

FALKIRK COUNCIL

**Subject: FALKIRK COUNCIL LOCAL PLAN INQUIRY REPORT -
DECISIONS ON REPORTERS' RECOMMENDATIONS AND FINAL
PROPOSED MODIFICATIONS**

Meeting: FALKIRK COUNCIL

Date: 15 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 In April 2007, the Council placed the finalised draft Falkirk Council Local Plan on deposit for objections. Some 655 objections were initially received. In April 2008, the Council approved responses to these objections, and agreed to make a number of pre-inquiry modifications to the plan. These modifications were subsequently advertised and attracted further objections.
- 1.2 A Scottish Government reporter was appointed by the Council in September 2008 to consider all outstanding objections, and a public inquiry was held from March to June 2009. The objections were ultimately grouped into 142 issues, of which 62 were considered through oral evidence at the inquiry, and the remainder dealt with by means of written submissions. A further two reporters were subsequently appointed to assist the main reporter with these written representations.
- 1.3 The reporters submitted Part 1 of the inquiry report (dealing with all issues apart from waste and landfill) to the Council on 6 April 2010 and Part 2 (waste and landfill) on 29 April 2010. The inquiry report contains their conclusions and recommendations in respect of each of the issues. It has been posted on the Council's web site and objectors have been advised of its publication.
- 1.4 In accordance with Section 35 of the Town & Country Planning (Structure and Local Plans) (Scotland) Regulations 1983, the Council must now consider the inquiry report and prepare a statement of its decisions on each of the reporters' recommendations, and reasons for those decisions. It must also approve an associated set of final modifications to the Local Plan which will follow from those decisions.
- 1.5 This report summarises the content of the inquiry report and, in particular, the key changes which the reporters have recommended. It recommends Council decisions on each of the issues and inquiry report recommendations (Appendix 1), and seeks approval of a set of consequential final proposed modifications to the Local Plan (Appendix 2).

2. INQUIRY REPORT

- 2.1 The inquiry report is an extensive document, a copy of which has been provided to all Members. It is organised broadly in line with the structure of the Local Plan, with issues relating to area wide policies considered first, followed by issues relating to each of the urban and rural settlements. The first two columns of Appendix 1 contain a brief summary of each issue considered, the specific objections and objectors involved, and the reporters' recommendation.
- 2.2 For the majority of issues (approximately 75%), the reporters have supported the Council's position or made fairly minor changes. In a minority of cases (the remaining 25%), changes have been recommended. The following is a summary of the most significant amendments:

Area Wide Policies

- The Council should produce Supplementary Planning Guidance (SPG) to explain in more detail how developer contributions to the Falkirk Greenspace, which are required by Policy EQ21, will be worked out.
- The affordable housing Policy SC4 should be amended to introduce a sequential approach.
- An additional criterion should be added to Policy EP18 on major hazards stating that impact on existing chemical and petrochemical establishments will be taken into account in assessing developments within consultation zones.
- Additional text should be added on coal bed methane and the Council is to include a map showing the license areas.
- Additional text should be added highlighting the importance of Longannet and the proximity of coal deposits in Falkirk.

Housing Sites

- Overall the reporters have taken the view that, given the national policy emphasis on the provision of a 'generous' supply of housing land, there should be more flexibility in the supply within the Falkirk Council area. They have recommended the addition of 7 sites and the deletion of 4, giving a net increase of 476-496 units. In addition, the reporters have recommended that several sites be reduced in size. The relevant sites are listed below:

Additional Sites	Capacity
Mydub, Denny (western part)	300
Milnquarter, Bonnybridge (part excluding the Site of Importance for Nature Conservation and Scheduled Ancient Monument))	100
Broomhill Road, Bonnybridge	30
Lime Road, Falkirk (Siboro site)	unspecified
Toravon 2, Maddiston	100-120
Eastfield, Airth (part south of Kennedy Way)	40
McLaren Park, Torwood	10
Deleted Sites	
Airth Castle South, Airth	50
Station Road, Polmont	14
Duke Street, Denny	20
Nethermain Road, Denny	25
Site Reductions	
Oxgang Road, Grangemouth (H.GRA5)	20
Letham West	30-40
Slamannan Road, Avonbridge (H.AVN5)	60
Slamannan Road, Limerigg	50

