



Agenda Item 7

**Falkirk Local Development Plan 2
Submission to Scottish Ministers and
Summary of Unresolved Issues**

FALKIRK COUNCIL

Title: Falkirk Local Development Plan 2
Submission to Scottish Ministers and Summary of Unresolved Issues

Meeting: Falkirk Council

Date: 26 June 2019

Author: Director of Development Services

1. Purpose of Report

- 1.1 The purpose of the report is to seek approval for the Falkirk Local Development Plan 2 (LDP2) to advance to the Examination stage. This involves the submission to Scottish Ministers of the Proposed LDP2, previously approved by Council in August 2018 along with a Summary of Unresolved Issues. This constitutes the Council's response to the representations which have been submitted to the Proposed LDP2.

2. Recommendation

2.1 It is recommended that the Council:

- (a) authorises the submission of the Proposed LDP2, as approved by Council in August 2018, to Scottish Ministers along with a request to appoint persons to examine the plan; and**
- (b) approves the Summary of Unresolved Issues contained in Appendix 2, as the Council's response to the unresolved representations which have been submitted to the Proposed LDP2.**

3. Background

- 3.1 The Council is currently preparing the Falkirk Local Development Plan (LDP2), which will eventually replace the existing Falkirk Local Development Plan (LDP1), adopted in July 2015. LDP2 will set out both the broad vision and strategy for the area for a 20 year period (2020-2040), and detailed, site-specific policies and proposals which will guide development for the first 10 years. LDP2 is intended to build on the principles established in the first LDP and update its suite of policies, as well as identify new proposals where appropriate.
- 3.2 Following extensive consultation on the Main Issues Report (MIR) in 2017, the Council approved the Proposed LDP2 on 27th August 2018. The Proposed LDP2 was then subject to an eight week period for representations from 28th September to 23rd November 2018, during which a substantial number of submissions were received. These submissions have been logged and assessed by officers over recent months.

4. Considerations

Representations

- 4.1 The Council received some 187 submissions during the representation period containing 408 individual comments on different aspects of the Proposed Plan and its associated documents. Of these, 305 sought some form of change to the plan, whilst 84 supported the provisions of the plan. There were a further 19 comments relating to the associated documents (the Action Programme and Technical Reports), or making neutral observations.
- 4.2 Appendix 1 provides an overview of the matters to which the representations relate. Representations have been divided up into 26 issues. For each issue, the number of relevant representations is noted, the detailed sites or policies at issue are listed, and the general nature of the comments noted. Detailed summaries of individual representations may be found in Appendix 2.
- 4.3 A large proportion of the representations are housing-related, with objections being made to strategic housing land provisions, and to individual sites across the Council area. Developers have taken the opportunity to promote sites which were not included in the plan. Economic development sites have also been the subject of attention, as have infrastructure proposals. Policies on place and environment, housing, town centres, infrastructure, energy, minerals and waste have all attracted representations, generally seeking changes to wording.

LDP2 Next Steps

- 4.4 Having received representations to the Proposed LDP2, the Council must decide whether it wishes to make 'notifiable' modifications to the plan, in response to any of these submissions. Notifiable modifications are defined as those which add, remove, or significantly alter any policy or proposal in the plan. If notifiable modifications are made, the Council must republish and re-advertise the whole modified plan, with a fresh opportunity for representations to be submitted.
- 4.5 Alternatively, if the Council decides not to make notifiable modifications, it can proceed to submit the plan, along with associated documentation, to Scottish Ministers. Scottish Ministers will then appoint reporters to hold an Examination into the unresolved issues.
- 4.6 Circular 6/2013 on 'Development Planning' states that:
'From the Proposed Plan stage, Scottish Ministers expect an authority's priority to be to progress to adoption as quickly as possible. Pre-Examination negotiations and notifiable modifications can cause significant delay and so should not be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan'.
- 4.7 The Proposed Plan was agreed by the Council in August 2018 after careful deliberation. This includes consideration of most of the sites and options

which are now the subject of formal objections. Having regard to the representations, and any changes in circumstances which may have occurred since August 2018, it is not considered that there is any overriding need or justification to make notifiable modifications to it. In the light of the above advice in Circular 6/2013, it is therefore recommended that the Council submits the Proposed Plan, in its present form, to Scottish Ministers. This will allow the plan to progress speedily to the Examination stage, in accordance with the timescales set out in the Council's Development Plan Scheme. It also allows unresolved issues to be independently assessed and determined by reporters as soon as possible for subsequent adoption in July 2020.

Summary of Unresolved Issues

- 4.8 In submitting the Proposed LDP2 for examination, the Council must prepare and submit a summary of unresolved issues. This groups the unresolved representations into issues and, for each issue, indicates: a list of the parties making the representations; a summary of the issues raised in the representations, and the changes to the plan sought by them; and the authority's responses. Schedule 4 of the Town & Country Planning (Development Planning) (Scotland) Regulations 2008 provides a format for the summary (the form is consequently known as a 'Schedule 4'). As noted previously, the representations have been grouped into 26 issues. The summary of unresolved issues which is proposed for submission is attached as Appendix 2.
- 4.9 Some of the changes sought by parties in their representations are relatively minor, and are not necessarily of a notifiable nature. In some instances, the Council may not have any particular issue with these amendments. Circular 6/2013 advises that:
- 'The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.'*
- 4.10 It is proposed that the Council adopts this approach towards representations which seek relatively minor changes that the Council considers to be acceptable. This is indicated, where relevant, within Appendix 2. For ease of reference, Appendix 1 highlights in general terms where this has been done.
- 4.11 For the purposes of submission to Scottish Ministers, officers will need to insert cross references to relevant supporting documents in the Summary of Unresolved Issues. There is also the opportunity to provide updates to the information provided so that the document is factually correct at the point of submission.

Action Programme

- 5.1 In submitting the Proposed LDP2 to Scottish Ministers, the Council must also submit its proposed Action Programme, detailing the actions required to deliver the plan's policies and proposals, along with timescales and responsible agencies. The Council approved the Action Programme along with the Proposed Plan in August 2018, and this was subject to consultation.

Some comments on the Action Programme have been received, and a small number of minor changes made.

5. Consultation

- 5.1 As noted above, the Proposed Plan was subject to an eight week period of consultation, which is in excess of the statutory minimum of six weeks. The document was publicised as follows:
- Advert published in the local press
 - Letter sent to all stakeholders on the Development Plan customer database, including those who commented at the MIR stage
 - Publicity on the Development plan Facebook page;
 - Documents and representation forms made available online through the Council's online consultation hub, in libraries and other deposit locations;
 - Neighbours and owner/occupiers of proposed sites notified in accordance with legislative requirements; and
 - Development Plan Newsletter produced to provide a concise summary of Proposed Plan and details of how to make representations.

6. Implications

Financial

- 6.1 None.

Resources

- 6.2 None.

Legal

- 6.3 The requirements and procedures for the preparation of LDPs are set out in the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) and the Town and Country Planning (Development Planning)(Scotland) Regulations 2008.

Risk

- 6.4 None.

Equalities

- 6.5 An Equality and Poverty Impact Assessment has been undertaken for LDP2 to ensure that the plan is robust and that there is no potential for discrimination to groups protected under the Equality Act 2010. This has concluded there is no adverse impact on protected groups.

Sustainability/Environmental Impact

- 6.6 LDP2 has been subject to Strategic Environmental Assessment. The significant environmental effects of the plan have been identified in the Environmental Report. The document has also been subject to a Habitats Regulations Appraisal which has been updated, and will also be submitted to Scottish Ministers.

7. Conclusions

- 7.1 Following consultation on the Proposed LDP2 in late 2018, a number of representations have been made to the Council from those who are seeking changes to the document and those who support it. These have been sorted into issues and proposed responses to the representations have been compiled within a Summary of Unresolved Issues. It is recommended that no notifiable modifications are made to the plan in response to the representations. If agreed, the Proposed LDP2 and the Summary of Unresolved Issues will be submitted to Scottish Ministers to allow LDP2 to proceed to the Examination stage.

Director of Development Services

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

Date: 13 June 2019

APPENDICES

Appendix 1 - Representations Summary

Appendix 2 - Summary of Unresolved Issues (Schedule 4s)

LIST OF BACKGROUND PAPERS

Falkirk Local Development Plan 2 – Proposed Plan, September 2018
Development Plan Scheme, April 2019

Any person wishing to inspect the above background papers should contact Alistair Shaw on 01324 504739

Appendix 1

Proposed Falkirk Local Development Plan 2 Representations Summary

Summary only shows representations relating to unresolved issues. First number is number of respondents seeking change, second number indicates number supporting.

	Issue (Number reps seek change/no reps supporting)	General nature of representations	Changes which it is proposed the Council does not take issue with
1.	Vision (5/2)	Representations relate to housing and population growth, the role of Grangemouth, and mention of wildlife sites in the area profile.	Minor changes to the description of the Falkirk area.
2.	Strategic Housing Land (51/3) <ul style="list-style-type: none"> Housing Targets/Methodology (16/3) Housing Supply/Effectiveness (14/0) HC01 Housing Land (11/0) HC02 Windfall Housing (5/0) HC03 Affordable Housing (5/0) 	Representations from housebuilders take issue with the methodology for deriving the housing supply target, the level of the target, the level of the generosity allowance, the assessment of the existing housing land supply and the effectiveness of sites within the supply. Some representations support the plan's targets. Representations seek wording changes to the strategic housing policies HC01- HC03.	None.
3.	Bo'ness and Muirhouses Housing Sites (5/24) <ul style="list-style-type: none"> MU02 Drum Farm South (1/0) Crawfield Road (1/24) North Bank Farm (2) Stacks Farm (1/0) 	Representations from developers seek the allocation sites at Crawfield Road, North Bank Farm and Stacks Farm. A number of local residents support the plan's position with regard to Crawfield Road. A further representation seeks amendment to the guidance for Drum Farm South to allow potential access to further sites to the south.	Minor change safeguarding future access option from MU02 Drum South to Borrowstoun Road.
4.	Bonnybridge & Banknock Housing Sites (7/3) <ul style="list-style-type: none"> General approach to development (2/0) H08 Banknock South (3/0) Milnquarter Farm (1/0) 	Two representations object to the general approach to growth in the area and lack of infrastructure provision. Banknock South representations seek deletion of the site,	Minor changes to the Development Guidance for H07 Banknock South regarding woodland and correction of drafting error.

	<ul style="list-style-type: none"> Reilly Road (1) 	or amendments to the guidance for the site. Developer representations seek the allocation of additional sites at Milnquarter Farm and Reilly Road.	
5.	Maddiston and Rumford Housing Sites (9/4) <ul style="list-style-type: none"> General approach to development (2/0) H13 Parkhall Farm 1 (1/1) H16 Parkhall Farm 4 (1/1) H17 Toravon Farm (1/0) BUS22 Maddiston Fire Station (1/2) Parkhall Farm North West (1/0) Parkhall Farm North(1/0) Gillandersland (1/0) Greenwells Farm North (1/0) Maddiston East Development Guidance/GN14 (1/0) 	Representation to Parkhall Farm 1 seeks amendment to site boundary. Representation to Parkhall Farm 4 seeks deletion of site. Representation to Toravon Farm seeks amendment to site guidance. One representation on Maddiston Fire Station seeks its allocation for housing, the other supports its proposed business/community use. Developer representations seek the allocation of additional sites at Parkhall Farm North, Parkhall Farm North West, Gillandersland and Greenwells Farm North. A further representation seeks changes to the Maddiston East Development Guidance to take account of green network Proposal GN14.	Minor change to Development Guidance for Maddiston East inserting cross reference to green network proposal GN14.
6.	Polmont Housing Sites (6/2) <ul style="list-style-type: none"> BUS21 Gilston (1/1) Polmont Park (1/0) Station Road (1/1) Haygate Avenue (1/0) Milnholm Farm (1/0) Polmont Brethren Church (1/0) 	Representations to Gilston include one seeking change of use from business to mixed use, and one supporting the existing business allocation. Developer reps seek the allocation of additional sites at Polmont Park, Station Road, Haygate Avenue, Milnholm Farm, and Polmont Brethren Church.	None.
7.	Wallacestone, Redding and Reddingmuirhead Housing Sites (28/13) <ul style="list-style-type: none"> General approach to development (10/7) H21 Hillcrest (14/0) Standrigg Road 1& 2 (2/2) Middlerigg Farm (1/4) Redding Road (1/0) 	A number of general representations broadly support the plan's approach to growth, but some seek further reinforcement of the text to emphasise this approach. Hillcrest representations include those seeking deletion of the proposal or reduction in its capacity, and developer seeking site boundary to be changed and site included in village limit. Developer representations seek allocation of additional sites at Standrigg Road 1,	None.

		Standrigg Road 2, Middlerigg Farm and Redding Road. Representations also support the non-allocation of these sites.	
8.	California and Standburn Housing Sites (4/0) <ul style="list-style-type: none"> • H28 Standburn West (2/0) • East of Burnside Villa, California (1/0) • Broadhead, near Candie (1/0) 	Standburn West representations object to the allocation of the site. Developer representations seek the allocation of additional sites at Burnside Villa and Broadhead.	None.
9.	Slamannan and Limerigg Housing Sites (24/2) <ul style="list-style-type: none"> • H25 Slamannan Road, Limerigg (2/2) • Effectiveness of existing sites (18/0) • Hillhead Farm (1/0) • Southfield Farm (1/0) • Dyke Farm (1/0) • Slamannan Road 1, Limerigg (1/0) 	A number of representations question the effectiveness of existing sites in Slamannan/Limerigg, and consider that alternatives should be supported. Developer representations seek the allocation of additional sites at Hillhead Farm, Dyke Farm and Southfield Farm. Representations to H25 Slamannan Road, Limerigg include those supporting the existing site, as well as those seeking to extend it. Representation to Slamannan Road 1, Limerigg seeks to reinstate a site proposed for deletion.	None.
10.	Whitecross Housing Sites (3/0) <ul style="list-style-type: none"> • H29 Whitecross (1/0) • BUS02 Manuel Works (1/0) • Land South of B825 (1/0) 	Whitecross representation seeks amendment to the Development Guidance for the site. Manuel Works representation seeks change of use from business to mixed use. Further representation seeks allocation of an additional site to the south of Whitecross.	None.
11.	Denny Housing Sites (7/0) <ul style="list-style-type: none"> • General approach to development (1/0) • H30 Former Denny High School (1/0) • H35 Rosebank (1/0) • Rosebank North/Bankend Farm (2/0) • Kirkland Farm (1/0) • Denovan (1/0) 	One representation objects to the general approach to development in the area. Denny High School representation seeks rewording of site comments. Rosebank representation seeks deletion of allocated site. Developer representations seek the allocation of additional sites at Bankend Farm, Rosebank North, Kirklands Farm and Denovan	Minor change to Development Guidance for H30 Denny High School site acknowledging that loss of pitches should be considered against Policy PE16.
12.	Falkirk Housing Sites (4/0) <ul style="list-style-type: none"> • H41 Grangemouth Road (2/0) 	Grangemouth Road representations seek changes to the extent of the allocated site and the site guidance. Abbotsford	None

	<ul style="list-style-type: none"> BUS06 Abbotsford Business Park (1/0) Glen Farm (1/0) 	representation seeks change of use of business site to mixed use including housing. Glen Farm representation seeks allocation of an additional housing site.	
13.	Larbert/Stenhousemuir Housing Sites (9/0) <ul style="list-style-type: none"> MU19 Hill of Kinnaird 2 (2/0) BUS19 Glenbervie (1/0) Hill of Kinnaird East (1/0) Roughlands/Kirkton Farm (3/0) Bensfield Farm (1/0) Stirling Road (1/0) 	For Hill of Kinnaird 2, one representation seeks additional housing content, while the other seeks retention in business use. Glenbervie representation seeks change of business site to mixed use including housing. Developer representations seek the allocation of additional sites at Hill of Kinnaird East, Roughlands/Kirkton Farm Bensfield and Stirling Road.	None, although it is recognised that PPP has been granted for the Stirling Road site on appeal, and the Reporter may wish to regard this as a commitment and reflect this in the plan.
14.	Airth Housing Sites (5/1) <ul style="list-style-type: none"> H49 Airth Castle South (1/0) H50 The Glebe (1/1) Eastfield (1/0) Airth Mains (2/0) 	Representation for Airth Castle South seek caveat to existing allocation. Glebe representations seek the deletion of the site, and support it. Representations seek new allocations for housing at Eastfield and housing/tourism at Airth Mains.	Minor change to comments on H49 Airth Castle South to reference need for flood risk assessment.
15.	Other Rural North Housing Sites (9/0) <ul style="list-style-type: none"> Thermalite Site, South Alloa (1/0) Kersie Terrace, South Alloa (1/0) Dunmore (1/0) Letham (1/0) Newton Avenue, Skinflats (2/0) Castle Crescent, Torwood (1/0) Blairs Farm, Torwood (2/0) 	All representations are seeking the allocation of additional sites across the villages of South Alloa, Dunmore, Letham, Skinflats and Torwood.	None.
16.	Grangemouth Investment Zone (10/1) <ul style="list-style-type: none"> General strategy for town (1/0) BUS15 Grangemouth Docks West (1/0) Grangemouth Docks East/Grangemouth FPS (2/0) BUS12 Earls Gate Park (1/0) BUS13 Glensburgh Road (1/1) Yonderhaugh, Grangemouth (1/0) Grangemouth Investment Zone boundary (1/0) JE06 Major Hazards (2/0) 	General representation takes issue with the overall strategy for the town. Grangemouth Docks West representation seeks amendment to the comments for allocated site. Grangemouth Docks East representations seek additional business allocations and changes to the expression of the Grangemouth Flood Protection Scheme in relation to those sites. Earls Gate representation seeks a minor textual change. For Glensburgh Road, one representation supports the allocation, the	Minor wording change to Policy JE06 relating to revocation of hazardous substances consents.

		other seeks its reallocation for social housing. Yonderhaugh representation seeks an additional business allocation and removal of the site from the green belt. Further representations seek the boundary of Grangemouth Investment Zone to be shown in the plan, seek changes to the wording of the major hazards policy or the reduction in the scale of major hazard zones.	
17.	Other Business Sites (4/0) <ul style="list-style-type: none"> BUS01 Kinneil Walled Garden (1/0) BUS03 Beancross (2/0) BUS23 Grandsable Road (2/0) Easter Thomiston (1/0) 	Kinneil Walled Garden representation seeks amendment to the proposal. Beancross (Klondyke) representations support the allocation, but seek amendment to the range of uses and the site's removal from the green belt. Grandsable Road (Falkirk Distillery) representations seek the removal of the site from the green belt, and amendment of the extent of the site to take account of heritage interests. Easter Thomiston representation seeks allocation of an additional business site.	None.
18.	Place and Environment Policies (26/2) <ul style="list-style-type: none"> PE01 Placemaking (1/0) PE03 Advertisements (1/0) PE06 Archaeological Sites (1/0) PE13 Green and Blue Network (2/0) PE14/15 Countryside/Green Belt (4/0) PE16/17 Open Space Policies (4/0) PE18 Landscape (3/0) PE19 Biodiversity and Geodiversity (1/1) PE20 Trees and Woodland (2/0) PE22 The Water Environment (1/0) PE23 Marine Planning and the Coastal Zone (1/0) PE24 Flood Management (1/0) PE25 Soils and Agricultural Land (4/0) PE27 Vacant, Derelict and Contaminated 	Representations seek amendments to the wording of policies or associated supporting text. One representation seeks removal of open space designation from a site at Drove Loan, Denny.	Minor wording changes to the following policies and their supporting information: PE01 Placemaking; PE06 Archaeological Sites; PE16 Protection of Open Space; PE17 Open Space and New Development; PE18 Landscape; PE19 Biodiversity and Geodiversity; PE20 Trees, Woodland and Hedgerows; PE22 The Water Environment; PE23 Marine Planning and the Coastal Zone; PE24 Flood Management; PE25 Soils and Agricultural Land.

