

**Falkirk Council**

**Falkirk Local Development Plan Scheme**

**March 2012**

**(3<sup>rd</sup> Revision)**



**Falkirk Council**  
*Development Services*

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## **FALKIRK LOCAL DEVELOPMENT PLAN SCHEME**

### **1. INTRODUCTION**

#### **1.1 What is a development plan?**

Development plans are prepared by local authorities to guide the use and development of land within their areas. They contain policies and proposals which indicate where development should, and should not take place, and which provide guidance on topics such as housing, business and industry, shopping, transport and infrastructure, recreation and community facilities and built and natural heritage.

Development plans highlight areas which should be protected from development, such as countryside, green belt, and nature conservation sites, and opportunities for the enhancement of the environment. They set out standards which new development should meet in terms of quality, design and how the development should contribute to social and physical infrastructure. Development plans are seen as a key mechanism for promoting sustainable development.

Development plans are statutory documents. The requirement to produce them, their broad content, and the process to be followed in preparing them are set out in legislation. They are particularly important because they are the main consideration in determining planning applications. The planning system is intended to be 'plan-led', with decisions on planning applications made in accordance with the development plan unless other material considerations indicate otherwise.

#### **1.2 A new development planning system**

The Planning etc (Scotland) Act 2006 is being implemented in stages to bring in a new planning system in Scotland, with new arrangements for the preparation of development plans.

Previously, there was a two tier system of development plan:

- structure plans, which were broad strategic plans with a longer timescale, generally covering larger areas; and
- local plans, which contained detailed site-specific policies and proposals within the general framework provided by the structure plan.

All areas had a structure plan and a local plan

Under the new system, there will also be two new types of plan:

- strategic development plans; and
- local development plans

However, only the city regions of Scotland will have a two tier system with both types of plans. Elsewhere, there will only be local development plans.

Falkirk Council is preparing a single local development plan which will replace the current framework of structure and local plans. This should help to simplify development planning in the area.

### **1.3 What is a development plan scheme?**

As part of the new development planning system, local authorities are required to prepare a development plan scheme. This must set out the authority's programme for preparing and reviewing development plans, including when it will publish each stage of the plan. It must also explain how the authority will go about consulting people and agencies during the preparation of the plan, including when, how and with whom it will consult at each key stage (the participation statement). Development plan schemes will be updated each year.

Falkirk Council's first development plan scheme was published in May 2009, with subsequent annual revisions. This 3rd revision:

- Explains the current development plan framework covering the area;
- Confirms the intention to prepare a single local development plan following on from the adoption of the Falkirk Council Local Plan;
- Explains what the new local development plan will comprise;
- Highlights the key stages in preparing the new local development plan;
- Details the work involved in preparing the new local development plan, including those steps already undertaken, and the likely content;
- Sets out an updated timetable for each key stage of preparing the local development plan; and
- Explains how the Council is involving, and will continue to involve people and agencies at each stage of preparing the local development plan (participation statement).

The development plan scheme will be subject to further annual updates as the local development plan process goes on.

## **2. THE EXISTING DEVELOPMENT PLAN IN THE FALKIRK COUNCIL AREA**

### **2.1 Falkirk Council Structure Plan**

The Falkirk Council Structure Plan was approved by Scottish Ministers in January 2007. It is based on a strategy of 'sustainable growth in all our communities', and sets out a vision of how the area will develop in broad terms until 2020. It:

- highlights the overall scale of population and housing growth expected in the area between 2001 and 2020, and how such housing growth will be distributed between the different settlements;
- identifies four special initiatives for residential led regeneration (SIRRs);
- identifies nine strategic development opportunities for major economic development;
- sets out a network of protected areas, including a system of green belts separating the main settlements;
- sets out the hierarchy of shopping centres in the Council area which will be promoted and protected;
- highlights the priorities for environmental enhancement in the area; and
- sets out broad areas where developers will be expected to contribute to physical and social infrastructure.

