006. An automatic monitor was installed with monitoring commencing in November 2007. In September 2008 the Council submitted a Detailed Assessment to the Scottish Government. However, a revised DA will be submitted in May 2009 to take account of a full year's worth of monitoring data. The 2008 monitoring data indicates that the annual nitrogen dioxide objective is being breached in a small area near Kerr Crescent, Haggs. It is therefore likely that an AQMA will be required.

The Council is currently at the Detailed Assessment stage for a potential breach of the PM10 objectives in relation to fugitive dust emissions in the Banknock area, automatic monitoring is scheduled to commence shortly.

Response: Appropriate wording will be added to the Development Framework reflecting the above comments. Any future masterplan will be required to be aware of the implications of any future AQMA Action Plan.

National Stakeholders

Scotways

Comment: The National Catalogue of Rights of Way show two rights of way CF174 and claimed right of way SCK36 (Map enclosed) As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria but have not yet been recorded as they have not yet come to our notice.

Scotways are pleased that the consultation process acknowledged the existing path network, and highlighted the need for continued maintenance of these paths. The Council will no doubt be aware that there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003.

Response: Support welcomed

SEStran

Comment: The details of the internal layout seem to be well thought out, providing pedestrian links etc. However SEStran have concerns on the sustainability of external transport links and would be interested to see the outcomes of the transport assessment of the proposals.

Response: Support welcomed, the outcomes of a full TA will be made available to SEStran once they are prepared.

Architecture and Design Scotland (A+DS)

Comment: General Comments

A+DS acknowledge the difficulties inherent in developing the site (severance by roads and a difficult topography) but also great opportunities (access to countryside, the Forth and Clyde Canal, and views). They fully support a process of analysis and masterplanning for the proposed major extension of this small community. However, A+DS note there are significant issues concerning the brief for development, and the remit and nature of the plans in the current document, which should be addressed if these proposals are to be successful.

Local Plan Development Brief

A+DS acknowledge the Council's designation of Banknock and Haggs as a regeneration area as a way to address the lack of facilities and recent investment. To enable a functioning community to be sustained, it is essential for the needs of the settlement as a whole to be established, and for this to be the basis for the proposed developments. This will require thinking that may go beyond the restrictions of the Local Plan on particular issues.

The Local Plan designation does not allot the area as one for new employment, and the lack of anywhere significant to work within or nearby the settlement is severely limiting to its ultimate sustainability. Leaving the current situation as it is, with most residents having to drive to work, will be contrary to the stated intentions. A+DS suggest looking at ways of addressing this on a large or small scale e.g. live-work units, or flexible units that can be adapted for entrepreneurs to set up business.

A+DS note that sustainable development should reduce reliance on the car and an improvement of the currently poor public transport provision to the settlement is required. The bus service should be reviewed strategically at an early stage.

To address these issues A+DS suggest that the Council needs to be much more proactive in describing a vision for Banknock and Haggs as a sustainable community with a clear sense of place, where people want to live, work and play.

Vision

A+DS note that the framework contains considerable written detail of the standards for new development, but this is generally formulaic and non-site specific. The vision described in the framework is largely a set of aspirations without a sense of the kind of place an expanded Banknock and Haggs might be. While we appreciate that options are being left open, we note that this is the only document that will cover the whole settlement and establish how the vision will be achieved. It is crucial that a firm way forward, defining the principles for place-making and a 'spatial vision', be set in the Framework, to avoid the different sites being masterplanned by different developers in an unco-ordinated way and to varying degrees of quality.

It is crucial for the vision to include the whole settlement, so that the proposals help make new and existing areas of the settlement work as one place. We understand that social divisions have been created by past development of private estates, and the proposals need to be designed to avoid this re-occurring. We suggest that village structure typologies should be studied and that this be used to inform the plans for the settlement to develop in an integrated and meaningful way.

We note the considerable industrial heritage of the site, particularly on the two areas designated for new residential development, and we suggest that this potentially could provide a narrative for the regenerated village. The proposals need to be able to give a sense of place and meaning, which is not set out at present, for what is clearly a close and viable community with good ambitions.

We also recommend a review of the strategy for providing improved services. Given the current clear lack of facilities, the proposals to address this (upgrading of the primary school extension or the community hall, and the new retail 'village centre') appear very limited, compared to the increase in population by 50 – 80%. The integration and positioning of these services need to be carefully considered in relation to the settlement as a whole.

Masterplanning Process / Framework Content

A+DS welcome the large amount of work carried out in landscape studies, community consultation etc, and also the broad agendas and intentions which are stated in the Draft Framework. However the framework is lacking in several areas.

A+DS note that the analysis of the site has almost entirely avoided the existing built fabric, but rather has concentrated in particular on the landscape aspects of the two development sites. It is essential for the remit of both analysis and proposals to include the existing and new development areas. Opportunities for the intensification of the highly dispersed existing estates need to be considered where appropriate e.g. the 'windfall sites' that were discussed in the presentation.

The integration of Haggs presents particular challenges, as it is isolated from the main settlement area by the motorway cutting. There is currently a lack of any substantial proposals for how this will be addressed. A strategy for strengthening links and providing better visual unity with the rest of the settlement is required.

The Framework is diagrammatic and uses almost exclusively plans in analysis and proposals. In this kind of document, the principles for building heights and urban morphology need to come from a three-dimensional analysis of the town and its landscape situation e.g. taking advantage of the hillside location and its south facing aspect for passive solar gain in buildings and public spaces.

It was noted that a next stage would require a localised masterplan for the proposed new 'village centre' area. A+DS concur with this as being essential, and if not carried out at this stage then it should be required in the Framework that this plan must be agreed prior to any residential area masterplan being submitted.

'Village Centre' / Kilsyth Road

A+DS note while the proposed location of a new 'village centre' on Kilsyth Road has some advantages, we question whether this is the right solution given the inherent problems this would have to resolve: even if the new junctions and traffic calming work, it could still result in a dispersed centre along an (improved) car route. As the plans for the new centre remain undefined, awaiting the localised masterplan noted above, we recommend that other options should be considered that could reduce the impact of what is a busy road and may offer other benefits e.g. a 'High Street' running north-south into both the new and existing residential areas.

