

FALKIRK COUNCIL

Subject: PROPOSED CYCLEWAY BETWEEN DENNY AND FALKIRK
AT SITE TO THE SOUTH EAST OF DENNY CEMETERY FOR
FALKIRK COUNCIL - P/15/0136/PPP
Meeting: PLANNING COMMITTEE
Date: 25 November 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie William Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Paul Garner
Councillor Martin Oliver

Community Councils: Bonnybridge
Denny & District
Camelon (no active Community Council)

Case Officer: Kevin Brown, (Planning Officer), Ext. 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 28 October 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 9 November.
2. Following a summary of the proposal by the case officer, members of the Committee sought clarification that the initial proposal to realign the A8004 had now been removed from the application. This was confirmed to be the case by both the case officer and the applicant.
3. A representative from Bonnybridge Golf Club who objected to the application was invited to address the Committee. New concerns were expressed in relation to the potential for stray golf balls to strike pedestrians and cyclists due to the proximity of the proposed cycleway to the second fairway of the golf course. It was confirmed that, whilst plans for boundary treatments had not been finalised, the consultant's brief included the provision of related fencing for the boundaries with both Bonnybridge Golf Club and an adjacent site operated by Ian Craig Haulage. It should also be noted that the current application is for planning permission in principle only and that further planning applications will require to be submitted to allow detailed assessment of these matters (see proposed condition (2)(c) below).

4. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission in principle. The previous recommendation is reiterated as follows.

5. RECOMMENDATION

- 5.1 It is recommended that Committee grant planning permission in principle subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Plans and particulars of the matters specified below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:
 - (a) The siting, design, materials, and construction arrangements of all bridges and viaducts along the route of the proposed cycleway.
 - (b) Details of the finalised route of the cycleway including finalised levels details for the cycleway and including any areas of cut and fill.
 - (c) Details of the siting, design, materials and construction arrangements for all boundary treatments and gates along the length of the cycleway.
 - (d) Details of proposed drainage arrangements along the length of the cycleway.
 - (e) Details of proposed lighting arrangements along the length of the cycleway.
 - (f) Details of all soft landscaping works along the route of the cycleway shall be submitted for written approval. These details shall include:
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and in the case of damage, proposals for restoration.
 - (ii) location of new trees, shrubs, hedges and ground cover.
 - (iii) schedule of plants to comprise species, plan sizes and proposed number / density.
 - (iv) programme for completion and subsequent maintenance.
 - (g) Details of site reinstatement and landscaping works within all construction compounds and construction access routes shall be submitted for written approval.
- (3) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- (4) No development shall commence on site until a scheme detailing intensive site investigations / work undertaken into Coal Mining Legacy issues at the site has been submitted to and approved in writing by the Planning Authority. Details submitted shall include a report on the findings arising from these investigations and details of remedial work where required. Thereafter, remedial works shall be fully implemented in accordance with the approved scheme.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To enable the Planning Authority to consider these aspects in detail.
- (3,4) To ensure that ground is suitable for the proposed development.

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01C, 02B-05B, 06A, 07, 08A, 09-12, 13A-17A inclusive.
- 2. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.

.....
pp Director of Development Services

Date: 16 November 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance - SG01 - Development in the Countryside.
3. Supplementary Guidance - SG09 - Landscape Character Assessment and Landscape Designations.
4. Supplementary Guidance - SG06 - Trees and Development.
5. Letter of Objection received from Bonnybridge Golf Club, Larbert Road, Bonnybridge, FK4 1NY on 21 July 2015.
6. Letter of Objection received from Ian Craig Haulage, FAO Kevin Craig, Roughmute Transport Depot, Larbert, FK5 3NP on 26 June 2015.
7. Letter of Support received from Miss Julie Love, 35 Ferguson Drive, Denny, FK6 5AF on 4 July 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

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Subject: PROPOSED CYCLEWAY BETWEEN DENNY AND FALKIRK
AT SITE TO THE SOUTH EAST OF DENNY CEMETERY FOR
FALKIRK COUNCIL - P/15/0136/PPP

Meeting: PLANNING COMMITTEE

Date: 28 October 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie William Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Councils: Bonnybridge
Denny & District
Camelon (no active Community Council)

Case Officer: Kevin Brown, (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application for planning permission in principle proposes the construction of a 3 metre wide cycleway / footpath between the Three Bridges Roundabout on the A883 at Falkirk to land to the south of Denny Cemetery. The proposal includes a spur from this cycleway where it passes Roughmute Refuse Centre to tie into the path network within land to the south of Bonnybridge Primary School.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to the Planning Committee by Baillie William Buchanan.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 Scottish Natural Heritage have no comments to offer on this proposal.
- 4.2 Falkirk Community Trust, Museum Services has no objection to the proposal.
- 4.3 Historic Environment Scotland has no objection to the proposal.
- 4.4 Transport Scotland has no objection to the proposal.

- 4.5 The Environmental Protection Unit has no objection to the proposal but has requested that a contaminated land survey be undertaken and conditioned with any permission granted.
- 4.6 The Coal Authority has no objection to the proposal but has requested that further site investigation works be conditioned with any permission granted.
- 4.7 Scottish Water has not responded to consultation.
- 4.8 The Roads Development Unit has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 No Community Council has commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 Two individual letters of objection and one letter of support have been received in relation to this application. Points of objection raised relate to the following:-
- Proposed road realignment works for the A8004 would adversely affect drainage in that area.
 - Loss of land associated with road realignment works would have an adverse impact on business operations and on the viability of a long established 9 hole golf club.

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

- 7a.1 Policy CG01- 'Countryside' states:

"The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'."

