

**FALKIRK COUNCIL**

**Subject: FALKIRK LOCAL DEVELOPMENT PLAN - SUPPLEMENTARY GUIDANCE**  
**Meeting: EXECUTIVE**  
**Date: 25<sup>th</sup> FEBRUARY 2014**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 In the Falkirk Local Development Plan (LDP) the Council has indicated its intention to prepare a suite of Supplementary Guidance (SG) There are sixteen proposed SG notes listed in the Proposed LDP (set out in Appendix 3 of the Proposed Plan). SG is being prepared to provide more detailed guidance on the interpretation and implementation of certain planning policies contained in the LDP. It is emphasised that the proposed SG will not in itself set out new planning policies, but focus on providing further detail to support the policies contained in the LDP.
- 1.2 This report highlights the process for preparing the SG and seeks Executive approval to progress consultation of the draft documents.

**2. BACKGROUND**

- 2.1 The Planning etc (Scotland) Act 2006 gives local authorities the power to adopt statutory SG which becomes part of the Development Plan. Such SG must have a clear link to the Development Plan, must be subject to consultation, and must be submitted to the Scottish Government prior to adoption. Previously, 'supplementary planning guidance' produced by Falkirk Council has been non-statutory and not part of the Development Plan, acting as a material consideration in the determination of planning applications. Under the new legislation statutory SG will have enhanced status and hence more weight in the decision-making process.

**3. SUPPLEMENTARY GUIDANCE – SCOPE AND PROCESS**

- 3.1 Appendix 1 attached to this report details the proposed SG and its broad scope. Out of the proposed sixteen SG notes, six will cover new topics and the remaining ten will be revised and updated versions of the previous supplementary planning guidance produced by the Council. Those SG notes which are revised therefore have already gone through a process of consultation and Committee approval.
- 3.2 The intention is to consult the public on the SG separately from the LDP to ensure that it is given adequate publicity aside from the LDP process. This would be undertaken in several batches throughout 2014 as and when the sixteen SG notes are produced or revised. The consultation period for each SG note will be 6 weeks and will be publicised through the Council's website, an advertisement in the local press and direct contact with those on the Development Plan mailing list. The outcome of these consultations and the proposed content of the finalised documents will be reported back to the Executive on an ongoing basis. Whilst the timescale is tight, it is anticipated that consultation on most of the SG will be complete by December 2014, which would allow the SG to be submitted to the Scottish Ministers with the LDP, and adopted with the plan in early 2015.

#### **4. IMPLICATIONS**

- 4.1 Legal: The requirements and procedures for the preparation of SG are set out in Section 22 of the Town & Country Planning (Scotland) Act 1997, as inserted by the Planning, etc (Scotland) Act 2006, and the Town & Country Planning (Development Planning) (Scotland) Regulations 2008.
- 4.2 Financial: Several of the SG notes will provide guidance on financial contributions through planning obligations.
- 4.3 Personnel: None.
- 4.4 Policy: Supplementary Guidance once adopted, will constitute a part of the Statutory Development Plan for the Falkirk Council area.

#### **5. RECOMMENDATIONS**

##### **5.1 That the Executive:**

- (a) **authorises officers to prepare and undertake consultation on the sixteen SG notes referred to in the Proposed Falkirk Local Development Plan and summarised in Appendix 1 hereto; and**
- (b) **notes that, following the consultation process, the finalised draft SG notes will be reported to the Executive for approval.**

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**Director of Development Services**

Date: 11<sup>th</sup> February 2014

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#### **APPENDICES**

- 1. List of Proposed Supplementary Guidance

#### **LIST OF BACKGROUND PAPERS**

- 1. Proposed Falkirk Local Development Plan

Any person wishing to inspect the above background papers should contact Louise Blance on 01324 504717

## Appendix 1 - List of Proposed Supplementary Guidance

SG Ref	Topic	Link to LDP Policy	Status	Summary of Purpose of SG
SG01	Development in the Countryside	CG03, CG04	New Topic	Provides guidance for development proposals in the countryside and includes Design Guidance.
SG02	Designing Residential Streets	HSG04, D03	Revision	Provides design guidance for housing layout and design which reflects the Scottish Governments policy on 'Designing Streets'.
SG03	House Extensions and Alterations	HSG07	Revision	Provides design advice for making a planning application for a house extension / alteration.
SG04	Shopfronts	D06	Revision	Provides design advice for businesses making a planning application to alter, refurbish or replace shop fronts.
SG05	Biodiversity and Development	GN03	Revision	Provides guidance to developers on how biodiversity should be safeguarded and promoted through new development.
SG06	Trees and Development	GN04	Revision	Provides guidance to developers and householders during the development process to ensure that existing trees/woodlands are managed effectively, and the correct conditions are provided for new trees.
SG07	Frontiers of the Roman Empire (Antonine Wall) World Heritage Site	D07	Revision	Provides guidance on the procedure for the assessment of development proposals affecting the wall and its setting. Outlines the significance of the Antonine Wall and its status as a World Heritage Site. Provides uniform guidance for the five local authorities whom the Antonine Wall runs through (Falkirk, North Lanarkshire, East Dunbartonshire, Glasgow and West Dunbartonshire).
SG08	Local Nature Conservation and Geodiversity Sites	GN03	New Topic	Provides guidance on the definition and conservation value of non-statutory sites, and provides a provisional list of locally important geological and geomorphological sites.
SG09	Landscape Character Assessment and Landscape Designations	GN02, D12	New Topic	Provides guidance and sets out key information on the Council's Landscape Character Areas. Includes information on key landscape characteristics, pressure for change and sensitivities.
SG10	Education and New Housing Development	INF05	Revision	Provides guidance to developers on the level of financial contributions expected where new residential development is proposed in the catchment area of schools which have inadequate or no capacity for pupils generated by such housing.

SG11	Healthcare and New Housing Development	INF06	New Topic	Provides guidance to developers on the level of financial contributions expected where new residential development is proposed within an area where there are deficiencies in healthcare facilities.
SG12	Affordable Housing	HSG02	Revision	Provides guidance and sets out a framework for the delivery of affordable housing in Falkirk.
SG13	Open Space and New Development	INF04	Revision	Provides guidance on the provision of open space in conjunction with new development. Helps identify whether on-site or off-site open space provision is more appropriate and the areas where financial contributions towards off-site provision would be more appropriate.
SG14	Spatial Framework and Guidance for Wind Energy Development	RW01	Revision	Provides guidance to developers and other key stakeholders on the key areas which require protection, those which are subject to constraint and those where wind energy can potentially be accommodated.
SG15	Low and Zero Carbon Development	D04	New Topic	Provides guidance and advice to developers on how low and zero carbon development technologies may be incorporated into the development process to ensure that there has been an overall reduction in CO2 emissions to meet Building Standard Regulations.
SG16	Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas	D09	New Topic	Provides design guidance and good practice for development proposals (alteration extension and adaption) relating to listed buildings and buildings in Conservation Areas.