## **2.2 Local Plan**

Currently, the Local Plan covering the Council area is the Falkirk Council Local Plan which was adopted in December 2010. It contains detailed policies and proposals which implement the provisions of the Structure Plan at a site-specific level.

## **2.3 Supplementary Guidance**

In addition to the structure and local plans, the Council has produced a range of supplementary planning guidance which provides more detailed guidance on certain topics or sites. These are listed below.

### Design

Housing Extensions & Alterations  
Housing Layout & Design  
Design Statements  
Shopfronts

### Natural/Built Heritage

You and Your Trees  
Trees and Development  
Biodiversity & Development

### Transport/Infrastructure

Waste & Development  
Flooding & Sustainable Urban Drainage Systems  
Travel Plans (draft)

### Developer Contributions

Education & New Housing Development  
Affordable Housing (under review)

### Village Housing Allocations

Standburn  
Letham (draft)

### Site-Specific Guidance

Rosebank Distillery Planning Brief  
Bellsdyke Planning Brief  
Overton Farm Development Brief  
Former RSNH Site, Larbert Development Framework  
Community Schools and Associated Residential Development Sites Planning Brief  
Carrongrove Mill Planning Brief  
Banknock & Haggs SIRR Development Framework

Supplementary guidance has been given enhanced status within the new development planning system. The Council has indicated in Appendix 2 of the Main Issues Report which existing guidance would be converted into statutory supplementary guidance. It has also highlighted additional topics for which supplementary guidance would be prepared.

## **2.4 Monitoring**

The Council produces an annual Development Plan Monitoring Report which assesses progress on the implementation of both the Falkirk Council Structure Plan and the Falkirk Council Local Plan against a range of indicators contained within these documents. The latest monitoring report was produced in summer 2010. In 2011, the annual report was replaced by the Monitoring Statement which is required to be published alongside the LDP Main Issues Report.

## **3. THE NEW LOCAL DEVELOPMENT PLAN (LDP)**

### **3.1 Timescales**

As indicated above in section 1, the new Local Development Plan (LDP) will replace the existing Structure Plan and Local Plans which cover the Falkirk Council area and will bring the whole development plan into one document.

The new LDP will have a lifespan of 10 years for its detailed policies and land use allocations and, in its broad strategy, it will look ahead up to 20 years from its adoption date. With an anticipated adoption date of 2014, this first new LDP will thus encompass the period up to 2034. However, while looking ahead up to 20 years, the Plan will be replaced every 5 years in a rolling programme.

### **3.2 Content**

It is the government's intention that development plans should be succinct documents which set out a long term vision for the development of the area and concentrate on key policies and proposals. The new LDP will be developed through a number of stages (see section 4 below) and is likely to have the following key stages:

Proposed Plan → Modified Plan → Adopted Plan

The principal contents of the LDP will be:

- The Vision Statement, which will spell out how the Council wishes to see the Falkirk Council area developed and what it will look like in 20 years time; and
- The Spatial Strategy, which will articulate the settlement strategy for Falkirk and set out a detailed statement of policies and development proposals which will aim to achieve the vision.

Other key components of the LDP will be a Proposals Map, and a Schedule of Land owned by the planning authority which would be affected by proposals or policies.

Around the Plan itself a number of other supporting documents have to be prepared at various stages in the plan preparation process. These include the:

- Development Plan Scheme
- Participation Statement
- Main Issues Report

- Monitoring Statement
- Environment Report
- Habitats Regulation Appraisal
- Supplementary Guidance
- Action Programme

How all these documents fit into the various stages of preparing the LDP is explained below.

### **3.3 Preparing the LDP**

Preparing the new LDP will involve working through a succession of main stages:

#### **Stage 1 Pre-Main Issues Report**

This stage of the preparation process has been completed.

A series of themed workshops were held in May and June 2010 at which key stakeholders were invited to consider progress in implementing current plans and issues for the emerging LDP.