	Land (1/1)		
19.	Other Housing Policies (6/0) <ul style="list-style-type: none"> • HC04 Housing Density & Site Capacity (1/0) • HC05 Housing in the Countryside (2/0) • HC06 Infill Development (1/0) • Age Restricted Housing (1/0) • Self Build Housing (1/0) 	Housing density, housing in the countryside, and infill development representations seek changes to these policies. Other representations seek additional policies dealing with age-restricted housing and self-build.	Minor change to Policy HC06 to clarify that this policy relates to the urban area.
20.	Town Centre Policies and Proposals (9/1) <ul style="list-style-type: none"> • Central Retail Park (1/1) • Falkirk Town Centre (3/0) • Grangemouth Town Centre (1/0) • Camelon Local Centre (1/0) • JE09 Retail and Commercial Leisure Development (3/0) 	Representations on Central Retail Park both oppose and support its designation as a commercial centre outwith Falkirk Town Centre. Falkirk Town Centre representations seek proposal status for the Howgate Centre, clarification on the content of Proposal MU12 at Grahamston, and reference to the location of the Council HQ in the Town Centre. Grangemouth Town Centre representation seeks additional resources and commitment to the centre. Camelon Local Centre representation opposes the designation of the Glasgow Road area as a commercial centre outwith Camelon Local Centre. Representations to JE07 support the policy. Representations to JE09 seek wording changes.	Minor changes to Falkirk Town Centre Development Guidance to reference the Council HQ/Arts Centre project, and to acknowledge restructuring potential at the Howgate and Callendar Square Amendment to the title of Policy JE09 to 'Town Centre First'
21.	Infrastructure Policies and Proposals (22/2) <ul style="list-style-type: none"> • IR02 Developer Contributions (7/1) • Contributions to Rail Infrastructure (2/0) • IR03 Education and New Housing (1/0) • IR04 Community Facilities (1/0) • IR05/06 Transport Assessment/Active Travel (3/0) • IR08 Freight Transport (1/0) • IR10 Drainage Infrastructure (1/0) • IR11 Digital Infrastructure (2/0) • Rail Station Safeguarding (1/1) • Active Travel Projects (2/0) • Healthcare (1/0) 	Policy representations generally seek wording changes, or policy deletion. Two representations seek reference to be made to contributions to rail infrastructure at particular sites. Two reps relate to the safeguarding of rail station sites. Active travel representations seek the identification of an exemplar walking/cycling settlement in the area, and an additional active travel opportunity at Bo'ness to be shown in the plan. Healthcare representation seeks pressures on healthcare infrastructure to be reflected in the plan.	<p>Minor change to Policy IR10 Drainage Infrastructure to clarify references to associated technical manuals.</p> <p>Minor change to Policy IR11 regrading the decommissioning of telecommunication masts.</p> <p>Inclusion of updated information on capacity in primary healthcare facilities.</p>

22.	Energy Policies (10/0) <ul style="list-style-type: none"> IR12 Energy Generation Development (2/0) IR13 Low and Zero Carbon Development (3/0) IR14 Heat Networks (5/0) 	Policy representations seek wording changes.	None.
23.	Mineral Policies (7/3) <ul style="list-style-type: none"> IR15/16 Mineral Policies (1/3) Onshore Oil and Gas (4/0) Peat Extraction (2/0) 	Representation seeks changes to IR15, while others support IR15/16. Representations on onshore oil and gas seek an additional policy on the topic, a presumption against fracking to be stated in the plan, changes to the PEDL plan and PEDL areas to be depicted on the proposals map. Two representations seek recognition of ongoing peat extraction in the plan.	Amendment to the title of Map 3.8 to refer to onshore oil, gas and minerals.
24.	Waste Policies and Proposals (3/0) <ul style="list-style-type: none"> IR17 Waste Management Facilities (2/0) Avondale Safeguarded Site (1/0) 	Two representations seek changes to IR17. Avondale seeks site to be reinstated as an allocated extension to the existing waste management facility.	None.
25.	Site Specific Environmental Mitigation (23/0) <ul style="list-style-type: none"> Various environmental matters (SEPA) (10/0) Woodland mitigation (Woodland Trust) (1/0) Historic environment mitigation (HES) (6/0) HRA wording (SNH) (1/0) Natural heritage mitigation (SNH) (2/0) Pipeline constraints (National Grid) (3/0) 	These representations are from agencies seeking additional safeguarding wording to be inserted in respect of their interests across a range of sites.	Minor wording changes to site comments and development guidance to include reference to various site specific mitigation measures as sought by various environmental agencies.
26.	Miscellaneous (6/1) <ul style="list-style-type: none"> Homeworking (1/0) Energy/Waste innovation in Business Areas (1/0) Biodiversity Reference (RSPB) (1/0) Outdoor Learning Areas (1/0) GN24 Community Growing Maddiston (1/1) 	Miscellaneous minor representations seeking changes to policy and text wording or relating to minor green network proposals.	Minor wording changes to the text of the Introduction and the Spatial Strategy (Place) sections.

APPENDIX 2

FALKIRK LOCAL DEVELOPMENT PLAN 2

PROPOSED SUMMARY OF UNRESOLVED ISSUES (SCHEDULE 4)

**DRAFT FOR COUNCIL MEETING
JUNE 2019**

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Issue 1	Vision	
Development plan reference:	Chapter 2 Vision (pages 7-12)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Homes For Scotland (00284) Ogilvie Homes Ltd (00614) Gladman Developments Ltd (01258) The Grangemouth Chemical Cluster Companies (TGCCC) (00878) RSPB (00977)		
Provision of the development plan to which the issue relates:	The vision for the area as set in Chapter 2.	
Planning authority's summary of the representation(s):		
<p>Housing</p> <p><u>Homes For Scotland (00284/3003/001)</u></p> <p>The overall vision is supported however the substance of the plan does not match the ambitions expressed. Paragraph 2.03 reads negatively in this regard. With the housing market recovering the plan provides an opportunity to build on this and unlock new sites for development. The acknowledgement of infrastructure issues is welcomed and the plan provides an ideal opportunity to address these.</p> <p><u>Ogilvie Homes Ltd (00614/3007/001)</u></p> <p>The Council's objective to "enable continued population and household growth, and the delivery of housing to meet the full range of housing needs" fails to make clear that a generous and effective housing land supply is a key component of any strategy aimed at growing the population. Effective housing sites should be provided within all towns and villages to ensure all communities benefit from growth.</p> <p><u>Gladman Developments Ltd (01258/3005/002)</u></p> <p>The vision set out in the Proposed Plan is supported. It acknowledges that the population is growing and that it is projected to continue to increase. Gladman is also pleased to see that the Council understands the need to "plan positively to create significant new housing to meet the needs of local people and incomers alike". The overall aim to develop Falkirk as a good place to live and work is supported</p>		

Miscellaneous

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001)

References to the petrochemical complex in page 8 of the Vision should be amended to include a reference to the chemical industries in the area.

RSPB (00977/3002/002)

Paragraph 2.01 does not mention important designated wildlife sites in the Falkirk area, for example the Forth of Firth Special Protection Area. The estuary and its wildlife are internationally important. Paragraphs 2.02-2.06 lack reference to information on biodiversity and natural environment. Page 12, Sustainable Place, second objective, last sentence, has an error and should read "avoid damage to the environment and communities" rather than "avoid damage to the environment of communities".

Modifications sought by those submitting representations:

Housing

Homes For Scotland (00284/3003/001)

Amend paragraph 2.03 to reflect a less negative view of housing and the housing market. The housing supply target and housing land requirement should be changed and additional effective land allocated for housing, as per other representations on housing land.

Ogilvie Homes Ltd (00614/3007/001)

Amend table on page 11 under 'Thriving Communities' to make clear the Council's commitment to providing for effective and generous housing opportunities within all communities across the plan area.

Miscellaneous

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001)

Amend 5th sentence in paragraph 2.01 to read: "Grangemouth hosts the largest chemical and petrochemical complex in Scotland."

RSPB (00977/3002/002)

In paragraph 2.01, include reference to the area's designated wildlife sites, including the international importance of the Forth Estuary. In paragraphs 2.02 – 2.6, include information on biodiversity and the natural environment. On page 12, Sustainable Place, second objective, last sentence, amend "avoid damage to the environment of communities" to read "avoid damage to the environment and communities".

Summary of responses (including reasons) by planning authority:

Housing

Homes For Scotland (00284/3003/001)

Paragraph 2.03 is considered to be a balanced summary of the challenges and opportunities associated with the delivery of housing in the area. It emphasises the need to plan positively for housing whilst acknowledging the some of the obstacles in terms of infrastructure capacity, low market demand in some areas, and environmental and sustainability concerns. The Council does not agree to modify the plan in response to this representation.

Ogilvie Homes Ltd (00614/3007/001)

The Council considers that the wording of this high level objective is appropriate in that it articulates the overall desired outcome – facilitating population and household growth, and meeting people's housing needs. Issues around the generosity and effectiveness of the land supply are more detailed issues which are dealt with within the housing element of the spatial strategy, and in Policy HC01. The Council does not agree to modify the plan in response to this representation.

Miscellaneous

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/001)

The Council does not take issue with this minor change. It is not regarded as a notifiable change.

RSPB (00977/3002/002)

Additional text to address RSPB's concerns could be added as follows

- Insert in paragraph 2.01 after the second sentence: "It hosts many important designated wildlife sites, not least the internationally important habits along the Forth Estuary".
- Insert in paragraph 2.02 after second sentence: "It supports a range of habitats and species that are locally, nationally and internationally important".
- Under the 'green network' objective in the vision (page 12) change the "environment of communities" to "the environment and communities"

These are not regarded as notifiable modifications.

Issue 2	Strategic Housing Land	
Development plan reference:	<u>Chapter 3 Spatial Strategy</u> Housing (pages 18-19) <u>Chapter 4 Policies</u> Homes and Communities Housing Policies HC01-HC03 (pages 43-44)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Homes For Scotland (00284) AWG Property & Mactaggart & Mickel Homes (03035) Bellsdyke Consortium/Forth Valley NHS (02716) Cala Homes (West) Ltd (00512) Craigrossie Properties Ltd (00904) Gladman Developments Ltd (01258) Miller Homes (02869) Stewart Milne Homes (00371) Wallace Land Investments (00001) Taylor Wimpey UK Limited (00198) Muir Homes Ltd (01160) Ogilvie Homes Ltd (00614) Grangemouth (including Skinflats) Community Council (02723) Persimmon Homes (East Scotland) Ltd (00712) Scotland Fire and Rescue Service (00331) Mr Robert Alistair Young (02192) Ms Kim Cranmer (03002) Ms Kate Connachie (03003) Reddingmuirhead and Wallacestone Community Council (00426) Hansteen Land Ltd (00772) A&S R&W S&C Community Councils (03034) Ms Margaret Higgins (02960)</p>		
Provision of the development plan to which the issue relates:	The housing elements of the Spatial Strategy, as set out in Chapter 3 and particularly Table 3.2, including overall housing targets and requirements, the overall provision of land to meet those targets, the effectiveness of the supply, and the flexibility allowance. Related policy provisions relating to housing land (HC01), windfall housing (HC02) and affordable housing (HC03).	
Planning authority's summary of the representation(s):		
Housing Supply Target and Methodology		
<u>Homes For Scotland (00284/3003/002)</u>		
The Housing Supply Target (HST) at less than half of the pre-recession rate lacks ambition at a time when the home building sector is recovering.		

Concern is expressed on the use of the National Register of Scotland (NRS) 2012 population projections which are based on recessionary trends and the latest projections now indicate a more rapid rate of household growth in Falkirk. The HNDA base date is 2012 and by calculating the HST from 2020 8 years of unmet need are unaccounted for. SPP paragraph 114 states that the HNDA and the LDP should be closely aligned. Recent precedents regarding Clydeplan SDP and Stirling LDP support this.

Empty Homes should not be used to suppress the HST and they should not be factored into the HST. While the starting point of the HST is a need for 9407 units from 2012 - 2030 with 125 added for demolitions this gives a figure of 9534 or 530/yr. This however is still only 53% of peak pre recession completions. It is noted that Scottish Government completions are different from Falkirk Council's records.

Homes for Scotland's MIR response suggested at least 600 units/yr which between 2012 and 2030 would deliver 10800 units which also takes account of higher 2016 household projections and strikes a balance between ambition and deliverability. The plan also places too high a reliance on existing supply which contains many sites of questionable effectiveness.

The HST should be calculated from the base date of the HNDA at 2012 to 2030 and total 10800. A generosity margin of 18%, which reflects the average under performance of completions compared to the adopted LDP target between 2014 and 2017, should be applied giving a Housing Land Requirement of 9592 once completions from 2012 are accounted for. Comparing this to the 2017/18 Housing Land Audit (HLA) and new allocations and windfall results in a shortfall of approximately 3000 new homes.

AWG Property & Mactaggart & Mickel Homes (03035/3001/004)

The housing supply target and requirement is too low. The HST has been reduced to 450 as a result of the deletion of housing sites rather than being used to inform the site selection process. The reduction from 480/yr has not been fully explained. The affordable element has not been reduced and the target is unlikely to be achieved particularly post 2021. The lack of private sites will reduce the delivery of affordable housing.

The approach in Technical report 3 to deliver housing to meet the downward trend in household formation is not supported and this can be countered by more ambitious targets and a range of deliverable sites to increase supply and help to slow or reverse price rises.

There has been an under delivery of sites in LDP1 yet these are the basis of 92% of the supply.

A robust explanation of the generosity figure should be provided in the plan in accordance with SPP and an explanation for the changes to the rate and a 20% rate should be applied as in the June 2018 Committee draft.

Bellsdyke Consortium/Forth Valley NHS (02716/3003/002)

The proposed plan should adopt a more positive growth strategy. The plan suppresses the housing supply target in not closely aligning it with the HNDA and by removing a number of allocations. The Council's spatial strategy of restricting growth in Larbert and Stenhousemuir is unsustainable and will not deliver the housing land requirement. In response to recent completions and market evidence the target should be increased to 600/yr. The Council should not continue to focus on strategic growth areas which have failed to deliver and should instead focus on sites which are or can be made deliverable and effective. The generosity allowance should be increased to 20% to ensure sites can come forward.

Cala Homes (West) Ltd (00512/3003/002)

The proposed plan suppresses the housing supply target in not closely aligning it with the HNDA and in removing a number of proposed sites. Homes for Scotland's submission is also fully supported.

The proposed target is 15% below recent completion levels and 45% below peak levels and will suppress the recovery in new house building levels. The target does not address need identified in the HNDA from 2012 to 2020 and the target should more closely match the HNDA period as set out in SPP. The calculation of the target between 2020 and 2040 is also questioned. The target should be increased to 10800 for 2012 to 2030 and the generosity allowance increased to 20% which reflects the past shortfall in meeting the current target of 18% identified by Homes for Scotland.

The Homes for Scotland approach of setting the requirement over the period 2017- 2030 is also supported which equates to a requirement for 9592 units taking into account completions and the generosity allowance.

Craigrossie Properties Ltd (00904/3003/003)

A windfall allowance should not be included in Table 3.2 and this output should instead contribute extra flexibility to the supply.

The generosity allowance should be increased to 20% to ensure a wider range and choice of sites. This will also help to contribute to the maintenance of the five year land supply and population and household growth. An additional site at Greenwells Farm North should be allocated for development to address the resulting shortfall in supply.

Gladman Developments Ltd (01258/3005/006)

While the vision is supported the detail in the plan does not reflect the plan's ambitions. Although the HNDA has been assessed by the Centre for Housing Market Analysis the data used to inform it is based on recessionary periods. The household projections are therefore taking into account lower levels of housing

need than is realistic. There is an issue with unmet need in the HNDA and its relationship with the HST dates. There are also concerns about the level of generosity and the lack of robust explanation as required by SPP. Concern is expressed for the amount of the proposed supply rolled forward into the plan, the number of large sites and the age of some of the allocations. There is also little evidence that the ambitious affordable housing element of the target is achievable.

Homes for Scotland's representation is adopted and endorsed.

Additional sites should be allocated providing greater range and choice given the Council's reliance on large sites and the continuing housing land shortfall.

Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002)

There are significant issues with the methodology used to define the housing supply target, housing land requirement and the effective housing land supply. The proposed target bears no close or clear alignment to the evidence base in the HNDA from 2012 – 2030 and the housing supply target should take into account completions from 2012 – 2017.

The Council has incorrectly calculated the generosity allowance by first assessing land supply and then applying an allowance based on that supply, contrary to SPP. The shortfall in the last three years has been 18% against the adopted LDP target of 675/yr and this should be the generosity allowance.

The Council will not meet its housing land requirement to 2030 and the Council should therefore make additional housing land allocations.

Muir Homes Ltd (01160/3001/003)

Sufficient land is not made available to maintain an effective 5 year housing land supply. The target has been reduced to 450 which is less than half the output in the pre-recession peak. The target should be increased to meet demand and additional sites allocated which are sustainable and effective green field sites.

Ogilvie Homes Ltd (00614/3007/004)

The Plan proposes to reduce the housing supply target by 225/yr which represents a reduction of 2250 over 2020 to 2030. The flexibility allowance is also decreased from 17% to 14%. No explanation is provided to support this reduction and the plan should revert to an allowance of 17%. The annual target should be increased to 675/yr and the housing land requirement adjusted accordingly. The plan fails to identify sufficient housing sites to deliver the future needs of the area and additional sites should be allocated.

Ogilvie Homes Ltd (00614/3006/003)

The housing supply target should be ambitious and realistic and seek to deliver a higher level of growth. A higher target would also be supported by applying the higher HNDA baseline figure of 561/yr for 2016-2021 rather than averaging the figures over a 20 year period. The target should be 600/yr with a generosity allowance of 20%.

The downgrading of Denny/Dunipace to an area of medium growth potential from High in the MIR is objected to. The most up to date 17/18 HLA indicates that large housing sites are the main source of completions, the windfall rate in Denny has only been 1.8/yr and only around 190 units are identified in the urban capacity study for the area. There are also limited brownfield opportunities in Denny/Dunipace.

Additional sites out with the core development areas should be allocated to ensure an even spread in population growth and to support the sustainable growth of settlements. The identification of additional land will also support the delivery of affordable housing.

Persimmon Homes (East Scotland) Ltd (00712/3011/002)

The housing supply target has been reduced from 9600 to 9000 for the period 2020-2040. Even without this reduction the Council has a deficit in its effective land supply and further sites should be allocated. The target does not reflect recent housing land audits and is based on an historic HNDA and is not reflective of market and demographic conditions. The loss of units agreed at Committee was 1520 with 350 units added. The additional sites do not compensate for the loss of units at MU06, MU07 and H07 and the Council still has a shortfall of 570 units. The target should be increased to at least 9600 and the flexibility allowance should be 20%.

The affordable housing target is high and evidence is required to indicate that funding is available for a significant proportion of the target to ensure it is achievable.

Scotland Fire and Rescue Service (00331/3003/002)

The housing supply target should be increased to 550 – 600 homes/yr and the generosity allowance should be 20% as in the June 2018 Committee Report on the Draft Proposed LDP2. This would be realistic and ambitious seeking to deliver a rate above the recent 500 homes average. No evidence has been provided to justify the reduction in the generosity allowance from the June draft plan to 14% in the approved proposed plan. The Council has removed 700 allocations from the June Committee Draft reducing the allocations to 491 units. It is unclear how the proposed requirement will meet the projected population and household growth identified in the plan.

Affordable housing is expected to deliver 46% of the target and significant development will be required to meet this figure which is considered unlikely given recent delivery rates.

The HNDA uses projections from 2012 and does not factor in any backlog between 2012 and 2020. The amount of housing should not be reduced to reflect the downwards trend in household formation and the Council should set ambitious targets to meet housing need. Recent and predicted completions in the HLA are significantly lower than the current LDP target and the HLA identifies a current shortfall of 482 homes. Even using the proposed lower target there will be a shortfall in supply of 1040 homes from 2012. The LDP should therefore be amended to add allocations and an increased generosity allowance and housing land requirement to meet the shortfall.

Taylor Wimpey UK Limited (00198/3005/006)

In line with the Geddes Housing Land Supply Statement the HST is incorrect and does not adequately reflect the provisions of the HNDA. The target should not be reduced below recently achieved completion rates. The target should be more ambitious and plan for the continued improvement in market conditions. The target should be set at 600/yr and further allocations should be made to meet it. The affordable/private split should be 180-200 affordable and the remainder private. The generosity allowance is too low and given the adopted LDP's failure to meet its housing land requirement the figure should be 20%.

The effectiveness of existing sites is questioned and a number of sites in the 2017/18 HLA appear to be constrained which could remove an additional 600+ units from the supply.

Unless the windfall rate can be supported by robust justification of past completions or the identification of sites through an urban capacity study a windfall allowance should not be relied on.

Mr Robert Alistair Young (02192/3004/004)

The HST is for 2020-2030 however the HNDA base date is 2012. This will result in eight years of demand not being included in the HST. The HNDA and HST periods should be aligned as per recent development plan approvals for Clydeplan and Stirling. The HST for 2012-2030 should be 10800 which is 600/yr which is supported by recent completion data. The HLR should include a generosity allowance of 20% as the plan relies too heavily on existing housing land supply which is of questionable effectiveness.

To meet the increased target significant additional sites should be allocated.

Ms Kim Cranmer (03002/3001/002); Ms Kate Connachie (03003/3001/002)

Supports the Council's decision to reduce the housing supply target to 450 units per year.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005)

The reduction in the housing supply target to 450 units per annum is supported. This change appears to reflect a detailed analysis of the changing demand for

housing, and likely demographic shifts, within the Council area over the life of the proposed plan. However, there is some concern about the housing land requirement which is marginally above the identified supply. Some sites identified in past plans have ended up not being developed, leaving the Council with a housing shortfall. The Council must ensure it is able to demonstrate an effective land supply at the beginning of LDP2 and also for the duration of the plan. The existing shortfall has meant that the Reddingmuirhead and Wallacestone Community Council area has had a number of planning applications contrary to LDP1, with the potential to undermine the plan strategy and reduce public confidence in the planning system. LDP2 should not afford opportunities for developers to exploit a potential shortage.

