

FALKIRK COUNCIL

Subject: BANKNOCK AND HAGGS SPECIAL INITIATIVE FOR RESIDENTIAL LED REGENERATION - DEVELOPMENT FRAMEWORK ALTERATION

Meeting: EXECUTIVE

Date: 19 AUGUST 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

1.1 In June 2009 the Banknock and Haggs Special Initiative for Residential Led Regeneration Development Framework was approved as Supplementary Planning Guidance by Falkirk Council.

1.2 The primary purpose of the framework was to guide the development of up to 750 houses in Banknock and Haggs and facilitate regeneration by:

- Regenerating the local economy through increasing the customer base of existing businesses and helping to attract future investment;
- Helping to sustain and improve community facilities; and
- Improving the environment through improvement of existing assets and creation of new high quality public open space.

1.3 The scale of predicted traffic growth along the A803 corridor between Coneypark and Dennyloanhead caused by new housing proposals in the Local Plan required the upgrading of the M80 junction 7/ A803 sliproad junctions in Banknock and Haggs. One of the tasks of the development framework was to set out the Council's proposed approach to the delivery of these important pieces of infrastructure. As a result of this, the framework had implications for all housing proposals along the A803 corridor between Coneypark and Dennyloanhead including the 750 referred to above.

2. PROGRESS ON DEVELOPMENT SITES AFFECTED BY THE DEVELOPMENT FRAMEWORK

2.1 Since the development framework was approved in 2009 there has been significant progress on a number of the sites affected by it. Table 1 below summarises progress:

Site Name	Progress
Banknock North	Planning permission for the development of 504 houses achieved minded to grant status subject to the signing of a S75 agreement. Proposal of Application Notice submitted for phase 1 site infrastructure works.
Dennyloanhead	Planning permission for the development of 550 houses achieved minded to grant status subject to the signing of a S75 agreement.
Banknock South	Feasibility masterplan jointly commissioned by Falkirk

	Council and JB Bennett. Development brief under preparation.
Auchincloch Drive	Planning permission for the development of 30 houses granted at appeal. S75 signed including an agreement to pay £30,000 towards sliproad junction upgrading. Site under construction. Applications to remove requirements for contributions towards sliproad junctions and education provision have been submitted.
Kilsyth Road	Planning permission granted for the development of 48 houses. S75 signed including an agreement to pay £38,400 towards sliproad junction upgrading. Site under construction.
Garngrew Road	Planning permission granted for the development of 3 houses. 2 now complete.

3. PURPOSE OF DEVELOPMENT FRAMEWORK ALTERATION

- 3.1 When the development framework was drafted in 2008-09 traffic modelling suggested that there was no spare capacity at the sliproad junctions to accept any additional housing growth before junction upgrading was completed. Since its approval, the M80 Stepps to Haggs project has been completed and traffic along the A803 corridor has reduced.
- 3.2 Further traffic modelling has now been carried out and it has identified that there would now appear to be scope to allow some new development to take place prior to the upgrade of the sliproad junctions. There is therefore a need to produce an Alteration to the Development Framework to set out how this allocation will be shared out amongst the sites along the A803 corridor as identified in the Local Development Plan. It is anticipated that this Development Framework Alteration would enable first phases of development to proceed on housing sites along the A803 corridor in advance of the delivery of the sliproad junction upgrades.
- 3.3 The Local Development Plan is anticipated for adoption in the spring of 2015. It contains a different set of policies to the current Structure Plan and Local Plan so the Development Framework also needs to be updated to reflect the changed policy environment. Appendix 1 contains the details of the proposed Alteration.

4. CONSULTATION ARRANGEMENTS

- 4.1 Subject to Member approval, it is proposed to consult on the draft Development Framework Alteration with Banknock, Longcroft and Haggs Community Council, Transport Scotland and with affected landowners and developers, as well as the general public.
- 4.2 Following consultation a report would be presented to the next available Executive detailing the results of the consultation exercise and terms of the proposed finalised Development Framework Alteration for approval as Supplementary Planning Guidance.

5. IMPLICATIONS

Policy implications

- 5.1 The Development Framework Alteration would be a material consideration in the determination of any planning application for housing development along the A803 corridor between Coneypark and Dennyloanhead.

Environmental implications

- 5.2 The Development Framework Alteration would not have any effect on the environment. A pre-screening notification to this effect has been sent to the Scottish Government.

Financial implications

- 5.3 The Development Framework Alteration may lead to the Council holding large capital sums for the purposes of upgrading the M80 J7/A803 sliproad junctions in Banknock and Haggs.

Legal implications

- 5.4 The necessary Section 75 agreements would be progressed with support from the Council's Legal Services.

Personnel Implications

- 5.5 None.

