

**FALKIRK COUNCIL**

**Subject: FALKIRK COUNCIL LOCAL PLAN -  
FINALISED DRAFT (DEPOSIT VERSION)**  
**Meeting: POLICY & RESOURCES COMMITTEE**  
**Date: 13 FEBRUARY 2007**  
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**1. INTRODUCTION**

- 1.1 Members will be aware that the Council is in the process of preparing the Falkirk Council Local Plan, which consolidates the previous framework of eight Local Plans into a single document. On 2 March 2005, the Council approved a finalised draft of the Falkirk Council Local Plan, together with the finalised version of the Falkirk Council Structure Plan 1<sup>st</sup> Alteration. The two documents represent an integrated development plan package to take forward the land use planning of the Council area over the coming years.
- 1.2 Following approval by the Council, the finalised draft Local Plan was placed on hold pending the approval of the Structure Plan Alteration by Scottish Ministers. This process has taken much longer than anticipated due to a number of factors. Most notably, in October 2005, a European Court of Justice ruling confirmed the requirement for appropriate assessment of development plans in the terms of Article 6 of the Habitats Directive. This held up progress on approval of the Alteration whilst the Scottish Executive considered the legal implications of the ruling. In May 2006, the Scottish Executive then requested that the Council undertake such an appropriate assessment, and also asked for the submission of information in relation to the impact of the Alteration on the trunk road network, and in relation to health and safety issues at Middlefield/Westfield. This caused further delay whilst the Council assembled this further evidence.
- 1.3 However, Scottish Ministers have now issued their decision on the Structure Plan Alteration, approving it with modifications. This now allows the Local Plan, which is required to conform to the Structure Plan, to proceed to the next stage. This will involve placing the Local Plan on deposit for objections, and the consideration of those objections, if necessary, at a Local Plan Inquiry.
- 1.4 Some 22 months have elapsed since the approval of the finalised draft Local Plan by the Council, and it is therefore necessary to update the document to reflect changes in circumstances over that period. This does not represent a comprehensive review of the content of the Plan, but only such selective revisions as are deemed necessary to maintain its robustness and integrity.

- 1.5 This report brings forward an updated ‘deposit version’ of the Falkirk Council Local Plan for consideration by Committee (attached as Appendix 1). It reiterates the broad content of the Local Plan, identifies the key changes which have been made to the previous finalised draft version of March 2005, and seeks approval to place the updated document on deposit for objections.

## **2. CONTENT OF THE LOCAL PLAN**

- 2.1 The Local Plan provides a comprehensive land use planning framework for the Council area, which implements the provisions of the Falkirk Council Structure Plan and its strategy of ‘Sustainable Growth in all our Communities’ in a detailed, site-specific manner. The document comprises the following:
- Introduction and strategy;
  - Area wide policies, divided into four themed chapters of Environmental Quality, Sustaining Communities, Economic Prosperity and Sustainable Transport & Infrastructure; and
  - Settlement and village statements, detailing the policies, proposals and opportunities within each community.
- 2.2 The Local Plan emphasises that growth in the area needs to be environmentally sustainable, and includes a keynote policy on sustainable design principles, which is backed up by a comprehensive suite of detailed environmental policies to protect the key assets and resources of the area.
- 2.3 In terms of housing growth, the Local Plan identifies those residential sites through which the base housing requirements set out in the Structure Plan will be met. Most housing growth up the Local Plan horizon of 2012 will be met by existing commitments (sites which have planning permission). Indeed in a number of settlements, there are sufficient commitments to meet requirements well beyond 2012. In other settlements, additional long term development opportunities (post 2012) are identified. The Local Plan also identifies the boundaries and criteria applicable to the Structure Plan’s Strategic Initiatives for Residential Led Regeneration (SIRRs) at Bo’ness Foreshore, Manuel Works/Whitecross, Banknock and Slamannan.
- 2.4 The Local Plan highlights in broad terms the infrastructure required to support this growth, and policies to ensure that developers contribute appropriately to its provision. Key projects such as the proposed new schools and new acute hospital are identified.
- 2.5 On economic development, the Local Plan identifies a network of employment sites including, most importantly, the site-specific identification of the eight Strategic Development Opportunities in the Structure Plan. Town, District and Local Centres are identified and supported in relation to their specific roles.