Housing Land Supply and Delivery

Homes For Scotland (00284/3003/003)

The proposed plan sets out a housing supply for 2020-30 of 5124. This period is incorrect and does not align with the HNDA. The supply figure in Table 3.2 of LDP2 therefore needs adjusted to address the period 2017-2030. Amending the figure is difficult as the housing supply situation as set out in Technical Report 3 adjusts the 2016/17 HLA with some of the changes not fully explained. As some sites nearing completion in 2017/18 have been excluded it is not possible to rectify this by adjusting the programming. Instead the 2017/18 HLA should be used. In addition the new allocations in LDP2 have been programmed in. This gives a total programme for 2017-2030 of 5887. This identifies a shortfall of 3055 units.

The housing land supply is reliant on sites out with the more marketable areas and the failure to allocate land in Larbert, Stenhousemuir and Polmont is a serious flaw in the spatial strategy. Infrastructure concerns in some of these areas are recognised and these could be addressed at the proposed plan stage by engaging with the housebuilding industry before the examination process.

The Plan requires a fundamental rethink because of the significant shortfall and failure to allocate land in the more marketable locations.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005)

There is a question over the effectiveness of sites allocated at Committee and of sites already allocated. Gateside, Bonnybridge (MU20) is a constrained site with a number of issues including two high pressure pipelines and has been allocated for some time without coming forward for development. The Haining (H54) is also constrained and a number of issues are identified including landscape and canal setting and habitat issues. Parkhall Farm 3 (H15) has been identified although it also has significant issues relating to landscape, a SINC on the site, habitats and flooding.

Cala Homes (West) Ltd (00512/3003/003)

The reliance on existing land supply is questioned and the Council's deallocation

and reprogramming of sites is an indication of the weaknesses in the existing supply. Homes for Scotland have identified the effective supply based on the 2017/18 HLA while Technical Report 3 is based on the previous HLA. Homes for Scotland's approach is endorsed which identifies a shortfall in supply between of 3055 units taking into account an effective supply of 5396, new allocations of 491, windfall allowance of 650 when assessed against a revised requirement of 9592 units.

The plan should be better aligned with market demand and additional land should be allocated in Larbert, Stenhousemuir and Polmont.

Craigrossie Properties Ltd (00904/3003/001)

The site at Parkhall Farm (Proposed Plan Ref H18) exclusively for amenity/community care housing and a care home will not deliver mainstream housing as care homes are not a residential use. As such, this site (H18), cannot contribute 70 units to the housing land supply as it is not a residential use. As it is not proposed for a residential use, this site (H18) should be removed from the housing allocations table.

Craigrossie Properties Ltd (00904/3003/004)

LDP2 should allocate sufficient sites to provide a 5 year land supply and the reliance on some of the large strategic growth areas is not appropriate. SPP requires a range of sites to be allocated. The deallocation of stalled sites and the removal of additional sites prior to publication is noted however these have not been replaced.

Ogilvie Homes Ltd (00614/3006/003)

The Council should consider other areas for housing growth rather than the dominant areas of the last 10 years. This will provide a more even spread of population growth and promote the sustainable growth of settlements. Although Denny is identified as an area with medium growth potential the 2017/18 HLA only indicates 150 units in the second period of the plan 2030-2040. Denny was also identified as a high growth potential area at the MIR stage.

Hansteen Land Ltd (00772/3003/002)

The issue facing LDP2 is a lack of effective housing land and there is now a cumulative shortfall which requires to be addressed. A review of the housing land supply in the 2017/18 HLA indicates that the Council's current assessment of effective land supply should be reduced to 1997 units or 2.96 years if only sites in the control of a housebuilder or developer are included. Gilston can be allocated without undermining the LDP strategy and would contribute to the effective housing land supply.

Grangemouth (including Skinflats) Community Council (02723/3002/006)

The plan does not address the redevelopment of existing areas which is particularly relevant to Grangemouth which has approx. 53% flats with associated

problems. The population is declining and the lack of housing proposals in Grangemouth will not address this issue. This contributes to people commuting in and out of Grangemouth so the town does not benefit from the jobs provided by industry and it increases pollution. The town centre could be redeveloped with less shops and more non flatted housing. The major hazard zones which affect Grangemouth should not impede housing as correct design and materials can mitigate the effects of a blast wave, as is used elsewhere for earthquakes. The zones appear not to limit industrial expansion in Grangemouth.

Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003)

The housing land supply identified in appendix 6 is contrary to that agreed with Homes for Scotland in the 2017/18 HLA and there is a significant shortfall in housing allocations. Reviewing the supply from 2017-2030 indicates an existing supply of 5396, new housing of 491 and a total of 5887. The windfall growth rate is accepted and should be 650 for 2017-2030. Using these figures there is a shortfall of 1777 units to 2030 and an additional shortfall between 2030 and 2040 of 3076.

Significant new allocations will be required.

Persimmon Homes (East Scotland) Ltd (00712/3011/003)

The effective supply in the 2016/17 HLA (ref) is only 57% based on the number of sites which are backed by housebuilders. There is no justification for the reduction in the generosity allowance from LDP1 and an over reliance on existing and constrained sites. The HLA and LDP2 process has not accurately assessed the effectiveness of the housing land supply. Further allocations are therefore required.

Taylor Wimpey UK Limited (Taylor Wimpey East Scotland) (00198/3005/007)

Support the acknowledgement that the population will increase in paragraph 2.03. To support this, the Council must reconsider the effectiveness of all allocated sites to deliver within the plan period and support the release of sites that can be proven to be available and deliverable within and beyond the plan period.

Taylor Wimpey UK Limited (00198/3005/006)

The 2017/18 HLA includes a number of sites which appear constrained and are not therefore capable of being effective within the required 5 year period. These sites would remove in excess of 600 units from the effective supply exacerbating the projected shortfall at the plan's adoption.

A&S R&W S&C Community Councils (03034/3001/002)

Table 3.2 confirms that 70 additional units are required in the Braes and Rural

South area and this equates to 7 units/yr, which can be provided on other sites in the area, including windfall sites. The need for additional housing sites has reduced between 2020 and 2030 and Site H21 Hillcrest is not required. There is therefore no justification for allocating Site H21 as a new site.

Ms Margaret Higgins (02960/3001/002)

There is no shortfall in housing land supply, and not sustained de-population. This is evidenced by submissions made to Falkirk Council from Shieldhill and California Community Council.

Policy HC01 – Housing Land

Homes For Scotland (00284/3003/004)

The policy is in principle welcomed however the wording should reflect a greater urgency in addressing the shortfall. Whilst the delivery of new sites should not restrict the availability of active allocated sites if they are inactive this should not be a reason for refusal. In any event infrastructure capacity would be a material consideration for a planning application and cannot be adequately addressed in this policy.

Gladman Developments Ltd (01258/3005/007)

Policy HC01 should be amended to make it clear that past completions will be factored in to the HLA in calculating whether the target of 4500 is being met. The role of SPP in relation to planning applications where there is a shortfall should be included in the policy.

Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004);
Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited
(00198/3006/004)

The policy should be amended to reflect the proposed changes to the target. The policy should seek to maintain at least 5 years effective land supply and take account of housing completions to date. It should also require proposals to demonstrate their effectiveness and not restrict development because of impacts on infrastructure requirements for allocated sites.

Ogilvie Homes Ltd (00614/3007/005)

The housing target of 4500 will be insufficient to meet the future housing needs of the Council and the target should be increased to 6750 for the period 2020 – 2030. Part 2 of the policy fails to set out a commitment to maintain at all times an effective and generous five year land supply as required by SPP.

Taylor Wimpey UK Limited (00198/3005/009)

The Council has failed to ensure there will be a minimum of 5 years effective land supply on the plan adoption date. This arises because of the failure to identify

enough effective sites, a shortfall identified in the Geddes supporting statement of 1777 units between 2017-2030 and the questionable effectiveness of sites in the 2017/18 HLA. There is also uncertainty of the ability to deliver an effective supply between 2030 and 2040 with a requirement in this period of 4054 units identified. The target for 2020 to 2030 is incorrect and does not concur with the HNDA.

Persimmon Homes (East Scotland) Ltd (00712/3011/004)

Policy HC01 should be amended to reflect a higher target of at least 9600. In addition the reference to windfall addressing any shortfall should be deleted.

Mr Robert Alistair Young (02192/3004/005)

Given the underperformance of the adopted LDP the policy should be amended to ensure that a minimum of a five years supply is maintained which would also ensure that the target is achieved. The policy should also make additional sites available if there is a clear shortfall in the five year effective land supply.

Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008)

Amend the policy to broaden the range of sites to better assist the maintenance of the five year housing land supply.

Taylor Wimpey UK Limited (00198/3005/010)

The estimation of annual completions from windfall developments must be supported by robust justification in terms of past completions or through an Urban Capacity Study. The windfall allowance should not be relied on to maintain an effective supply and the deliverability and effectiveness of sites to deliver this is questioned.

Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005)

The title of Policy HC02 should be amended to make the policy apply to windfall within the urban and village limits and the reference to LDP policies should be for “relevant” policies only. The text in paragraph 4.32 should refer to the potential for windfall development outwith the urban area as well and that unplanned sites may include greenfield sites.

Policy HC03 – Affordable Housing

Homes For Scotland (00284/3003/005)

The thresholds are broadly accepted. The current SG12 Affordable Housing (expressed as SG6 in LDP2) states that viability statements will be taken into account in determining applications and this should be included in Policy HC03.

The Supplementary Guidance (SG) should be re-consulted on after the plan is adopted and both the plan and SG should reflect that different approaches may be appropriate with social rented accommodation not viable in every location such as Bonnybridge where RSL's are not interested in developing sites for social rent. The higher threshold of 25% is noted in Larbert/Stenhousemuir, Rural North, the Braes and Rural South where the supply of sites is limited and allocating more sites in these areas would increase the number of available sites for affordable housing.

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Taylor Wimpey UK Limited (00198/3006/006); Wallace Land Investments (00001/3003/007)

Amend paragraph 4.33 after Policy HC03 by deleting the reference to the housing target of 4500 between 2020 and 2030 and the reference to buybacks as a delivery mechanism.

Modifications sought by those submitting representations:

Housing Supply Target and Methodology

Homes For Scotland (00284/3003/002)

Recalculate the housing supply target, requirement and generosity allowance for 2017 - 2030 based on the 2017/18 Housing Land Audit and a base year of 2012. Replace Table 3.2 Housing Allocations by Settlement Area.

Homes (All Tenure)

(A) HST	10,800
(B) less completions (2012/13-2016/17)	2,671
(C) HST less completions (2012/13 - 2016/17) (A-B)	8,129
(D) plus 18% generosity margin (18% of C)	1,463
(E) Housing Land Requirement 2017-2030 (C+D)	9,592

	2012-2030			
Settlement Area	Completions 2012 to 2017	Effective Supply 2017 to 2030	Additional Housing 2017 to 2030	Total Housing
Bo'ness		574	100	674
Bonnybridge & Banknock		911	10	921
Braes and Rural South		924	70	994
Denny & Dunipace		1,197	0	1,197
Falkirk		1,116	230	1,346
Grangemouth		14	11	25
Larbert & Stenhousemuir		432	70	502
Rural North		228	0	228
Windfall Allowance				650
Total	2,671	5,396	491	6,537
Housing Supply Target				8,129
Housing Land Requirement				9,592
Shortfall / Surplus				-3,055

AWG Property & Mactaggart & Mickel Homes (03035/3001/004)

Increase the target to 550 to 600/yr and revert to a 20% generosity allowance and subsequent changes to all references in the plan to the target. Identify additional sites to meet the target.

Bellsdyke Consortium/NHS Forth Valley (02716/3003/002)

Amend the plan by increasing the housing supply target to 600/yr and increase the generosity allowance to 20%.

Cala Homes (West) Ltd (00512/3003/002)

Amend the housing supply target to 10800 and the requirement to 9592 for the period 2017-2030 as suggested by Homes for Scotland.

Craigrossie Properties Ltd (00904/3003/003)

Amend Table 3.2 by deleting references to a windfall allowance. Increase the generosity allowance to 20%. Allocate an additional site at Greenwells Farm to address the deallocation of sites.

Gladman Developments Ltd (01258/3005/006)

Amend the housing supply target to 10800 and the requirement to 9592 for the period 2017-2030 as suggested by Homes for Scotland. Identify additional land for housing.

Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002)

Amend the target to 7046 for 2017-2030 and the requirement to 8314 with an 18% generosity allowance. For 2030-2040 the target should be 4054 and the requirement 4784. Amend Table 3.2 as specified in paragraph 4.3 of the supporting statement. Allocate additional sites to address the shortfall and amend Technical Report 3 accordingly.

	2017-2030			2030 - 2040
Settlement Area	Effective Supply 2017- 2030	Additional Housing 2017 to 2030	Total Housing 2017 - 2030	Growth Potential
Bo'ness	574	100	674	
Bonnybridge & Banknock	911	10	921	
Braes and Rural South	924	70	994	
Denny & Dunipace	1,197	0	1,197	
Falkirk	1,116	230	1,346	
Grangemouth	14	11	25	
Larbert & Stenhousemuir	432	70	502	
Rural North	228	0	228	
Windfall Allowance			650	
Total	5,396	491	6,537	1708
Housing Supply Target			7046	4054
Housing Land Requirement			8314	4784
Shortfall / Surplus			1777	3076

Amend text in the Spatial Strategy to reflect the change in the target and requirement by amending paragraphs 3.13 to 3.18 as detailed in the representation regarding the Spatial Strategy. Delete Map 3.3 and replace with new map identifying allocations for 2017-2030. The changes acknowledge that additional sites have been identified, that additional housing may be delivered through windfall sites and that significant new sites will be required for 2030 to 2040 and all settlement areas will require further land releases. The plan should acknowledge that other tenures such as shared equity and low cost housing with subsidy may contribute to the affordable supply and where land is required green belt sites may be released.

Muir Homes Ltd (01160/3001/003)

Increase the housing supply target and allocate additional sustainable and effective greenfield sites to ensure that a five year effective land supply is maintained.

Ogilvie Homes Ltd (00614/3006/003)

Amend the housing supply target to 600/yr with a generosity allowance of 20% and allocated additional housing land to meet the target.

Ogilvie Homes Ltd (00614/3007/004)

Increase the housing land target to 675/yr and the generosity allowance to 17%. Identify additional housing sites to deliver the target.

Persimmon Homes (East Scotland) Ltd (00712/3011/002)

Amend the housing supply target to be at least 9600, increase the generosity allowance to 20% and allocate further housing sites including MIR site 147 at Standrigg Road. Make subsequent changes to Map 3.3 and Table 3.2.

Scotland Fire and Rescue Service (00331/3003/002)

Amend the plan by increasing the housing supply target to 550-600 homes/yr and increase the generosity allowance to 20%. Allocate additional housing sites to meet the target.

Taylor Wimpey UK Limited (00198 /3005/006)

Increase the housing supply target to a minimum of 600/yr. Amend the private/affordable provision to no more than a 70/30 split. Increase the generosity allowance to 20%. Reassess and confirm the effectiveness of all sites that contribute to the housing land supply. Replace any shortfall from the removal of non-effective sites through the allocation of additional land. The windfall allowance should not be relied on without robust evidence.

Taylor Wimpey UK Limited (00198/3005/007)

Identify and safeguard additional land in excess of the 5 year requirement to ensure a 5 year minimum supply can be maintained at all times. If there is a failure in the effective land supply the Council must support the release of additional sites.

Mr Robert Alistair Young (02192/3004/004)

Amend the housing supply target to 10800 from 2012 to 2030 equating to 600/yr with a generosity allowance of 20% and increase the housing land requirement for the same period to 12960.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005)

Maintain the reduced housing supply target of 450/year and continue to resist housing development within the Reddingmuirhead and Wallacestone areas.

Housing Land Supply and Delivery

Homes For Scotland (00284/3003/003)

Use the 2017/18 Housing Land Audit as the basis for the agreed effective housing land supply and include completions back to 2012 in the calculation.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005)

Review the effectiveness of the housing land supply including sites MU20, H54 and H15.

Cala Homes (West) Ltd (00512/3003/003)

Endorse the approach suggested by Homes for Scotland in considering existing supply and allocate additional sites in Larbert, Stenhousemuir and Polmont.

Craigrossie Properties Ltd (00904/3003/001)

Remove Parkhall Farm 5 (H18) from the housing land supply calculations.

Craigrossie Properties Ltd (00904/3003/004)

Provide additional sites to address the deallocation of sites.

Ogilvie Homes Ltd (00614/3006/003)

Identify Denny as an area with high growth potential after 2030.

Hansteen Land Ltd (00772/3003/002)

Amend the plan by allocating Gilston as a mixed use site.

Grangemouth (including Skinflats) Community Council (02723/3002/006)

Amend the plan to enable the redevelopment of Grangemouth's housing stock to meet the Council's objective in the Main Issues Report Vision paragraph 2.15.

Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003)

Use the 2017/18 Housing Land Audit as the basis for the agreed effective housing land supply and include completions back to 2012 in the calculation as detailed in Annex 1 of the Supporting Statement. Make additional allocations to address the shortfall.

Persimmon Homes (East Scotland) Ltd (00712/3011/003)

Allocate the additional MIR site 147 at Standrigg Road to address the shortfall in

the housing land supply.

A&S R&W S&C Community Councils (03034/3001/002)

Delete the proposed housing site H21 Hillcrest or reduce it in scale to 19 units.

Ms Margaret Higgins (02960/3001/002)

Delete the proposed housing site H21 Hillcrest.

Policy HC01 – Housing Land

Homes For Scotland (00284/3003/004)

- Amend Section 2, sentence one delete the word "maintain" and insert "...provide a minimum of...".
- At the end of sentence one add "...to ensure that the Housing Supply Target is met in full over the development plan period".
- Delete sentence two and insert "If, during the period of the plan, it is demonstrated that a shortfall in the five year supply of effective land emerges then additional sites for housing will be made available where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy."
- Delete all 6 bullet points.

Gladman Developments Ltd (01258/3005/007)

- Amend Section 2 first sentence to state that the Council will maintain "at least a five year supply of effective housing land".
- Make it clear that past completions will be factored in to the HLA in calculating whether the target of 4500 is being met.
- Include the test in SPP that where a shortfall arises decision makers should "take into account any adverse impacts which would significantly and demonstrably outweigh the benefits" of the proposal.

Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004);
Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited
(00198/3006/004)

- Delete the reference to the supply of 4500 and reference instead the housing land requirement of 8314 for the period 2017-2030.
- Include a requirement to maintain at least a 5 year effective land supply and take account of completions to date.
- Delete the reference in bullet point 3 to protecting infrastructure capacity so that the allocation of allocated sites is not impeded.
- Delete bullet point 5.
- Amend bullet point 6 to remove references to timescale requirements and restricting planning permission.
- Make consequential changes to paragraph 4.31.

Ogilvie Homes Ltd (00614/3007/005)

- Amend Section 1 by increasing the target to 6750
- Amend Section 2 of the policy to reflect the requirements imposed on the Council under the terms of SPP to maintain a 5 year effective land supply at all times.

Taylor Wimpey UK Limited (00198/3005/009)

- Amend section 1 of HC01 to reflect a higher housing target which addresses the shortfall at the adoption date and ensures that a minimum of five years effective land supply is maintained at all times.

Persimmon Homes (East Scotland) Ltd (00712/3011/004)

- Amend Policy HC01 Section 1 to indicate that the housing supply target should be at least 9600.
- Delete the fourth bullet point in Section 2 which refers to windfall sites.

Mr Robert Alistair Young (02192/3004/005)

- Amend Policy HC01 to ensure a minimum of a five years supply of effective housing land is sustained.
- Make available additional housing sites subject to the required criteria if there is a clear shortfall in the five year supply of effective housing land.

Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008)

- Amend the first sentence after “Housing development on sites within...” insert “and adjacent to...”

Taylor Wimpey UK Limited (00198/3005/010)

Amend the terms of the policy to ensure that the Council justifies the proposed windfall allowance with robust data on past completions or through an Urban Capacity Study.

Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005)

- Change the title to “Windfall Housing within the Urban and Village Limits”.
- In bullet point 6 insert "relevant" before "LDP policies".