A training event for Community Councils was held in June 2010 to assist them in engaging with the new LDP preparation process.

A sites and issues consultation was carried out from July to September 2010. This included seeking the views of organisations and members of the public on the key issues to be addressed in the LDP, and an invitation to developers and landowners to submit 'expressions of interest' for sites they wish to be considered through the LDP process.

Prior to publication of the Main Issues Report, the Council is required to engage with certain key agencies, Scottish Ministers and adjoining planning authorities. Key agencies include Scottish Enterprise, Scottish Water, SEPA, SNH, SEStran and NHS Forth Valley. The Council held a number of meetings with key agencies, and most were represented at the themed workshops.

Youth engagement has been undertaken in the form of a presentation and discussion with the area's Pupil Council, and a planning exercise with pupils at Wallacestone Primary School led by Planning Aid for Scotland under their IMBY ('in my backyard') programme.

#### **Stage 2 Main Issues Report (MIR)**

The Council published the Main Issues Report in November 2011. It:

- sets a preferred vision for the period 2014-2034 for the Falkirk area, including alternatives;
- identifies 14 key development and land use issues facing the area under the themes of thriving communities, a growing economy and a sustainable place;
- sets out preferred options for tackling these issues, and alternatives;
- identifies preferred new sites for development, as well as sites proposed to be carried forward from the existing Local Plan, and non-preferred sites; and
- brings together the key spatial elements of the preferred options to define a preferred spatial strategy.

As part of the Strategic Environmental Assessment process, an Environmental Report was published alongside the Main Issues Report. It highlights the environmental effects of the preferred policies and proposals, and of the alternatives, and outlines potential mitigation to reduce significant negative environmental effects. In anticipation of the requirement to prepare a Habitats Regulations Appraisal of the LDP, a statement has been prepared outlining the Council's approach and containing a preliminary screening of the various aspects of the Main Issues Report to highlight potential impacts on European protected nature conservation sites.

A number of Technical Reports have been published as the evidence base for the Main Issues Report. These are:

Technical Report 1:	Monitoring Statement
Technical Report 2:	Site Assessment
Technical Report 3:	Housing Requirements & Settlement Growth Options
Technical Report 4:	Strategic Constraints
Technical Report 5:	Economy and Employment Land
Technical Report 6:	Green Belt
Technical Report 7:	The Green Network
Technical Report 8:	Renewable Energy
Technical Report 9:	Retail and Town Centres
Technical Report 10:	Pre-Main Issues Report Consultation Summary

In addition, the Housing Need and Demand Assessment, which provides the basis for deciding how much land will be required for new housing in the future, has been completed and given 'robust and credible' status by the Scottish Government.

The Main Issues Report is intended to provide the focus for public engagement on the LDP. The Council carried out consultation on the Main Issues Report for a 12 week period between 18 November 2011 and 10 February 2012, and used a range of participatory approaches to involve people and organisations, as outlined generally within the participation statement (section 5). The consultation exercise comprised:

- Publicity for the Main Issues Report and the community roadshow events through the local press, the Council's 'Falkirk News' magazine, the Council's web site, posters in libraries, one stop shops, supermarkets and other community facilities, and some schoolbag drops;
- Consultation letters to over 800 organisations and individuals on the Council's development plan mailing list;
- 19 community roadshow events held at libraries, community centres, schools and supermarkets across the Council area;
- 3 stakeholder workshops considering the key themes of the Main Issues Report; and
- Presentations to 6 Community Councils in response to an offer of briefings to all Community councils;
- Documents available on-line and in local libraries, one stop shops and Council offices for inspection; and
- Development Plan newsletter, containing summary of the Main Issues Report, distributed widely through mailing, deposit locations and roadshow events.

### **Stage 3          Proposed Plan**

The Proposed Plan will be informed by a review of the representations made at the Main Issues Report stage. At this stage the Council will have firmed up its views on where development proposals will go and which policies will be contained in the plan.