- In addition the Council should conduct a review of all housing development opportunities in Standburn and make a housing allocation of an appropriate size in the village.
- Site H.SLA7 at Southfield, Slamannan should be deleted from the Slamannan SIRR.
- Site H.BNS9 at Kinglass Farm, Bo'ness should not be reserved for affordable housing.
- Housing and economic development sites at Broad Street, Denny should be master planned as a whole with detailed boundaries dependent on that exercise.

Green Belt

- Land at Roughlands Farm, Stenhousemuir should be removed from the Green Belt, but still designated as countryside.
- Green Belt at Mydub should be changed to fit the new line of the Denny Eastern Access Road (DEAR).

- Land immediately to the east of Falkirk Stadium should be included within the Green Belt (although stadium itself remains outwith the Green Belt)

Business Sites

- Proposal ED.GRA8 at Earls Road, Grangemouth should be extended.
- The additional text requiring a review of the Gilston economic development site (ED.POL1) as part of the future development plan should be deleted.

Retail

- Within the Glasgow Road Industrial Area, Camelon, the allowance for food retail in Policy EP2 should be qualified as being for local needs and subject to the 1000 sq.m. ceiling as stated in the Structure Plan.

Transport

- The objector's line for the DEAR should be accepted. The Council should produce Supplementary Planning Guidance (SPG) explaining how the road is to be funded and contributions worked out.

3. COUNCIL DECISIONS ON REPORTERS' RECOMMENDATIONS

- 3.1 In considering the reporters' recommendations, Members should note that the inquiry has been held under the provisions of the old Structure and Local Plan Regulations 1983, under which the Council has the freedom to depart from the reporters' recommendations if it sees fit. (Under the new Planning etc. (Scotland) Act 2006 and the new Regulations, such recommendations are binding except in very strictly defined circumstances.) However, it is normal for the Council to follow the recommendations unless there are good reasons not to. Such reasons could include a change of circumstances or the emergence of new policy since the close of the inquiry which the reporters had not been able to take into account. In their covering letter to the report, the reporters have specifically drawn attention to the fact that the Scottish Government has published a number of policy statements since the close of the inquiry, most notably the Scottish Planning Policy, and has recommended that the Council take these policies into account in considering their conclusions and recommendations.
- 3.2 The third column of Appendix 1 sets out the proposed Council decisions on the reporters' recommendations for each issue, and the reason for those decisions. In nearly all cases, it is proposed that the reporters' recommendations be fully or substantially accepted. The following is a commentary on the proposed responses to the reporters' recommended changes.

Area Wide Policies

- 3.3 The recommended changes to the area wide policies or their supporting text are all considered justifiable amendments. None are considered to represent major alterations to policy, and most involve the provision of additional text or guidance for clarity. The most significant change is probably the introduction of the additional criterion to Policy EP18 stating that impact on existing chemical and petrochemical establishments will be taken into account in assessing developments within major hazard consultation zones. This is accepted to be a valid consideration to be weighed as part of any such decision.
- 3.4 In the case of the recommended changes to housing sites, the reporters' general view that some additional housing land should be provided is accepted, and is consistent with the Scottish Planning Policy's emphasis on the provision of a generous supply of land for housing.

Housing Sites

- 3.5 In the case of the largest site, Mydub in Denny, the adopted Local Plan already points to this area as being the favoured long term direction for expansion, and the bringing forward of this site would

assist in the delivery of the DEAR. It is not considered that the allocation will create any insurmountable infrastructure problems. However, the link between the site's allocation and the delivery of DEAR will have to be established, as stated in the reporters' recommendation. The requirements in terms of the scale and phasing of contributions, including the provision of land to facilitate the road, will be set out in the proposed SPG.