6. RECOMMENDATION

- 6.1 That Members instruct officers to consult on the draft Development Framework Alteration, as set out in the Appendix, and report back in due course.

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Director of Development Services

Date: 25 July 2014

Contact Officer: Danny Thallon, Planning Officer Ext.4927

APPENDIX

Draft Alteration to Supplementary Planning Guidance: Banknock and Haggs Special Initiative for Residential Led Regeneration Development Framework.

BACKGROUND PAPER

1. Supplementary Planning Guidance: Banknock and Haggs Special Initiative for Residential Led Regeneration Development Framework.

Any person wishing to inspect the background papers listed should contact Danny Thallon on 01324 504927

APPENDIX

DRAFT ALTERATION TO SUPPLEMENTARY PLANNING GUIDANCE: THE DEVELOPMENT FRAMEWORK FOR THE BANKNOCK AND HAGGS SPECIAL INITIATIVE FOR RESIDENTIAL LED REGENERATION

1. Delete paragraphs 1.1.1 and 1.1.3 and replace with:

“1.1.1 Banknock is a community that had seen little development over the last 25-30 years. The identification of Banknock and Haggs as a Special Initiative for Residential led Regeneration has kick started development activity in the local area. To maintain recent momentum the Local Development Plan has identified Banknock as a Strategic Growth Area (SGA) to promote community regeneration, support new investment and address housing needs.

1.1.2 It is envisaged that the development of over 700 houses in Banknock will facilitate the regeneration of the village by:

- Regenerating the local economy through increasing the customer base of existing businesses within the town and helping to attract future investment;
- Helping to sustain and improve community facilities within the village; and
- Improving the environment of the town through improvement of existing assets and creation of new high quality public open space.”

2. Delete paragraph 1.2.1 and replace with:

“1.2.1 Banknock is located in the administrative area of Falkirk Council in the upper reaches of the Kelvin Valley between the Kilsyth Hills and the Slamannan plateau immediately north of Castlecary and west of Junction 7 of the M80. Banknock is a small residential village with limited supporting land-uses with a current population of approximately 2500. The Banknock SGA promotes the expansion of the town to the north (M03 Banknock North) and southwest (H07 Banknock South) on substantially brownfield sites contiguous with the existing settlement. The Development Framework addresses the two main development sites as shown in Figure 1.”

3. Delete paragraph 1.2.2 and replace with:

“1.2.2 Site M03 Banknock North measures approximately 25 hectares, includes the former Cannerton Brickworks and is bounded by the A803 to the south, the sliproad to Junction 7 of the M80 to the east, Braeface Road to the west and by field boundaries to the north. Site H07 Banknock South measures approximately 11 hectares, lies to the south-west of Banknock and comprises the land occupied by the former Bankier Distillery and an area of land currently utilised for agricultural grazings. The site is bounded by the A803 to the north, existing development to the east, Wyndford Road to the west and the Bonny Water to the south.”

4. Delete paragraph 1.5.1 and replace with:

“1.5.1 The Development Framework is required to establish a clear strategic level masterplan-led approach to the development of the SGA ensuring that all the key issues defined within the Local Development Plan are addressed in an integrated and co-ordinated manner.

The principle that all new development would be required to contribute to the physical, social and environmental infrastructure on a proportionate basis was established through the Falkirk Council Structure Plan 2007 and this principle has been carried forward into the Local Development Plan.

This approach is essential as current infrastructure constraints and delivering best practice in community growth and neighbourhood planning require coordinated solutions that are capable of addressing area wide needs (e.g. surface water drainage; access and connectivity; provision of community infrastructure) in a planned and coordinated manner.

The Council will enforce an equitable contribution to all common infrastructure costs and developer contributions through a Section 75 agreement and these requirements are set out in more detail in this Development Framework (sections 5.13 and 5.14).”

5. Delete section 2 and replace with:

“

2.1 Introduction

2.1.1 The statutory development plan for the area is the Falkirk Local Development Plan (LDP) which replaces both the Falkirk Council Structure Plan 2007 and the Falkirk Council Local Plan.

2.2 Falkirk Local Development Plan

2.2.1 The LDP indicates that along the A803 corridor between Coneypark and Dennyloanhead, major expansion will take place at the Strategic Growth Areas of Banknock (M03 & H07) and Dennyloanhead (H08) delivering approximately 1250 new houses. These committed sites will help to deliver expanded school capacity at Bankier and Head of Muir Primary Schools (INF28-29), improved access arrangements at the junctions of the M80 slip roads with the A803 (INF06) and a new Local Centre at Banknock (M03). Substantial new open space will also be delivered in conjunction with development.

