

Issue 27	Contaminated Land	
Development plan reference:	<u>Chapter 5 Supporting Policies</u> Policy RW10 Vacant Derelict and Contaminated Land (page76)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
National Grid Properties Ltd (00657) The Coal Authority (00213) Scottish Natural Heritage (00646)		
Provision of the development plan to which the issue relates:	Policy RW10 on vacant, derelict and contaminated land.	
Planning authority's summary of the representation(s):		
<p><u>Policy RW10 – Vacant, Derelict and Contaminated Land</u></p> <p>National Grid Properties Ltd (00657/2001/001):- Policy RW10 should establish that the costs of remediating contaminated land will be taken into account when considering the scale of potential developer contributions.</p> <p>The Coal Authority (00213/2002/003):- Policy RW10 fails to address the coal mining legacy in the Falkirk Council area and has not highlighted the need to take account of such risks in the development of land.</p> <p>Scottish Natural Heritage (00646/2001/024):- Whilst the policy is supported, it is recommended that supporting text in paragraph 5.147 is expanded to define what 'productive use' may be. Paragraph 46 of the draft SPP 2013 (CD02) notes that vacant and derelict land which does not have potential for redevelopment as part of the spatial strategy could be considered for its contribution to green infrastructure. This could be based on, or refer to, section 5.2 of the Council's Greenspace Strategy (CD138) which includes a vision for such sites to be managed as part of the overall green network.</p>		
Modifications sought by those submitting representations:		
<p><u>Policy RW10 – Vacant, Derelict and Contaminated Land</u></p> <p>National Grid Properties Ltd (00657/2001/001):- Amend Policy RW10 to acknowledge that the costs of remediating contaminated land will be taken into account by the Council when considering the scale of potential developer contributions.</p> <p>The Coal Authority (00213/2002/003):- Amend Policy RW10 to add a reference to mineral instability, as follows: 'Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken'.</p>		

Scottish Natural Heritage (00646/2001/024):- Amend the supporting text to Policy RW10 by amending the second sentence of paragraph 5.147 to read: 'The SPP supports proposals to bring vacant and derelict land back into productive use or to enhance its value as part of the wider green network'.

Summary of responses (including reasons) by planning authority:

Policy RW10 – Vacant, Derelict and Contaminated Land

National Grid Properties Ltd (00657):- Policies INF01, INF02, INF04, INF05 and INF06 of the proposed LDP set out the general approach and specific requirements in respect of developer contributions to infrastructure. This will be backed up by supplementary guidance which provides more detailed information on how contributions are to be calculated.

National Grid Properties are seeking policy acknowledgement that abnormal site development costs arising from contaminated land will be taken into account in calculating contributions. The Council does not consider this to be appropriate, as contributions are worked on the basis of impacts of the development on the infrastructure in question, taking account of the principles set out in Circular 3/2012 (CD06), rather than on land values. Nonetheless, the Council acknowledges that developer contributions can affect the viability of sites, particularly in the current economic climate and where sites involve abnormal development costs. Consequently, current SPGs on education, open space and affordable housing carry a clause indicating that viability can, exceptionally, be taken into account in the imposition of developer contributions. This clause is likely to be carried into the forthcoming SGs. It is considered that this is the most appropriate way of dealing with the issue.

For this reason, the Council does not agree to modify the plan in response to this representation.

The Coal Authority (00213/2002/003):- The Council considers the insertion of this additional wording to be inappropriate and unnecessary. Issues of mineral instability have the potential to affect all land, not just vacant, derelict or contaminated land. There are established procedures through the development management process for assessing risk from mineral instability and land contamination, and standard conditions applied are as appropriate. There is no specific need for a policy covering these issues. For this reason, the Council does not agree to modify the plan in response to this representation.

Scottish Natural Heritage (00646):- The Council acknowledges that vacant and derelict sites have the potential to contribute to the green network. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Reporter's conclusions:

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Reporter's recommendations:

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