Regardless of the position of the 'centre', A+DS concur that the local masterplan needs to establish a structure to cover the whole length of the High Street to address the linkage with the whole settlement e.g. if on Kilsyth Road then it needs to cover the length from Haggs to the far end by Glenskirlie House.

A+DS welcome the Project Team's positive engagement with the Highways Department to provide a solution for Kilsyth Road that meets the current best practice for making streets usable by all (see the Scottish Government draft policy document 'Designing Streets').

It is crucial to resolve the issues of how existing houses and streets will relate to the new 'centre'. The proposals show higher densities of housing in the new residential areas near the proposed centre, but also adjacent, unchanged dispersed existing housing. Proposals are required to locally change the existing structure to form a coherent pattern, otherwise the difference between old and new will be accentuated and the centre is likely to appear at odds with the existing.

Conclusion

A+DS support the aspirations of the Council and Project Team to develop an existing viable and engaged community in a sustainable way. However, as currently presented, we do not believe that the aspirations are likely to be delivered under this Framework.

To address the weaknesses of the current Framework they suggest:

- The Council and Project Team needs to be more pro-active in setting-out a vision of Banknock and Haggs as a sustainable community with a real sense of place, for all occupants to live work and play;
- The principles of the proposals need to be more defined, particularly in fixing a spatial vision to be followed in future masterplans;
- The vision and framework needs to address the whole settlement as a place
- The location and nature of the new village centre, and the provision of communal facilities, need to be reviewed.

A+DS would request that they are kept informed of the progress of this project and wish to track the development of the framework, and the local masterplans that need to follow on from this document, such that together they can clearly set out a secure and improved future for Banknock and Haggs.

Response: Local Plan Development Brief

The Development Framework is an intermediate planning tool which sits mid-way between the Statutory Development Plan and detailed Masterplanning. The approved Structure Plan and emerging Local Plan are an expression of Council approved land use planning policy and the Development Framework seeks to set a framework for development to inform more detailed masterplans which reflects approved Council policy. A key objective of the approved Structure Plan is to promote economic growth and diversification at a limited number of attractive and accessible sights. Banknock and Haggs were not considered to be one such attractive and accessible site. As such, it would not be appropriate to look beyond the restrictions of the approved Structure Plan and emerging Local Plan as this is not the role of the Development Framework. To introduce a significant employment use into the SIRR would first require a Structure Plan alteration.

There are a number of existing employers within Banknock and Haggs including Denny Tippers, Bankier Primary School and Nursery, Glenskirrie House, Bankview Nursing Home, the Coop and the Post Office as well as some other smaller local retail employers. The Development Framework proposes to create a new village centre which will meet needs of the expanded village and will include further employment uses. It is accepted that the incorporation of live-work units into Development Framework proposals would help improve overall sustainability and would not conflict with Development Plan Policy.

A detailed Transport Assessment will be produced at the outline Masterplanning stage which will look at the adequacy of existing public transport network.

Vision

The need to develop a spatial vision for Banknock which references the village's industrial heritage, looks at other village typologies and defines the principles for place-making is noted. The finalised development framework will include a section outlining a historical analysis of the settlement's industrial legacy and will highlight opportunities for this to be incorporated into a design narrative for the regenerated settlement. It will also include a section examining existing village structure typologies and look to draw inspiration to inform the spatial vision of the regenerated village.

It is not accepted that the strategy for providing improved services is “very limited” The new development in Banknock will be required to provide of fund the following community facilities as outlined at Table 5.2 of the Development Framework:

- An extension of Bankier Primary School
- 15% of all new dwellings to be affordable housing
- Contributions towards the upgrading of Denny High School
- Upgrade of new community hall
- Land/ contribution towards a new health facility
- An upgrade of Hollandbush Park
- Substantial new areas of open space
- Core path upgrading
- Waste recycling facilities
- New Banknock "Gateway" Signs

In addition the housing developments will be required to provide funding towards the establishment of a Community Regeneration Trust which will be used to fund projects which the Community of Banknock and Haggs consider to be a priority. This is considered to be a substantial improvement in a village which, once development has been completed, will have a population of approximately 4000 as opposed to 2500 at present. If the Development Framework requires the development of 700 new houses to deliver any additional community facilities over and above those already identified, it runs the risk of being undeliverable given the substantial infrastructural upgrades that will be required to enable development.

Masterplanning Process / Framework Content

The existing built fabric of Banknock is subject to continuous improvement as outlined in the Strategic Housing Improvement Plan and the Council are aiming to meet the Scottish Housing Quality Standard by 2015. It is not appropriate for the Development Framework to consider altering the structure of the existing village, as this existing community has not been identified as one requiring large scale intervention and much of the existing housing stock is likely to be in private ownership. Hollandbush Park will be upgraded as part of SIRR proposals involving improvements to existing sports and play facilities and to general landscaping quality and a vacant site at Auchincloch Drive will be developed for affordable housing.

There are no “windfall sites” within the current settlement of Banknock. The areas referred to are protected open spaces, which have an amenity value to existing residents. These areas may be identified by the community as areas with potential for environmental improvements which can be funded through the Community Regeneration Trust.

Haggs is traditionally a separate settlement from Banknock and the presence of the M80 which forms a deep and wide cutting between the two communities has exacerbated the visual severance from Banknock. There does not appear to be any obvious way to address this visual severance.

It is recognised that there are design opportunities afforded by the south facing slope which Banknock is built upon and housing will be required to include proposals for maximising energy efficiency through the use of passive solar gain. An additional requirement for development proposals to conform to the Council's forthcoming Sustainable Design and Construction SPG will be added at section 2.5 of the Development Framework.