- 2.6 The Local Plan identifies a wide range of transport proposals and opportunities. These include opportunities to support public transport, cycling and walking, long standing improvements to the trunk and strategic road network, and local road improvements to facilitate development or safety improvements.

### **3. KEY CHANGES TO THE FINALISED DRAFT**

- 3.1 Updating of the finalised draft of the Local Plan is necessary in view of various changes which have occurred since the document was originally approved in March 2005. This includes updating of the status of proposals and opportunities, inclusion of any new committed proposals or opportunities, and revisions to reflect changes to the policy context in which the Plan operates (e.g. new Scottish Planning Policies, modifications made by the Scottish Ministers to the Structure Plan Alteration, and any new Council strategies and policies).
- 3.2 In addition, as noted in paragraph 1.2 above, a recent ruling by the European Court of Justice has confirmed that development plans must be subject to an 'appropriate assessment' of their impact on Natura 2000 sites, in the terms of Article 6 of the Habitats Directive. An appropriate assessment of the finalised draft Local Plan has been carried out, and this has required some changes to the Plan. In particular, the assessment has significant implications for housing allocations as part of the Slamannan SIRR.
- 3.3 The most significant changes to the Local Plan are highlighted below.

#### **Built and Natural Heritage Policies**

- 3.4 Substantial changes have been made to Policies EQ24 (Listed Buildings), EQ16 (Sites of Archaeological Interest) and EQ24 (Ecological Sites and Features) to bring them into line with recommended model policy wordings issued by the Scottish Executive in January 2006. These do not change the overall thrust of the policies, but are likely to make them more robust and bring the wording in line with best practice.

#### **Antonine Wall World Heritage Site**

- 3.5 Members will be aware of the proposal to nominate the Antonine Wall as a World Heritage Site (WHS). In order to ensure that the WHS is given enhanced protection through the planning system, Historic Scotland and the five local authorities along the line of the Wall have prepared a new common planning policy covering the Wall. As part of the nomination process, Historic Scotland has defined the boundaries of the WHS, together with associated buffer zones required to protect its setting. The policy is now inserted into the Local Plan to replace the previous Policy EQ17 on the Antonine Wall, and the WHS boundaries and buffer zones are shown on the Proposals Map.

### **Opencast Coal Area of Search**

- 3.6 The Local Plan identifies a broad area of search for opencast coal, based on the Structure Plan Plan Key Diagram. The extent of this area has been amended to remove a discrepancy with the Structure Plan and to better reflect known environmental constraints in the area of the Slammanan Plateau.

### **Housing Land Figures**

- 3.7 The calculations of housing land requirements in each of the settlement areas, which are summarised in Table 4.1 of the Local Plan, have been comprehensively updated to a 2005 base date, with updated completion and housing land supply figures. However, this has not materially changed the situation with regard to requirements in any of the settlements, and no additional housing land allocations are required to comply with the altered Structure Plan.

### **Special Needs and Affordable Housing Policy**

- 3.8 Housing and Social Work Services have recently carried out an updated Housing Needs Assessment, in response to rising house prices in the area and concerns that housing affordability is becoming an issue in the area. The study has shown that whilst there is an adequate supply of affordable housing in the area as a whole, there are localised shortfalls in the Polmont, Larbert/Stenhousemuir and Rural North areas. In addition, Housing & Social Work Services have highlighted increasing difficulties being experienced by housing associations in securing land for the delivery of affordable and special needs housing.
- 3.9 In the light of these factors, and taking into account guidance in Planning Advice Note 74 on Affordable Housing, Policy SC4 has been amended to require a proportion of affordable units in housing developments over a certain size. A two tier approach is taken whereby a quota of 15% is required in developments over 100 units across the Council as a whole, with 25% required in developments over 60 units in the pressured areas identified by the Housing Needs Assessment.