The Proposed Plan will have a format which contains a Vision Statement and a Spatial Strategy with accompanying maps, schedules and diagrams. A new procedure introduced by the Planning Act at this stage will be for the Council to notify owners and neighbours of land which the plan proposes for development. This notification will be additional to the standard opportunity for developers, the public, environmental agencies and community groups to make representations.

### **Stage 4          Submission to Ministers and Proposed Action Programme**

The Council may decide to make amendments to the Proposed Plan to take account of representations received, in which case it will publish Modifications. If these are 'notifiable', i.e. they add, remove or significantly alter any policy or proposal in the plan, they will be advertised for comments in exactly the same way as the original plan. However, the Scottish Government has indicated that making notifiable modifications should be the exception rather than the rule.

The Proposed Plan, with Modifications, once agreed, can then be submitted to Scottish Ministers for processing towards examination. The submitted plan will be accompanied by a Proposed Action Programme which will set out how the Council, in partnership with developers and key agencies, proposes to implement the LDP.

### **Stage 5          Examination**

The Examination is the equivalent process to the previous Local Plan Inquiry. The examination process will be held under new inquiry procedures and will rely heavily on written representations and hearings rather than formal cross-examination. The Reporter will decide which issues need to be clarified through examination and will have the final say on how objections are dealt with. After the Examination the Reporter will prepare an Examination Report for consideration by the Council.

### **Stage 6          Adoption of LDP**

The Examination Report will be largely binding on the Council and any modifications proposed by the Reporter should be incorporated into the plan by the Council unless they are considered to contravene a limited range of issues. The plan as modified will then be advertised and submitted to Scottish Ministers within 3 months of receipt of the Examination Report along with the final Environmental Report. The Council will be able to adopt the Plan 28 days after submission to Scottish Ministers unless otherwise directed.



#### 4. TIMETABLE

Date	Plan Stage/Process
	<b>Pre-Main Issues Report</b>
April 2010 to October 2011	<ul style="list-style-type: none"> <li>consult with key agencies</li> <li>discuss with elected members the development strategy and vision for new plan</li> <li>carry out pre-Main Issues Report consultation, including inviting expressions of interest</li> <li>prepare Monitoring Statement</li> <li>carry out Housing Need and Demand Assessment</li> <li>prepare Strategic Environmental Assessment Scoping Report and Environmental Report</li> <li>prepare Technical Reports</li> <li>prepare and obtain Committee approval for Main Issues Report</li> </ul>
	<b>Main Issues Report</b>
November 2011	<ul style="list-style-type: none"> <li>publish Main Issues Report for consultation</li> <li>publish Monitoring Statement</li> <li>publish Environmental Report</li> </ul>
November 2011- February 2012	<ul style="list-style-type: none"> <li>consultation on Main Issues Report</li> </ul>
March 2012 - February 2013	<ul style="list-style-type: none"> <li>consider Representations to Main Issues Report</li> <li>prepare and obtain Committee approval for proposed Plan</li> <li>amend Environmental Report</li> </ul>
	<b>Proposed Plan</b>
March 2013	<ul style="list-style-type: none"> <li>publish Proposed Plan</li> <li>publish Proposed Action Programme</li> </ul>
March – May 2013	<ul style="list-style-type: none"> <li>objection period for Proposed Plan</li> </ul>
November 2013	<ul style="list-style-type: none"> <li>submission of Proposed Plan to Scottish Ministers</li> <li>publish revised Environment Report (&amp; Habitats Regulations Appraisal)</li> </ul>
	<b>Examination</b>
November 2013 – July 2014	<ul style="list-style-type: none"> <li>Examination of Proposed Plan</li> </ul>
	<b>Adoption</b>
October 2014	<ul style="list-style-type: none"> <li>submission of Proposed Plan as modified to Scottish Ministers</li> </ul>
December 2014	<ul style="list-style-type: none"> <li>adoption of Plan</li> </ul>

## **5. GETTING PEOPLE INVOLVED IN THE LOCAL DEVELOPMENT PLAN**

### **5.1 The need to be inclusive**

The success of the Local Development Plan will depend on getting a wide range of stakeholders involved in the process. A wide range of people and organisations have an interest in the future development of the area, and the Plan will have an impact on everyone who lives and works here. It is important that they are given the opportunity to provide an input to plan preparation and to express their views on the draft proposals.