A three dimensional analysis of the new housing proposals is not appropriate at present as details of eventual site levels are not yet known. It is expected that these details will come forward as part of a subsequent outline Masterplanning process.

A+DS's preference that a localised masterplan for the proposed new village centre should be agreed prior to any residential area masterplan being submitted is noted. It is expected that an outline planning application for the new village centre and the northern residential area will be submitted together. A masterplan for the new village centre and the northern residential area will therefore be considered simultaneously through the planning process. A brief outline of the elements to be contained within the village centre masterplan will be inserted into section 5.15 of the Development Framework.

'Village Centre' / Kilsyth Road

A+DS recommend that the village centre masterplan should consider the potential for the High Street to run North – South into both the new and existing residential areas. They state that the masterplan should establish a structure to cover the whole length of the High Street to address the linkage with the whole settlement regardless of whether the high street is on Kilsyth Road or otherwise. The Council agree that this is an appropriate subject for inclusion within the scope of the village centre masterplan. A brief outline of the elements to be contained within the village centre masterplan will be inserted into section 5.15 of the Development Framework.

Scottish Natural Heritage (SNH)

Comment: In section 3.3.8 of the Development Framework, the term 'favourable status' is used in relation to otters. SNH's understanding is that this is intended to refer to the Favourable Conservation Status (FCS) of Otters as European Protected Species (EPS). As FCS is a legally recognised term, they recommend that this term is amended.

Although surveys carried out to date indicate that there are no other protected species on site, reference to these species and the potential requirement for survey and mitigation works in relation to them should remain in the development framework, given the timescale for complete redevelopment of the site and the potential for protected species to move into the area. It should be clear that full details on all protected species monitoring before, during and post construction should be given as well as any emergency mitigation measures which may be required.

The recommendations set out in section 3.3.4 are a useful means of ensuring that the biodiversity interest of the site is maintained. However, the potential effects on other interests of the site, specifically EPS, should also be considered at this point.

The Development Framework should include a requirement that an landscape and visual impact assessment be submitted with planning applications in order to demonstrate that the proposals will yield a clear benefit in terms of enhancing local landscape character and visual amenity.

A biodiversity assessment should also be required as part of the planning application process.

The use of inappropriate night-time lighting has the potential to impact on wildlife and the rural qualities of the countryside, its use should also be carefully considered to avoid light spillage and glare. A sub-section detailing impacts and requiring full accordance with Scottish Government Guideline (2007) "Controlling Light Pollution and Reducing Energy Consumption" should be included in the relevant section.

Sub section 5.6.2 of the Development Framework states that development design should contribute towards a "walkable community", with links to wider access networks as described under sub-section 5.6.15. SNH welcomes these requirements. To ensure that access provision meets current good practice guidelines, they recommend that the Development Framework refers to publications such as the Countryside Access Design Guide, which is available from SNH.

In addition to proposals detailed in section 5.7.12 for Sustainable Urban Drainage Systems, SNH recommend that guidance should highlight the need for good practice and for developers to consider the use of permeable surfaces and an above ground approach to the treatment of all surface water.

SNH welcome the recommendation that opportunities should be taken to improve SUDS to create wetland habitat, particularly for amphibians. Given that the site hosts great crested newts, they recommend that particular consideration is given to the needs of this species and the protection afforded to it.

SNH consider that the need for after-care and on-going management of habitats, species and amenity planting is a key issue that is worthy of a stand alone section. The Development framework should address the need for delivery and implementation mechanisms for after-care arrangements through clarification of the need for Section 75 agreements and planning conditions at the application stage. The Development Framework represents a positive opportunity to clarify the benefits and need for such information.

Response: Reference to “Favourable Conservation Status” will be made within the Development Framework

A number of SNH’s detailed comments relating to protected species monitoring and effects on European Protected Species have already been addressed in the Banknock and Hags SIRR Conservation Strategy (Appendix 14). It is considered more appropriate to deal with these elements as part of an appendix rather than as part of the body of the main report. It should be noted that a Great Crested Newt mitigation strategy will be produced as an annex to the main Conservation Strategy and the paragraph covering “Biodiversity Requirements” will be altered to require that planning applications must be accompanied by a site biodiversity action plan which conforms to the recommendations of the Conservation and mitigation strategies as well as the Council’s Biodiversity and Development SPG.

There is already a requirement to produce a full landscape and visual impact assessment as part of the planning requirements set out at section 5.15 of the development framework

A section on the use of inappropriate night time lighting will be added to the development framework.

A reference to the Countryside Access Design Guide will be added.

Use of permeable surfaces within curtilage boundaries will be encouraged however the use of permeable paving in highways, at the time of writing, conflicts with currently adopted Council practice.

Although the site presently contains Great Crested Newts the Conservation Strategy sets out that these species will be excluded from the site and moved to alternative nearby habitat, as such habitat management of SUDS for GCN is not considered to be appropriate.

Table 5.3 will be amended to ensure that contributions to funding a site biodiversity action plan are flagged up as a necessary developer contribution.

Historic Scotland

Comment: HS note and welcome the key requirements of the framework now include a strategy for mitigating the impact that the development may have on the setting of the Antonine Wall WHS

Policy EQ17 Antonine Wall should be added to table 2.3

NPPG5 and NPPG18 have been superseded by SPP23: Planning and the Historic Environment. This should be reflected in Table 2.4 PAN42 Archaeology should also be included in this table.

HS note and welcome the inclusion at point 3.1.10 which makes clear that the site and setting of nationally designated monument within the development site are protected.

HS note that there are proposals to improve and enhance various countryside access links, paths and cycle networks including links to scheduled monuments at the Forth and Clyde Canal and the Antonine Wall. The Ancient Monuments and Archaeological Areas Act 1979 requires prior written consent (scheduled monuments consent) for any proposals that directly affect scheduled monuments. This applies to the entire scheduled area, and further details can be found in Scottish Historic Environmental Policy. HS would welcome early consultation during the design stage to minimise impacts on these monuments.

Figure 3 should contain the Forth and Clyde Canal as a scheduled monument.

