

FALKIRK COUNCIL

Subject: CONSTRUCTION OF NEW FOOTPATHS AND ENHANCEMENT OF EXISTING FOOTPATHS AND ASSOCIATED LIGHTING; DRAINAGE; SIGNAGE; SEATING; A FOOTBRIDGE; INFILL WORKS RAMP TO A9; STOCK PROOF FENCING AND PLANTING AT LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6 FALKIRK FOR THE HELIX TRUST - P/10/0581/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

Community Council: Grangemouth, Middlefield and Westfield.

Case Officer: Allan Finlayson (Senior Planning Officer) Ext, 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is for the formation of public access footpaths and cycleways for the Helix environmental improvement proposals.
- 1.2 The Helix project is an urban fringe environmental improvement project funded, in part, by BIG Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives.
- 1.3 The proposed paths and associated infrastructure are located in a distinct area. This is:
 - Proposed paths P1, O1, T1 and U between Laurieston and the Falkirk Stadium.
- 1.4 The above paths, by means of location and specification, require the benefit of planning permission. Other paths are proposed under 'Permitted Development' rights. These additional paths do not require planning permission but are indicated on proposed plans to provide the context of all proposed linkages.
- 1.5 Improvements to civic infrastructure of lighting, drainage, handrails, signage, seating, fencing and a new footbridge are proposed. In addition, tree planting is proposed for environmental improvements.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development involves land under the ownership of Falkirk Council and Falkirk Council is a partner of the Helix Trust who are the applicant.

3. SITE HISTORY

- 3.1 There are no relevant planning applications.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit of Falkirk Council has no objections to the proposed footpath/cycleways and associated infrastructure.
- 4.2 Guidance has however been provided in relation to requirements for lighting specification and finished landscaping. The proposed paths will require the approval of Minor Road Works consent from Falkirk Council. In this respect, a request is made for the applicant to provide Roads Services with a programme of work from inception to completion in order to allow regular site inspections to ensure that works are carried out to acceptable standards.
- 4.3 The above guidance and request has been provided to the applicant.
- 4.4 The Roads Development Unit has advised that additional information is required in relation to footpath gradient, footpath resurfacing and drainage details for new land drains.
- 4.5 The request for additional information has been provided to the applicant and are matters more properly assessed during a required subsequent Minor Road Works consent application.
- 4.6 The Environmental Protection Unit has assessed the Contaminated Land Assessment submitted by the applicant and provided guidance.
- 4.7 Falkirk Council Emergency Planning has no objections to the proposed development.
- 4.8 The Health and Safety Executive, through the use of PADHI+ and assessment, does not advise against the proposed development.
- 4.9 Shell UK has no comment in relation to pipeline interests in the vicinity of the site.
- 4.10 Ineos has confirmed that the Finnart to Grangemouth pipelines will be affected by one of the paths proposed in this application. The applicant has been advised of requirements to provide risk assessments and method statements to satisfy the requirements of Ineos.
- 4.11 The Scottish Rights of Way and Access Society (Scotways) has no objections to the proposed development but has provided information on temporary footpath closure requirements.

5. COMMUNITY COUNCIL

- 5.1 The community council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been made.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposed development raises no strategic issues. The policies of the Falkirk Structure Plan do not therefore apply.

Polmont & District Local Plan

- 7a.2 Policy POL 8.2 'Green Belt' states:

"There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:

- (i) A Green Belt location is essential; and*
- (ii) There is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of SDD Circular 24/1985 'Development in the Countryside and Green Belts', the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services."*

7a.3 The proposed development is for recreation purposes. A location within the Green Belt is essential in order to link with existing paths. There will be no impact on the character of the Green Belt as a result of the proposed development.

7a.4 Policy POL 8.3 'Greenspace Initiative' states:

"The Council will support and assist the early implementation of the Greenspace Initiative in relation to tree planting, off-road routes, recreation opportunities, nature conservation and environmental improvements. In addition, the Council will seek to ensure that development proposals do not undermine the Greenspace Initiative. Furthermore, in urban fringe locations, developers will be expected to contribute to the Greenspace Initiative and accordingly, appropriate proposals for open space, tree planting and footpaths/cycle routes should be incorporated as part of any planning application for development (see also Policy POL 2.4)."