In the past, consultation exercises have not always been successful at getting people to participate in plan preparation. People are not sufficiently aware of development plans and their importance, and they may find it difficult to understand the process. Opportunities for involvement may have been too limited, and this may have made it difficult for particular groups to play a part. Sometimes people feel that their views will not be taken into account.

In preparing the Local Development Plan, the Council is endeavouring to improve the way people are involved in plan making. In doing so the Council will be guided by its recently approved Principles for Community Involvement and by Planning Advice Note (PAN 81) on Community Engagement – Planning for People, which highlights good practice.

### **5.2 Principles for Community Involvement**

The principles Falkirk Council will try to achieve in involving people in the Local Development Plan process are as follows:

1. PURPOSE – in each situation where we engage with the local community, we will be clear about whether we are informing, consulting or engaging. We will not consult people when decisions have already been taken.
2. INVOLVEMENT – we will identify who might be interested in any consultation or engagement and encourage them to be involved. We will also try to overcome any barriers they may face so that no group or individual is excluded.
3. METHODS – we will use the right methods of engagement in each situation and ensure that timescales are long enough for people to participate effectively.
4. INFORMATION – we will share all the information necessary for people to participate and we will use clear, accessible language.
5. WORKING TOGETHER – we will treat all participants with respect and we will expect all participants to treat us and others with respect. We may require people and organisations that represent their communities to show us how they have collected the views of their community.
6. FEEDBACK – we will always explain how people will receive feedback before they participate. We will always try to show how people's views have influenced the outcome.
7. IMPROVEMENT – we will monitor and evaluate our approaches to community involvement so that we can improve over time.

The Council will provide a clear point of contact for you to raise questions and concerns. If you do not think we have stuck to the principles during a particular consultation, you can raise your concerns with us. We will do what we can to address your concerns if the consultation is still live, and we will try to identify lessons for future work.

### **5.3 Who we will involve?**

The Council has been engaging with various groups of people and agencies in the preparation of development plans for many years, and has built up a list of organisations and individuals who have an interest in the process. We have developed and updated this information to provide a comprehensive database of stakeholders as a basis for consultation on the local development plan.

The main groups which are being involved include:

#### Public sector

- Scottish Government (including executive agencies of the Government such as Historic Scotland and Transport Scotland)
- Key agencies (bodies specified by Scottish Ministers who have to co-operate with the Council in preparing the development plan, i.e. SNH, SEPA, Scottish Water, Scottish Enterprise, SEStran, NHSFV)
- Neighbouring local authorities ( i.e. Clackmannanshire Council, Fife Council, North Lanarkshire Council, Stirling Council, West Lothian Council)
- Other public sector organisations (e.g. British Waterways, Sportscotland, Forestry Commission)

#### Private sector

- Landowners
- Developers and housebuilders
- Key local companies and businesses
- Housing associations
- Transport companies (e.g. Network Rail, First Bus, First Scotrail)
- Telecommunication companies
- Energy and utility companies
- Mineral operators

#### Other organisations

- Environmental and amenity organisations (e.g. Central Scotland Forest Trust, RSPB, Scottish Wildlife Trust, Civic Trust)
- Transport organisations (e.g. Sustrans)
- Business organisations (e.g. Falkirk for Business, Chamber of Commerce, Falkirk and District Town Centre Management)