Policy HC03 – Affordable Housing

Homes For Scotland (00284/3003/005)

- Inserting the following sentence after sentence two. "Viability Statement(s) will be taken into account as a material consideration in determining the planning application."
- Amend paragraph 4.32 first sentence by inserting "...or out with..." after "...may arise within..." and before "...the urban area..."
- Insert "...from 2017 to 2020." at the end of the first sentence.
- In sentence two after "...brownfield sites..." insert "... but may include greenfield sites..."
- In sentence three delete "500" and insert "650", delete "2020-2030" and insert "2017 to 2030".
- In sentence four add "...within the Urban and Village Limits..." after "...windfall sites..."

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Wallace Land Investments (00001/3003/007); Taylor Wimpey UK Limited (00198/3006/006)

- Amend paragraph 4.33 by deleting "...with 2050 of the 4500 housing supply target for 2020-2030 to be affordable. A proportion of this affordable housing may be delivered by other mechanisms such as buybacks."

Summary of responses (including reasons) by planning authority:

Housing Supply Target and Methodology

Homes For Scotland (00284/3003/002); Miller Homes (02869/3002/004); Stewart Milne Homes (00371/3002/003); Wallace Land Investments (00001/3003/003); Taylor Wimpey UK Limited (00198/3006/002); Cala Homes (West) Ltd (00512/3003/002); Bellsdyke Consortium/Forth Valley NHS (02716/3003/002); Craigrossie Properties Ltd (00904/3003/003); Gladman Developments Ltd (01258/3005/006); Taylor Wimpey UK Limited (00198/3005/006); Mr Robert Alistair Young (02192/3004/004); Muir Homes Ltd (01160/3001/003); AWG Property & Mactaggart & Mickel Homes (03035/3001/004); Ogilvie Homes Ltd (00614/3007/004); Ogilvie Homes Ltd (00614/3006/003); Persimmon Homes (East Scotland) Ltd (00712/3011/002); Scotland Fire and Rescue Service (00331/3003/002); Taylor Wimpey UK Limited (00198/3005/010)

The representations made generally challenge the Council's calculation of the target and the reduction in the target from the adopted Local Development Plan. The level of generosity is also challenged. All suggest the target should be at least 550/yr or higher and the generosity allowance should be between 18 to 20%. At the same time a number of developers want specific sites allocated to deliver the increased target and these are considered under the relevant settlement based housing issue. The calculation of the target is set out in Technical Report 3. It follows a similar methodology to the adopted local

development plan which was also based on a 20 yr time period (2014-2034).

Target Methodology

Concerns are expressed by representees that the target should have used more up-to-date household projections and the HNDA figures have not been used correctly. They consider that the target should be calculated from 2012, taking into account completions between 2012 and 2017 and thereafter the housing land supply from the 2017/18 HLA up to 2030.

The Housing Supply Target has been calculated using the HNDA as the baseline but addressing the time period 2020 to 2040. The HNDA was assessed as robust and credible by the CHMA on 2nd August 2016. It is recognised that the National Records of Scotland (NRS) projections are based on past trends however the Falkirk Council area continues to show little sign of returning to higher annual completion figures and it was considered appropriate to use the NRS principal projections. The NRS population and household projections are 25 year projections so the 2012 (mid yr) projections run to 2037. In agreement with the CHMA they were extrapolated to 2039/40 to cover the whole proposed plan period. This indicated a higher figure than the 2014 projections. The 2016 household projections are marginally higher than the 2012 projections but were not published until 28/3/18. The 2012 based projections are therefore a sound basis on which to carry out the HNDA.

Population projections 2012	Population projections 2014	Population projections 2016	Household HNDA (2012 base projected to 2039/40)	Household projections 2014	Household projections 2016
2037	2039	2039	2039	2039	2039
173130	170870	171697	80931	80334	81544
Source NRS					

The HNDA identified the number of households and their tenure from 2016 to 2040 based on the 2012 household projections.

Backlog

The base date for adoption of the proposed local development plan (LDP2) is 2020 and the housing supply target (HST) was therefore assessed from this date. Homes for Scotland contend that 8 years of unmet need between 2012/13 and 2019/20 is not taken into account. The base date in the model is the date of the current household projections at the time the model was issued it does not imply that the calculation will be from this date as all local authorities will be using the model for different timescales. The CHMA did not at any time query Falkirk Council's use of the model in this way.

The base year for the calculation of the target is appropriately set at 2020 and looks forward to the delivery of housing for 2020 -2040. Backlog need is included in the HNDA figures and ensures that the calculation of the overall housing need

and demand estimate takes this into account. The HNDA identified a backlog of 767 households in housing need at 2012. The backlog need is made up of live homeless cases averaged over 3 years and concealed and overcrowded households and support/special forms of housing. All backlog need is apportioned to the social rent sector. This is set out in appendix 3 of the HNDA. While the need identified for 2012 to 2020 is not used in the calculation of the target on-going completions address housing need in the period 2012/13 to 2019/20 and this is a function of the development plan and not the HNDA. Past rates of completion are not relevant to the target for the Proposed Plan. The total need identified in this time period (avg 600/yr) (HNDA Appendix 3.2 Raw Results Scenario tab) is also significantly lower than the adopted LDP target of 675/yr however there is no suggestion from developers that this is used to replace the current target when identifying any shortfall. It is not appropriate to apply current population and household projections retrospectively to an earlier plan period covered by the Structure Plan target to 2014 and then the Local Development Plan target as this implies that the target is being recalculated for these time periods. Indeed up to 2014 there was an oversupply based on the residual Structure Plan target set from 2001.

SPP and HNDA guidance

SPP (CD01) paragraph 114 states that the HNDA, development plan and local housing strategy *processes* should be closely aligned. The HNDA and Local Housing Strategy (LHS) are required to be carried out every 5 years and are therefore unlikely to align in a fixed time period with the LDP process. However SPP states that the processes should be aligned and not the time period. The Falkirk LDP2 process and the HNDA and LHS processes are closely aligned using the HNDA as the basis for calculating the HST.

They SPP offers no detailed guidance on the methodology for deriving the target. In paragraph 115 it acknowledges that the target should be based on evidence from the HNDA and that it is a policy view taking into account a wide range of factors. Paragraph 116 states that the plan should indicate the number of new homes to be built within the plan period, it does not specify that completion rates in previous years should be taken into account as its focus is on looking forward. In paragraph 120 it states that the target and requirement should be set out up to year 10. Beyond year 10 and up to year 20 the plan should provide an indication of the possible scale and location of the housing land requirement. SPP does not specify that the target should be calculated based only on years 1 to 10 of the plan.

The HNDA Manager's Guidance provides further guidance on the calculation of the target. It notes in paragraph 11.1 that "HNDA's should be undertaken every 5 years and be capable of looking forward 20 years from the year of plan approval" and in paragraph 13.8 that "the HST should normally be expressed over a period of 5, 10 and 20 years in line with the planning timeframes associated with LHS and Local Development Plans". This is clear evidence that it is appropriate to consider the 20 year plan period in the calculation of the target.

The calculation for LDP1 was also based on 20 years and it was not the subject of any specific representations and the methodology was noted in the examination

report (Paragraph 15, page 24). The same approach was therefore adopted for the Proposed Plan.

Calculation of the Housing Supply Target

The target is derived from the HNDA taking into account a number of factors as discussed in Technical Report 3 Section 4. It is derived for the period 2020 to 2040 and takes the total housing need identified in Figure 3 Technical Report 3 between 2020/21 and 2039/40 of 8365 as the basis for the calculation. This indicates an average over this 20 year period of 418/yr with 173/yr for the social sector and 245/yr for the private sector. This is in contrast to Homes for Scotland and others who identify a rate of 600/yr based on the recent completion rates identified by the Scottish Government Housing Statistics Division and spread this over 18 years between 2012 and 2030 to indicate a housing supply target of 10800 for 2012-2030. For the financial yr 2016/17 the Scottish Government figure was 613 although this dropped to 390 for 2017/18. While the Scottish Government figures are based on Council returns they include returns for Council housing and RSL builds direct from the provider rather than the completions in the HLA which are based on completion certificates. The HLA also contains a small number of housing units from conversions. The equivalent figures based on the Council's data collection for the financial year would be 621 and 400 respectively. There will therefore be a difference in the figures which for the HLA are also mid-year figures. Homes for Scotland make no split between the affordable and private sector or carry out an assessment of the factors identified in SPP and HNDA guidance of wider economic, social, and environmental factors, issues of capacity, resource and deliverability (SPP paragraph 115). Their figure is not derived from the HNDA which indicates a base rate for the time period suggested by Homes for Scotland of 523/yr (average 2012-2030 based on HNDA) and also reflects one high year of completions based on Scottish Government figures rather than the completion data produced by the Council.

Once the HNDA figures were identified a view was taken of the potential impact of demolitions, the empty homes initiative and the Council's buyback policy and these are discussed in Technical Report 3.

Empty Homes Initiative

The Empty Homes Initiative has returned 391 units to the housing land supply to date (December 2018).

Empty homes back into market	
Tax Yr	
2013/14	45
2014/15	105
2015/16	90
2016/17	61
2017/18	50
2018/19 Dec 18	40
	391

SPP notes that the target can include a contribution from other forms of delivery such as empty homes brought back into use (note 51, paragraph 116). The Initiative has delivered an average of 65 units/yr back onto the market. The target calculations (Appendix 1 Technical Report 3) estimated that 400 units would be returned to the market between 2016 and 2020 with a further 650 over the following 20 years. This is an average of 44/yr. In acknowledging that only some vacant stock will be returned to the market the remainder of 644 is added to the private sector to increase this element of the target.

Recent Council Tax data (March 2019) indicates that there are currently 724 properties which have been empty for 6 months or longer and the Council is assisting 180 property owners to return their properties to the market. The addition of 644 empty homes estimated to not return to the market over the lifetime of the plan to the private sector target is therefore almost as high as the up-to-date total empty homes figure.

Buybacks

The target does not include any figure for buybacks beyond 2020 as the next SHIP was not confirmed at the time however the current Strategic Housing Investment Programme (SHIP) Table 1, page 5 includes 95 units/year to contribute to the affordable housing land supply in this way. The addition of buyback properties to the housing supply is therefore expected to continue. The Proposed Plan (para. 3.16) indicates that this would also increase the private sector element of the target as properties are removed from the private sector supply into the affordable sector. The continuation of this policy means that up to 100 units per year of the affordable element of the supply will be delivered in this way effectively increasing the private sector element of the target. Technical Report 3 paragraph 4.27 also outlines this approach.

Demolitions

The calculation of the target takes into account the potential for demolition of housing stock from 2025 onwards. Demolitions have taken place in the past and between 2006 and 2009/10 438 demolitions were carried out almost all of which were in the affordable housing sector. The Council recognises that difficult to let and ageing stock could be demolished in the future and a small allowance of 625 units is added to the affordable supply as most demolitions are anticipated to be in the public sector.

The baseline in the HNDA of 418/yr between 2020 – 2040 was therefore increased as indicated in Figure 13 of Technical Report 3 taking into account the potential for demolitions in the future and continued steady progress in the empty homes initiative in accordance with SPP. This indicated a housing supply target for 2020 to 2040 of 9000, 450/yr with 205 for the affordable sector and 245 for the private sector. As indicated previously there is some scope for the elements within the target to be adjusted based on the continued delivery of affordable housing through the buyback policy which would increase the private sector element of the target.

The delivery of the target relies on the housing land supply. Technical Report 3 identifies in paragraph 4.14 that between 2008 and 2015 the average rate of completions was 477/yr. In the last 5 years to June 2018 the rate has been 525/yr with 103/yr affordable and 422/yr private completions. Figures have however dropped again in 17/18 with 437 completions and 2018/19 looks like it will be similar with completions from July 2018 to March 2019 at 305 units. The majority of completions in this five year period (60%) have been in the Larbert and Stenhousemuir and Polmont (Maddiston) settlement areas where a small number of large scale developments will be completed in the next 2-3 years. This is also evident over the last 10 years with 61% of all completions between 2008 and 2018 being in the Larbert and Stenhousemuir and Polmont settlement areas. In contrast as noted in Paragraph 4.17 of Technical Report 3 between 2001 and 2008 large sites in Larbert and Stenhousemuir and Polmont only accounted for 28% of completions. In a weaker housing market developers appear to have contracted to focus on these highly marketable areas and this has concentrated most development here with pressure on both primary and secondary schools as well as health care facilities and parking such as at Polmont Station. The Council considers that a period of consolidation is necessary before further significant development takes place in these settlements and that an appropriate range of housing sites exist across the Council area to deliver the housing supply target.

Completions 2008 – 2018 mid yr.

Settlement Areas	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	08-18
Bo'ness	73	12	16	28	8	0	2	0	37	81	257
Bonnybridge and Banknock	39	31	32	2	9	32	43	36	8	34	266
Denny	21	11	13	2	17	41	33	21	86	93	338
Falkirk	86	86	55	41	75	91	55	92	94	57	732
Grangemouth	2	105	5	28	0	9	56	0	1	0	206
Larbert and Stenhousemuir	170	115	166	96	190	144	184	174	182	106	1527
Polmont	64	151	135	118	171	204	200	214	124	64	1445
Rural North	0	0	2	0	4	7	2	0	1	1	17
Rural South	9	25	13	1	8	0	3	3	10	1	73
Total	464	536	437	316	482	528	578	540	543	437	4861

Source: Building Standards/HLA

The suggested shortfall of up to 3000 units by Homes for Scotland and others cannot be accommodated in the Falkirk Council area particularly in the areas that developers are most interested in. Appendix 5 of Technical Report 3 highlights infrastructure issues in individual settlements and the need for consolidation in these areas. The allocation of further land in pressured areas would not speed up the delivery process or encourage developers to build across the Council areas where infrastructure capacity is available. The Education Background Paper highlights the potential issues in the School Estate from the non-allocated sites being promoted by developers. Continued pressure would be put on areas which have seen continued development as noted above. The proposed target of 450/yr reflects past build rates and the capacity of individual settlements to

accommodate further growth and takes into account the factors identified in SPP Paragraph 115 (CD01) and the HNDA Guidance. For these reasons, the Council does not agree to modify the plan in response to these representations.

Contribution of Windfall Allowance

The windfall allowance included in Table 3.2 of the Proposed Plan of 50/yr reflects the windfall rate between 2012 and 2017 (Appendix 3) of 65/yr. The Urban Capacity Study Update also indicates that there continues to be scope for additional sites to deliver through the windfall policy. SPP (paragraph 117) also indicates that an estimate of windfall can be included in the housing land requirement. For these reasons, the Council does not agree to modify the plan in response to these representations.

Generosity

A range of generosity allowance is suggested in submissions of 17% to 20% to reflect the current plan which has an allowance of 17% and the June Committee Draft of 20%. Homes for Scotland suggest 18% is appropriate and this is supported by a number of developers. Homes for Scotland consider that this reflects the underperformance of completions compared to the adopted LDP target between 2014 and 2017. Developers consider that a robust explanation for the level of generosity is required and the level of generosity has been wrongly calculated based on land supply contrary to SPP.

Technical Report 3 identifies that the generosity allowance is 14% and this is similar to the Main Issues Report which identified an allowance of 15%. SPP paragraph 116 states that the plan should indicate the number of new homes to be built over the plan period and this figure should be increased to between 10-20% to ensure a generous supply of land for housing. In paragraph 117 it states the requirement can be met from a number of sources. SPP does not specify the process of identifying the generosity allowance and the assessment of existing supply to meet any requirement is appropriate.

The Council therefore undertook a review of the existing land supply and its effectiveness before deciding what a reasonable generosity allowance should be, considering both the availability of sustainable housing land in the area and the legitimate concerns of local communities regarding housing growth and its impact on local infrastructure. The Council also reviews the effectiveness of the existing land supply on an annual basis through the housing land audit process. It has been clear that a number of allocated local plan sites have not been effective and are proposed for deallocation. Some sites are also allocated but because of uncertainty around the delivery of housing units they do not currently make any contribution to future supply. This applies to Portdownie, East Bonnybridge, Falkirk Town Centre sites and the Carron Centre, Falkirk. A thorough review of sites coupled with realistic expectations of delivery means that the available supply has been assessed to remove uncertainty. The Council's approach has been to address the generosity allowance at the same time as considering the adequacy of the supply. SPP does not rule out this approach.

Homes for Scotland highlight that the generosity allowance should reflect the shortfall between 2014 and 2017 with completions for this period of 1661 against a target of 2025. The Empty Homes Initiative also returned 256 units to the market between 2014 and 2017 (tax year) further reducing the shortfall. As discussed previously SPP notes that other delivery mechanisms can be used to deliver the target.

The housing market in Falkirk continues to see a slow recovery with completions still significantly below the housing supply target in the adopted local development plan. The proposed target and generosity allowance will meet the needs of future households. The base HNDA figure has itself been increased with a further generosity allowance added. A higher generosity allowance and the allocation of additional land would not necessarily lead to higher completion rates which have remained low since the recession in 2007/08. The existing housing supply, windfall and new allocations totalling 5125 demonstrate an adequate supply to meet the target of 4500 in the first ten years of the plan. The generosity allowance is within the range specified by SPP. The 14% allowance reflects the Council's support for further housing development expressed in the Plan to meet the housing supply target at the same time as acknowledging concerns about housing developments and infrastructure pressures. For these reasons, the Council does not agree to modify the plan in response to these representations.

Reddingmuirhead and Wallacestone Community Council (00426/3003/005)

The support for the reduction in the target to 450/yr is noted. The Council is required to allocate sufficient land to meet the housing land target identified in the Proposed Plan. It will continue to use the annual housing land audit process to assess the effectiveness of the existing housing land supply and has excluded a number of allocated local development plan sites from making any contribution to the supply and these are also proposed for deallocation. The housing market has contracted since 2007/08 so that development has been targeted in the Polmont and the Lower Braes as well as Larbert and Stenhousemuir in particular. The shortfall in the five year land supply has also resulted in a number of planning applications for housing in the area. The Proposed Plan seeks to balance the needs of local communities with the requirement to identify housing land where there is capacity for such development to take place and has not allocated sites in the Community Council area. The Council acknowledges that speculative pressure from developers in areas of high market interest is difficult for local communities to address. Policy HC01 sets out the criteria for considering sites where there is a shortfall in the supply to ensure development is only taken forward on sustainable sites. For these reasons, the Council does not agree to modify the plan in response to this representation.

Affordable Housing Target

Gladman Developments Ltd (01258/3005/006); Ogilvie Homes Ltd (00614/3006/003); Persimmon Homes (East Scotland) Ltd (00712/3011/002); Scotland Fire and Rescue Service (00331/3003/002); Taylor Wimpey UK Limited (00198/3005/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/004)

Representee's consider that the ambitious affordable housing element of the target may not be achievable and that additional private housing allocations are required to support it. Evidence is also needed to show that funding is available to meet a substantial proportion of the target. It is suggested that the affordable element of the target should be 200/yr only out of a total target of 600/yr. Alternatively the affordable element of the target should have been reduced when the overall target was set at 450/yr.

The majority of affordable housing development in the Council area has either been delivered on standalone RSL or Council owned sites. Between July 2012 and June 2017 there were 556 affordable housing completions with 71% delivered on standalone sites and unconnected to any planning consent for private housing. Three private sites also made a commuted sum payment totalling £468000 which has not yet been allocated but will make a contribution to affordable housing delivery. While private housing sites have the potential to make a substantial contribution to the affordable housing stock they have not done so to date. The Proposed Plan therefore continues to support the delivery of affordable housing on private sites and expects sites to deliver units going forward. The Proposed Plan (paragraph 3.16) and Technical Report 3 (paragraph 4.27) acknowledge the delivery of affordable housing could also be met from other mechanisms. SPP also notes that the target can include a contribution from other forms of delivery (note 51, paragraph 116). Technical Report 3 notes that around 100 new build affordable housing units/yr could be delivered annually and that delivery could include the reconfiguration of existing stock and the continuation of the buyback policy. It is not therefore anticipated that all the affordable housing will be new build so that while the element of the target indicated to be for affordable delivery appears high it will come from a number of mechanisms. Therefore potentially 1000 units over ten years could be delivered by means other than new build. The Strategic Housing Investment Plan (SHIP) is updated annually. It is difficult to predict when some sites will come forward however regular monitoring seeks to address uncertainties in the supply of sites and to ensure that funding is available to take sites forward. For these reasons, the Council does not agree to modify the plan in response to these representations.

Social Housing Completions	Social	Standalone Sites	Private Sites	Private Sites
2012/13	80	36	44	Overton, Bellsdyke
2013/14	143	88	55	Bellsdyke, Carrongrove
2014/15	146	146	0	
2015/16	149	87	62	Bellsdyke
2016/17	38	38	0	
	556	395	161	
Source Building Standards/HLA				

Housing Land Supply and Delivery

Homes For Scotland (00284/FLDP2_PP/3003/003); Miller Homes (02869/3002/008); Stewart Milne Homes (00371/3002/007); Wallace Land Investments (00001/3003/004); Taylor Wimpey UK Limited (00198/3006/003); Cala Homes (West) Ltd (00512/3003/003); AWG Property & Mactaggart & Mickel Homes (03035/3001/005); Bellsdyke Consortium/Forth Valley NHS (02716/3003/002); Craigrossie Properties Ltd (00904/3003/004)

Housing Land Audit and Source of Supply Figures

Representee's consider that the 2016/17 HLA should not have been used or adjusted. Instead the more up to date 2017/18 HLA should have been used as the basis for the housing land supply with the period between 2017 and 2030 considered for the plan delivery. The housing land supply is contrary to that agreed with Homes for Scotland. As the 2016/17 was amended to exclude some sites it has not been possible to fully assess the Council's approach.