- 7a.2 The route of the proposed cycleway crosses through areas of land defined as countryside. The proposal would not adversely impact upon the desired limits to expansion of settlements in the area and the proposal is considered to be an acceptable form of development in the countryside. The proposal accords with the terms of Policy CG01.

7a.3 Policy CG02 - 'Green Belt' states:

- "1. The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:*
 - Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor*
 - Polmont/Grangemouth/Bo'ness/Linlithgow Corridor*
 - Falkirk/Larbert/Denny/Bonnybridge Corridor*
 - Callendar Park/Woods*
- 2. The purpose of the Green Belt is:*
 - To maintain the separate identity and visual separation of settlements*
 - To protect the landscape setting of settlements; and*
 - To protect and give access to greenspace for recreation*
- 3. Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above."*

7a.4 The route of the proposed cycleway crosses through land designated as Greenbelt. However, the proposal would not adversely affect the landscape setting of settlements or the visual separation between settlements. The proposal would improve and increase access to greenspace areas for recreation and as such the proposal accords with the terms of Policy CG02.

7a.5 Policy GN01 - 'Falkirk Green Network' states:

- "1. The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
- 2. Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 3. New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land."*

7a.6 The route of the proposed cycleway crosses through key Green Network Corridors between Falkirk, Denny and Bonnybridge and would increase access to the Green Network for active travel and recreational opportunities. The proposal accords with the terms of Policy GN01.

7a.7 Policy D01 - 'Placemaking' states:

"The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

- 1. Strategic Housing Growth areas & Business Locations*
- 2. Town and Village Centres*
- 3. Town Gateways and Major Urban Road Corridors*
- 4. Canal corridor*
- 5. Central Scotland Green Network"*

7a.8 The proposal improves access to the Central Scotland Green Network and provides an enhancement to this network by increasing access and providing supplementary planting. The proposal accords with Policy D01.

7a.9 Policy INF07 - 'Walking and Cycling' states:

- "1. The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
- 2. New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*
 - Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
 - Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
 - The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*
 - Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired."*

7a.10 The proposal supports the Council's network of pedestrian and cycle provision across the district. The Falkirk – Denny – Bonnybridge link is a key addition to the core path network and so is fully supported by this policy.

7a.11 Policy GN05 - 'Outdoor Access' states:

"The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:

- 1. 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;*
- 2. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
- 3. 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."*

7a.12 As with Policy INF07 above, Policy GN05 seeks to safeguard, extend and improve the network of outdoor access routes across the district. The proposal is fully compliant with this policy.

7a.13 Policy GN02 - 'Landscape' states:

- "1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved."*

7a.14 As this proposal is an application for planning permission in principle, no detailed landscaping drawings have yet been produced. It is, however, considered that as the proposed line of the cycleway follows the route of an old railway line and existing footpaths, landscape impacts are not likely to be significant. This proposal, therefore, complies with Policy GN02.

7a.15 Policy GN03 - 'Biodiversity and Geodiversity' states:

"The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species; a species listed in Schedules 5, 5A, 6, 6A and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
- 6. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'."*

7a.16 The proposed route does not pass through any protected sites and there is nothing to suggest that any protected species would be adversely affected by this proposed development. The proposal accords with Policy GN03.

7a.17 Policy GN04 - 'Trees, Woodland and Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.18 Potential impacts upon established trees, woodland and hedgerows are likely to be minimised due to the relatively small scale of works involved in creating the proposed cycleway. Detailed assessment of these issues cannot, however, be undertaken at this stage and would instead be more appropriately considered during the assessment of any further detailed planning application. The proposal complies with Policy GN04.

Supplementary Guidance Forming Part of the Development Plan

7a.19 SG01 - 'Development in the Countryside

The proposed development would improve access to the countryside and aid opportunity for rural recreation and active travel without adversely impacting upon the established landscape character of the area. Whilst a detailed design has not been finalised for the substantial new bridge elements of the proposal, it is considered that these can be adequately absorbed into the rural environment whilst making a positive contribution to the character of the area. The proposal accords with the principles and aims of the Supplementary Guidance SG01.

7a.20 SG09 - 'Landscape Character Assessment and Landscape Designations'

As with considerations in relation to SG01 above, the proposed cycleway is considered capable of being absorbed into the rural environment without having significant adverse impacts on the established landscape character of the area. The proposal accords with Supplementary Guidance SG09.

7a.21 SG06 - 'Trees and Development'

The current planning permission in principle application does not include detailed tree survey information. However, it is considered that the proposed cycleway can be accommodated without significant tree loss or adverse impacts upon the rural character of the area. The proposal accords with the aims and principles of SG06.

7a.22 Accordingly, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration relevant to the application assessment are the representations received.

Representations Received

7b.2 The current application initially included proposals to realign a section of the A8004 which would require the acquisition of land from Bonnybridge Golf Club and Ian Craig Haulage Ltd. During assessment of the application, the applicant decided to delete this road realignment from the current application and has amended their submitted plans to reflect this. The only points of objection raised against the application related solely to this realignment element and therefore removal of this from the application has in turn removed all points of objection from considerations.

7c Conclusion

7c.1 The proposed development accords with the Falkirk Local Development Plan and it is considered there are no material planning considerations that would warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is recommended that Committee grant planning permission in principle subject to the following conditions:

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Plans and particulars of the matters specified below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:
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- (3)
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
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Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To enable the Planning Authority to consider these aspects in detail.
- (3,4) To ensure that ground is suitable for the proposed development.

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01C, 02B-05B, 06A, 07, 08A, 09-12, 13A-17A inclusive.

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pp Director of Development Services

Date: 20 October 2015

LIST OF BACKGROUND PAPERS

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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0136/PPP

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



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