The correct title for the Antonine Wall World Heritage Site is "The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site."

Historic Scotland are not content that Appendix 3 "The Antonine Wall Setting Framework" is the correct document to produce at this time. The appendix reads in the style of an EIA document with an assessment conclusion, whereas point 1.5.2 of the framework commits to producing only "a strategy for mitigating the impact that the development might have on the setting of the Antonine Wall WHS". It would have been more helpful and clearer if this setting framework appendix had reviewed the detailed policy and statutory considerations, sources of information, methodological approaches, constraints, and products used in the design process to ensure minimal impact on the outstanding universal value of the world heritage site. This strategy could then be subsequently taken forward and implemented through EIA for individual planning applications, as stated in section 5.15.2

Response: Reference to missing and most up to date national and local planning policy will be added to the development framework.

Reference to the need to obtain SAM consent for works affecting the Forth and Clyde Canal will be added.

Figure 3 will be altered to contain the Forth and Clyde Canal as a scheduled ancient monument.

Incorrect references to the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site will be altered.

Discussions with Falkirk Council and Historic Scotland have shaped the production of the Antonine Wall Setting Framework Appendix. It is not appropriate that this appendix sets out a review of detailed policy and statutory considerations, sources of information, methodological approaches, constraints and products to be used in the design process to ensure minimal impact on the outstanding value of the WHS as this will be detailed within a forthcoming SPG being prepared by Historic Scotland and the Local Authorities along the line of the wall. Once adopted this SPG will become a material consideration in the determination of any planning application within the SIRR area. Reference to this forthcoming SPG will be made in the Planning Policy Context Section of the Development Framework.

Scottish Environmental Protection Agency

Comment: SEPA understands that modelling has been undertaken to investigate the effect the proposals would have on the current issue of sewer surcharging. It appears that it is possible to reduce surface water inputs to a level where no discharge occurs at all. SEPA would welcome further discussion on this matter as proposals come forward and recommends that all applications are accompanied by a Drainage Impact Assessment.

Any application for outline consent should be accompanied by SUDS proposals and SEPA will be prepared to comment further on any proposals that come forward.

The draft Flood Risk Assessment (FRA) (Appendix 9) shows that a large portion of the identified sites are at risk of flooding, however, SEPA notes and supports the proposals to develop outwith the areas identified at risk from both fluvial and pluvial sources. It should be noted that not all sources of flooding have been investigated within the draft FRA and SEPA recommend that the flood risk associated with ditches 2 and 4 are assessed before the final design layout is agreed upon. Further investigation will be required to ensure safe access and egress due to under designed culverts along the vast majority of the site causing flooding of the existing roads. SEPA wishes to be consulted on the final FRA and also to be consulted on site layouts as they come forward through future planning applications.

Response: The requirement for a Sustainable Drainage Strategy to accompany future planning applications is already referred to in the Planning Requirements Section (5.15). The requirement for Drainage Impact Assessments will be added to section 5.15

Development outwith the areas identified as at risk from fluvial and pluvial sources

As noted in SEPA's comments, no development will take place within the areas which have been identified as at fluvial flood risk. Risk from pluvial flooding will be managed by maintaining overland flowpaths where these enter the site. Catchments contributing to overland flow paths within the development area will be materially changed by development such that they will no longer give rise to flows contributing to pluvial flood risk. Surface water management will be through a series of traditional, formal drainage and SuDS, in accordance with Sewers for Scotland. Similarly, the catchment which currently contributes to pluvial flooding in the disused railway siding be materially changed by development with flows routed through formal drainage to site control SUDS for treatment and attenuation, resulting in no further pluvial flood risk. Post-development flows will be routed to the same pre-development catchment (i.e. delivered to the upstream end of Culvert 3) to ensure that base flows to the head of this watercourse are maintained. Measures will be taken within detailed design to ensure that properties are not subject to flood risk. These will include appropriate freeboard and provision of overland flow paths through the development.

Request for assessment of flood risk from Ditches 2 and 4

It is recognised that Ditch 4 is a source of potential flood risk and it is noted that in case of ponded water at Culvert 1 accumulating to a level that can access the development site, an emergency overland flowpath should be provided. The final FRA will recommend that such an overland flowpath is incorporated within the detailed design of the development.

Ditch 2 lies primarily outwith the development site and is a very small drain collecting flows from a catchment area of less than 0.1 km². The final version of the FRA notes that no storage capacity for floodwater is currently provided along this watercourse and therefore any flood risk from this drain as it passes through the development site can be mitigated by maintaining a distinct channel and by replacing the existing culvert (Culvert 2) with a culvert of greater capacity such that no out of bank flow is caused.

Safe access and egress/under-designed culverts

The final FRA acknowledges the need for further study in order to address the flooding of roads which is caused by under-designed culverts at several locations. Culvert improvements require to be carefully managed in order that removal of flood storage currently provided in flooded areas upstream of culverts does not result in increased flood risk downstream. It is suggested that improvement of culvert capacities could in fact provide opportunities for management of flooding in Banknock at a holistic level through informed planning. Through additional modelling, consideration could be given to allowing the degree of flooding in certain existing floodplain areas to become worse as the result of culvert improvements elsewhere. This could both decrease flood risk to existing properties and increase the area available for residential-led regeneration; this is in line with the aims of the SIRR development, which seeks to drive regeneration of the Banknock area through residential development and provision of wider socio-economic benefits. Any proposals for culvert improvements and alteration of the degree of flooding in areas around Banknock will be developed in consultation with SEPA and Falkirk Council.

The Forestry Commission

Comment: The Forestry Commission support the view that trees, woodlands and greenspace are an integral part of delivering the sustainable development of Falkirk, improving people's quality of life and increasing the attractiveness of the area for inward investment.