2.2.2 It also indicates that other, smaller, opportunities for housing development along this corridor are promoted at Kilsyth Road and Garngrew Road (H09, H10 and H74) between Hags and Longcroft. These sites are projected to deliver an additional 93 new houses and will be required to provide proportionate contributions towards planned infrastructure upgrading in the area.

2.2.3 Appendix 1 of the LDP sets out the housing capacity of allocated sites together with a number of site requirements.

2.2.4 Appendix 2 of the LDP contains further guidance for the Strategic Growth Areas including those at Banknock and Dennyloanhead including details relating to land use, design, placemaking, green network, constraints and developer contributions.

2.2.5 The LDP contains a full set of supporting policies relating to its main themes of thriving communities, growing economy and sustainable place, many of which will apply to applications for development within the Banknock SGA.

2.2.6 The LDP is supported by supplementary guidance relating to 16 topics where more detailed guidance on the interpretation and implementation of certain policies in the LDP is needed. These are detailed in appendix 3 of the LDP.

2.3 Supplementary Planning Guidance

2.3.1 Falkirk Council has produced the following Supplementary Planning Guidance (SPG) complementary to the Development Plan, which are relevant considerations in the production of this Development Framework and to future land use proposals:

- Design Statements SPG;
- Contaminated Land SPG;
- Denny Eastern Access Road SPG;
- Flooding and Sustainable Urban Drainage SPG; and
- Travel Plan SPG

2.4 National Planning Policy

2.4.1 Other policy guidance of relevance to this document is contained within Scottish Planning Policy, Planning Advice Notes and Circulars produced by the Scottish Government. Those of particular relevance are listed in table 2.1 below:

Type of document	Name of document
Policy Documents	Scottish Planning Policy Designing Places Designing Streets
Planning Advice Notes	PAN 33 Development of Contaminated Land (Revised Oct 2000) PAN 44 Fitting New Housing Development into the Landscape PAN 52 Planning and Small Towns PAN 60 Planning for Natural Heritage PAN 61 Planning and Sustainable Urban Drainage Systems PAN 65 Planning and Open Space PAN 66 Best Practice in Handling Planning Applications Affecting Trunk Roads PAN 67 Housing Quality PAN 68 Design Statements PAN 69 Planning and Building Standards Advice on Flooding

	PAN 75 Planning for Transport PAN 77 Designing Safer Places PAN 78 Inclusive Design PAN 79 Water and Drainage PAN 82 Local Authority Interest Developments PAN 83 Masterplanning PAN 3/2010 Community Engagement PAN 2/2011 Planning and Archaeology
Policy Circulars	3/2012: Planning Obligations and Good Neighbour Agreements

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6. Delete first sentence of paragraph 3.6.1 and replace with:

“3.6.1 The Banknock Strategic Growth Area is easily accessible from junction 7 of M80 motorway which lies directly east of site M03.”

7. Delete paragraph 3.6.2 and replace with:

“3.6.2 Three regular bus services stop at Banknock – on the A803 Kilsyth Road at the former Post Office, at the Community Centre, opposite Bankview care home, near Bog Road, near to the petrol filling station, opposite Glenskirrie House, opposite Coneypark and opposite Coneypark Crescent. The No.24 Stirling to Glasgow (via Denny, Kilsyth, Kirkintilloch and Bishopbriggs) and the No.27 Falkirk to Glasgow (via Camelon, Larbert, Bonnybridge, Banknock, Banton, Kilsyth, Kirkintilloch and Bishopbriggs) generally provide an hourly service with earlier and later services for no.27 and no Sunday service for the no.24 route. The X81A hourly service provided by Coles Coaches runs during the day between Banknock and Falkirk from Monday to Saturday. The closest local interchange with other bus services is at Dennyloanhead. The closest rail interchange with these bus services is at Falkirk.”

8. Delete paragraph 3.6.5 and 3.6.6 and replace with:

“Core Path Network

3.6.5 Falkirk Council’s Core Path Network (Figure 5) has grown out of the results of extensive informal consultations with local communities, landowners and other key agencies. Core Paths Planning directly supports the implementation of Falkirk Greenspace: A Strategy for our Green Network by providing an area wide framework for outdoor access provision. The Core Paths Planning process has helped identify important local access issues and will provide a focus for future paths management locally.

3.6.6 Figure 5 summarises the constraints identified for the SGA through the analysis and consultation stages.”

9. Delete figure 5 and replace with an extract of Map 14 of the Core Path Plan for the Banknock and Haggs area.

10. Delete paragraph 5.2.1 and replace with:

“5.2.1 Falkirk Council is committed to achieving socially, economically and environmentally sustainable communities through the development of the Banknock SGA. In the spirit of the sustainable development policy agenda at national and Local Development Plan level, development at Banknock will be required to take account of the latest best practice in sustainable place-making.”