The 2017/18 Housing Land Audit (HLA) was not published in time to provide background information for the Proposed Plan which was scheduled to go to Committee in June 2018 with the associated Committee lead in time. It subsequently went to Committee in August 2018 but there was no opportunity to amend the plan at this stage. LDP2 relies on the 2016/17 Housing Land Audit which was agreed with Homes for Scotland except for a dispute over 3 sites, none of which were in the effective supply. An amended version of the Audit was produced for the proposed plan to reflect real changes to sites within the plan such as the deallocation of sites and to exclude sites nearing completion on the basis that the proposed plan considered the period 2020 – 2030. The HLA is shown in Appendix 6 of Technical Report 3 and a full list of the adjustments after 2020 made to the HLA is shown in Figure 20 of Technical Report 3 after paragraph 7.6. The adjustments made reduced the supply within the Proposed Plan period by 221 units and excluded 430 units within the 2016/17 to 2019/20 time period. The submission by Homes for Scotland and the Geddes Housing Land Supply Statement referenced by a number of developers assess the 2017/18 HLA and add in the proposed housing sites in the Proposed Plan. These figures for the 2017/18 HLA do not exactly match the 2017/18 HLA which was agreed with Homes for Scotland. The table below indicates the developer's figures and the agreed figures to 2027+ including an indication of delivery between 2027 and 2030.

Homes for Scotland HLA 2017/18 Appendix I Geddes Consulting			Falkirk Council HLA 2017/18	Indicative	
2017 - 27	2027 - 30	2017-30	2017- 27	2027- 30	2017- 30
4938	458	5396	5085	369	5454

The Council considers that the 2016/17 HLA is the most appropriate HLA for the proposed plan as the 2017/18 HLA was not approved in time to be taken into account. It was adjusted to provide an up-to-date picture and avoid confusion with sites however the original HLA has been available on the website. For these reasons, the Council does not agree to modify the plan in response to this

representation.

Delivery of Housing and Effectiveness of the Existing Land Supply

Representees consider that the reliance on the existing land supply and the Council's deallocation of sites indicates the weakness in the supply. There are a number of sites in the supply and in the new allocations which are not considered effective. Some developers consider that additional sites should be allocated in the areas of high market demand while others consider that a wider spread of sites across other settlements is preferable.

Delivery of Housing

The delivery of housing has been slow to return to pre-2008 completions. Between 2001 and 2008 the average yearly completion rate was 835 units/yr. This dropped to 477 units/yr between 2008 and 2015 (Technical Report 3, paragraph 4.14). More recently completions in the Council area over the last five years to June 2018 were 525/yr. The delivery of affordable homes has been concentrated on standalone sites although commuted sums will also support their delivery. The housing land audit process has been used to actively discount ineffective sites and exclude them completely from the housing land supply since 2012 even where they are allocated LDP sites. The Council recognises that a number of allocated housing sites have failed to deliver and proposes to deallocate 15 sites totalling over 1500 units including two strategic growth areas (SGA's) at Bo'ness and Slamannan. These are not therefore included as contributing sites in the adjusted 2016/17 or later Housing Land Audits. In addition it is proposed to remove 1300 units from the SGA at Whitecross. Two SGA's at Bonnybridge and Banknock and at Portdownie are retained. Portdownie is not shown as making any contribution to the housing land supply and its effectiveness will continue to be reviewed annually through the housing land audit process. A range of sites across the Council area are allocated where there is infrastructure capacity and in recognition of the need to spread housing growth across the Council area and not just concentrate it at Larbert and Stenhousemuir and at Polmont and the Lower Braes.

A number of allocated sites out with most popular areas for development are not being brought forward by developers even though they are not significantly constrained. These include sites at Cauldhame in Falkirk, Rosebank in Denny, and at Dennyloanhead and Airth. Developers may be making legitimate business decisions on the best time to bring sites forward for development however an increase in the allocation of sites will not necessarily resolve this situation. The Housing Land Audit is based to a large extent on developer's and landowner's views on their sites. Where progress appears to be made on bringing a site forward for development this will be reflected in the HLA. This can include evidence of pre-app. discussions, progression through the PAN process to an application, progressing a building warrant and the purification of conditions for any consent. The Council has therefore taken an active approach in removing sites from the established supply and not including them in the annual housing land audit and considers that the housing supply has been through a robust review. Sites are considered capable of becoming effective within the life of the

Proposed Plan. Technical Report 3 Figure 8, paragraph 4.17 highlights that the majority of completions come from sites of 50 or more units and this is reflected in the allocation of sites. Smaller sites can also come forward under the windfall policy. The Council has therefore pro-actively reviewed the housing land supply to ensure that sites are capable of delivery and for these reasons does not agree to modify the plan in response to these representations.

Effectiveness of Supply

Hansteen Land Ltd (00772/3003/002); Persimmon Homes (East Scotland) Ltd (00712/3011/003); Taylor Wimpey UK Limited (00198/3005/007); Taylor Wimpey UK Limited (00198/3005/006)

Representees considered that both the 2016/17 and 2017/18 Housing Land Audits were flawed and included a number of sites which should not have been considered effective.

The 2016/17 HLA was agreed with Homes for Scotland with the exception of 3 sites out with the effective land supply. It was then used to calculate the existing housing land supply. The HLA process enables sites to be reviewed annually and sites are assessed against the effectiveness criteria in PAN 2/2010 paragraph 55. SPP (paragraph 120) (CD01) also notes that the local development plan should allocate a range of sites which are effective or expected to become effective in the plan period. PAN 2/2010 highlights ownership as a consideration however it acknowledges that sites can be in the ownership or control of a party which can be expected to develop it or release it for development. The Council has consistently reviewed the effectiveness of the housing land supply through the housing land audit process and in addition fifteen sites are proposed to be deallocated from the plan and they are not therefore included as contributing sites in the adjusted 2016/17 or later Housing Land Audits.

The 2017/18 HLA was agreed with Homes for Scotland with the exception of four sites, two of which made no contribution to the supply. The exclusion of sites not controlled by a housebuilder/developer from the established supply is not supported. The representation from Hansteen Land Ltd reduces the total supply to 4821 out of 5865 units in the established supply in the 2017/18 HLA. The total effective supply is also reduced to 1997 units or 2.96 years based on being developer/householder controlled. The housing land requirement can be met from a number of sources as specified in paragraph 117 of SPP (CD01) and include sites that are expected to become effective in the plan period rather than only those in the five year land supply in the HLA. The existing land supply in the Proposed Plan is based on the 2016/17 HLA and it is acknowledged that the housing land supply in the 2017/18 HLA is lower than the 2016/17 HLA. This indicates the fluctuating nature of the effectiveness of sites and the need for the annual review of the housing land supply through the housing land audit process. The allocation of the Gilston site (Site Ref 95) for housing would also lead to its effectiveness being assessed on an annual basis. For these reasons, the Council does not agree to modify the plan in response to these representations.

Ms Margaret Higgins (02960/3001/002)

The 2016/17 HLA notes that there is a shortfall in the effective housing land against the adopted local development plan target. The 2017/18 HLA also acknowledges that there is a shortfall. The Proposed Plan seeks to ensure there is not a shortfall in the future by allocating sufficient land for the Council area against a revised target of 450/yr. While there will be differences of population growth within the Council area with some parts showing a declining population, mainly due to the lack of new housing and smaller households, small area statistics can have inaccuracies. There may also be occasions when the boundaries of settlement areas for statistical purposes have changed over time. The overall Falkirk Council population does however continue to grow and the Hillcrest site H21 will make a contribution to that supply. For these reasons, the Council does not agree to modify the plan in response to this representation.

Effectiveness of Individual Sites

Craigrossie Properties Ltd (00904/3003/001)

The site at Parkhall Farm 5 (H18) is allocated as a housing site. It is minded to grant subject to the conclusion of a Section 75 agreement. The indicative numbers on the planning application are for 60 retirement flats, 56 amenity and community assisted housing and an 80 bed care home. The indicative number of units for the site in the proposed plan is 70 units which excludes the care home element of the proposal. For these reasons, the Council does not agree to modify the plan in response to this representation.

AWG Property & Mactaggart & Mickel Homes (03035/3001/005)

The site carried forward from LDP1 at Gateside, Bonnybridge (East Bonnybridge) (MU20) is recognised as a constrained site and does not make any contribution to the existing housing land supply. The Haining is a large 4.6 ha site and it is shown as making a small contribution in the 2016/17 HLA of 20 units in 2023/24. Parkhall Farm 3 (H15) is a new allocation for 60 units. LDP2 recognises that significant work will be required to address issues in this area and will require a masterplan for each site in the Maddiston East SGA.

Distribution of Growth

Ogilvie Homes Ltd (00614/3006/003)

Denny is recognised as having potential for further development in Technical Report 3 Appendix 5 however completions in the area have been historically low with 198 completions between 2012 and 2017. Completions have improved in the last two years with 274 completions to 2018. It is therefore accepted that the town has the potential to deliver further housing in the medium to long term subject to infrastructure issues being resolved such as the completion of the Denny Eastern Access Route (DEAR). The HLA can only indicate sites with planning permission or in the adopted plan so cannot give an indication of future potential of an area. The town is identified as having long term potential and for these reasons, the

Council does not agree to modify the plan in response to this representation.

Grangemouth (including Skinflats) Community Council (02723/3002/006)

The Council has not identified any specific proposals to redevelop existing housing areas in Grangemouth. Should redevelopment of existing housing stock be proposed the policy framework within the Plan exists to support this, particularly as a large part of the Council housing stock is out with any consultation distances. The Plan also supports the redevelopment of the town centre which is identified as Proposal MU18 in Appendix 1 of the Plan. The town will continue to be constrained by a number of factors including the consultation distances around major hazard sites which restrict a wide range of development such as housing or business depending on the vulnerability of users and the proximity to the major hazard sites. Housing is classified as a more vulnerable use than industrial uses which is why there are greater restrictions on housing near major hazard sites. The major hazard sites are not only associated with explosive risk and the consultation distances made up of three zones seek to model the extent of any impact should there be a toxic gas release from the sites or fire or explosions. For these reasons, the Council does not agree to modify the plan in response to this representation.

A&S R&W S&C Community Councils (03034/3001/002)

The inclusion of an additional 70 units in Table 3.2 is not an indication of a requirement for the Braes and Rural South for 70 units. It relates to a specific site allocation (Site Ref 142 H18) to contribute to the overall supply of housing in the Council area. The windfall allowance of 50/yr will generate housing development but it cannot be relied on alone to deliver enough housing growth and additional sites are therefore required including the continuation of existing housing sites into the Proposed Plan. This includes the Hillcrest site (Site Ref 056 H21). For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy HC01 – Housing Land

Representees require the policy to be amended to reflect suggested targets and for the the policy to note that a minimum of a five year effective land supply should be maintained at all times. The bullet points should either be deleted or adjusted to place less restrictions on development coming forward where there is a shortfall.

Homes For Scotland (00284/3003/004)

Policy HC01 correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD01). There is no other mechanism to make sites available and the policy establishes the criteria by which sites will be considered through the planning application process should there be a shortfall in effective land. The criteria limit the scope of sites coming forward with the aim of supporting existing allocated sites, taking into account infrastructure issues, delivering brownfield sites within the established village and

urban limits and ensuring proposals are proportionate to any shortfall. Further housing land should only be released where it is capable of addressing a shortfall timeously and in a sustainable way. For these reasons, the Council does not agree to modify the plan in response to this representation.

Gladman Developments Ltd (01258/3005/007); Miller Homes (02869/3002/005); Stewart Milne Homes (00371/3002/004); Wallace Land Investments (00001/3003/005); Taylor Wimpey UK Limited (00198/3006/004)

Policy HC01 (page 43) addresses the need to maintain a five year housing land supply as indicated in SPP paragraph 123 (CD01). The housing land audit process includes an assessment of the next five years delivery based on the housing supply target. The established practice is to consider the projected completions against the 5 year target. The role of SPP is noted in the first bullet point in part 2 of the policy.

Infrastructure capacity should be available or achievable for any development however for sites addressing a shortfall allocated sites should not be prejudiced as this will only serve to further restrict housing supply. The policy seeks to address the shortfall proportionately to ensure that a sustainable approach is taken to the release of additional housing land. Given that the shortfall is assessed on an annual basis through the housing land audit process and changes to the supply can occur within short time periods it is appropriate to consider when the shortfall will be addressed and to consider limiting planning permissions to ensure an immediate shortfall is addressed. In paragraph 4.31 after Policy HC01 the reference to maintaining a five year effective land supply is in accordance with SPP. While the plan period is not noted it is considered to be 2020-2040 and not 2017-2030. The reference to “supply” in the last sentence references the previous sentence which uses the term “effective land supply”. There is no need to repeat it. For these reasons, the Council does not agree to modify the plan in response to this representation.

Ogilvie Homes Ltd (00614/3007/005)

The increase of the target to 6750 is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. The policy correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD01). For these reasons, the Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198 /3005/009)

The increase of the target is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. For this reason, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3011/004)

The increase of the target is considered above. The Council considers the appropriate target based on the HNDA is 4500 and does not therefore support the proposed amendment to Policy HC01. The need to address any shortfall within the urban and village limits through windfall sites is considered valid as the most sustainable sites are likely to be within existing settlement areas and this accords with the principles set out in SPP paragraph 29 (CD01). For these reasons, the Council does not agree to modify the plan in response to this representation.

Mr Robert Alistair Young (02192/3004/005)

The policy correctly reflects the need to address the maintenance of a five year housing land supply as indicated in SPP paragraph 123 (CD01). There is no other mechanism to make sites available and the policy establishes the criteria by which sites will be considered through the planning application process should there be a shortfall in effective land. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy HC02 – Windfall Housing

Gladman Developments Ltd (01258/3005/008); Miller Homes (02869/3002/006); Stewart Milne Homes (00371/3002/005); Wallace Land Investments (00001/3003/006); Taylor Wimpey UK Limited (00198/3006/005);

Policy HC02 refers to the urban and village limits within the first paragraph of the policy and it is not considered necessary to include this in the title. Under part 6 it is taken as read that only relevant policies would apply to a site's consideration and the majority of policies in the Plan take this approach. Policy HC02 (page 43) supports windfall sites within the urban and village limits as the most sustainable sites are likely to be within existing settlement areas and this accords with the principles set out in SPP paragraph 29 (CD01). Sites out with the urban and village boundaries are appropriately assessed against Policy HC05 Housing in the Countryside and other LDP policies in relation to green field development. Policy HC01 also includes criteria to consider sites out with the settlement boundaries where sites to address any shortfall do not come forward through Policy HC02. The amendment of paragraph 4.32 to reference sites out with the urban area and in greenfield locations is not therefore supported. The reference to the windfall allowance between 2017 and 2030 is noted however the windfall allowance is addressed in Table 3.2 for the years 2020-2030. For these reasons, the Council does not agree to modify the plan in response to these representations.

Policy HC03 – Affordable Housing

Homes For Scotland (00284/3003/005)

Policy HC03 sets out the percentage of affordable housing on sites within the Council area and Supplementary Guidance (SG) addresses the detail of the delivery of the affordable housing policy including the viability of sites. The viability of sites is therefore established as a relevant factor in planning applications through SG12 and does not require to be detailed in the policy. The current SG is SG12 Affordable Housing and this will be replaced by SG06

Affordable Housing. The programme for the revision of this SG aims to have it adopted alongside the development plan in 2020 and a full consultation will take place on the proposed document. The SG accepts that a range of options are available for the delivery of affordable housing including discounted sale. Link Housing delivered affordable housing on a site in Bonnybridge in 2015 which included mid-market rent properties and the Council is also developing two sites in the town as part of the SHIP. It is acknowledged that the delivery of additional private sites in the areas with a higher percentage contribution could increase the supply of affordable housing however these areas have infrastructure constraints that require to be addressed in the short to medium term. For these reasons, the Council does not agree to modify the plan in response to these representations.

Miller Homes (02869/3002/007); Stewart Milne Homes (00371/3002/006); Wallace Land Investments (00001/3003/007); Taylor Wimpey UK Limited (00198/3006/006)

It is appropriate for Paragraph 4.33 of the Proposed Plan (page 44) to reference the housing supply target and the buyback policy. The delivery of affordable housing through buybacks is recognised by the Scottish Government as an appropriate mechanism to deliver affordable housing and is included in the Council's SHIP programme. The Proposed Plan (paragraph 3.16) and Technical Report 3 (paragraph 4.27). acknowledge the delivery of affordable housing could also be met from other mechanisms. SPP also notes that the target can include a contribution from other forms of delivery (note 51, paragraph 116). Technical Report 3 notes that around 100 new build affordable housing units/yr could be delivered annually and that other delivery could include the reconfiguration of existing stock and the continuation of the buyback policy. For these reasons, the Council does not agree to modify the plan in response to these representations.

Issue 3		Bo'ness Housing Sites	
Development plan reference:	Chapter 5 Settlement Statements Bo'ness and Muirhouses (pages 62-63) Drum Farm Major Area of Change Development Guidance (pages 64-65) Appendix 1 Proposals and Opportunities Schedule Housing – Bo'ness (page a01) Mixed Use – Bo'ness (page a09) Proposals Map 6 Bo'ness, Blackness and Muirhouses	Reporter:	
	Body or person(s) submitting a representation raising the issue (including reference number):		
AWG Property & Mactaggart & Mickel Homes (03035) Mr Graham David Astles (03012) Mrs Margaret Boyle (03010) Mrs Kayleigh Boyle (03009) Mr Philip Bullen (03007) Ms Margaret Bullen (03015) Mr Mike Bennie (03022) Ms Katrina Bennie (03021) Mr Ross Bennie (03020) Ms Sarah Lavery (03019) Mr Stuart Godfrey (03001) Ms Gayle Godfrey (02985) Ms Stacey McQueenie (02999) Ms Sharon McMillan (03006)		Ms Elizabeth Hannah (01171) Mr Richard Hannah (02930) Ms Marion Stewart (03016) Mr Brian Dempsey (03014) Mr & Mrs Jean & William Brown (02740) Mr Graham Bull (03033) LDP2 Objection Group (02854) Ms Rosalind Bull (03032) Ms Helen McLean (03029) Wojciech Koziel (03024) Stewart Milne Homes (00371) Miller Homes (02869) Comstock Group (03031)	
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Bo'ness and the adjacent village of Muirhouses, as identified in the Bo'ness Settlement Statement, and detailed in Appendix 1.		
Planning authority's summary of the representation(s):			
Non Allocated Site – Crawfield Road (Site Ref 102)			
AWG Property & Mactaggart & Mickel Homes (03035/3001/001)			
A site at Crawfield Road, Bo'ness should be allocated for residential development. The inclusion of the site was supported by Council officers in the draft Proposed Plan that was presented to the Council in August 2018, having been assessed by officers as the best long term option for growth in the town. However, the site was removed by Elected Members in approving the plan. The site remains suitable as a strategic growth area, capable of delivering a significant number of new homes			

including affordable housing, and without its inclusion the Council will fail to deliver its spatial strategy and will be unable to maintain an effective 5 year housing land supply over the life of the plan. The effectiveness of alternative sites inserted by the Council is questioned. Without the additional growth represented by this site, it is unclear how the infrastructure upgrades mentioned for Bo'ness in the plan can be funded. A supporting document is provided demonstrating the site's effectiveness and suitability, and including an illustrative masterplan and an indication of phasing and delivery.

Mr Graham David Astles (03012 /3001/001); Mrs Margaret Boyle (03010/3001/001); Mrs Kayleigh Boyle (03009/3001/001); Mr Philip Bullen (03007/3001/001); Ms Margaret Bullen (03015/3001/001); Mr Mike Bennie (03022/3001/001); Ms Katrina Bennie (03021/FLDP2 PP/3001/001); Mr Ross Bennie (03020/3001/001); Ms Sarah Lavery (03019/3001/001); Mr Stuart Godfrey (03001/3001/001); Ms Gayle Godfrey (02985/3001/001); Ms Stacey McQueenie (02999/3001/001); Ms Sharon McMillan (03006/3001/001); Ms Elizabeth Hannah (01171/3001/001); Mr Richard Hannah (02930/3002/001); Ms Marion Stewart (03016/3001/001); Mr Brian Dempsey (03014/3001/001); Mr & Mrs Jean & William Brown (02740/3001/001); Mr Graham Bull (03033/3001/001); LDP2 Objection Group (02854/3002/001); Ms Rosalind Bull (03032/3001/001); Ms Helen McLean (03029/3001/001); Wojciech Koziel (03024/3001/001)

The non-allocation of the site at Crawfield Road, Bo'ness, which was a preferred option for housing growth in the Main Issues Report, is supported. The site is green belt, and its retention as such will protect its scenic beauty, retain valuable countryside, protect a Site of Special Scientific Interest, protect prime farm land, and protect the green belt thereby retaining the strong community feel of the town. Development in the town should be focused on gap sites that promote regeneration, with the town's existing boundaries maintained, rather than destroying the green belt.