The Forestry Commission welcome and support the inclusion of an Integrated Habitat Network for Falkirk in the Framework (5.7.4 page 34) as a tool to identify the most suitable areas for habitat management. Banknock has been identified as a case study in the document for important linkage for both the woodland and wetland network. The Forestry Commission are pleased to see on the plans that the loss of some areas of existing woodland have been compensated by proposed new planting in others.

Forestry Commission Scotland has worked very closely with Falkirk Council, Scottish Natural Heritage, Central Scotland Forest Trust and other agencies during the preparation of the study, which is an integral part of the development of a Central Scotland Green Network as mentioned in the National Planning Framework 2 (NPF2).

Response: Support is noted and welcomed.

Transport Scotland (TS)

Comment: Transport Scotland have been involved in the consultation process for these proposals from the identification of the SIRR opportunities as part of the Structure Plan review. This has included preliminary transport modelling to establish the anticipated impact on the trunk road network through to more detailed consideration of access options for the sites, particularly with regard to the interaction of the trunk road network. TS has welcomed the opportunity to be involved from the earliest stages and will continue to engage in the process of delivering these development proposals.

The Development Framework identifies that upgrades will be required to the junction of the M80/A80 slips (northbound and southbound) with the A803 and this should be subject to an access appraisal. While TS appreciate that the Development Framework is a strategic-level document it provides little detail of proposals required to accommodate the development (such as those for addressing capacity issues at the junction of the M80 slips with the A803, mentioned in paragraph 1.1.4)

TS have already provided feedback on initial proposals for these junctions and have identified their requirements that further detailed appraisal of these junctions should consider the cumulative effects of not only the Banknock SIRR but also the other significant residential proposals identified in the local plan at Denny and Bonnybridge. TS understand that this view is consistent with that of your Transportation colleagues.

TS note that further to previous discussions, which looked at access from the terminal junction of the M80 northbound slip road, access to the development is to be taken from the local road network. This would have been TS's preferred position and is welcomed, as is the intention that all housing will be within 400m of a bus stop.

Paragraph 1.5.2 lists the key requirements, including "potential off site road network constraints". It should be noted that transport requirements will be required to include the provision of an acceptable level of public transport if this is not already in place. TS welcome the emphasis throughout the report on pedestrian and cyclist permeability.

The overview of existing transport networks notes that there are no dedicated pedestrian crossing points along Kilsyth Road and that existing bus services provide roughly 2 buses per hour with limited evening and weekend service; we would expect these points to be addressed at the Transport Assessment (TA) stage.

Mention is made within the report that it may be appropriate to seek contributions from developers of other sites (beyond the SIRR) to trunk road mitigation works. As confirmed in our earlier correspondence this is acceptable in principle. TS will however require details of the overall levels of mitigation required and the mechanism proposed for funding and delivery and this should be detailed in the TA. Any proposals for interim mitigation at trunk road junctions should be detailed in the TA in order to allow Transport Scotland to assess the suitability of such proposals.

TS would confirm that a full TA will be required to support these development proposals (not just a Transport Statement as suggested in paragraph 5.15.4) As Transport Scotland will require to be consulted on these documents we would recommend early discussion to establish the scope of the assessment. As indicated above the TA will be required to assess the cumulative impact of the SIRR on the trunk road network.

The contents list includes 2.4 Transport Policy but section 2.4 in the report is titled Falkirk Local Plan Finalised Draft (Deposit Version), and chapter 2 does not include a section on transport policy.

In summary TS confirm that the information as provided in the Development Framework is generally acceptable to them, but that clearly they will require more detail at the TA/ access appraisal stage of the development before any more specific comment can be provided as to the acceptability of the transportation issues required to support this development.

Response: The requirements for and appropriate contents of a full transport assessment are noted and Transport Scotland will be fully consulted at the appropriate stage. Reference to a transport statement in section 5.15 will be changed to a full transport assessment.

Inconsistencies between the contents page and content of the report will be remedied.

IH Brown (IHB)

Comment: IH Brown (IHB) is the main landowner within the SIRR and has been working closely with Falkirk Council and the design team to achieve a Development Framework (DF) that is deliverable and which will achieve the socio-economic regeneration objectives as referred to in the Development Plan. This representation sets out some comments on the draft DF, as well as IHB's significant concern regarding the deliverability of the northern development area and indeed the SIRR as a whole.

Figure 6 of the DF illustrates the proposed locations for access to the northern development site and Figure 8 illustrates land ownership within the SIRR. It can be observed that Falkirk Council's land ownership includes the envisaged access points to the northern development site.

IHB are currently seeking to progress a Development Agreement to acquire Falkirk Council's land interest to the north of the A803, on an equitable basis, so that all landowners within the SIRR benefit on a pro-rata basis reflecting the co-operation required by all parties to make the scheme viable. As a result of our recent meeting with Falkirk Council's Community Services (CS), Falkirk Council should be made aware that they are seeking to achieve an enhanced value on Falkirk Council's land interests within the northern development site, which reflects the notion that they hold some form of ransom position.

IHB consider that a ransom position on this land holding is not appropriate, as neither the southern or northern site of the SIRR could progress without all parties acting in cooperation. As such, the position taken by CS to proceed in this way puts at risk the Council's ability to unlock the development potential of their land holding south of the A803. This issue is considered to be so significant in terms of the deliverability of the SIRR as a whole, that it would be remiss not to bring this to your attention at this stage, IHB therefore consider that until negotiations with Falkirk Council on this matter are resolved, the DF as currently proposed is undeliverable. IHB as the majority landowner within the SIRR can only give conditional support to the DF as currently proposed, until the matters with CS. Notwithstanding this position, negotiations between IHB and CS are continuing. A potential way forward would be for Falkirk Council to provide a corporate view at Chief Executive level on the Council's position, as at the moment, one department is standing in the way of both unlocking a capital receipt for the Council and the realisation of the regeneration benefits for the area which we have been working to help achieve of the last 18 months or so.