11. Delete paragraph 5.2.16 and replace with:

“5.2.16 Sustainable design centres on the effective and efficient use of resources, measured over the long-term, in order to minimise negative impacts on the local and wider environments. For example, land as a resource can be used more effectively to accommodate housing at densities which better support the viability of bus services and promote pedestrian movement. Banknock sits on a south facing slope, opportunities to design housing to maximise passive solar gain and minimise wind chill to enhance energy efficiency should be explored in accordance with Policy D04 and SG15 “Low and Zero Carbon Development” of the LDP. A local school can again be used as an example, in terms of sharing its sports resources with the wider community, rather than unnecessarily duplicating provision. As far as possible, earthworks should avoid the need for removal of materials off-site, but use this as fill elsewhere on the site. Construction materials should, ideally, be sourced locally and be low in embodied energy. Existing healthy trees should be protected and retained, instead of planting new trees.”

12. Delete paragraph 5.2.18 and replace with:

“5.2.18 The historic environment makes an important contribution towards an area’s unique cultural identity and is a valuable environmental asset. Development of the Banknock SGA has the potential to impact on a number of features of the historic environment including the setting of the Antonine Wall World Heritage Site scheduled monuments at the Forth and Clyde Canal and Antonine Wall and sites of local archaeological importance identified on the Scottish Monuments Record at Cannerton Brickworks, Bankier Distillery and Banknock Station. Any development must therefore respond positively to these features of the historic environment and respect their setting. Development proposals should aim to protect and, where appropriate, enhance the historic environment.”

13. Delete paragraph 5.3.1 and replace with:

“5.3.1 A Development Framework Concept Plan has been developed to guide development within the Banknock and Haggs and ensure key site assets, connections, and site features are protected and enhanced. Development proposals should reflect the Concept Plan (Figure 6) to create new integrated residential neighbourhoods on the Banknock North and Banknock South sites.”

14. Delete paragraph 5.3.2 and replace with:

“ 5.3.2 The Development Framework Concept Plan identifies proposed access points to both the Banknock North and Banknock South sites together with a proposed road pattern. The access points and road pattern may be subject to change as a result of technical investigation and design. Where proposals depart from any aspect of the

Concept Plan, they should be fully justified and demonstrate how they meet the Sustainable Design Objectives (Section 5.2), the aims and objectives and individual policies of the LDP (Section 2), together with other relevant considerations such as national planning policy.”

15. Delete paragraph 5.4.1 and replace with:

“5.4.1 The advice set out in SG02 Neighbourhood Design Guidance should be followed in developing the masterplan and detailed layouts.”

16. Delete last sentence of paragraph 5.4.10

17. Delete paragraph 5.4.11 and replace with:

“5.4.11 All streets, with the exception of those considered as distributor roads, should have frontage (vehicular) access and housing should face the street. In the case of distributor roads, housing should also turn to face the street and the range of design options, set out in proposed SG02 Neighbourhood Design Guidance, used to deliver access to properties.”

18. Delete paragraph 5.4.14 and replace with:

“5.4.14 Visible sections of the new settlement edge should be addressed by the fronts of buildings, along formal/informal access streets, rather than by backs of properties, high fencing and screening planting. This is important if the objective of encouraging public use of strategic greenspace on the edge of the settlement is to be met. See proposed SG02 Neighbourhood Design Guide for acceptable solutions.”

19. Delete paragraph 5.4.17 and replace with:

“5.4.17 For all other housing design issues, such as aspects of style, order, mix and grouping, development proposals should demonstrate that advice from SG02 Neighbourhood Design Guide has been followed. Rusticbank and Rusticbank Cottage currently sit within the southwestern quadrant of the northern development site adjacent to the highest density proposed new residential development and the proposed new village centre. These properties are currently accessed via a private road which joins Kilsyth Road just to the north of Bankier Primary School. Provision must be made for these properties to be accessed from the principal road network within the northern development site; this will allow the current private road to be closed to vehicular traffic. Careful attention must be paid to providing these properties with adequate screening, privacy and security from the new greenspace directly to the south.”

20. Delete paragraph 5.5.1 and replace with:

“5.5.1 The predominant land use should be residential, supported by a new village centre (including retail provision), an upgraded street network, an extension to Bankier Primary School and a range of public open spaces forming a strong and varied greenspace network. The LDP indicates that the combined capacity of the Banknock North and Banknock South sites is in the region of 700 houses.”

21. Delete paragraph 5.5.5 and replace with:

“5.5.5 15% of the total number of homes will be provided as affordable or special needs housing, in line with Policy HSG02 of the LDP. Each phase of development should include 15% of all housing as affordable provision, and at no stage should this fall materially below the 15% level. This should help to ensure that affordable housing provision is dispersed throughout the development sites to avoid the creation of “affordable ghettos”. Proposed development must follow guidance within SG12 Affordable Housing.”