#### Community Organisations & Representatives

- Community Councils
- Schools and parent councils
- Local councillors
- Local MPs and MSPs
- Residents associations and groups
- Local amenity and interest groups

- Churches and faith groups

#### Individuals

### 5.4 What will we do to get people involved?

There is a wide range of means of getting people involved in the plan making process. These have expanded greatly in recent years through the use of the internet, which offers new opportunities for communication with the wider public. However, there is a limit to the resources which the Council has available. It is important that consultation is targeted appropriately, so that the right people are involved at the right time, and generally that consultation is 'front loaded' at a point when they can influence the outcomes of the plan.

In broad terms, the following steps will be undertaken at each stage of the plan. As noted previously, the pre-MIR and MIR consultation stages are now complete.

Stage	Methods
Pre-Main Issues Report	<ul style="list-style-type: none"> <li>• Publicise Development Plan Scheme by placing it on the Council's website and in libraries and other deposit locations and distributing copies to all on consultation database</li> <li>• Update and develop stakeholder database</li> <li>• Consult on the scope and issues to be covered in plan</li> <li>• Consult on the scope of Strategic Environmental Assessment</li> <li>• Invite developers and landowners to submit development proposals for consideration</li> <li>• Hold topic focus groups with key stakeholders</li> <li>• Organise training for Community Councils and others on engagement in Main Issues Report stage</li> <li>• Carry out specific youth engagement exercise</li> <li>• Issue Development Plan Newsletter and review Council web site to update all stakeholders on progress</li> </ul>
Main Issues Report	<ul style="list-style-type: none"> <li>• Advert, press release and letter to all stakeholders</li> <li>• Make documents and response forms available online, in libraries and other deposit locations</li> <li>• Minimum 12 week period for engagement</li> <li>• Hold area-based exhibitions and workshops across Council area</li> <li>• Hold workshops with Community Councils and other community groups where requested</li> <li>• Issue Development Plan Newsletter to provide concise summary of Main Issues Report</li> </ul>
Proposed Plan	<ul style="list-style-type: none"> <li>• Advert, press release and letter to all stakeholders, including those who commented on Main Issues Report stage</li> <li>• Make documents and objection forms available online, in libraries and other deposit locations</li> <li>• Publicise summary of all comments on the Main Issues Report</li> <li>• Notify neighbours and owner/occupiers of proposed sites</li> <li>• Formal period of at least six weeks for representations</li> <li>• Issue Development Plan Newsletter to provide concise summary of proposed plan</li> </ul>

Modifications	<ul style="list-style-type: none"> <li>• Advert, press release and letter to all stakeholders</li> <li>• Make documents and objection forms available on the Council's website , in libraries and other deposit locations</li> <li>• Notify neighbours and owner/occupiers of proposed sites</li> <li>• Formal period of six weeks for representations</li> <li>• Issue Development Plan Newsletter to provide concise summary of modifications</li> </ul>
Examination	<ul style="list-style-type: none"> <li>• Organise training for community objectors on participation in examination stage</li> <li>• Advert</li> </ul>
Adoption	<ul style="list-style-type: none"> <li>• Advert, press release and letter to all stakeholders including those who participated at Main Issues Report, Proposed Plan and examination stages</li> <li>• Make documents available on the Council's website, in libraries and other deposit locations</li> </ul>

## 6. LET US KNOW WHAT YOU THINK

The Council would welcome comments on this development plan scheme, to help inform how we go about preparing the local development plan and how we involve people in it.

The contact details for sending comments or finding out more about the local development plan are as follows;

Planning & Environment Unit  
Development Services  
Falkirk Council  
Abbotsford House  
Davids Loan  
Falkirk Council  
FK2 7YZ

Telephone: 01342 504720 (Colin Hemfrey)  
01324 504739 (Alistair Shaw)

E-mail: [ldp@falkirk.gov.uk](mailto:ldp@falkirk.gov.uk)