At paragraph 5.5.2, the DF refers to the potential for a foodstore within the Village Centre but to be *"no larger than 12,000 ft²"*. IHB consider that it is inappropriate to place an absolute size restriction on the level of foodstore provision that may be proportionate for the SIRR. It would be more appropriate to state that *"the level of food store floor space, appropriate for the SIRR, will be required to be defined through a retail capacity study"*. This would ensure appropriate flexibility within the DF and would be more consistent with Structure Plan policies ECON.5&6, as well as policy EP7 of the emerging Falkirk Council Local Plan

Following a meeting to review consultation responses IH Brown wrote a further letter clarifying their earlier comments:

IH Brown have recorded a holding objection to the adoption of the Development Framework at this time until the issue of land equalisation and/or acquisition is agreed in principle with Falkirk Council.

IH Brown and JB Bennett would further record that the application of ransom values on Falkirk Council land is contrary to our development partnering understanding and would make the current proposals undeliverable.

IH Brown advise that if the Council are minded to progress the Development Framework we would seek the inclusion of alternative access arrangements within the development framework demonstrating that acceptable access arrangements are possible without the use of Falkirk Council land assets.

Response: The Council's "ransom" position is born out of a requirement to seek best price for the disposal of its assets unless it has express written permission from Scottish Ministers. The Development Framework currently shows that the northern site is accessed through land owned by the Council and this has informed the District Valuer's assessment of development value. IH Brown contends that this access option has only been promoted as the preferred option on their understanding that the Council would consider land values pro-rata based only on respective development areas. IH Brown further contends that other access options are available which do not require the use of Council land and that as such a ransom position is inappropriate.

Any alternative access route would have to demonstrate that it is capable of securing detailed planning permission before this proposal could be reflected in any amended valuation approach. As such, it would at the very least require to be identified as one which had the support of the Council in its capacity as both planning and roads authority. It seems reasonable therefore that IH Brown be given time to demonstrate the acceptability of alternative access options. Additional wording has been proposed for inclusion within the development framework in order to ensure IH Brown have the flexibility to investigate alternative access options should land ownership of physical constraints dictate that there is a need to.

It is accepted that it is appropriate to allow the level of food store floor space appropriate for the SIRR to be defined through a future retail capacity study.

MacTaggart & Mickel (Agent: Colliers Cre)

Comment: MacTaggart & Mickel (M&M) are seeking to develop a 500 unit residential development in nearby Dennyloanhead in conjunction with Bellway Homes Ltd. The full implications of the Banknock and Haggs SIRR require to be fully detailed and understood to allow for the Consultative Draft Development Framework to be a comprehensive planning document that shapes the future land use planning of Banknock and Haggs.

Whilst M&M take no issue with the overall aims of regenerating Banknock and Haggs via residential led development, there are concerns that the transport infrastructure implications of the development proposal have not been fully detailed or quantified in financial terms. There are concerns regarding the viability of proposals if their consequential transport infrastructure implications cannot be met by the development proposed in Banknock and Haggs.

M&M are of the view that the forthcoming Local Plan Inquiry provides the forum for a full and transparent debate on the transport and infrastructure proposals in Banknock, Haggs, Dennyloanhead and Denny. This will be informed by and outlined in detail by Falkirk Council, with a specific transport paper being presented in Feb 2009 which will indicate the manner in which transport infrastructure will be funded. It would therefore have been beneficial if the Development Framework had been capable of taking this into account and it is therefore considered premature in terms of transport infrastructure and funding sources.

M&M believe that the upgrading of the M80 slip roads should be highlighted as a definite infrastructure cost that the sites within the SIRR should seek to fund and implement fully to the required standards at an agreed timing/phasing. Each of the developers of the SIRR should provide their appropriate financial contribution to this important transport infrastructure upgrade, including Falkirk Council, as a landowner in this consortium. On the basis that this is undertaken, M&M will provide a proportional financial contribution at a later date, taking account of the other infrastructural commitments arising from the Dennyloanhead development and its phasing.

Response: There is no evidence to suggest that development promoted as part of the Banknock and Haggs SIRR would not be able to fund the necessary junction upgrades at the M80 slip roads. The reason that a contribution will also be required from the site at Dennyloanhead is that it too requires the junction upgrades to be implemented to accommodate it. An equitable and proportional financial contribution should be paid by all developers who will benefit from the upgrading of the slip roads at the M80 and it is considered that all local plan sites along the A803 corridor between Coneypark and Dennyloanhead should also be included in the list at 5.6.8.

Not all sites will come forward within the planning process at the same time and the Council is keen to avoid a situation whereby the developer who goes first has to pay for the whole slip road upgrade by themselves. The Council is equally keen to avoid a situation where all sites have to wait until the slowest site is approved before the key infrastructure is put in place.

Paragraphs 5.6.8 and 5.6.9 will be reworded to ensure that the development framework is flexible enough to respond to emerging funding solutions to deliver the necessary slip road junction upgrades.

Bellway Homes

Comment: Bellway Homes (Scotland) Ltd (BH) does not wish to object to the principle of the Banknock and Haggs SIRR. However, BH does wish to object to the way Falkirk Council is handling the process. BH has an interest in the local plan alteration H.B&B21 at Dennyloanhead and therefore has an interest in the SIRR and the content of the DF

BH object to Falkirk Council's approach to using Supplementary Guidance in place of Local Plan policies, resulting in the inability of interested parties to debate the issues at the forthcoming Local Plan Inquiry. BH would have objected to the local plan if the terms of the DF had been published prior to the period of representation to the local plan being closed.

The financial contributions and method of collecting the contributions again should have been specified in the Local Plan. This has been outlined, however vaguely, through sections 5.14.5 and 5.14.11 of the Development Framework which cannot be debated at the forthcoming Local Plan Inquiry. BH cannot work out if site H.B&B21 is the only site out with the SIRR which is contributing to the M80 slip road junction upgrades.

The financial viability of the SIRR must be considered to be in doubt. In addition the partners are not specified nor is the method of guaranteeing funding outlined. These are again matters which require to be aired at the forthcoming Local Plan Inquiry.