7a.5 The proposed paths, and the ethos of the Helix project in general, will assist in the aims of the Greenspace Initiative in terms of improved access, new footpath/cycle routes and tree planting.

7a.6 Policy POL 6.2 'Walking' states:

"The Council will seek to promote a safe and attractive environment for walking in the Local Plan area. Accordingly it will:

- (i) support the implementation of measures designed to improve pedestrian safety including footpath/footway improvements, upgrading of streetlighting, provision of improved crossing points, and the construction of traffic calming measures where appropriate;*
- (ii) ensure that development proposals make satisfactory provision for pedestrian access, safety and convenience, including traffic calming measures where appropriate; and*
- (iii) promote the use of paths and access routes for both recreation and commuting through the Council's Countryside Access Strategy (Draft Approved March 1999) (see also Policies POL 9.5 and POL 9.6)."*

7a.7 The proposed development will improve existing footpath/cycleway provision, street lighting and crossing points. In addition the proposal will assist in the promotion of paths and access routes for recreation and community use.

7a.8 Policy POL 6.3 'Cycling' states:

"The Council will support the provision of both on- and off-road facilities for cyclists. In particular, it will:

- (i) support the development of strategic cycle routes, for commuting and recreation.*
- (ii) promote the development of secondary routes linking into the main strategic and recreational network, particularly links with schools and railway stations; and*
- (iii) promote the provision of cycle paths and cycle parking facilities, as appropriate, in association with development proposals."*

7a.9 The proposed development will support increased provision of cycling routes for community and recreation.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are the Falkirk Local Plan Finalised Draft (Deposit Version) and the views expressed in consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ20 - ‘Green Belt’ states:

“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
 - detracting from its existing landscape character;*
 - reducing the visual separation between settlements; or*
 - compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”

7b.3 The proposed development, as noted previously in paragraph 7a.3 of this report, has no adverse impact on the Green Belt.

7b.4 Policy EQ21 - ‘Falkirk Greenspace’ states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

7b.5 The proposed development, as noted previously in paragraph 7a.5 of this report, will assist in the continued implementation of the Greenspace Initiative.

7b.6 Policy EQ29 'Outdoor Access' states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7b.7 The proposed development will improve and extend countryside access routes and established core paths in particular. The proposed development, as previously noted, will assist the Greenspace Initiative and improved recreational access in general.

7b.8 The above policies affirm the policy position expressed in the extant Falkirk Local Plan. The proposed development accords with these policies in relation to the countryside, path networks and outdoor access.

Summary of Consultation Responses

7b.9 The requirements of the Transport Planning and Roads Development Units have been provided to the applicant and are best addressed during the assessment of a required Minor Road Works consent application to Falkirk Council.

7b.10 The guidance provided by the Environmental Protection Unit in relation to required mitigation of minor contaminated land issues has been provided to the applicant to action.

7b.11 The requirements of Ineos in relation to the protection of the Finnart to Grangemouth pipelines has been provided to the applicant to action.

7b.12 The advice provided by Scotways in relation to temporary footpath closure requirements has been provided to the applicant to action.

7c Conclusion

- 7c.1 There is support for the proposed footpath and cycleway development in the Development Plan on the basis that improved countryside access for recreation and community linkage will be achieved. The proposed footpaths and cycleways will also further assist the implementation of Falkirk Council's established Greenspace Initiative and the wider aims of the Helix project, a major environmental improvement within the Falkirk Council area.

8. RECOMMENDATION

- 8.1 It is recommended that Committee grant planning permission subject to the following condition(s):-**

- (1) The development to which this permission relates must be begun within three years from the date of this permission.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08 and 09.