22. Delete paragraph 5.5.9 and replace with:

“5.5.9 SG13 Open Space and New Development sets out the Council’s requirements in relation to provision of open space in association with new development. The Development Framework sets out an open space strategy for the SGA (see section 5.7).”

23. Delete paragraphs 5.5.10 – 5.5.11 and replace with:

“5.5.10 Development proposals must have regard to SG10 Education and New Housing Development. The Banknock SGA falls within the catchments for Bankier Primary School, Denny High School, St Patricks RC Primary School and St Modan’s RC High School (the latter being within the Stirling Council area). Proposed capacity enhancements at Bankier Primary School (INF.28) Denny High School (INF.25) will require an equitable contribution from the developers. These can be termed primary common infrastructure elements – see section 5.14. Potential impacts on school capacity of the other two schools will also require negotiations relating to potential developer contributions and will be dependent on capacity constraints at the time of any planning application.”

24. Delete paragraph 5.6.1 and replace with:

“5.6.1 A full Transport Assessment will be required to address the needs of Banknock in terms of transportation modes and opportunities to support sustainable travel choices in accordance with policy and the objectives of the SIRR. Integrated design working between urban designers, transportation planners, architects and landscape architects has focussed on ensuring good connectivity within neighbourhoods, across the settlement and links to other local centres. Scottish Planning Policy sets out a hierarchy of travel modes placing walking, cycling and public transport ahead of the needs of car users. This hierarchy should be carefully observed in order to design a movement network that supports sustainable placemaking.”

25. Delete paragraph 5.6.3 and replace with:

“5.6.3 In addition to creating new sections of the recreational path network on-site, the SGA developments should also contribute to the upgrading of existing paths, in terms of surfacing, lighting and maintenance, where these are identified by Falkirk Council as part of the Core Path Network. To ensure that access provision meets current good practice guidelines, the Countryside Access Design Guide, which is available from SNH should be referred to. A clear access strategy should accompany planning permission in principle applications, showing the location and hierarchy of paths in terms of specification and maintenance from adoptable / lit paths to factored greenspace paths.”

26. Delete paragraph 5.6.4 and replace with:

“5.6.4 The new residential streets within the site will be carefully designed so as to be attractive and vibrant places for residents to interact and play, as well as safe routes for all road users. It will be important to minimise wide street sections, with front curtilage driveways, that tend to encourage higher vehicle speeds and are unfriendly for more vulnerable users. “Designing Streets” and SG02 Neighbourhood Design Guidance should be the starting point in the design of these streets.”

27. Delete paragraphs 5.6.7 – 5.6.9 and replace with:

“5.6.7 In order to accommodate proposed settlement growth along the A803 corridor between Coneypark and Dennyloanhead the Local Development Plan (LDP) includes infrastructure proposal INF.06 which involves the upgrading of the M80 slip roads junctions with the A803. This proposal notes that upgrades are to be funded by developer contributions from impacting sites. For clarity, the Council expects that the upgrading of the M80 slip roads’ junctions with the A803 will be developer led.

5.6.8.1 Sites within the Local Development Plan (LDP) where planning permission has not already been granted and that are considered to impact on these junctions are:

- H07 Banknock South
- H08 Dennyloanhead
- H10 Kilsyth Road 2, Haggs
- H74 Garngrew Road, Haggs
- M03 Banknock North

5.6.8.2 Section 75 agreements securing financial contributions towards the upgrading of the M80 slip roads junctions with the A803 have already been signed for a number of sites allocated in the Falkirk Council Local Plan but not listed above. In the event of an application to modify section 75 agreements, those site’s omission from this list should not be interpreted as meaning that their cumulative traffic impact at these junctions does not require mitigation or that they should not contribute proportionately towards junction upgrading.

5.6.9.1 The upgrading of the M80 slip roads junctions with the A803 in Banknock and Haggs will require to be operational before any additional housing along the A803 corridor between Coneypark and Dennyloanhead is occupied, unless in discussion with the Council and Transport Scotland, it is agreed that:

- The impact of the development of the entire site on the capacity of the M80 sliproads junctions with the A803 is acceptable in the short term and a proportionate financial contribution towards the cost of the upgrading of those junctions is made; or
- The traffic impact of an initial phase of development can be accommodated without unacceptably impacting on the operating capacity of the M80 sliproads junctions with the A803 and a proportionate financial contribution towards the cost of the upgrading of those junctions is made.