Stewart Milne Homes (00371/3002/002)

The retention of the site at Crawfield Road, Bo'ness as green belt is supported. Development in this location would appear as urban sprawl, extending suburban development to the south of Crawfield Road into countryside with limited landscape features available to help shape new development.

Non Allocated Site - North Bank Farm (Site Ref 103/217)

Miller Homes (02869/3002/001)

A site at North Bank Farm, Bo'ness should be allocated as a housing proposal. Two options are presented: Option A comprises a site for 200 homes; Option B comprises a larger site for 400 homes. There is a significant shortfall in the housing land supply and the allocation of land in this location would assist the plan to achieve its housing land requirement in full. The proposals would be in keeping with the Council's strategy of focusing new development to the south east of Bo'ness.

An Indicative Development Framework, Development Framework Report, Site and SEA Assessment Review, Statement of Site Effectiveness and Education Statement have been produced for each site, which have been informed by technical assessments. These demonstrate how mitigation of visual impacts can be secured through not developing the southern extremity of the site, and including a strong landscaping scheme along the north and east boundaries. The proposals include the improvement and realignment of Borrowstoun Road, including a link through to the Drum South site which will have wider benefits. Schools have sufficient capacity or capacity can be made available through developer contributions. The site is effective and can be developed in the plan period.

Comstock Group (03031/3001/001)

The development potential of land at North Bank Farm and at the North Bank farm steading is highlighted. A review of the landholding suggests that the farm house and outbuildings are of low utility for modern agricultural use and could be redeveloped as a quality steading development. The surrounding land should also be identified for development in line with the Council's aspiration for growth in south east Bo'ness and to provide the necessary flexibility in housing land availability.

Allocated Mixed Use Site MU02 – Drum Farm South (Site Ref 064)

Miller Homes (02869/3002/002)

Proposal MU02 Drum Farm South should incorporate a vehicular and pedestrian link to the south to safeguard potential expansion of the Bo'ness South East Strategic Growth Area, specifically connecting to the land promoted by Miller Homes at North Bank Farm in their representation 02869/3002/001.

Non Allocated Site – Stacks Farm (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001)

Land at Stacks Farm, Bo'ness, comprising sites previously referred to as East Muirhouses and Carriden Brae North, should be allocated for residential development. The submission proposes the site at East Muirhouses as a first phase of 120 units, with Carriden Brae North as a second phase of 80 units. This will help to address the significant housing shortfall identified in separate representations.

The submission is supported by a Development Framework Report, detailed technical reports and a more detailed masterplan showing how the site could be delivered. The development could enhance the green network in accordance with the plan's policies. Although it is in the green belt, it will not compromise the landscape setting or lead to coalescence. The site has the landscape capacity to accommodate development. Access to the site can be provided at any one of a range of access points. The site will also deliver affordable housing. The Council acknowledges that Bo'ness is relatively unconstrained in terms of infrastructure.

The various detailed technical assessments confirm the suitability of the site for residential development, particularly with regard to heritage, landscape, ecology, flood risk and education.

Modifications sought by those submitting representations:

Non Allocated Site – Crawfield Road, Bo’ness (Site Ref 102)

AWG Property & Mactaggart & Mickel Homes (03035/3001/001)

Insert additional site at Crawfield Road, Bo’ness as a housing proposal, with a capacity of 450.

Non Allocated Site - North Bank Farm, Bo’ness (Site Ref 103/217)

Miller Homes (02869/3002/001)

Insert additional site at North Bank Farm, Bo’ness as a housing proposal, either Option A for 200 units, or Option B for 400 units.

Comstock Group (03031/3001/001)

Insert additional site for residential development at North Bank Farm, Bo’ness including highlighting the potential for redevelopment of the farm steading.

Allocated Mixed Use Site MU02 – Drum Farm South (Site Ref 64)

Miller Homes (02869/3002/002)

Amend the development guidance for the Drum Farm Major Area of Change to include the following: 'Vehicular and pedestrian connection to the south to be incorporated into Masterplan to safeguard potential expansion of the Bo’ness South East Strategic Growth Area'. Update the associated plan to include this connection to the south. Add the following to the site comments for Proposal MU01 in Appendix 1: 'Link road to the south to safeguard potential expansion of the Bo’ness South East Strategic Growth Area'.

Non Allocated Site – Stacks Farm, Bo’ness (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001)

Insert additional site at Stacks Farm, Bo’ness as a housing proposal, comprising a first phase of 120 units at East Muirhouses, and a second phase of 80 units at Carriden Brae North.

Summary of responses (including reasons) by planning authority:

Council’s Approach to Housing Growth in Bo’ness

As background to the Council’s response on this issue, the general approach to the allocation of housing sites in Bo’ness is outlined in Appendix 5 of Technical

Paper 3 (Revised): Housing and Settlement Growth Options.

Bo'ness has a substantial existing supply of housing land which is being carried forward from LDP1, notably the Bo'ness South East Strategic Growth Area, comprising sites at Drum Farm (H01, MU02) and Kinglass Farm (H02, H03). The strategy for the town is to focus on the delivery of these greenfield sites, and in particular the successful completion of the long term, large scale masterplanned development at Drum Farm which has been stalled for several years, but which is now progressing. A change in the mix of uses at Drum Farm South (MU02) introduced by the Proposed LDP2 will add an additional 100 houses to its capacity, giving a total supply for the 2020-30 plan period of 484 houses. This is considered a substantial yet realistic level of growth for the town. The sites within the Bo'ness South East Strategic Growth Area are effective, comprising attractive and marketable greenfield land.

At the MIR stage, the Council considered the potential of the town to make a larger contribution to strategic housing requirements in the wider area, bearing in mind that infrastructure constraints, notably education and roads capacity, are less pressing here than many other communities in the Council area. A green belt release site at Crawfield Road (site ref 102), representations on which are considered below, was included as a preferred site in the MIR. However, following consultation on the MIR, the Council decided that impacts on landscape and green belt from this or indeed other proposed large scale settlement expansions would be unacceptable, and that a strategy of consolidation should be pursued. The town does not benefit from access to a mainline railway station (the nearest facility being at Linlithgow) and consequently sustainable transport options are more limited than in other parts of the Council area.

Non Allocated Site – Crawfield Road, Bo'ness (Site Ref 102)

AWG Property & Mactaggart & Mickel Homes (03035/3001/001)

The Council does not consider the Crawfield Road site to be an appropriate housing allocation. The site has been subject to site assessment. Although it was identified as a preferred site at the MIR stage of LDP2, following consultation, the Council deemed that it should not be taken forward into the Proposed Plan. The site was also considered, and rejected at the previous LDP1 Examination in 2015.

The site represents a significant incursion into the green belt and the Bo'ness South Local Landscape Area. The Council's site assessment highlights that it has a high sensitivity to landscape change and is highly visible locally due to the rising topography south of Crawfield Road. Significant landscape impacts could only partly be mitigated by landscaping. The site is a logical and integral part of the green belt, and the current green belt boundary along Crawfield Road is a robust one, compared with the southern edge of the proposed site which is merely a field boundary. The site does not represent a rounding off of the urban form, and its release is likely to create pressure for further release to the east of the A706 Linlithgow Road. Development would represent a significant loss of prime agricultural land. There is also concern about the proximity of the site to Bo'mains Meadow SSSI, and whether the greater disturbance to the site arising from

encroachment of the urban area could be satisfactorily managed.

The Reporters to the LDP1 Examination considered a larger site, including land to the east of the A706 as well as the Crawfield Road site. Their views concur with the Council's present assessment of green belt and landscape issues.

There was substantial local objection to the site at the MIR stage of the plan. Some 22 representations and an online petition with 363 signatories opposing the site's allocation were received. The matters of objection are summarised in the Council's Report of Consultation on the MIR and highlight a range of environmental and infrastructure issues. 23 representations to the Proposed LDP2 have been submitted by local residents supporting the Council's position in retaining the green belt at Crawfield Road.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Non Allocated Site - North Bank Farm, Bo'ness (Site Ref 103/217)

Miller Homes (02869/3002/001); Comstock Group (03031/3001/001)

The Council does not consider the North Bank Farm site, either Option A or Option B, to be an appropriate housing allocation. Option A was subject to site assessment, albeit that the assessment was carried out on the basis of a slightly larger site originally submitted at the 'call for sites' stage. The eastern extension to form Option B, which was submitted in response to the MIR, has also been assessed. Option A was identified as a non-preferred site in the MIR. A PPP application for Option A, and a full application for a road connecting Option A to the Drum South site (Proposal M02) were submitted in March 2019.

Individually or collectively, the sites represent a significant incursion into the green belt and the Bo'ness South Local Landscape Area. The site is an integral and logical part of the green belt, protecting its landscape setting, and the character and identity of the town. The current boundary of the green belt in this area is formed by the southern boundary of the Drum Farm South site (Proposal MU02) where there is a clear break of slope and a natural edge to the outward spread of the settlement. To the south of this, the land rises more steeply, up the visually prominent slopes around the North Bank Farm steading which sits on the skyline when viewed from the approach to the town along Grahamsdyke Road. Development on these elevated slopes, as proposed by Miller Homes, would be widely visible, and would have significant impacts on the landscape setting of the town. The sloping nature of the site would require an extensive cut and fill operation to create the necessary development platforms, creating artificial embankments which will exacerbate adverse landscape and visual impact. A satisfactory landscape fit cannot be achieved. Planting around the periphery of

the site would not satisfactorily mitigate these impacts. Development would also represent a significant loss of prime agricultural land.

The only current access to the site is Borrowstoun Road which, eastwards of the current Miller Homes development, is a narrow derestricted road. This is proposed to be upgraded and re-aligned, but in addition to this the Council would require a suitable secondary access. The only option for this would appear to be to connect to the Drum Roundabout on the A993 Grahamston via the Drum Farm South site (MU02), as shown in the Development Framework Report. This option involves land outwith Miller Homes' control which may not be capable of being delivered. It would also require the full length of connecting road through Option B to be upgraded, whether Option A or B were chosen. Securing satisfactory access to the site, with the necessary connectivity, is therefore not straightforward. Even with the connection to the A993 through the Drum, the accessibility on foot of the site to the existing town, its facilities, and bus routes is rated as low.

Whilst school capacity is not generally an issue in Bo'ness, the most recent roll projections show that Grange PS, the non-denominational catchment primary school for the site, is projected to exceed its capacity over the coming years, due to the committed development which forms the Bo'ness South East Strategic Growth Area. This may require alterations to the school to enhance capacity. A proposal of the scale envisaged at North Bank Farm will further exacerbate these pressures and make it likely that a full extension of the school will be required. Whilst this may be possible, and developer contributions sought to cover the cost, it illustrates the issues associated with allocating yet more development to the part of the town that has experienced all of the growth in recent years.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

The representation by the Comstock Group seeks the allocation of North Bank Farm for housing, although it is not specific about the extent of the allocation sought. It does, however, specifically seek the redevelopment potential of the farm steading to be recognised. The Council's view is that any proposal for such redevelopment would best be assessed against Policy HC05 Housing in the Countryside, and the associated SG01 Development in the Countryside, rather than as a proposal. Sub section (3) of HC05 allows for sensitive redevelopment of redundant farm steadings, but appropriateness and scale of any scheme needs to be assessed against the guidance in SG01.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Mixed Use Site MU02 – Drum Farm South

Miller Homes (02869/3002/002)

This representation is linked to Miller Homes aspiration for development at North

Bank Farm, and seeks the addition of text under the Drum Farm South site which would allow for a vehicular and pedestrian connection through route to the land to the south. If the Reporter was of the view that North Bank Farm should be allocated, then the provision of such a link would be essential and the text amended as suggested, although as noted previously, the land is outwith Miller Homes' control and the delivery of the link could not be guaranteed. Should the site be rejected, there are concerns that the safeguarding wording as proposed could be seen as indicative of the Council's support for this as the long term future direction of growth for the town, which would not be reflective of the Council's position, and could undermine green belt policy. Nonetheless, the Council accepts that, irrespective of any future development, safeguarding the possibility of a future connection of Borrowstoun Road to the A993 Grahamsdyke Road via Drum Farm South could be sensible as such a link might improve overall connectivity in the east of the town. However, any modified wording should be concern the road link only and make no mention of such a link serving potential future development.

Consequently, if the Reporter were minded to allocate land at North Bank Farm for housing development as per representation 02869/3002/001, the Council accepts that the changes sought under this representation would be a necessary consequence. If land at North Bank Farm were not to be allocated, and the Reporter was nonetheless minded to make the amendment, the Council would not take issue with this provided that the amendment made no mention of the link being to serve potential new development. This is not regarded as a notifiable modification.

Non Allocated Site – Stacks Farm, Bo'ness (Site Ref 104/105)

Stewart Milne Homes (00371/3002/001)

The Council does not consider the Stacks Farm site to be an appropriate housing allocation. The northern part of the site, referred to in the MIR as Carriden Brae North (site ref. 104) was subject to site assessment, albeit that a more limited area (the southern section) is now proposed for development under the current representation. The southern part of the site, referred to in the MIR as East Muirhouses (site ref 105) was also subject to site assessment. Both parts were identified as non-preferred sites in the MIR. The East Muirhouses site and the Walled Garden which forms part of the Carriden Brae North site, were also considered, and rejected, at the previous LDP1 Examination in 2015 (**). The stated capacity of the

Carriden Estate, within which the site is located, is a particularly attractive part of the Bo'ness South Local Landscape Area, and contributes significantly to the landscape setting of the town. It is a valuable part of the green network, comprising belts of long established policy woodland, the corridor of the Carriden Burn, and a network of core paths, which connect to the John Muir Way along the foreshore. The woodland is subject to a TPO and part of it is a wildlife site. It is also of cultural importance as the designed landscape associated with Carriden House. The estate is not currently part of the green belt, but because of its importance to the town's identity and landscape setting, and its importance for recreation, the Council considers that it meets the criteria for such designation,

and the green belt has accordingly been extended east of Carriden Brae and includes the site.

In terms of historic environment assets, the village of Muirhouses was originally built as the 'model' estate village for Carriden Estate, and the relationship of the estate to the village may be easily appreciated. The former estate buildings are all listed and the core of the village is a conservation area. The various environmental designations are highlighted in document **. The importance of Muirhouses Conservation Area is highlighted in the relevant character appraisal and management plan.

Development of the scale proposed will have a significant adverse effect on many of these assets. In landscape terms, although the woodland offers a reasonable level of containment which restricts visibility over the wider area, impact locally will be high, particularly from Carriden Brae. The creation of new access, either from Carriden Brae or from the A993, will involve loss of TPO-protected mature woodland, and the overall value of the estate as an amenity will be diminished. The integrity and setting of the category B listed walled garden will be adversely affected, not least by the formation of an access to the proposed development within it. The development would represent an extension to Muirhouses which is out of scale with the existing village, compromising its character and setting. The character and clarity of the designed landscape, and its relationship to the village, would also be compromised.

Access to the site is not straightforward. Two access points have been indicated on to Carriden Brae which is restricted in terms of carriageway and footpath widths, and alignment, with limited opportunity for improvement. The route is already heavily used by commercial vehicles accessing the foreshore industrial area, and the introduction of substantial additional traffic would exacerbate existing road safety and amenity issues in Muirhouses. The proposed access from the A993 would avoid Carriden Brae, but would involve substantial off-site works, and the loss of mature woodland. It will involve land which, according to the Development Framework Report, is outwith the landholding boundary. In terms of accessibility, the development would benefit from access to bus services in Muirhouses, but the village has no other services or facilities, and accessibility on foot to catchment schools and retail and other services in Bo'ness is low.

Whilst school capacity is not generally an issue in Bo'ness, the most recent roll projections show that Grange PS, the non-denominational catchment primary school for the site, is projected to exceed its capacity over the coming years, due to the committed development which forms the Bo'ness South East Strategic Growth Area. This may require alterations to the school to enhance capacity. A proposal of the scale envisaged at Stacks Farm will further exacerbate these pressures and make it likely that a full extension of the school will be required.

The Council considers that substantial provision has been made for housing in the town, on attractive and effective sites. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of green belt land.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 4	Bonnybridge and Banknock Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Bonnybridge and Banknock (pages 66-67) Banknock Area of Change Development Guidance (pages 68-69) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Bonnybridge and Banknock (page a02) Mixed Use – Bonnybridge and Banknock (page a11) <u>Proposals Map 1</u> Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Ms Annemarie Ross (03017) Mr Tom Ferraioli (02582) Mr Bill Campbell (00487) Persimmon Homes (East Scotland) Ltd (00712) J B Bennett (Contracts) Ltd (00470) Stewart Homes (00456)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Bonnybridge and Banknock, as identified in the Bonnybridge and Banknock Settlement Statement, and detailed in Appendix 1.	
Planning authority’s summary of the representation(s):		
Level of housing growth within Bonnybridge and Banknock		
<u>Ms Annemarie Ross (03017/3001/001); Mr Tom Ferraioli (02582/3002/001)</u>		
<p>Objection is made to the level of housing proposed by the Proposed LDP2 within the Banknock and Bonnybridge area for one or more of following reasons:</p> <ul style="list-style-type: none">• The planned further developments in the Bonnybridge and Banknock area (700 plus units) are unnecessary and take little or no cognisance of infrastructure, which is under great pressure in the area, particularly water and waste water provision, roads, local schools, and health facilities. On a related point, it is stated new housing development would be accessed by poorly maintained roads and exacerbate traffic congestion, air quality and road safety issues on local roads.• Loss of green belt, trees, walkways and cycle paths• There is a lack of amenities, public transport, policing and local employment within Bonnybridge and Banknock area.		

Allocated Housing Site H08 – Banknock South

Ms Annemarie Ross (03017/3001/001); Mr Tom Ferraioli (02582/3002/001)

Objection is made to the allocation of the site for one or more of the following reasons:

- Local infrastructure, notably water and waste water provision, education and health facilities, have capacity issues which will be further exacerbated by the proposed development at the Banknock South site
- Loss of greenbelt, trees, walkways and cycle paths.
- The site's development would increase traffic congestion on the motorway and the local road network, exacerbating air quality issues within Banknock
- There is a lack of amenities, public transport, policing and local employment for residents of future housing development.
- The site is at risk of flooding and includes the area of an old whisky bond which is also prone to flooding.

J B Bennett (Contracts) Ltd (00470/3001/001)

J B Bennett (Contracts) Ltd supports the continued allocation of the site at Banknock South. However, they object to the following aspects of the site's development guidance on pages 68-69.

Process

The current wording should be changed so that the development of J B Bennett's land can proceed independently of the Council's own land. The Banknock & Hags SIRR Development Framework hints that this is possible.

Key Principles (Access Arrangements)

The first bullet states "access to be taken off reconfigured junction of Wellpark Road and Kilsyth Road. Vehicular access to/from John Bassey Drive and southern part of Wellpark Road not appropriate". This wording should be changed. Firstly, it would restrict development of J B Bennett's land until the north part of the site, in Council ownership, is developed. J B Bennett's access assessment concludes some development on their land would not require improvements to the junction of Wellpark and Kilsyth Road. Thirdly, the wording excludes other options for access including via John Bassey Drive and Rowan Drive.

Key Principles (Woodland)

The fifth bullet states "woodland to be retained along south part of site". This wording needs changed as some trees may need to be removed to facilitate development and accommodate on site drainage infrastructure, including SUDs.

Key Principles (M80 junction 7 slips/A803)

The tenth bullet states "upgrading required to M80 junction 7 slip roads and their junction with A803 prior to commencement of development". This wording is overly restrictive and unreasonable. Similar restrictions have not been imposed

on other sites which require motorway improvements. The wording is also inconsistent with the Banknock & Haggs Development Framework, paragraph 5.14.5. This suggests the upgrading will be front funded with its costs recouped from developer contributions.

Key Principles and Other Requirements (Water and Drainage)

Under Banknock (H08), the third bullet states “Development to be arranged around a managed SUDs wetland along Doups Burn. SUDS development should be integrated into the greenspace and not overly engineered in appearance”. Under Other Requirements, the second bullet states “Retrofit of existing surface water drainage required to create capacity for foul water flows from new development to connect to combined sewer”. Objection is made to these bullets as they would impose onerous requirements for water and drainage infrastructure and exclude alternative solutions.