- 3.6 In the case of Milnquarter Farm in Bonnybridge, whilst this site constitutes a natural rounding off of the urban area, an explicit housing allocation continues to raise concerns about the impact on the setting of the Antonine Wall World Heritage Site, and primary school capacity. It is considered that the reporters' recommendations should be modified, by reducing the combined capacity of this site and the adjacent Broomhill Road site from 130 to 80, together with the inclusion of additional safeguarding wording, and requiring the preparation of a brief, in order to mitigate these adverse impacts.
- 3.7 In the case of Toravon Farm 2 in Maddiston, whilst there remain concerns about landscape impact and school capacity, these are probably not of sufficient gravity to warrant departing from the reporters' view. Education Services have, however, re-emphasised capacity risks at Maddiston Primary School and it is considered appropriate to include wording that financial contributions to education provision may be required.
- 3.8 In the case of the McLaren Park site in Torwood, the reporters' view that this site should be allocated is accepted. The site is well contained in landscape terms, and can be seen as a logical area for expansion of the village. The reporters' wording emphasises that availability of drainage infrastructure capacity remains to be demonstrated.
- 3.9 In the case of the site at Airth to the south of Kennedy Way, this appears to have been chosen by the reporters as a more acceptable alternative to the Airth Castle South site, particularly with regard to impact on the setting of Airth Castle. The site is very much smaller than the one which was submitted as the objection, but nonetheless extends the village significantly to the south, as ribbon development along the east side of Main Street, in a way that may make it difficult to resist development of the Airth Castle South site in the future. This is not considered an appropriate way to expand Airth, and therefore it is proposed that the reporters' recommendation is not accepted in this case.
- 3.10 In the case of the sites recommended for deletion, Airth Castle South was, as noted above, considered unacceptable by the reporters, largely due to its impact on the setting of the Category A-listed Airth Castle. The recommendation is considered reasonable and is accepted.
- 3.11 The remaining sites recommended for deletion - Station Road in Polmont, and Duke Street and Nethermains Road in Denny - are all areas which the reporters considered had an important local role as open space. Since the close of the Local Plan inquiry in June 2009, the Council's Open Space Strategy has been finalised and approved. In considering the reporters' recommendations, the opportunity has been taken to review the sites against the objectives, standards and criteria of the Open Space Strategy. In the case of the two sites in Denny, it is concluded that the amenity value of each is not significant and that, provided the playground on the Nethermains Road site is satisfactorily relocated and improved, the impact on the function or accessibility of recreational open space in the vicinity will be limited. Given the benefits which the release of these sites will bring in terms of assisting in cross-funding the regeneration of the Town Centre, and providing additional choice and flexibility in the local housing land supply, it is considered that, on balance, the reporters' recommendation should not be accepted and the sites should remain allocated for housing. The allocations should, however, be appropriately conditioned with regard to play area replacement, flood risk and noise impact from the motorway. Pending further investigation of these factors, it is considered inappropriate to assign definite site capacities to them.
- 3.12 In the case of the Station Road site, it is considered that site does have significant amenity value for the local area and functions as an important link within a wider greenspace corridor. The reporters' recommendation is therefore accepted.