There is an extant objection from one of the major stakeholders in the SIRR to H.B&B21. That party will be arguing at the Local Plan Inquiry the viability of the SIRR without the reciprocal opportunity being afforded to BH

The unspecified contributions for the developers of H.B&B21 arising from the DF cannot be argued and debated at the forthcoming Local Plan Inquiry.

The DF links H.B&B21 with the SIRR. The lack of a programme or definition of timing could have implications for H.B&B21. This new link has been recently established and not through the Local Plan. Had BH known of this link, an objection would have been lodged to the Local Plan.

In summary BH believes that the content of the DF is so inextricably linked to the Local Plan that the matter needs to be debated at the forthcoming inquiry. It seems iniquitous that the content of the DF cannot be debated through the same process as the Local Plan. This is a matter on which BH are currently seeking legal advice.

Response: The scope of the SPG in relation to the Local Plan has been appropriate in this case. The Local Plan has set out the overall vision and principles for the SIRR and is dealing with the detail (including financial contributions) within the Development Framework. This is in line with government guidance.

The Development Framework will not be debated at the forthcoming local plan inquiry. There are no outstanding objections to the boundary of the Banknock and Haggs SIRR or to any sites within the SIRR boundary which will be considered at the forthcoming inquiry. It is only due to this lack of outstanding objections that a Development Framework has been progressed in the first place.

It is considered appropriate to require a contribution towards roads infrastructure upgrading at the M80 slips from the site at Dennyloanhead as this mitigation is required to accommodate the scale of development at both Dennyloanhead and within the SIRR.

Site H.B&B21 was the only site outside the SIRR which was required to contribute towards the sliproad upgrades but this approach has been reappraised. It is now considered that all local plan sites along the A803 corridor between Coneypark and Dennyloanhead should also be included in the list at 5.6.8.

A phasing programme will be prepared and included within the finalised development framework. This phasing programme will outline which phase of development the slip road upgrades will be required to be delivered in.

Mr Potter & Mr Cook (Agent: Anderson Strathern)

Comment: The Development Framework is welcomed and supported. They note that the Council is likely to seek financial contributions towards the costs for primary infrastructure elements and that these are likely to be sought through the use of Section 75 (S75) agreements.

Due to the scale of the two large development sites promoted by the Development Framework, it is suggested that the infrastructure requirements are delivered on the back of these developments with the ability for smaller scale developments, such as Coneypark (H.B&B, to be able to connect up and utilise the improved infrastructure capacity. A reasonable and proportionate financial contribution may then be paid through a back-loaded payment per unit, payable upon completion through the use of a S75 Agreement. This should assist in alleviating the financial burden upon small scale developments in the early stages of construction and allow contributions to be made at a point when a developer has more financial stability.

Response: Not all sites will come forward within the planning process at the same time and the Council is keen to avoid a situation whereby the developer who goes first has to pay for the whole slip road upgrade by themselves. The Council is equally keen to avoid a situation where all sites have to wait until the slowest site is approved before the key infrastructure is put in place.

Paragraphs 5.6.8 and 5.6.9 will be reworded to ensure that the development framework is flexible enough to respond to emerging funding solutions to deliver the necessary slip road junction upgrades.

Local Residents

Mr & Mrs McLellan (Agent: Harper MacLeod)

Comment: Mr & Mrs McLellan (the respondents) were aggrieved that there was no specific written notification given to them of the likelihood of Development Framework proposals at the M80 slip road in Haggs having a significant impact on their property.

The respondents state that there are other sites available, such as to the northeast of their property, which may be capable of development. Given the likelihood of the current economic situation having unexpected impacts on the prospects of securing agreement on any development within the area, doubt must surround the length of time it will take to complete development in any location. They further state that the location of any SIRR must be reassessed with a view to minimising and mitigating the major impact on the amenity (including traffic and the detrimental effect of incomplete residential developments, which once started, are not complete within a reasonable build-out period) of the existing communities of Banknock and Haggs in general as well as on individual properties which are likely to be affected.

The respondents state that a fresh re-evaluation and assessment of alternative sites requires to be undertaken with other locations with the potential for development to be re-considered. Perhaps a smaller initiative in a different location would better meet the needs of the community.

Any visual impact assessment undertaken will need to be reassessed as the delivery of 700 houses within the originally envisaged timescales may no longer be deliverable. The potential for visual blight, should such an initiative fail to be completed, is a real concern.

Uncertainty surrounds the SIRR and the likely delivery dates, which affects the need for improvements to the existing road structure and in particular the roundabout adjacent to the respondent's property. This uncertainty is already impacting on the respondents' property in terms of blight given the emergence of the potential roundabout improvements proposal into the public domain. The direct consequence of this is that they are unable to plan for the future of their property, their family's future within that property is uncertain and their plans for future development of an additional house, which had previously received planning permission (albeit now lapsed) cannot be progressed.

The potential for a two-stage enlargement of the roundabout next to the respondents' house would result in a 'Sword of Damocles' and a potential that they would never know when the final enlargement of the roundabout would be required with the resultant demolition of their house.

The respondents request that the Council (or the Council's development partners) acquire their property at an early stage, thereby enabling them to secure alternative accommodation for their family within a period of their own choice.

Response: The consultation letter issued on the 1st of December was sent to 205 individual addresses including statutory and non statutory stakeholders, house builders, local businesses and properties adjacent to the sites proposed for development. As the letter was sent to a myriad of interested parties it was considered impractical to point out

the areas of the development framework which would be of most interest to each individual party.

The specific location of the 500-750 new houses in Banknock and Haggs required by the Structure Plan has been identified within the Falkirk Council Local Plan Finalised Draft (Deposit Version) which was placed on deposit in April 2007. Only 1 objection was received during the consultation period to the proposed location of housing within the SIRR area and subsequently a proposed pre-inquiry modification was published in May 2008 identifying 1 additional site at Garngrew Road. No objections were received to the allocation of this additional housing opportunity. It should be noted that no representations have been made at any stage suggesting the appropriateness of the land to the north east of your clients' property for additional housing development.

