



Canal House
1 Applecross Street
Glasgow G4 9SP

www.scottishcanals.co.uk

11th August 2016

Your Ref: P/16/0313/FUL/JM

Via E-mail to: -



Dear Mr Morris

Re: Siting of catering outlet and erection of fence (retrospective), Kelpies Hub, The Helix, Falkirk

I refer to your letter dated 29 July 2016 in relation to the siting of a catering outlet and erection of a fence at the Kelpies Hub, The Helix, Falkirk

On behalf of Scottish Canals I would wish to make the following points: -

Scottish Canals fully support the refusal of the planning permission and the reasons for this. We are of the view that the decision and the reasoning behind it are sound and in conformity with the obligation on the Planning Authority to determine any such application in accordance with the terms of its approved Local Development Plan (LDP) except in very specific circumstances. The proposal is clearly contrary to a number of policies contained in the LDP and there are no material considerations that would merit the setting aside of the plan.

As we understand it the application for consent is a retrospective one. We also believe that the operator of the Helix site (which has effectively sublet the relevant part of the Helix where the snack van is situated) did not prevent the snack van from opening in advance of planning permission being in place. Notwithstanding this, consent was required and it is not available for any party to remove the requirement for this. The determination as to whether or not this development is acceptable in planning terms is a matter entirely for the Planning Authority regardless of any arrangement that may exist between other parties.

In any event, we understand that the site operators did make it clear to the applicant that consent would be required and that it fell to the applicant to obtain that consent. The obligation to apply for and secure the consent therefore lay squarely with the applicant which is where the responsibility for failure to do so also lies.

The relevant planning policies recognise the absolute importance of the existing surroundings to the acceptability of any new development, even developments of a semi-permanent nature such as this snack bar. The Kelpies Hub is home to what has become one of the most iconic, the most photographed, pieces of public art to be unveiled in the last decade.

Their images are to be seen worldwide symbolising the regeneration and aspiration of the Falkirk area and drawing visitors from far and wide to capture their own visual memories of these magnificent beasts. *Given the current location of the snack bar it is virtually impossible to capture any proper image of the Kelpies without including at least part of the structure. It also interferes to a significant degree with the setting of the highly acclaimed Visitor Building*

The setting of the Kelpies was very carefully considered as part of the overall Helix masterplan with the existing permanent buildings and complementary landscaping being the subject of rigorous consideration before applications for consent for their construction were made. These applications were, in turn and quite correctly, subject to strict application of the relevant planning policies to ensure that the Kelpie Hub area did everything to enhance the Kelpies themselves and the visitor experience, whether the visitors have come from near or far.

The design and location of the snack bar does not, in the opinion of Scottish Canals, contribute to this positive experience. *The Kelpies need an appropriate setting to make sure that they can be seen and experienced at their best. The existence of the snack bar in such close proximity to them undermines this setting to a substantial degree.* Whilst it is the case that the site operators did look to increase the capacity of the catering outlets on the Helix site during peak visitor periods, it is our view that this could have been done by locating any additional offering elsewhere in the park where the applicant's proposal could have been much more acceptable in terms of the Council's planning policies as there are many sites within the park that clearly do not have the extreme sensitivity, in land use terms, of the Kelpies Hub. Further, with two catering outlets already included in existing Hub buildings referred to above, the need for another in this location has been correctly questioned by the council planning officers as is required by Policy TC04 referred to in the reasons for refusal. In any event, even if a need had been established, it could only be met by locating this temporary unit elsewhere in the park given the adverse impact it clearly has on the "visual quality of the locality" (Last line of TC04).

As stated above, the importance of the proper integration of the snack van into its surroundings is a key requirement of the council's LDP policies D02 and D03. The challenge of being able to do this in a site as unique and significant as the Kelpies Hub was always going to be particularly arduous. The existing permanent buildings have met that challenge but the snack bar simply cannot.

In addition to the general application of the Council's design and food and drink policies to this application there is specific reference in the LDP to the importance of the canal infrastructure to the Falkirk area and in particular its designation as a scheduled ancient monument. The canal network is seen as a great asset to the area in terms of its capacity to promote regeneration of the surrounding areas and attract visitors to Falkirk. It is for these reasons that policy D14 includes specific tests to be met in relation to any proposed development canalside. These tests are to ensure that the integrity of the canal, as an enabling vehicle for regeneration and promotion of the built heritage, is not undermined. Again, unfortunately, these standards have not been met by this particular proposal in this particular application. In short, it is Scottish Canals position that this snack bar may not, in itself, necessarily be a bad thing but it certainly is in the proposed location.

I trust that this further clarification will be viewed in addition to our original objection.

Yours Sincerely

A rectangular area of the document has been redacted with a solid black box, obscuring the signature of Richard Millar.

Richard Millar
Director of Infrastructure