### **Open Space in New Developments**

- 3.10 Policy SC13, which sets out requirements for the provision of open space in new residential developments, has been amended in the light of the recently issued draft SPP11 on Physical Activity and Open Space. The draft SPP includes the new National Minimum Open Space Standards for New Development, and these have been incorporated into Policy SC13. Reference is also made to the proposed new Supplementary Planning Guidance Note on Open Space in New Development, which is currently being prepared.

### **Kinglass Farm, Bo'ness**

- 3.11 Housing Site H.BNS9 (previously H.BNS8 in the finalised draft of March 2005) is a long standing residential development opportunity at Kinglass Farm on the southern edge of Bo'ness. This was previously granted planning permission in the early 1990s as part of the wider Kinglass Farm development on the basis of it being reserved for special needs housing. It was included in the Bo'ness Local Plan as a site for special needs housing, but when the site was evaluated for inclusion in the Falkirk Council Local Plan, it was considered that since there had been no apparent interest in the site from housing associations, the site could be allocated for mainstream private market housing. However, recent representations from Housing & Social Work Services have indicated that there has been housing association interest in the site, and there is a need to retain it for affordable/special needs housing purposes. Accordingly, the reservation for affordable/special needs housing has been reinstated.

### **Green Belt East of Falkirk Stadium**

- 3.12 In their modifications to the Structure Plan Alteration, Scottish Ministers have amended the text of the Structure Plan to indicate that land 'in the vicinity of the stadium will be excluded from the Green Belt'. In terms of the detailed expression of this within the Local Plan, it is considered that not only the stadium site, but also the land to the east of it, up to Laurieston Road, should be removed from the Green Belt. However, this land remains outwith the Urban Limit and covered by an Opportunity EN.FAL6 for development of the Ecopark as part of the Helix project.

### **Trunk Road Impacts**

- 3.13 In order to address concerns expressed by Transport Scotland, the modifications to the Structure Plan Alteration require the Local Plan to take account of the impacts of proposed development on the trunk road network, with particular reference to Junction 6 of the M9, and motorway junctions affected by the SRRs at Banknock and Whitecross. This includes modelling of the cumulative impacts of development over the period of the Plan, identifying mitigation measures, and ensuring that appropriate developer contributions are secured.
- 3.14 Substantial traffic modelling work has already been undertaken by the Council in support of the Structure Plan Alteration, and mitigation measures have been outlined which will deal with impacts, at least for the Local Plan period. New text has been inserted in the Local Plan to reflect this issue, junction mitigation measures have been highlighted, and the need for developer contributions has been emphasised. Further work will be undertaken as the Local Plan proceeds to refine and develop solutions, and the detailed delivery of improvements will be addressed when developments get to the planning application stage.

### **River Carron Navigational Improvements**

- 3.15 Enhancing access to the eastern end of the Forth & Clyde Canal is a priority for both the Council and British Waterways. Following a feasibility study, the best means of securing the necessary navigational improvements to the River Carron is being further explored as part of the Helix project. This major new infrastructural project has been included as Opportunity TR.GRA7 in the Local Plan.

### **Allandale Station/Park & Ride**

- 3.16 As was reported to this Committee at its meeting on 16 January 2007, a feasibility study into the development of rail halt and park and ride facility at Allandale has now concluded that such a proposal is not favoured in cost benefit terms and will not be pursued by Transport Scotland. Accordingly reference to this potential scheme has been removed from the Local Plan.