The Local Plan is the proper vehicle for identifying the area of the SIRR. The Local Plan over the past few years has given consideration to the boundary of the SIRR. Given that the Local Plan has not yet been adopted and the SIRR is still in the early stages of planning, it is far too early at this stage to consider a fresh re-evaluation and appraisal of alternative sites for development as it is far from clear what effect the current economic situation will have on the progress of development.

If it becomes apparent that the sites currently identified for development are incapable of development within a reasonable timescale, then the SIRR and its boundaries will be reviewed. The most appropriate time for this to take place is considered to be during the preparation of the forthcoming Local Development Plan which the Council is due to begin the preparation of in late 2009.

Concerns regarding the need for a reconsideration of the conclusions of the landscape and visual impact assessment which accompanied the development framework are noted. A detailed landscape and visual impact assessment is one of the planning requirements set out in section 5.15.5. This will be required to be produced in line with current best practice.

A phasing programme will be prepared and included within the finalised development framework. This phasing programme will outline which phase of development the slip road upgrades will be required to be delivered in.

Before any land acquisition process can begin there are a number of matters which will have to be resolved:

- The extent of the land required to enable the construction of an enlarged roundabout to serve new development in the local area needs to be clarified.
- An agreement being reached between the main parties involved in the land acquisition (Falkirk Council, IH Brown, JB Bennett, MacTaggart & Mickel and Bellway Homes) as to the appointment of a lead negotiator and timescales for acquisition.
- Committee approval must be gained to proceed with land acquisition negotiations.

The resolution of the above will take time. The Council will endeavour to proceed towards resolution of these matters as soon as is practicable.

Denis Delworth

Comment: Mr Delworth was concerned that it not been demonstrated in the Development Framework that there will be satisfactory provision of necessary social and physical infrastructure as required by Schedule COM1b of the approved Falkirk Council Structure Plan 2007. Mr Delworth was particularly concerned about the possibility of the Development Framework proposals leading to the loss of Banknock Health Centre and that Bankier Primary school would not be expanded to an appropriate level to cope with additional children from new housing

Response: Table 5.2 of the Development Framework shows common infrastructure elements which are necessary to allow development to proceed. At section (vi) it indicates that developers will be required to provide a financial contribution towards the construction of a new healthcare facility or provide land to accommodate a new healthcare facility within the development site. At section (iv) it indicates that developers will be required to fund an extension to Bankier Primary School.

Healthcare provision is primarily the concern of NHS Forth Valley and not Falkirk Council, furthermore Banknock Health Centre is a private facility. It is not the role of the development framework to decide whether the surgery stays within Banknock or goes elsewhere, this is a matter between NHS Forth Valley and the GPs at the current surgery. It is however recognised that the increase in population proposed by the development framework will place additional pressure on the GP surgery.

Anita Clark

Comment: Ms Clark was interested to know what the specific proposals in the development framework were with regard to: provision of affordable housing; improvements to the public transport network; procedures to prevent vandalism of greenspace and parks; and provision of community facilities.

Response: Affordable Housing - 15% of the houses built within the development sites will be required to be special needs or affordable housing. Acceptable approaches could include:

- Provision of general needs social or rented houses;
- Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or
- Provision of shared equity or ownership housing.

It is proposed to build up to 700 houses on the sites covered by the development framework so there will be a requirement for a minimum of 15% (105) of these houses to be special needs or affordable.

Transport Network Improvements- A full transport assessment will be required to accompany any future planning application this will include an assessment of the suitability of public transport links serving the proposed development. It may be that the transport assessment concludes that there is a need to subsidise the introduction of additional bus services including those connecting the development with the nearest railway station.

Greenspace Vandalism - Prevention of the vandalism of greenspace is strictly speaking a police matter and there are no proposals within the development framework to deal with it directly, however, there are a number of measures which may indirectly help to reduce the incidence of vandalism which are proposed within the development framework.

Any new greenspaces and parks proposed as part of the development framework will have buildings facing directly onto them, this should ensure good levels of natural surveillance and should help to prevent vandalism as people are less likely to vandalise things if they think they might be being watched.

Any new development will be required to contribute funding towards the establishment of a community regeneration trust which is intended to enable the community of Banknock to decide which projects within Banknock it wants to support and take forward. It is possible that this could involve the improvement of existing parks and greenspaces within Banknock. Experience has shown that where a community has a direct hand in the design and maintenance of parks and greenspaces a spirit of community ownership and community pride can be fostered, in these circumstances people will become less inclined to vandalise a space which they themselves (or friends and family members) have helped to create.

Community Facilities - New development will be required to fund an upgrade of the existing community hall or support the provision of a new community hall. New development will also be required to provide funding to support a Community Regeneration Trust which will be used to support community regeneration projects within the Banknock and Haggs area.

Roy MacDonald

Comment: Mr MacDonald was concerned that there is a proposal to put a foot/cycle path to the front of his property (Rusticbank) along what is very narrow private road. He would like this foot/cycle path to be diverted so that he can retain a level of privacy.

Mr MacDonald indicated that he would be open to selling his stake in the private road which connects to Kilsyth Road to be incorporated within environmental improvement proposals for the area, provided that he is given a direct access to the new principal road and some fencing is erected to separate the houses at Rusticbank from the green area to the south.

Response: An additional paragraph will be added to the Other Housing Design Issues Section suggesting that Rusticbank should be connected to the principal road network and its private access stopped up. The indicative concept plan will also be altered to remove the footpath to the south of the property. The proposed green network will also be altered to reflect this change.

Owner of 225 Kilsyth Road

Comment: The owners were concerned that the land to the rear of their property (which they have been sold by the Council) is shown to be an area of retained woodland on the indicative concept plan (figure 6).

Response: It is recognised that this area of land does not belong to the Council and the indicative concept plan will be altered to show this area as an existing residential area rather than an area of retained woodland.

Appendix C – Supporting Information