5.6.9.2 The costs of junction upgrading, including any necessary land acquisition but excluding any monies already secured for that purpose through legal agreements should be met by all parties based on an equitable sharing relative to each development's contribution to traffic generation at both junctions. The following table highlights the likely percentage contributions anticipated from the remaining sites within the LDP :-

LDP Ref	Capacity¹	Percentage Contribution
H07	200	16.0%
H08	550	36.0%
H10	25	2.0%
H74	20	1.4%
M03	504	44.6%

5.6.9.3 Whilst it is not anticipated that the works will be undertaken by the Council, the Council is prepared to collect contributions from sites H10 and H74 and any acceptable windfall sites, which will in turn be transferred to the party or parties undertaking the works on behalf of sites H08 and M03. The details of how the works will ultimately be delivered will therefore need to have been agreed between appropriate landowners and the Council prior to any contributions being accepted for part or all of the sites H07, H08 and M03.

5.6.9.4 Recent traffic modelling work (largely based on the impact on the critical A803/M80 east sliproad junction) has suggested that there now appears to be scope for limited development to take place along the A803 corridor between Coneypark and Dennyloanhead prior to the upgrading of the M80 slip roads junctions with the A803. The Council is only prepared to accept this limited additional development prior to the upgrading of the junctions on the condition that proportionate contributions are made. This limited development should therefore be split equitably amongst the housing proposals indicated at paragraph 5.6.8.1 above on the following basis:

LDP Ref	Capacity²	Quota of permissible development³
H07	200	13.1%
H08	550	47.0%
H10	25	2.4%
H74	20	1.6%
M03	504	35.9%

5.6.9.5 The scale of contribution for each initial phase should be calculated on a simple pro-rata basis using the permissible development quota highlighted above, the proposed maximum number of units identified for the site and the share of the overall upgrade costs identified in 5.6.9.2. This process is illustrated in the box below. For the purposes of the illustrative example in the box below it has been assumed that the appropriate transportation assessment modelling has identified scope for 160 new dwellings along the A803 corridor between Coneypark and Dennyloanhead. It has also been assumed that the first phase at site H08 intends to use up its full quota of permissible development i.e. 47% of 160 units.

¹ Capacity stated is that quoted in the Falkirk Local Development Plan.

² Capacity stated is that quoted in the Falkirk Local Development Plan.

³ The quota of spare capacity is based on each site's respective impact on the M80 J7/ A803 eastern sliproad junction.

Illustrative cost of upgrading M80 sliproad junctions with the A803:	£1,400,000
Total infrastructure liability of site H08:	$£1,400,000 \times 0.36 =$ £504,000
1 st phase of site H08:	75 units
Total capacity of site H08:	550 units
Required infrastructure contribution from 1 st phase:	$(75 \div 550) \times$ £504,000 £68,727.27

28. Delete paragraph 5.7.4 and replace with:

“5.7.4 The Integrated Habitat Network Study for the Falkirk Area provides a valuable tool for identifying the most beneficial areas for habitat management, enhancement and creation. The study highlights the importance of the Banknock South Site for both woodland and wetland networks and the opportunities this offers to reinforce these networks, particularly by appropriate treatment of the areas of floodplain in which development is inappropriate.”

29. Delete paragraph 5.7.6 and replace with:

“5.7.6 However, the level of vandalism visited upon the playzones was raised as a common concern at the Community Consultation, and the need for improved protection and maintenance of these was established as a priority. The Development Framework requires that the SGA developments contribute towards this and other open space improvements via support for a Community Regeneration Trust, one of the Primary Common Infrastructure Elements as set out in 5.14.”

30. Delete paragraph 5.7.7 and replace with:

“5.7.7 Development of the Bankier Sports hall on the open space to the north of Bankier Primary School has provided indoor sports facilities for both school and community use. There is the possibility that Bankier Primary School may have to use more of this open space to accommodate an expanded school playground as part of wider school expansion proposals. Any loss of open space here should be compensated for through provision of new open space as part of SGA development sites.”

31. Delete paragraph 5.7.11 and replace with:

“5.7.11 It is inevitable that trees will be lost to allow for viable development of the SGA sites. However, outline masterplans for the sites should consider the retention of good quality trees wherever possible, outlining proposals for both tree removal and retention in an accompanying Tree Protection Plan – see advice in SG06 Trees and Development.”

32. Delete paragraph 5.9.1 and replace with:

“5.9.1 Development proposals must be accompanied by a Site Biodiversity Action Plan, prepared in conjunction with Falkirk Council’s Biodiversity Officers. This Plan should seek to maintain and enhance biodiversity and to provide for the long-term management of the interest, in turn enhancing the living environment created by the development. These Action Plans should conform with the SIRR Nature Conservation Strategy – and its provisions for Great Crested Newts and Otters, and the control/eradication of Japanese Knotweed – (see Appendix 15) and follow guidance set out in SG05 Biodiversity and Development.”