- 3.13 The various site reductions recommended by the reporters are justified and acceptable.
- 3.14 In the case of the Southfield site in Slamannan (H.SLA7), the reporters' concern about over allocation within the Slamannan SIRR is legitimate, and the deletion is accepted. However, a small portion of the site at its north eastern end is retained as a natural rounding off of the urban area, and is proposed to be added to the adjacent H.SLA4. There is a concern about the impact on H.SLA4 of removing site H.SLA7 since H.SLA4 was to have taken access through H.SLA7. This has been investigated and it appears that an alternative access via Southfield Farm Road may be feasible.
- 3.15 In Standburn, the reporters recommended that a review of all housing development opportunities be carried out with a view to making an allocation of an appropriate size to secure conformity with Structure Plan Policy COM.4. They were of the view that only a modest sized allocation needs to be made, having considered that the two objection sites were too large. The review would consider other sites not considered at the inquiry, particularly at the western end of the village, as well as modified and reduced versions of the objection sites. However, the additional investigation which this would require, and the desirability of further consultation with the village community, means the review will take further time to complete. Rather than delay the whole Local Plan process, it is considered that the Local Plan should be modified to indicate that a further modest allocation of up to 30 units will be made in Standburn, but that the precise location and boundaries of the site, or sites, be identified through the preparation of Supplementary Planning Guidance, which will follow on after the adoption of the Local Plan. Circular 2009/1 on Development Planning confirms that "allocations of small areas of land or local policy designations that do not impact on the spatial strategy of the wider plan area" are suitable subjects for Supplementary Guidance.
- 3.16 In the case of Kinglass Farm, Bo'ness, it is proposed to accept the reporters' view that the site should not be reserved for affordable/special needs housing. Whilst it is disappointing that the reporters have not required at least some affordable housing as part of the site, there are no overriding reasons for departing from their view.
- 3.17 The reporters' recommendation that sites at Broad Street, Denny (H.DEN11 and ED.DEN5) be subject to a masterplanned approach is considered sensible and is accepted.
- 3.18 In 2008, as part of its pre-inquiry modifications to the Local Plan, the Council deleted site H.CAL4 which was a proposed eastern expansion to the village of California. The deletion was prompted by concerns about the sub-standard condition of roads in the California Park development (H.CAL1), which would provide access to H.CAL4. The reporters supported the deletion, stating they considered the site to be not effective because of the problem with the roads, and also because the promoter of H.CAL4, Ogilvie Homes, did not have control over land required to access H.CAL4. However, since the inquiry, the roads in California Park have been brought up to adoptable standard. This is a significant change in circumstances and, whilst some drainage issues in H.CAL1 have yet to be resolved, and Ogilvie have yet to secure control over land at the access point, it is considered that housing site H.CAL4 could now be regarded as being capable of becoming effective in the period of the Plan, and the reinstatement of H.CAL4 could be considered. A remaining concern is capacity at California Primary School, although this was not given any weight by the reporters. Education Services now consider that all the proposed sites in California, together with H.CAL4, could be accommodated although there would be some risk of capacity pressures at this small school which can only accommodate 100 pupils and is currently over 80% full. This will depend on the phasing of allocated sites (including H.CAL4) and may lead to a requirement for a temporary or permanent extension to the school, with appropriate financial contributions from the sites. On balance, it is recommended that the reporters' recommendation is not accepted, that the site is allocated with a capacity of 50 units, and appropriate caveats regarding landscape and education provision.

Green Belt

- 3.19 The changes to the Green Belt proposed by the reporters are accepted. At Roughlands Farm, Stenhousemuir, Webster Avenue provides a robust alternative Green Belt boundary. Housing on the

site has quite properly been rejected, but the change does allow some long term flexibility should further urban expansion in this area be considered appropriate through a future development plan. At Mydub, Denny, changing the Green Belt to fit with the changed line of the DEAR is logical. The land to the east of the Falkirk Stadium, whilst rather small and isolated, can make a meaningful contribution to the Green Belt.

Business and Retail

- 3.20 The extension of the Earls Road business site (ED.GRA8) is accepted provided caveats regarding sports facilities replacement and woodland retention are imposed.
- 3.21 It is proposed to accept the reporters' recommendation to remove text requiring a review of the Gilston economic development site as part of the future development plan. It should be noted that the outline planning application for the northern part of the Gilston site has progressed significantly since the Council approved its pre-inquiry modification on this issue in April 2008. Following a public local inquiry in December 2008, the reporter issued a notice of intention to grant planning permission in March 2009, subject to the conclusion of a Section 75 Agreement. With planning consent likely to be granted in the near future for a specified mix of uses on the site, it is not considered necessary or appropriate to refer to a specific review of Gilston.
- 3.22 As regards the issue of retail provision within the Glasgow Road industrial area, the reporters have inserted a reference to the ceiling on new food retailing of 1000 sq.m. in Falkirk as set out in Structure Plan Policy ECON.5. Since the ceiling is already clear in the Structure Plan, it is considered unnecessary to restate it within the Local Plan, and so in this instance it is recommended that the reporters' recommendation is not accepted.