Denny Eastern Access Road (DEAR)

Objection is made to the development guidance listing Denny East Access Road (DEAR) as infrastructure to be funded by development within the Banknock Strategic Growth Area (Other Requirements, fourth bullet). The site’s development should not be required to make a financial contribution towards DEAR. The reasons stated are:

- The site’s development would be too remote from DEAR and therefore has a ‘trivial connection’ with DEAR. Aberdeen City and Shire Strategic Development Planning Authority v Elrick Development Company Limited UKSC 66 confirmed that contributions should not be sought for infrastructure where there is a trivial connection between development and infrastructure.
- The Delivery of DEAR Supplementary Planning Guidance Note, para 1.1 (does not include the site in a list of six sites that are required to contribute towards DEAR).
- The guidance note sets the contribution for Banknock South as £52,406.20. This is questionable given the site’s remoteness from DEAR. Any references to this contribution should, therefore, be removed from LDP2.

Allocated Housing Site H09 – Dennyloanhead

Mr Bill Campbell (00487/3001/001)

The site at Dennyloanhead should be deleted, or areas of site with agricultural land should be excluded from development, for the following reasons:

- The development of agricultural land is unnecessary when there are sufficient brownfield sites available in the area
- Local infrastructure, notably education, leisure, health and retail facilities, has been compromised by recent developments between Bonnybridge and Longcroft
- The Council risks undoing its previous nature conservation work in the area by encouraging development in the green belt
- The area is populated by deer, badgers, bats and a range of bird species
- On elevated positions, the development will be visible from the Antonine

Wall World Heritage Site.

- The proposed west and east site accesses onto the A803 Glasgow Road, and additional traffic generated by the development will increase road congestion and the probability of accidents.
- The Council has not held a public inquiry into the suitability of site nor has Planning Committee visited the site
- There are outstanding issues with a Section 75 agreement

Non Allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

Persimmon Homes (East Scotland) Ltd (00712/3009/001)

A site at Reilly Road should be allocated for housing development. The site's allocation will assist in achieving the housing land requirement in full and will provide additional flexibility in the land supply, particularly if current allocations remain stalled. Persimmon Homes has submitted supporting documents to demonstrate that the site is effective and in a good location. The documents' main points are summarised below:

Cultural Heritage Desk Based Assessment: Parts of site overlie the site of a Roman camp and are within the Antonine Wall World Heritage Site Buffer Zone. As mitigation, Persimmon Homes proposes a stand-off area between development and the Roman camp. The assessment questions the buffer zone as a significant constraint, indicating that views from the wall to the camp and beyond are not of particular significance for understanding and appreciating both Roman structures. The site has potential for archaeology but this issue can be addressed through the planning application process.

Extended Phase I Habitat Survey: Breeding birds and badgers are stated as the only ecological constraints affecting the site's development. Measures are suggested to mitigate these constraints.

Full Representation Statement: This provides an assessment, suggesting that the site is effective in terms of PAN2/2010's effectiveness criteria.

Stage 1 Flood Risk and Drainage Assessment: Based on conservative assumptions, including full culvert blockage, the assessment concludes most of the site would be suitable for development in terms of SPP's and Falkirk Council's policies on flood risk.

Geotechnical Desk Survey: Further investigations will be required to confirm potential ground constraints, including soil conditions, gas emissions, contamination and mining instability.

Transport and Access Appraisal Report: There are no transport or accessibility reasons to preclude the site's allocation for housing development.

Non Allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001)

A site at Milnquarter Farm, Bonnybridge should be allocated for housing development. The supporting reasons are:

- The site was previously allocated in LDP1 as an infill site
- A planning application for the site was the subject of an appeal to Scottish Ministers. At this appeal, a Reporter recognised that the site is suitable for development subject to impacts on the Antonine Wall World Heritage Site and the transport network
- A more recent planning application for the site for around 50 homes was informed by a detailed cultural impact assessment. This development would enhance the area's cultural assets
- The Council has allocated its own site at Seabegs Road (Proposal H11), which, like Milnquarter Farm, is near the Antonine Wall World Heritage Site
- If additional housing sites are required under Policy HC01 Housing Land, then the Council should support suitable sites, such as Milnquarter Farm, for housing development

Modifications sought by those submitting representations:

Level of housing growth within Bonnybridge and Banknock

Ms Annemarie Ross (03017/3001/001); Mr Tom Ferraioli (02582/3002/001)

Reduce the level of housing proposed within Banknock and Bonnybridge.

Allocated Housing Site H08 – Banknock

Mr Tom Ferraioli (02582/3002/001)

Amend Proposal H08 Banknock South by removing the area of the former whisky bond within the site's allocation.

Ms Annemarie Ross (03017/3001/001)

None specified, but it is inferred that the current indicative capacity of the Proposed H08 Banknock South should be reduced. The current indicative capacity is stated as 200 units on page a02, Appendix 1 – Proposals and Opportunities Schedule.

J B Bennett (Contracts) Ltd (00470/3001/001)

Amend the Major Areas of Change: Development Guidance, page 68, as follows:

- Under Process, and at the end of the paragraph, insert the following sentence: "For the avoidance of doubt, each constituent site of Banknock South will be permitted to come forward as a separate planning application and with its own masterplan."
- Under Key Principles, Banknock South (H08), replace the first bullet with the following wording: "Access to be taken off reconfigured junction of Wellpark Road and Kilsyth Road via a reconfigured Wellpark Road junction, or such other access proposal that can be supported by a Transport

Assessment.”

- Under Key Principles, Banknock South (H08), amend the fifth bullet by adding the following text after the word “site”...“unless removal is warranted to allow for the site to be developed.”
- Under Key Principles, Banknock South (H08), amend 10th bullet by deleting “prior to commencement of development.”
- Replace under Key Principles, Banknock South (H08), second and third bullets and under Other Requirements, the second bullet with “The development should incorporate SUDS scheme that should, if feasible, include a wetland along the Doups Burn and should be integrated into the greenspace.”
- Under Other Requirements, amend the forth bullet to read “Developer contributions will cover necessary education capacity improvements, and contributions to M80 Junction 7 upgrading.”

Non Allocated Site – Reilly Road, Bonnybridge (Site Ref 113)

Persimmon Homes (East Scotland) Ltd (00712/3009/001):

Insert additional site at Reilly Road, Bonnybridge as a housing proposal, with a capacity of 300 units. Amend Map 1 to extend the Urban Limit to the extent indicated on the Indicative Development Framework (SD/?).

Non Allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001):

Insert additional site at Milnquarter Farm, Bonnybridge as a housing proposal, with a capacity of 50 units.

Summary of responses (including reasons) by planning authority:

Council’s Approach to Housing Growth in Bonnybridge and Banknock

As a background to the Council’s response on this issue, the general approach to the allocation of housing sites in Bonnybridge and Banknock is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

The Proposed LDP2 has carried over nearly all existing allocated sites in Bonnybridge and Banknock from LDP1, including the two Strategic Growth Areas at Banknock (MU04 and H08) and Dennyloanhead (H09). This represents a very substantial existing land supply (939 units). The two Strategic Growth Areas are progressing. A Development Framework for Banknock and Haggs has been prepared, the two sites at MU04 Banknock North and H09 Dennyloanhead already have planning permission in principle, and part of H08 Banknock South is included within the Council’s Strategic Housing Investment Plan. The larger Bonnybridge East site (MU20) has been retained, although it is not deemed to contribute to the land supply because of key constraints and uncertainties about effectiveness.

Because of the high level of existing commitments, the strategy is to limit any further growth over and above these existing commitments. There are also key constraints affecting the area which make further significant growth potentially problematic such as the presence of the Antonine Wall, primary healthcare capacity constraints, and some school capacity constraints. Consequently, the only new site is H53 Cumbernauld Road, Longcroft, which for just 10 units.

Ms Annemarie Ross (03017/3001/001) and Mr Tom Ferraioli (02582/3002/001)

The Council accepts that major growth is planned for the area, with much of this focused on the Banknock and Dennyloanhead Strategic Growth Areas. The sites are part of the housing land supply and necessary to meet the housing land requirement over the plan period. They have been carried over from LDP1 and the majority of this growth now has planning permission in principle. The sites have therefore already been subject to assessment through the LDP1 process, and the development application process, and have been deemed suitable for development, subject to conditions.

Infrastructure required to support this growth has been assessed and planned for. Paragraph 5.09 of the Proposed LDP2 recognises that some additional infrastructure will be needed within Banknock and Bonnybridge. It notes the intention to upgrade the M80 Junction 7 slips with the A803 (Proposal IN04). The Council has secured a 100% grant from the Scottish Government's Housing Infrastructure Fund towards the costs of the upgrade. With the funding now in place, the upgrading is expected to be completed in 2020. The same paragraph recognises additional capacity will be needed at Bankier and Head of Muir Primary Schools (Proposals IN26 and IN28) while highlighting potential issues with local primary healthcare provision. Developer contributions can be sought to address infrastructure issues posed by development. Indeed these have already been secured through the PPP applications for Banknock North (MU04) and Dennyloanhead (H09).

With regards to other points, the Proposed LDP2 acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being. Banknock and Haggs are designated Air Quality Management Areas (AQMAs) as a result of air emissions from road vehicles. Action Quality Management Plans have been prepared, and air quality continues to be monitored at two locations in Banknock and Haggs. However, it has been reported in the Council's 2018 Air Quality Annual Progress Report that the two locations are continuing to meet National Air Quality Standards. Specific issues with air quality and new development can be addressed by Policy PE26 of the Proposed LDP2.

The sites have good accessibility to employment and leisure opportunities being situated within the M80/M876 and A803 corridors. The Council accepts that new local facilities would be required to complement growth in the area, and has made provision in the Proposed LDP2 for a new neighbourhood centre at the MU04 site. Retail/local services are also specified for the H09 site.

Policies PE20 and IR06 of the Proposed LDP2 will ensure issues regarding tree loss and impacts on active travel routes are given due consideration through the planning application process. Loss of green belt is not an issue as the allocated sites are not part of the green belt.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site H08 – Banknock South

Ms Annemarie Ross (03017/3001/001); Mr Tom Ferraioli (02582/3002/001)

The site is an allocated housing site in LDP1, and previously was also included in the Falkirk Council Local Plan 2010. It has been fully assessed through successive development plan processes, and the Banknock and Haggs Development Framework, and has been subject to further site assessment through LDP2. This has concluded that, although there are various constraints affecting the site, it should be carried forward into LDP2. It is part of the housing land supply to meet the housing land requirement and will contribute to the regeneration of Banknock.

At the time of writing, the Council is preparing proposals for new Council housing within the northern half of the site. The Council is committed to delivering affordable housing at this site through its Strategic Housing Investment Plan. The southern part of the site comprises brownfield land formerly occupied by the Bankier Distillery, and is being promoted for development by the owners JB Bennett (Contracts) Ltd.

The site's flood risk issues are well known. Stage 1 Flood Risk Assessment (FRA) has been carried out for the site as part of the Banknock and Haggs Development Framework. The assessment revealed that areas of the site are liable to flooding are largely around low-lying land along Doups Burn and around the Bonny Water to the south. The 1 in 200 year flood extent at the site is shown on Figure 3 of the Development Framework. The Proposed LDP2 also acknowledges the flood risk issues. The key principles for the site, found on page 68 state "development to avoid areas at high risk of flooding from Bonny Water and Doups Burn, as informed by flood risk assessment". The requirements for flood risk are addressed by Policy PE24, which takes a precautionary approach to flood risk in line with SPP. The siting of the development will be informed by relevant flood risk considerations.

The other issues raised in the representation relate more generally to allocated sites within Bonnybridge and Banknock, which have previously been addressed.

For these reasons, the Council does not agree to modify the plan in response to this representation.

J B Bennett (Contracts) Ltd (00470/3001/001)

The Banknock South site is in control of two parties - Falkirk Council and J B Bennett (Contracts) Ltd - who wish to develop it for housing. The Banknock and Hags Development Framework provides a map indicatively showing the land ownerships of the site.

The Council would respond to each issue raised by J B Bennett (Contracts) Ltd under the following headings:

Process

The Proposed LDP2 does not preclude J B Bennett progressing proposals for its own site separately from the Council's land, although inevitably co-ordination between the two sites and the two landowners will be required. The current wording of the Proposed LDP2 states that each site will need its own detailed masterplan and does not insist on a combined application. The additional wording sought is not necessary. For these reasons, the Council does not agree to modify the plan in response to this representation.

Key principles (Access Arrangements)

J B Bennett is likely to need a right of access over Council land to provide satisfactory access to development on J B Bennett's land. The right of access, however, can be negotiated with the Council outwith the planning process. John Bassey Drive and Rowan Drive are narrow residential streets with cars parked on either side. The southern part of Wellpark Road is a narrow country lane, with limited scope for widening. These means of access are not appropriate to serve the scale of development envisaged at the Banknock South site (200 units). The northern part of Wellpark Road is the most realistic option for access, although this would require upgrading. The junction of Wellpark Road and Kilsyth Road will need reconfigured to accommodate additional traffic generated by individual or cumulative development at the Banknock South site. The exact nature of the junction upgrade can be determined through masterplanning of individual sites and the planning application process. For these reasons, the Council does not agree to modify the plan in response to this representation.

Key Principles (Woodland)

An area of woodland is found within the southern half of the site. The retention of this woodland is key part of the site's open space and landscape strategy which seeks to reconnect fragmented areas of woodland and habitat to provide attractive green space for amenity, path links and wildlife. Nevertheless, the Banknock and Hags Development Framework acknowledges the site's development will inevitably involve some tree loss. It states masterplans should consider retention of good quality trees wherever possible and outline proposals for tree removal and retention within a tree protection plan. The Council would have no objection if the reporter sees merit in amending page 68, key principles under Banknock South (H08), fifth bullet to read: "Woodland to be retained and enhanced along southern part of site where possible. Proposals for tree removal to be accompanied by a tree survey and tree protection plan". This amendment would ensure the Proposed LDP2 is consistent with the Banknock & Hags Development Framework.

Key Principles (M80 junction 7/A803)

The tenth bullet states “upgrading required to M80 Junction 7 slip roads and their junction with A803 prior to commencement of development”. Similar wording is stated as a key principle for Banknock North (MU04) but without the prepositional phrase “prior to commencement of development”. This phrase is a drafting error. It would be more appropriate for the planning application process to consider suspensive conditions for necessary road upgrades and the Banknock South site. The issue of the M80 Junction 7 slip roads and A803 junction upgrading is likely to be resolved by the time proposals come forward for J B Bennett’s land. The Council has secured a 100% grant from the Scottish Government’s Housing Infrastructure Fund towards the costs of the upgrading. With the funding now in place, the upgrading is expected to be completed in 2020. Based on the foregoing, the Council would have no objection if the Reporter considered it appropriate to amend the tenth bullet to read: “upgrading required to M80 Junction 7 slip roads and their junction with A803.”

Key Principles and Other Requirements (Water and Drainage)

The Banknock South site’s flooding and drainage issues are well known to the Council. The site has been subject to a Stage 1 Flood Risk Assessment, and consultation with Scottish Water identified capacity constraints with the existing foul network. The constraints, however, can be resolved by creating additional capacity through removal of surface water run-off from the network. The solution would potentially involve surface water from development being treated by an onsite SUDs wetland. As well as supporting sustainable flood risk management and place-making principles, the wetland would create a valuable and attractive wetland habitat within a central area of greenspace.

The Council believes the wording pertaining to a managed SUDs wetland and retrofitting of existing surface drainage is appropriate and reflects the outcome of detailed investigations that informed the Banknock & Haggs Development Framework. The wording also reflects the general guidance stated within the framework in relation to greenspace and drainage requirements. For these reasons, the Council does not agree to modify the plan in response to this representation.

Denny Eastern Access Road (DEAR)

By way of background, DEAR is a proposed relief road to the east of Denny. The purpose of the road is to alleviate traffic congestion at Denny Cross which would be exacerbated by the traffic generated from housing development. Sections of DEAR have already been constructed, and funded by developer contributions. The Council has committed itself to front funding the final phases of DEAR but will continue to seek and collect contributions until its costs have been recouped.

The Council’s Supplementary Planning Guidance Note explains how DEAR contributions will be fairly apportioned to development on a pro-rata basis. However, matters relating to the specifics of planning guidance, such as the methodology for apportioning contributions to specific sites, fall outside the remit of the Examination.

It is reasonable to reference contributions for DEAR under ‘other requirements’ on page 68 of the Proposed LDP2. The Banknock North and South sites would

potentially generate additional trips to and from Denny Town Centre. The sites are within the catchment of Denny High School, and pupils from the sites would travel to and from Denny High School via Denny Cross. The traffic impact on Denny Cross, and required DEAR contributions, would be determined at the planning application stage through a transport assessment and through consultation with the applicant and the Council's Transport Planning Unit.

A DEAR contribution would likely be secured by a planning obligation made under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended. The Council will have regard to the policy tests of Circular 3/2012 and the relevant provisions of the Proposed LDP2 when considering the appropriateness of the planning obligation. Based on the foregoing, the Council does not agree to modify the plan in response to this particular issue.

Allocated Housing Site H09 – Dennyloanhead

Mr Bill Campbell (00487/3001/001)

The site is an allocated housing site within LDP1, and previously was also included in the Falkirk Council Local Plan 2010. It has been fully assessed through successive development plan processes, and has been subject to further site assessment through LDP2. The site was considered at the LDP1 Examination in 2014, and endorsed by Reporter. Assessment has considered impacts on local infrastructure and the environment, and the site has been deemed suitable for development, subject to conditions. There are no new issues to consider in terms of the site's allocation. Accordingly, it is considered appropriate to carry the site over into LDP2.

The site was granted planning permission in principle in 2017 for 550 houses, a commercial block and associated infrastructure. The permission has further established the principle of this development as acceptable. The details of the development will be determined at a later stage through subsequent planning applications for the matters specified in conditions. The matters include landscaping, location of buildings, ecological impact assessments, road safety audits, details of access arrangements etc. In addition, the applicant has entered into a Section 75 obligation. Contributions for supporting infrastructure (including road improvements and additional school capacity) have been secured through this agreement.

The Council accepts that new local facilities would be required to complement growth, and has made provision in the Proposed LDP2 for retail/local services at the H09 site. The nature and scale of this provision will be considered through planning applications for matters specified in conditions.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Reilly Road, Bonnybridge (Site Ref 113

Persimmon Homes (East Scotland) Ltd (00712/3009/001)

The Council does not consider the site to be an appropriate housing allocation. The site was subject to site assessment and was identified in the MIR as a non-preferred site. The site, previously known as Dykehead Farm, was considered at the Falkirk Council Local Plan Inquiry in 2009. It was also considered and rejected through the LDP1 process, although it did not feature as part of the LDP1 Examination.

The site comprises approximately 12 hectares of agricultural land at Dykehead Farm. It would represent a very substantial extension of the urban area into the countryside to the east of High Bonnybridge. It was acknowledged by the Reporters during the Falkirk Council Local Plan Inquiry as providing a “pleasant landscape setting” for the settlement of Bonnybridge, and that, if allocated, it would result in a substantial westward expansion of the built up area and not a rounding off. The Reporters also commented that although the site has defensible boundaries to the north (a railway line and housing), to the south (a railway line), to the east (housing) and to the west (a road), the site’s development would significantly close the gap between Bonnybridge and the village of Greenhill. As well as visual impacts from local roads, the site is highly visible from the main Glasgow-Edinburgh railway line which forms the southern boundary of the site.

Impact on the Antonine Wall World Heritage Site is a major constraint on the site. The site boundary overlaps with the World Heritage Site and the scheduled area of the Milnquarter Roman Temporary Camp. Approximately half of the site is within of the Antonine Wall World Heritage Site buffer zone. The indicative development framework submitted by Persimmon Homes suggests the site’s development would potentially envelop the camp at the north eastern corner of the site and severely encroach on the setting of the camp and the World Heritage Site. The site also has potential for roman archaeological finds owing to its close proximity to the Antonine Wall and the Roman Camp. This has been acknowledged by Persimmon Homes within its own Cultural Heritage Desk Based Assessment.

Policy PE05 of the Proposed LDP2 has a presumption against development which would have an adverse impact on the Antonine Wall WHS, or its setting. The WHS buffer zone is an integral part of the designation, and whilst it does not act as an absolute barrier to development, it does provide an indication of the immediate setting of the WHS, where particular sensitivity is needed. The Council considers the scale and location of the development proposed would be a significant incursion into the WHS buffer zone, undermining its important role in protecting the setting of the Antonine Wall WHS, and compromising the setting of the Roman Camp which forms part of the WHS. The Council’s concerns are backed up by Historic Environment Scotland which has confirmed that the site’s development has the potential to adversely impact on the Outstanding Universal Value (OUV) of the WHS. It has also stated that it would likely object to development towards the eastern half of the allocation at the planning application stage due to significant impacts of the development.