### **Slamannan SIRR**

- 3.17 The Structure Plan envisages significant residential growth in Slamannan through the proposed Strategic Initiative for Residential Led Regeneration (SIRR). In the finalised draft of March 2005, four main sites were proposed to meet this requirement – two large sites at Hillend Farm, to the north west of the village, and two smaller sites at Blinkbonnie Terrace and the Rumlie, to the south west.
- 3.18 In 2006, Scottish Natural Heritage designated an area of the Slamannan Plateau as a potential Special Protection Area (pSPA), owing to its role in supporting the nationally important population of taiga bean geese. The sites for housing expansion at Slamannan were identified by SNH as having a potentially adverse effect on the bean geese and therefore had to be subject to an ‘appropriate assessment’ of these impacts under the terms of the EU Habitat Directive 1992. The assessment has concluded that the housing allocations at Hillend Farm may adversely impact on the integrity of the pSPA due to their proximity to fields which have been used by the bean geese. The assessment has also indicated that other sites to the south of the town would mitigate any adverse impact due to the increased distance from the bean geese fields.
- 3.19 In the light of the Slamannan Plateau pSPA and the outcome of the appropriate assessment, it is considered that the larger Hillend Farm sites should not be taken forward at this stage. Only the small residual area which is already in the adopted Local Plan should be retained. However, the Council may wish to reconsider its position on these sites at a later stage, given
- a) its support for the sites in the Finalised Draft Local Plan of March 2005 and
  - b) that the pSPA remains to be confirmed.

- 3.20 Consideration has been given to other sites and an expanded housing growth area to the south of the town, which extends the Blinkbonnie Road site to the west and south east, has been selected as the best option, together with a smaller area to the west, on Avonbridge Road. This should still be capable of yielding a substantial degree of growth in the village (at least 300 units), whilst integrating successfully with the existing settlement and safeguarding the natural heritage of the surrounding countryside.

#### **4. SUPPORTING DOCUMENTS**

- 4.1 There are various supporting documents which are required to accompany the Local Plan when it is placed on deposit. The Publicity and Consultation Report summarises the consultation process on the Local Plan which was held in 2003/2004, the representations received, and the Council's response to those representations. This document was approved along with the original finalised draft in March 2005. It has been updated to reflect the changes to the Local Plan itself, and is attached as Appendix 2.
- 4.2 The Environmental Report which was prepared as part of the process of Strategic Environmental Assessment of the Local Plan has also been updated to reflect the changes to the Local Plan. The non-technical summary of the Environmental Report is attached as Appendix 3.
- 4.3 As noted previously an appropriate assessment of the effects of the Local Plan on Natura 2000 sites has also been prepared.

#### **5. NEXT STEPS**

- 5.1 Following approval by the Council, the Local Plan will be placed on formal deposit for objections for a period of at least six weeks. This is likely to happen in April 2006. Once all objections have been collated, a report will be placed before Committee summarising the representations and the Council's initial response to them. Negotiations will take place with objectors to try to resolve objections where possible, and this may result in 'pre inquiry modifications' to the Local Plan being agreed by the Council. However, a Local Plan Inquiry will be required to consider unresolved objections, overseen by an independent Reporter, prior to the final modifications being made and the Local Plan being adopted.

#### **6. IMPLICATIONS**

- 6.1 Policy. The Local Plan is the main mechanism for implementing the Falkirk Council Structure Plan and its detailed land use policies and allocations will impact on other corporate policy areas. The final plan will therefore be a significant policy document affecting the whole of the Council area.

- 6.2 Legal. The Local Plan is being undertaken in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, and the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983.
- 6.3 Financial. None.
- 6.4 Personnel. None.

## **7. RECOMMENDATION**

- 7.1 That Committee recommends to Falkirk Council that the revised version of the Falkirk Council Local Plan Finalised Draft, as contained in Appendix 1, be approved and placed on deposit for objections, in accordance with statutory procedures.

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**Director of Development Services**  
**6 February 2007**

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### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan, June 2002
2. Falkirk Council Structure Plan, First Alteration, December 2006.
3. Falkirk Council Local Plan, Finalised Draft, March 2005.
4. Falkirk Council Local Plan, Strategic Environmental Assessment, January 2007.
5. Appropriate Assessment of the Falkirk Council Structure Plan Alteration and Local Plan Final Draft, November 2006.