33. Delete paragraph 5.12.1 and replace with:

“5.12.1 As indicated in policy D04 “Low and Zero Carbon Development” of the LDP, new development should incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. An Energy Statement which demonstrates compliance with this policy should be submitted with any planning application. The Energy Statement should also include an assessment of the potential for decentralised energy generation with heat recycling schemes (combined heat and power and district heating). Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT.”

34. Delete paragraphs 5.13.1 – 5.13.8 and replace with:

“5.13.1 There are a number of shared development constraints that will need to be addressed to ensure that the Banknock SGA can be successfully delivered. Appendix 2 of the LDP outlines these as follows:

- Local sewerage network at capacity, retrofit of existing surface water drains required to release capacity for foul water drainage from development sites.
- Bankier Primary School will need to be expanded to accommodate the anticipated scale of development.
- Sliproad junctions of M80J7/A803 do not have enough capacity to accommodate the anticipated scale of growth and will require upgrading.
- Upgrade to local water services infrastructure required to ensure development does not adversely affect local water pressure.

5.13.2 Appendix 2 of the LDP also sets out the scope of developer contributions that will be required to deliver these infrastructure improvements and other community facility enhancements:

- Financial contributions towards M80J7/A803 sliproad junctions, DEAR, Bankier Primary School expansion, enhancements to capacity in other catchment schools, upgrading of Hollandbush Park and other community projects required.

5.13.3 Figure 8 is an indicative phasing plan and shows the phases within which these infrastructure improvements and enhanced community facilities are likely to be provided.”

35. Delete paragraphs 5.14.3 – 5.14.5 and replace with:

“5.14.3 At present there are three developers within the SGA, namely:

- Falkirk Council;
- I & H Brown Limited; and
- J B Bennett (Contracts) Limited.

5.14.4 The approach to establishing a mechanism for cost contribution needs to take into account the differences in the scale of development that each respective developer is likely to pursue and needs to take into account the fact that the overall development of the SGA will be phased. Furthermore, different developers may secure planning permission and start their developments at different times.

5.14.5 All development sites along the A803 corridor between Coneypark and Haggs will contribute towards cumulative traffic growth at the M80 J7/A803 slip-road junctions in Banknock and Haggs. As indicated at 5.6.9.2 development on all of these sites is conditional upon the agreement to pay a proportionate financial contribution towards the sliproad junction upgrades. Financial contributions from a number of sites along the A803 corridor which do not form part of the SGA have already been secured using this mechanism. There may be a need to develop a mechanism to allow financial contributions to be collected once the sliproad junctions have been upgraded to ensure that SGA development partners do not end up paying more than their fair share of the total cost.”

36. Delete paragraph 5.14.8 and replace with:

“5.14.8 Figure 9 illustrates the net development land areas on sites within the SGA with regard to each of the three Development Partners. It should be noted that the net areas exclude the primary road network and strategic areas of open space but could include local residential access roads and local amenity space. The exact net developable areas will only be finalised once masterplans are prepared to accompany future planning applications.”

37. Delete paragraph 5.14.11 and replace with:

“5.14.11 As illustrated in Table 5.2, it is also possible at this stage to indicate that there would be a number of ways in which cost contributions will be established over and above the approach described above. The four broad mechanisms would be:

- An equitable share based on the cost of the particular infrastructure element by the amount of land allocated for development, thereby giving a contribution per acre, floorspace, or value which could be applied to each separate landowner/developer. It

can be seen from table 5.2 that this would be the main mechanism for establishing cost contributions from the SGA Development Partners.

- For some infrastructure elements the cost contribution would be by way of a roof levy or a cost per housing unit. For example, the contribution required towards Denny High School would be assessed according to SG10 Education and New Housing Development (currently £2100/house), as it relates to the collective impact of new housing across the wider Denny/Bonnybridge area.
- Cost contributions from the SGA Development Partners but with additional contributions from other developers outwith the SGA (for example with regard to off-site road junction infrastructure as explained above).
- Cost contributions from other parties (for example if a Community Regeneration Trust is established, then there would be scope for that Trust to secure funding from the SGA Development Partners but also potentially from other developers outwith the defined SGA)."

38. Delete paragraph 5.14.12 and replace with:

"5.14.12 Falkirk Council in its capacity as landowner, intends that the infrastructure commitments relating to the residential development sites currently in its ownership will transfer to purchasers/developers of the respective sites, with this arrangement reflected in the detailed terms and conditions of sale in each case."

39. Delete paragraph 5.14.13 and replace with:

"5.14.13 Furthermore, it was recognised during the preparation of the Development Framework that there may need to be a bespoke approach to establishing certain cost contributions. For example, the details of developer contributions required to cover an expanded Bankier primary school will need to be assessed in detail to ensure it is proportionate and covers the long-term Primary and Nursery requirements for the enlarged Banknock community. It is likely that a bespoke approach will be required, rather than simply the application of pro-rata —per-house costs as outlined in SG10 Education and New Housing Development."