4. FINAL PROPOSED MODIFICATIONS

- 4.1 Following on from the consideration of the inquiry report, the Council must publish a final set of proposed modifications to the Local Plan. This comprises the pre-inquiry modifications, which were previously published and advertised for objections in 2008, as amended by the Council in the light of the reporters' recommendations; and additional modifications made in response to the reporters' recommendations. The final proposed modifications are contained in Appendix 2. These should be read in conjunction with the 2007 version of the Local Plan.
- 4.2 Members' attention is drawn to the fact that the Council received 1281 representations between November 2009 and March 2010 supporting Opportunity RC.L&S7 of the Local Plan, which is a safeguarding of land at Antonshill Playing Fields, Stenhousemuir, for a new denominational primary school. This opportunity was included in the 2007 deposit draft of the Local Plan, was not subject to any objections and was therefore not considered by the reporters within the inquiry process. It will remain as part of the Local Plan as it goes forward towards adoption.
- 4.3 Strategic Environmental Assessment (SEA) is now an integral part of the Local Plan process, and an Environmental Report was published along with April 2007 version of the Local Plan. It is necessary to subject the final proposed modifications to SEA, and to identify any consequential changes which may be necessary to the Environmental Report. This has been done through an addendum to the Environmental Report. This exercise has highlighted the environmental impacts of the proposed changes, and has been used to inform the response to the inquiry report. Many of the changes have no significant environmental effects, several have positive environmental effects and a small number involve some limited additional negative effects.

5. NEXT STEPS

- 5.1 Following approval of the Council's statement of decisions on the reporters' recommendations and the final proposed modifications, the inquiry report and the statement must be made available for inspection, and the modifications must be advertised for a period of six weeks, during which objections to the modifications may be made. Whilst the Council is required to consider any further

objections received, there is no requirement to hold a further inquiry into such objections, provided they relate to matters which have already been considered through the previous inquiry process.

5.2 Following the consideration of objections to the modifications, the Council may proceed towards adoption of the Local Plan, by publishing a notice to this effect and sending the Local Plan to the Scottish Ministers. Provided the Scottish Ministers indicate that they do not intend to intervene, the Council may then adopt the Plan.

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. RECOMMENDATIONS

7.1 **That Council approves Appendix 1 as the Council's Statement of Decisions on the Reporters' Recommendations;**

7.2 **That Council approves Appendix 2 as the final Proposed Modifications to the Local Plan, and their advertisement for objections in accordance with the Regulations.**

7.3 **That, following advertisement of the final Proposed Modifications:**
(i) if valid objections are submitted relating to new issues which have not previously been considered as part of the inquiry process, these be brought back to Council for consideration;
or
(ii) if no such objections as specified in (i) are made, officers be authorised to progress to publication of the Notice of Intention to Adopt the Local Plan.

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Director of Development Services

Date: 7 June 2010

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

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan, Finalised Draft (Deposit Version), April 2007.
2. Report of Public Local Inquiry into Objections to the Falkirk Council Local Plan, Part 1, April 2010
3. Report of Public Local Inquiry into Objections to the Falkirk Council Local Plan, Part 2 (Waste and Landfill), April 2010
4. Falkirk Council Local Plan, Strategic Environmental Assessment, Environmental Report, February 2007
5. Falkirk Council Local Plan, Final Proposed Modifications, Strategic Environmental Assessment: Addendum to the Environmental Report May 2010.

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