.....
For Director of Development Services

Date: 16 September 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont & District Local Plan.
3. Falkirk Council Local Plan (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

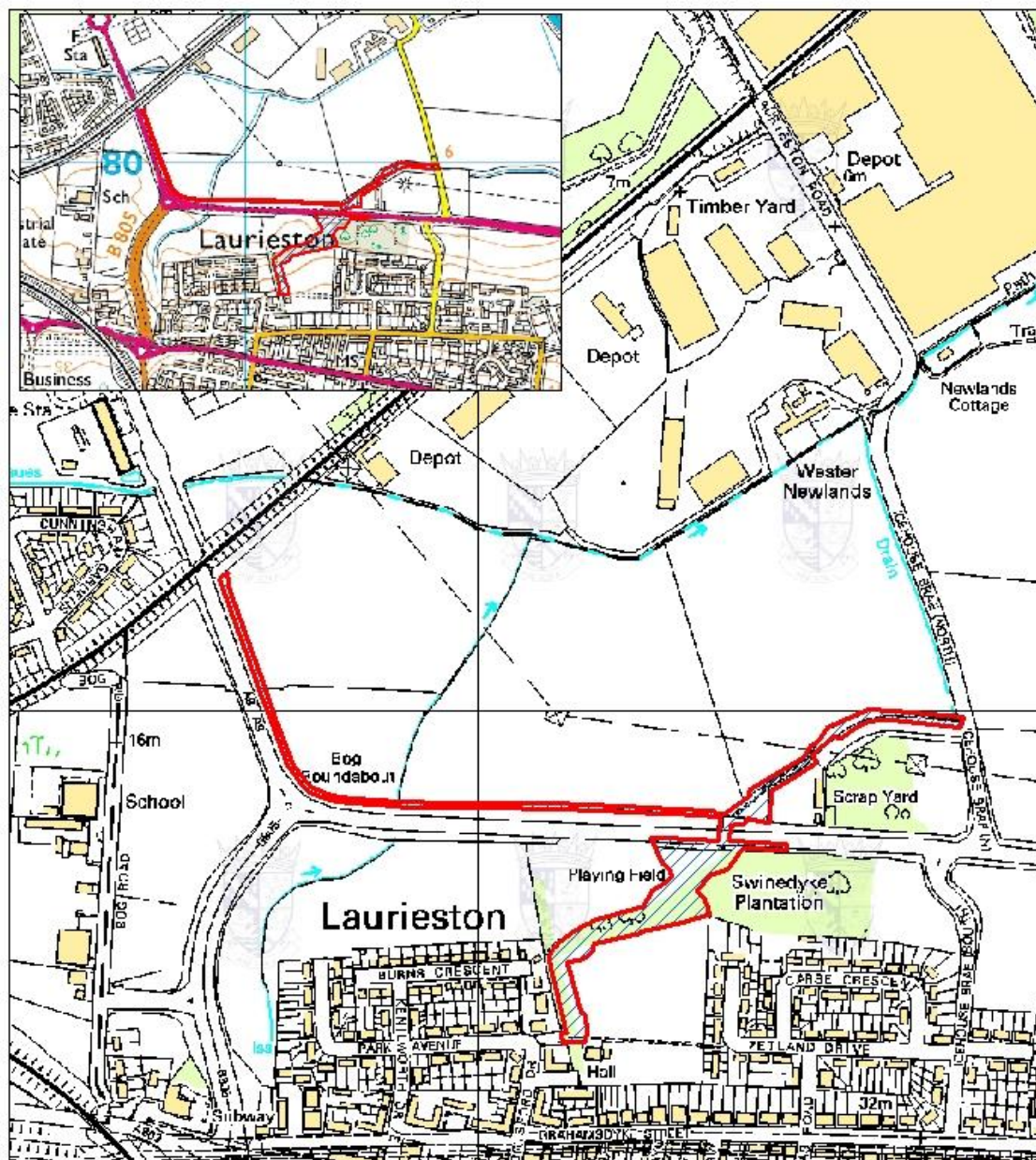
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0581/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2010. All rights reserved.
Ordnance Survey Licence number 100023384