40. Delete paragraph 5.14.16 and replace with:

"5.14.16 This approach would give the respective developers an assurance that the other parties involved would be tied into a legal agreement. Importantly, the Section 75 Agreement would run with the land so should one of the parties dispose of their interest in the SGA, then the Agreement still stands and would be enforceable against successors in title."

41. Delete paragraph 5.14.17 and replace with:

"5.14.17 The relevant national policy providing guidance on planning agreements is contained within Circular 3/2012. The Circular is clear in that a Section 75 Agreement is not an opportunity to obtain a benefit, financial or environmental, *which is unrelated in nature, scale or kind to the proposed development.*"

42. Delete paragraph 5.14.19 and replace with:

“5.14.19 This approach seeks to ensure that the obligations for primary common infrastructure elements will be met by individual developer interests on a fair and equitable basis and in proportion to their share of the overall development land potential of their respective sites within the SGA. In addition there will be bespoke approaches to establishing contributions in relation to certain elements of infrastructure (e.g. in relation to traffic generation as explained above).”

43. Delete paragraph 5.14.20 and replace with:

“5.14.20 Developer contributions towards the primary common infrastructure elements should be secured by Section 75 Agreement compliant with Circular 3/2012, and should relate in scale and kind to the development proposed and should be proportionate to the deficit or additional burden arising from the impact of the proposed development of the Banknock area.”

44. Delete paragraph 5.14.21 and replace with:

“5.14.21 The timing of infrastructure works may be dependent upon the aggregation of resources, including where applicable, the allocation of financial contributions by the Council, in their role as one of the developers within the SGA.”

45. Delete paragraph 5.14.23 and replace with:

“5.14.23 The approach to developer contributions outlined above should be worked up into a more detailed protocol, identifying expected financial contributions and developer requirements in detail. These provisions would apply to all land within the SGA and, in the case of contributions towards sliproad junction upgrading, all development sites along the A803 corridor between Coneypark and Dennyloanhead.”

46. Delete paragraph 5.14.24 and replace with:

“5.14.24 Given the scale of development proposed, it is anticipated that there would also be a degree of public funding of infrastructure (e.g. school provision). However, given various public agencies who have been aware of development proposals since the Banknock and Haggs SIRR was identified in the Falkirk Council Structure Plan in 2007 and were party to the preparation of the Development Framework, it is expected that public funding will be available as appropriate to facilitate the development of the SGA.”

47. Delete paragraph 5.14.25 and replace with:

“5.14.25 In the approach that is set out in this report, it is important to make sure that the scale of the developer contributions does not undermine the very development that the Development Framework is seeking to promote. There is a point at which a higher rate of developer contribution will cause a decrease in the quality of development through its impact on the viability of marginally profitable development. It is well established that requirements for substantial developer contributions can have a negative impact on the pace of development and that this is usually marked in areas with relatively low land values. Whilst it is recognised that there are key infrastructure elements and other matters that will require developer contributions, it has to be remembered that there are challenging physical issues to deal with within the Banknock SGA and the key

aspiration is to secure development which has public and private realms of *very* high quality. This is an important consideration in today's economic context and in the particular housing market conditions that prevail. It is important therefore, that the scale and nature of overall developer contributions is considered in this context and indeed that the public sector as a developer will be expected to take an important and equitable role."

48. Delete paragraph 5.15.1 and replace with:

"5.15.1 Planning Permission in Principle Applications, with supporting masterplans should be submitted for:

- M03 Banknock North, incorporating a New Village Centre and Shared Infrastructure Improvements: and
- H07 Banknock South

In the event that the Council prepares a development brief for the Banknock South site and approves this as SPG, individual planning applications for separate parts of the site may be submitted so long as they conform to the development brief."

49. Delete paragraph 5.15.8 and replace with:

"5.15.8 Planning applications must be accompanied by a Site Biodiversity Action Plan, which conforms to the principles of the Banknock and Haggs SIRR Conservation Strategy (Appendix 15) including the Great Crested Newt Mitigation Strategy annex. Site Biodiversity Action Plans should be prepared in conjunction with Falkirk Council's Biodiversity Officers and follow guidance set out in SG05 Biodiversity and Development."

50. Add new paragraph after paragraph 5.15.9:

"Energy Statement

5.15.10 An Energy Statement which demonstrates compliance with this policy D04 "Low and Zero Carbon Development" of the LDP should be submitted with any planning application. The Energy Statement should also include an assessment of the potential for decentralised energy generation with heat recycling schemes (combined heat and power and district heating). Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT."