

FALKIRK COUNCIL

**Subject: FALKIRK COUNCIL LOCAL PLAN
SUMMARY OF REPRESENTATIONS AND PROPOSED
RESPONSES**
Meeting: SPECIAL ENVIRONMENT & HERITAGE COMMITTEE
Date: 9 APRIL 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 On 7 March 2007, the finalised draft version of the Falkirk Council Local Plan was approved by the Council. Following approval, the Local Plan was placed on deposit for objections for the statutory six week period from 20 April to 1 June 2007.
- 1.2 Some 431 respondents submitted a total of 698 separate representations. Of these 655 were objections to the provisions of the Plan, 24 were expressions of support, and 19 were comments. A substantial proportion of the total - 230 representations - comprised two batches of standard letters relating to two issues. A small number of objections were submitted up to a week after the deadline of 1 June. These late objections raise a limited number of issues and it is recommended that they are accepted as valid.
- 1.3 The Council must now consider the objections made and provide an initial response to each one, deciding whether to accept it, and suggest an appropriate change to the Plan, or to reject it and maintain the Plan's position.
- 1.4 This report summarises the representations to the finalised Local Plan which have been received, and recommends Council responses to each representation. It also brings forward an associated set of proposed pre-inquiry modifications, comprising changes to the Plan where a positive response to representations is considered appropriate. A few minor technical updates have also been made e.g. in the text accompanying Policy EQ21 to reflect the success of the Helix bid.

2. LOCAL PLAN REPRESENTATIONS AND RESPONSES

- 2.1 Summaries of all representations received are contained in Appendix 1 where they are organised according to topic and settlement. The summary list has been published and made available through the Council's web site to all interested parties. The summary also indicates whether objectors wish to pursue their representations by means of written submissions or through oral evidence at the Local Plan Inquiry.
- 2.2 Each submission has been assessed to determine whether a change to the Local Plan to accommodate the points raised could be recommended to the Council. In determining how to respond to objections, it is important to note that the Local

Plan when adopted is required to conform to the Falkirk Council Structure Plan which was approved in January 2007 by Scottish Ministers. Representations for changes which would place the Local Plan at odds with the Structure Plan, therefore, are not recommended for acceptance. It has also been important that the overall integrity of the Local Plan and the strategy for each of the settlements is not compromised. Finally, it is important to note that the proposed changes to the Local Plan may themselves attract further objection.

- 2.3 The recommended responses to each representation are contained in Appendix 1. Overall, it is recommended that 132 be accepted, 72 partially accepted, and 449 not accepted. Two objections are still under consideration.
- 2.4 The following summary draws attention to the general type and nature of representations, highlights some of the more significant ones, and indicates the recommended response. It should be noted that the summary is selective, and reference should be made to Appendix 1 for information on all representations.

3. REPRESENTATIONS TO AREA WIDE POLICIES

Environmental Quality

- 3.1 Representations have been received on a number of the Plan's general environmental policies. These include a variety of both comments and objections from key environmental agencies such as SEPA, SNH and Historic Scotland. Mineral policies have also been subject of objection from operators wishing to promote and safeguard their interests. Minor adjustments have been recommended to policies where appropriate, but no major changes are proposed.
- 3.2 Green Belt and countryside policies have been a particular focus for objection. Objections have challenged the Council's treatment of the Green Belt in terms of the requirements of the Scottish Planning Policy (SPP21) on Green Belts, whilst others challenged countryside policies on the grounds that they are not supportive enough of development in rural areas, with reference to guidance contained in Scottish Planning Policy (SPP15) on Rural Development. However, the treatment of these issues in the Local is considered robust and in conformity with national and Structure Plan policy, and no changes are proposed.

Sustaining Communities

- 3.3 Housing is a major focus for representations. As well as receiving a large number of site-specific requests for the release of sites for housing development, which are discussed below, some objections have questioned the overall approach to housing land, and the adequacy of supply both within and beyond the Local Plan period. Criticism has been made of the Local Plan horizon of 2012, which suggests the provision of only three years housing land supply beyond the expected adoption date of 2009. In response to these objections, it is important to note that most settlements have a very generous housing land supply, meeting Structure Plan requirements well beyond 2012. However, it is considered prudent to extend the Local Plan horizon to 2015. Whilst this appears to be a significant change, it does not in practice require the Local Plan to find additional sites,

because sites in the Local Plan are already more than sufficient to cover this extended period.

- 3.4 Objections have been made to the range of policies requiring developers to contribute to open space, education and affordable housing provision. However, the policy content in these areas is considered robust, and it is recommended these objections are not accepted.
- 3.5 Objection has been made to the lack of a policy dealing with travelling people's sites. Although not yet a major issue in the area, national planning policy does recommend the inclusion of guidance and it is considered that an additional policy should be included covering this issue.

Economic Prosperity

- 3.6 A number of objections have focussed on the subject of the protection of local shopping centres, neighbourhood shops, and the size threshold for neighbourhood shops in Policy EP7. The Local Plan's policies on these issues are considered robust, although it is considered that an increase in the threshold for neighbourhood shops from 250 sq.m to 500 sq.m. would be appropriate.
- 3.7 A substantial number of objections have been submitted by the chemical companies in Grangemouth, looking for more recognition and protection for the companies' interests within the Local Plan. Some of the changes sought are small scale and a number can be accommodated. However, no fundamental change to the Plan's policies on major hazards is proposed.

Sustainable Transport and Infrastructure

- 3.8 A holding objection has been submitted by Transport Scotland in relation to the impact of new developments on the trunk road network, and Junction 6 of the M9 in particular. Transport Scotland are seeking further transport modelling work to demonstrate that measures will be put in place which can mitigate the effects of projected development on this junction. Modelling work has recently been completed which suggests mitigation measures included in the Local Plan will address congestion in the short term. The issues around Junction 6 are now a central component of the Grangemouth Freight Hub, which is identified as a National Development in the draft National Planning Framework 2 (NPF2) and in the light of this major change, it is hoped that Transport Scotland will consider withdrawing their holding objection.
- 3.9 Other objections have been submitted with regard to flooding, waste management and renewable energy policies. On flooding, SEPA have requested fuller information on flood risk, and this can be accommodated. On waste, submissions have been made for additional landfill sites, including an extension to the existing Avondale site, and the nearby Inveravon site, neither of which can be recommended. On renewable energy, a developer has objected to the renewable energy and wind energy policies and has sought inclusion of a site at Gardrum Moss as a windfarm proposal. It is considered that the existing policies are robust and it is not appropriate at this stage to include such a site-specific proposal in the Local Plan.

4. REPRESENTATIONS SPECIFIC TO SETTLEMENTS

Bo'ness

- 4.1 Bo'ness has been subject of representations to allocate large sites for housing to the south and east of the town, as well as a site within the Bridgeness Industrial area. These are not recommended for acceptance, given that there is no need to release further residential land in the town, and the strategy is to focus on existing commitments and the redevelopment of Bo'ness Foreshore.
- 4.2 A number of objections have been submitted by the Scottish Railway Preservation Society, related to the role and relationship of their operational site at Bo'ness Station with the foreshore development. These are largely accepted and can be addressed through minor changes.

Bonnybridge and Banknock

- 4.3 The Bonnybridge and Banknock area has been subject of representations to allocate various additional sites for housing, mainly in the High Bonnybridge/Greenhill area. However, there is no reason to change the proposed long-term strategy for the area which is to promote growth at Dennyloanhead, rather than to the south of the canal. These objections are therefore not recommended for acceptance. There have also been representations requesting that the Council's long-term development site at Dennyloanhead be extended westwards. This proposal does have merit, in that it would allow an additional access route into the site, and some extension of the allocation can be recommended.

Denny

- 4.4 Representations have been received proposing very significant extensions to existing proposed sites on the east side of Denny. At Mydub Farm, where the Local Plan promotes a long-term housing development site in association with the proposed new Denny Eastern Access Road (DEAR), Gladedale have requested that the line of the DEAR is altered to enclose a much larger development area which would be allocated for housing. They have also requested that the site be allocated for immediate, rather than long-term development. Meanwhile, at Broad Street to the north of the A803, Henry Boot have also requested that a larger area be allocated for housing.
- 4.5 Given that there is already a large housing land supply in Denny, and a likelihood of exceeding the Structure Plan threshold for 2020, the allocation of further land at these two locations is not considered desirable. However, given the need to expedite the completion of the DEAR, it is proposed to accept the bringing forward of the Mydub site and the revised line for the DEAR. The additional land enclosed by the new road line would not be allocated for development, but would not be within the Green Belt, providing flexibility for longer term expansion if this was ever required. At Broad Street, any further increase in the scale of housing is not favoured.

Falkirk

- 4.6 Objections have been submitted promoting housing development on greenfield sites to the south of the town, at Standalane, Glen Farm, and Slamannan Road. As there is no need to release further land for residential growth in Falkirk, these are not recommended for acceptance.
- 4.7 Objection has been lodged in respect of land at Glasgow Road, Camelon, stating that the current industrial estate should be reallocated for mixed use redevelopment. In addition, specific objections have been lodged in respect of the former Wrangler site, seeking mixed use on the site, including retailing. With the consolidation of Alexander Dennis within the core of the Glasgow Road industrial area, it is considered that the use of the area should remain largely industrial and that the opportunity for mixed use is limited at the present time. In respect of the former Wrangler site, however, it is felt that allowing a neighbourhood scale of food retailing could be beneficial in facilitating the successful redevelopment of this particular vacant site.
- 4.8 There have been various representations on the delineation of the Falkirk Town Centre boundary in the Local Plan, including a number of individuals who have objected to the inclusion of the Municipal Buildings site within the boundary. Aldi have sought extensions to both the Falkirk and Camelon centre boundaries. However, the boundaries in the Local Plan are considered reasonable, and these objections are not recommended for acceptance.
- 4.9 A substantial number of standard letters have been submitted requesting that congestion problems in Glasgow Road/Camelon Road be addressed by the Local Plan. The Local Plan identifies public transport measures for this route, and it is not considered that a new bypass, as suggested, is a practical or desirable solution.
- 4.10 An objection has been submitted by Terrace Hill requesting that the Opportunity RC.FAL3, which covers the Falkirk Stadium, be extended eastwards. This has not been recommended for acceptance, as the extension area is considered an integral part of the Ecopark, which is being promoted through the Helix project.

Grangemouth

- 4.11 Several objections have been submitted by Forth Ports, whose primary concern is with the Local Plan's allocation of areas around the western docks for mixed use development, and compatibility of such uses with the company's plans for growth in port-related industrial activities. These objections are reasonable and it is recommended that the emphasis on mixed use development be reduced.
- 4.12 An objection by Kemfine UK Ltd seeks the allocation of open space at Earls Gate/Glensburgh Road for business development. This objection is not recommended for acceptance due to the amenity and recreational value of the open space.
- 4.13 Objections have been made seeking removal of sites to the south of Wholeflats Road from the Green Belt and their allocation for economic development/leisure

purposes. The erosion of the Green Belt in this location is not considered desirable and these objections are not recommended for acceptance..

Larbert and Stenhousemuir

- 4.14 Objections have been submitted seeking the allocation of sites in the Green Belt to the east of Stenhousemuir, at Roughlands and Bensfield Farms. Further representations for housing allocations have been received at North Broomage and Bonnyview Nursery. With substantial long-term land allocated for development at Bellsdyke/Hill of Kinnaird, there is no need to release further housing sites, and these objections are not supported.
- 4.15 An objection has been received from Aldi, requesting that McCowans factory be included within the Stenhousemuir Town Centre boundary. It is not proposed to accept this, as the site does not form a logical or necessary extension to the centre. An objection has been submitted requesting that land adjacent to Carron Dams be identified for business and industry. It is not proposed to accept this, due to the potential ecological value of the site. Several objections have been submitted by John Laing in respect of the RSNH site at Larbert, requesting changes to reflect the planning permission for the hospital and the ongoing consideration of the future of the residual RSNH estate. It is proposed to accept, or partially accept, the majority of these.

Polmont Area

- 4.16 The Polmont area has been the subject of a large number of representations seeking the allocation of additional greenfield land for housing development. This has included large sites at Wallacestone, Rumford, Maddiston, Polmont and Laurieston. These are not supported, as there is no need to release additional land for residential development in the area, the strategy being to focus on the existing substantial supply of housing commitments. A further objection has sought the allocation of a substantial site in the Green Belt at Beancross for economic development purposes. Again, this is not supported.
- 4.17 Representations have been made seeking the removal of a site at Station Road, Polmont from the Local Plan. On further assessment, it is deemed that allocation of the site, which is open space, and of amenity value, would not be consistent with the general environmental policies of the Local Plan or the strategy for the Polmont area as a whole, and it is proposed that these objections are accepted and the site reinstated in the Local Plan as open space.
- 4.18 Representations have been made in relation to the Gilston site, seeking the re-introduction of a housing element into the development mix. Given the adequacy of the housing land provision in the area, and the fact that housing is not a permitted use of the site in the Structure Plan, these objections are not supported.

Rural North

- 4.19 Objections have been submitted seeking the allocation of additional sites in Airth, Letham, Torwood and Skinflats. The Local Plan's strategy for the Rural North area is to focus development in Airth, with site H.AIR7 on the western side of the village being the preferred location. Airth remains the most suitable village for growth, given its size and range of services, and the H.AIR7 is still considered to represent the best option for growth. Other sites have therefore been rejected. Objection has also been made to the phasing of the H.AIR7 site, which the Local Plan indicates to be for development after 2012. With the change in the Local Plan horizon to 2015, this site now needs to be brought forward within the Local Plan period, and so these objections are supported.
- 4.20 A further issue in Airth, which has attracted a large number of objections, is the allocation of the small H.AIR6 site, which was formerly a playground. Local residents wish to have the land reinstated as open space, and it is considered appropriate to recommend acceptance of their representations.

Rural South

- 4.21 Representations have been received to allocate additional residential sites in Avonbridge, California, Standburn and Sheildhill. In Avonbridge and Limerigg, the existing sites are still considered most appropriate for growth of these villages, and the additional suggestions are not supported. In California, likewise, the additional sites are not considered appropriate, and following reconsideration of the village envelope, it is also considered that site H.CAL5 should be removed from the Local Plan, with a higher density allowed instead on H.CAL4. In Standburn, the two suggested large areas for growth are not considered appropriate.
- 4.22 In Slamannan, which is identified for major growth in the Structure Plan, there are a number of objections to the sites allocated by the Local Plan to the south and east of the village. Meanwhile, objections have been submitted promoting two other major sites for growth. One of these, at Jawcraig, is excessively large and detached from the village, and is not supported. The other, at Hillend Farm, was formerly the Council's preferred area for growth, but was removed from the Local Plan following an 'Appropriate Assessment' in the terms of Article 6 of the Habitats Directive, which showed adverse impacts on the integrity of the Slamannan Plateau proposed Special Protection Area (pSPA). The objector promoting the site has submitted a study which attempted to address the issues. This was reviewed by the Council's own consultants and by SNH, who were both of the view that there will still be adverse impacts on the pSPA. However, subsequent detailed work has been undertaken by the objector in an attempt to address SNH concerns and justify a review of the Appropriate Assessment. SNH's views on this additional work are awaited. Consequently, it is recommended that the response to this objection be to continue consideration of the Hillend Farm site, pending confirmation of SNH's views.
- 4.23 In Whitecross, representations have been made relating to the boundary of the Special Initiative for Residential Led Regeneration (SIRR). Residents of Haining

Valley have expressed concern at the impact of development on the area, whilst a landowner has requested that his land is confirmed as a development site as part of the SIRR. The SIRR boundary is being refined as a result of early masterplanning work by the lead developer, Morston Assets, and a revised boundary is proposed in an attempt to give both residents and landowners a clearer idea of the likely new settlement envelope.

5. PROPOSED PRE-INQUIRY MODIFICATIONS

- 5.1 In a number of cases, the responses to objections indicate that a change to the Local Plan to address the issue raised would be appropriate. These changes are contained in Appendix 2.
- 5.2 Strategic Environmental Assessment (SEA) is now an integral part of the Local Plan process, and an Environmental Report was published along with April 2007 version of the Local Plan. It is necessary to subject the proposed pre-inquiry modifications to SEA, and to identify any consequential changes which may be necessary to the Environmental Report. This has been done through an addendum to the Environmental Report. Many of the changes have no significant environmental effects, several have positive environmental effects and a small number involve some limited additional negative effects.

6. NEXT STEPS

- 6.1 Following approval of the Council's responses and the proposed pre-inquiry modifications, all objectors will be informed of the Council's position on each point of representation, and will be asked to indicate whether they intend to maintain or withdraw their objections. The pre-inquiry modifications will require to be advertised and an opportunity provided for any party aggrieved by them to object.
- 6.2 Outstanding objections will be dealt with at the Local Plan Inquiry which is programmed to commence in early 2009, and for which preparations are now being made. A Scottish Government Reporter will be appointed by the Council to hear the objections, and will submit findings and recommendations to the Council in due course.

7. IMPLICATIONS

- 7.1 Policy. The Local Plan is the main mechanism for implementing the Falkirk Council Structure Plan and its detailed land use policies and allocations will impact on other corporate policy areas. The final plan will therefore be a significant policy document affecting the whole of the Council area.
- 7.2 Legal. The Local Plan is being undertaken in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, and the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. Draft transitional provisions associated with the Planning etc (Scotland) Act 2006 will allow the Council to progress the Local Plan to adoption under the 1997 Act and the 1983 Regulations. However, the draft provisions indicate that where the notice of the Local Plan Inquiry is published after the commencement of Section

2 of the 2006 Act (anticipated around the end of 2008), then the Local Plan would proceed to adoption following the procedures of the 2006 Act. At present, it is unclear whether this will be the case.

- 7.3 Financial. Budget provision has been made for the holding of the Local Plan Inquiry, which will be a substantial cost for the Council.
- 7.4 Personnel. Services within the Council may be required to provide expert witnesses to support the Council's position at the Local Plan Inquiry. In particular, there will be a need for support from Legal Services.

8. RECOMMENDATION

8.1 That Committee:

- (a) notes the representations which have been made to the finalised draft Falkirk Council Local Plan, and accepts those representations in Appendix 1 which have been submitted late;
- (b) recommends to full Council that the responses to each representation contained in Appendix 1 be approved;
- (c) recommends to full Council that the proposed pre-inquiry modifications contained in Appendix 2 be approved, and thereafter advertised to allow the opportunity for further representations; and
- (d) recommends to full Council that, should objections remain unresolved and be considered at the Local Plan Inquiry, the responses and proposed pre-inquiry modifications form the basis of the Council's position at the Inquiry.

.....
Director of Development Services

Date: 25 March 2008

Contact Officer: Alistair Shaw (Development Plan Co-ordinator), ext 4739

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan, January 2007
- 2. Falkirk Council Local Plan, Finalised Draft (Deposit Version), April 2007.
- 3. Letters of Representation to the Falkirk Council Local Plan, Finalised Draft (Deposit Version)
- 4. Falkirk Council Local Plan, Strategic Environmental Assessment: Environmental Report, February 2007.
- 5. Falkirk Council Local Plan, Environmental Report Addendum – Proposed Pre-Inquiry Modifications, January 2008.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504739 and ask for Alistair Shaw (Development Plan Co-ordinator).