The scale of the proposal raises education and healthcare capacity concerns. The site is within the catchment of Antonine Primary School. This school was

extended in 2015 to deal with growth in the local area. While there is some capacity at present, a development of this scale is likely to create renewed capacity pressures. The school site is constrained by the presence of a part of the Antonine Wall WHS which is also a scheduled monument. It is not clear whether a further extension would be deliverable. Denny High School is facing long term capacity pressures, although this can be dealt with through developer contributions. Local GP services in Bonnybridge are also under pressure, with Bonnybridge Health Centre having no capacity to accept further significant growth.

The submitted Transport and Access Appraisal Report is not a transport assessment. A transport assessment would be required to identify the transport impacts of the proposed development on the local road network and identify mitigation measures to cater for the sustainable travel needs of the development. These measures would likely involve off-site road improvements given the scale of development envisaged and the generation of additional trips. The Council has also accessed the site as having low/moderate accessibility. The western part of the site is well over a 10 minute walking distance from Antonine Primary School.

The Council considers that substantial provision has been made for housing in the Bonnybridge and Banknock area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Milnquarter Farm, Bonnybridge (Site Ref 178)

Stewart Homes (00456/3001/001)

The Council does not consider the site to be an appropriate housing allocation. A wider site, extending to the west, was subject to site assessment and was identified in the MIR as a non-preferred site. This wider site has been considered and rejected on previous occasions, including at the Falkirk Council Local Plan Inquiry in 2009 and also at the LDP1 Examination in 2015. The wider site has also been subject to a 2011 application for planning permission in principle for residential purposes (P/11/0142/PPP) and a 2014 application for a distributor road and associated earth works (P/14/0046/PPP). Both applications were called in by Scottish Ministers and then refused by Scottish Ministers in 2016, following the recommendations of the Reporter. The current representation proposes a reduced scale of site. This reduced site is the subject of a current application for planning permission in principle for residential use (P/18/0024/PPP), which is as yet undetermined.

Although the site lies within the Urban Limit as defined in the adopted LDP1 as well as the Proposed LDP2, potential impacts on the setting of the Antonine Wall World Heritage Site and the associated scheduled monuments present a significant constraint to any development proposals in this location.

The site is located within the Antonine Wall WHS Buffer Zone, which at this point

provides a visual connection between the wall itself and the associated Milnquarter Roman camp, which is a scheduled monument as well as a part of the WHS. The general location is important because it includes two sizeable re-alignments of the Wall, taking it from a scarp immediately above the valley floor of the Bonny Water to a higher ridge at Rough Castle. To the west, the Wall was tactically positioned to block passage across the valley and its associated bogs, but eastward this was no longer tenable and the adjustment to the higher ground maintained a military advantage. This was rather awkwardly achieved by the re-entrant that utilised the small ridge south of the Antonine Primary School. The two sectors represent the work of different units of the Roman army and it was there that one of the work squads was based in the temporary camp. The camp is positioned to dominate the gap and its topographical relationship to the Wall is crucial. Indeed such clear views between a construction camp and a linear fortification at Milnquarter are unparalleled elsewhere within the WHS.

When considering the 2011 and 2014 planning applications, the Reporter confirmed that residential development at the site would have an adverse effect on the setting of the Antonine Wall WHS and associated scheduled monuments, and accordingly the applications were refused. Stewart Homes have attempted to address the issues by proposing the smaller site which is the subject of this representation as well as the current 2018 planning application. However, Historic Environment Scotland continues to object to the reduced proposal on the grounds that it has the potential to adversely impact on the Outstanding Universal Value of the WHS, and on the setting of the related scheduled monuments. Their consultation response refers back to the decision on the previous applications and contains an Annex explaining the background to their objection.

Discussions continue on the application, and it is possible that a solution could be negotiated whereby a further significant reduction in the development area could provide satisfactory mitigation. However, the extent of the site proposed for development through this representation remains unacceptable in terms of its impact on the WHS.

Stewart Homes attempt to make comparisons with the allocated site H11 Seabegs Road and question why it has been allocated despite abutting the WHS. However, the Seabegs Road site is a brownfield site (a former Council depot within an industrial estate) which was allocated in LDP1. As such, although it abuts the WHS, it is not part of the WHS buffer zone. At the LDP1 Examination, the Reporter acknowledged that a sensitive development of the Seabegs Road site could improve the setting of the WHS. Historic Environment Scotland has not objected to the Seabegs Road site's continued allocation.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 5	Maddiston and Rumford Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72-73) Maddiston East Major Area of Change Development Guidance (pages 76-77) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Braes and Rural South: Maddiston/Rumford (page a03) Business - Braes and Rural South (a16) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Lionel McMillan (00497) Ms Taslin Pollock (02967) Mr Grahame Crawford (03025) Manor Forrest Ltd (00455) Land Options West (00851) Messrs Robertson (02873) Craigrossie Properties (00904) Scotland Fire and Rescue Service (00331) Maddiston Community Council (00323) Brightons Community Council (00123) Scottish Natural Heritage (00646)		
Provision of the development plan to which the issue relates:	The overall approach to housing growth in Maddiston and Rumford and allocation of specific sites for housing in these communities, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Approach to Housing Growth and Infrastructure in Maddiston and Rumford		
<u>Mr Lionel McMillan (00497/3001/003)</u>		
There is an overall lack of infrastructure in the Braes in comparison to similar sized settlements in the central belt. New housing will increase flooding through surface water run-off. Maddiston Primary school was not built to an adequate size. The community centre is at risk of closure through lack of funding, which is a vital part of community infrastructure.		
<u>Ms Taslin Pollock (02967/3001/001)</u>		

Concern is expressed that Maddiston is only afforded a single paragraph in the Braes and Rural South Settlement Statement, and that it is intended to increase housing in the Braes area. The plan should focus instead on increasing infrastructure, namely medical, schooling and shopping facilities. Given the recent fraud charges against councillors, no further building should take place until a public inquiry is carried out.

Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)

Mr Grahame Crawford (03025/3001/001)

The southern part of Proposal H13 contains an area which was to provide the SUDS infrastructure and landscaped open space as part of the now completed development to the west under the permission granted to Barratt West Scotland in October 2007 (ref 06/0457/FUL). To date the conditions of the planning permission have not been complied with. The SUDS pond has been built but it has never been handed over to the developer for maintenance purposes, and is grazed by livestock which damage and contaminate the pond. The area has not been laid out as open space. This SUDS area should therefore be removed from Proposal H13, and the planning conditions attached to planning application 06/0457/FUL should be enforced.

Manor Forrest Ltd (00455/3009/001)

The continued allocation of Proposal H13 within the Maddiston East Strategic Growth Area is supported. The site is within a single ownership, deliverable and effective, with available infrastructure.

Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Mr Lionel McMillan (00497/3001/004)

Proposal H16 should be deleted as there would be impacts on ecology. In particular, the site was identified as a "migration area for insects" in the 1990s. The site would also result in an additional burden on infrastructure including schools, health services, roads, drainage and sewerage.

Manor Forrest Ltd (00455/3009/002)

The continued allocation of Proposal H16 within the Maddiston East Strategic Growth Area is supported. The sites are within a single ownership, deliverable and effective, with available infrastructure.

Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Mr Lionel McMillan (00497/3001/001)

The Toravon Farm site (Proposal H17) and Manor Wynd should be connected to the A801 by a link road from Manor Wynd. There are surface water drainage and

road congestion issues at Vellore Road, and the gradient of Manor Wynd results in the area being inaccessible in winter.

Non Allocated Site - Parkhall North (Site Ref 141)

Land Options West (00851/3006/001)

A site at Parkhall Farm North should be identified as a mixed use, phased residential-led urban expansion area, for up to 1200 units. Uses would include housing (including affordable/elderly care); canal related leisure and tourism; garden centre, sports and recreation facilities; neighbourhood centre; and greenspace, community park and play area. The development will provide enhanced greenspace and active travel links around the site. Phase 1 would deliver 428 units, with Phases 2 & 3 identified by an asterisk as an opportunity for the second 10 year period of the LDP. The representation has been informed by close examination of landscape issues, transport/infrastructure issues and planning issues, and is supported by a range of documents, including a masterplan, phasing plan, MIR submission, landscape and visual assessment, ecological assessment, and transport statement. These confirm the suitability of the site for mixed use development.

The site offers numerous community benefits including a neighbourhood centre, health and fitness facilities, care home, canal related tourism and leisure, garden centre, 5-a-side football centre and healthcare facilities.

A range of developments have been granted permission adjacent to the site which further supports a mixed use allocation in this location. These are identified in Appendix 2 of the submission. Developments adjacent to the site include a canal hub (P/10/0761/PPP), a 50m roundabout (P/12/0694/FUL) providing access from the A801, and a holiday lodge development (P/13/0079/PPP and P/16/0064/PPP). These approved developments provide support for a wider release.

The site is deliverable and effective, and is within the control of parties who will release the site for development. The site is within a highly marketable location and relatively free from constraints

Part Allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001)

A site at Parkhall Farm North West should be identified for housing. The site is sustainable and deliverable, and would address the shortfall in housing land. The site was originally intended to be part of a wider expansion area at Parkhall, and is serviced by a roundabout and access spurs. The sites can be accessed in the longer term via the A801 to the east. An allocation in this location would be a sustainable development with available infrastructure. The proposal is proportionate to the scale of the shortfall of housing in the area and can be delivered in time to address this immediate shortfall in the Council's effective housing land supply.

Non Allocated Housing Site – Gillandersland (Site Ref 144)

Messrs Robertson (02873/3002/001)

A site at Gillandersland should be identified in LDP2 for housing. The Council's desire to maintain a 5 year housing land supply is supported, and it is considered that this site would make a positive contribution to the supply. The site is effective and deliverable in the short term.

Non Allocated Housing Site – Greenwells Farm North (Site Ref 138)

Craigrossie Properties (00904/3003/002)

A site at Greenwells Farm North should be allocated for residential development with a capacity for 90 units as part of a sustainable greenfield release. Craigrossie Properties are an established developer with experience of delivering housing sites. The site would assist in adding to the range of housing sites across the Council area, without undue reliance on larger, stalled sites. The site is effective.

Education capacity issues can be addressed by way of catchment review, in addition to developer contributions. Protected species and flood risk would be the subject of further assessment, but the development area would avoid any flood risk area or sensitive locations. The site can also be delivered without impact on the existing landscape or transport network. The site is adjacent to the village and would round-off the western settlement edge.

Allocated Business Site BUS22 - Maddiston Fire Station (Site Ref 140)

Scotland Fire and Rescue Service (00331/3003/001)

Proposal BUS22 should be changed to a housing allocation with an indicative site capacity of 90 units. The site is a large, brownfield site in a central location adjacent to the main street that runs through Maddiston. Its redevelopment offers the potential to restore the urban form of this central area, close to local shops as well as services such as the primary school and community centre. The surrounding area is residential in character and residential development is an appropriate land use for this location. Residential development will also assist in the prompt disposal of a vacant brownfield site in the village core, and offer improvements to open space and outdoor access, as well as developer contributions to community infrastructure.

The Proposed Plan and its supporting documents offer no evidence base on the need for new business/retail/community uses in this specific location or an indication that these are marketable or deliverable for this site. There is no assessment of the existing business / retail / community uses in the local area or evidence of a deficiency in facilities. The Proposed LDP2 does not indicate the type, scale or strategic need of the proposed uses. Neither the site, nor the village of Maddiston, is mentioned within Falkirk Council's Technical Report 6 (Revised): Employment Land (September 2018) as having any

requirement to accommodate employment land. Indeed, the Council area has a supply of around 290 hectares of employment land, equivalent to 56 years supply.

Maddiston has an adequate provision of community facilities. Maddiston Community Centre is located close to the site, and the Primary School could be better utilised for more of its facilities and rooms to be used by the community. LDP2 should be supported by a robust evidence base that identifies deficiencies in community provision and examines the potential for existing facilities to deliver these, before allocating a very large site for speculative community use with no indication of funding or effectiveness.

No clear need for a new retail centre on the site was identified during the public consultation event held for the planning application process. There has also been no approach to the owners from retail operators. New retail units on the site would create two small centres for the village, with potential for retail units that may compete with existing provision nearby.

Maddiston Community Council (00323/3002/001)

The allocation of the former Maddiston Fire Station site for retail, business or community use is supported. It is considered vital that space be given to new facilities to support increase in houses in the area.

Brightons Community Council (00123/3003/004)

The Maddiston Fire Station site should include a high proportion of commercial business use to encourage economic and employment opportunity and diversity in the community.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003)

The development guidance for the Maddiston East Area of Change does not show, or make reference to, green network Proposal GN14. The proposed vehicular access crosses GN14, and could undermine the likelihood of it meeting the priorities set out for it in Table 3.1 of the Proposed Plan. GN14 should be shown in the development guidance and conversely, the proposed access from the A801 should be shown on Proposals Map 4 to ensure that there is a clear read across between different parts of the LDP.

Modifications sought by those submitting representations:

Approach to Housing Growth and Infrastructure in the Braes Area

Mr Lionel McMillan (00497/3001/003)

Make provision for additional infrastructure in the Braes.

Ms Taslin Pollock (02967/3001/001)

Change the focus in the Braes area from provision of new housing to provision new infrastructure, notably medical, schooling and shopping facilities.

Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)

Mr Grahame Crawford (03025/3001/001)

Amend the boundary of Proposal H13 to remove the southern area which is subject to the provision of SUDs and open space as required by planning application 06/0457/FUL.

Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Mr Lionel McMillan (00497/3001/004):

Delete proposal H16 Parkhall Farm 4.

Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Mr Lionel McMillan (00497/3001/001)

Amend the Major Areas of Change Development Guidance for Maddiston East to include a link to the A801 from Manor Wynd in conjunction with the development of Proposal H17.

Non Allocated site - Parkhall North (Site ref 141)

Land Options West (00851/3006/001)

Insert additional site at Parkhall North as a first phase of mixed use development, with a capacity of 428 houses, with subsequent phases identified indicatively as long term growth (up to 1200 units overall) for the second 10 year period of the LDP.

Part Allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001)

Insert additional site at Parkhall North West as a housing proposal, with a capacity of 200 units.

Non Allocated Site – Gilandersland (Site Ref 144)

Messrs Robertson (02873/3002/001)

Insert additional site at Gillandersland as a housing proposal.

Non Allocated Site – Greenwells North (Site ref 138)

Craigrossie Properties (00904/3003/002)

Insert additional site at Greenwells Farm North as a housing proposal, with a capacity of 90 units.

Allocated Business Site BUS22 - Maddiston Fire Station (Site Ref 140)

Scotland Fire and Rescue Service (00331/3003/001)

Amend Proposal BUS22 to a housing proposal with an indicative site capacity of 90 units.

Brightons Community Council (00123/FLDP2 PP/3003/004)

Site comments within the allocation should express a clear focus on commercial business use.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003)

Amend the map as part of the Development Guidance for the Maddiston East Major Area of Change (page 77) to show Proposal GN14. Add the following text to Key Principles (Vehicular and Pedestrian Access, third bullet): "Delivery of this access should not undermine the delivery of green network priorities in Proposal GN14". Show the access from the A801 on Proposals Map 4.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Maddiston and Rumford

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

The Braes and Rural South has a generous existing housing supply of almost 700 units, of which a substantial proportion is provided by the Maddiston East Strategic Growth Area (Proposals H13-H18, H54) and the Whitecross Strategic Growth Area (Proposal H29), both of which have been carried forward, in amended form, from LDP1. The Maddiston East growth area has been increased through an additional greenfield release to the north for amenity/community care housing and a care home (Proposal H18). Otherwise a strategy of consolidation is being pursued on account of the rapid expansion of many of the Braes urban communities, and consequent pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which in the past has eroded the identity of what were once discrete settlements.

The main through route giving access to Maddiston and Rumford is the B805 which is subject to peak time congestion, and some junction capacity issues. Rail services may be accessed at Polmont station to the north, but parking capacity at the station is very limited, with no option to expand. There are also issues in the local drainage network.

Education capacity is perhaps the most pressing consideration in terms of any further housing expansion in Maddiston and Rumford, beyond that currently planned. The Education Background Paper highlights the current situation. Maddiston Primary School is suffering acute capacity problems, with mobile classrooms in place and plans for a permanent extension in hand (Proposal IN30). This will accommodate existing planned growth only. The site is highly constrained with no room for any further extensions beyond this. Any further housing growth would necessitate a new school or major catchment rezoning exercise. Braes High School is subject also subject to long term capacity pressures, and this may necessitate an extension in due course.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank and the lack of additional land at the health centre to expand. The rapid increase in patient number has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

Throughout successive Development Plan consultations, the community has highlighted the significant growth over recent years, and the inadequacy of existing community facilities such as the community centre in Maddiston. Community planning are currently exploring potential solutions with other partners and the community as part of the ongoing locality planning exercise.

Mr Lionel McMillan (00497/3001/003); Taslin Pollock(02967/3001/001)

The Council accepts that the Braes urban area has seen significant growth over the last 20 years, which has placed significant pressure on local infrastructure in terms of the road network, schools and community facilities. This is the reason for pursuing a strategy of consolidation, carrying forward the Maddiston East Strategic Growth Area with the addition of the site to the north-west for amenity/elderly care housing and a care home, with no other allocations. Meanwhile the Council and other partners are working to address infrastructure issues arising from historic growth. Maddiston Primary School will also be extended. In terms of surface water drainage, Scottish Water has prepared an integrated catchment study, which includes the Maddiston area, with the aim of addressing local surface water flooding issues. Planning applications for LDP sites will also require a flood risk assessment, and surface water drainage strategy. It is therefore considered that the current settlement strategy for the Maddiston and Rumford area takes due cognisance of the issues raised, and the coverage of these issues in the plan is sufficient. The Council does not agree to modify the plan in response to these representations.

Allocated Housing Site H13 – Parkhall Farm 1 (Site Ref 033)

Mr Grahame Crawford (03025/3001/001)

The responsibility for maintaining the SUDS area within Proposal H13 is understood to lie with the Greenbelt Company. Falkirk Council have previously liaised with their representatives regarding the issues highlighted. The Council consider that the SUDS pond and surrounding land should continue to be included within the boundary of H13, as it is intended that the SUDS area will form a part of the open space and landscaping requirements for the site, and for the wider Maddiston East Strategic Growth Area. Inclusion within H13 also offers the potential for further enhancement of the space. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site H16 – Parkhall Farm 4 (Site Ref 035)

Mr Lionel McMillan (00497/3001/004)

Proposal H16 is an existing allocated site within LDP1, which is being carried forward into LDP2. In addition, the site has in the past had planning permission for residential use (now lapsed). The principle of the use of the site and its suitability for housing has been established, including assessment of biodiversity issues. It is acknowledged that the Maddiston SINC borders the site on the north and west side, but LDP2 requires a suitable buffer to be maintained and highlights the potential for enhancement of the SINC through riparian habitat restoration (Maddiston East Development Guidance, pages 76-77). Future applications may be required to undertake habitat or species surveys where appropriate. In terms of infrastructure capacity, upgrades to local infrastructure are in hand as previously described, and detailed issues can be dealt with through future planning applications. For these reasons, the Council does not agree to modify the plan in response to the representation.

Allocated Housing Site H17 – Toravon Farm (Site Ref 047)

Mr Lionel McMillan (00497/3001/001)

Proposal H17 is proposed to be accessed from Vellore Road and Manor Wynd as detailed in the Maddiston East Development Guidance (pages 76-77) and the adopted Maddi. The creation of a separate access road in from the A801, which would involve the formation of major roundabout on the A801, is not considered necessary or proportionate. Issues with capacity and surface water drainage at Vellore Road can be dealt with through suitable upgrades secured in conjunction with future planning applications. Applications would be accompanied by a surface water drainage strategy and flood risk assessment. Accessibility of the local road network in winter conditions is outwith the scope of the LDP. For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site - Parkhall North (Site ref 141)

Land Options West (00851/3006/001)

The Council does not consider the site at Parkhall North to be an appropriate allocation for a mixed-use development. The site was subject to a site

assessment which highlights potentially significant impacts on landscape, ecology, and local infrastructure. The site was identified as a non-preferred option in the MIR. The site has been promoted unsuccessfully by the landowner in various forms through previous development plan processes. Most recently, the site was considered and rejected by the Reporters to the LDP1 Examination in 2015.

The site represents a significant incursion into the open countryside, which would result in significant landscape and visual impacts. The proposal effectively results in development of all land between Brightons/Rumford/Maddiston, the railway to the north, and the A801 to the east. The land rises to the north from Vellore Road, culminating in a prominent east-west ridge, which is particularly visually prominent from the adjacent settlements. Extensive mitigation would be required through new structure planting and leaving some areas undeveloped, but full mitigation could not be achieved. The site contains a number of areas of woodland (including areas of ancient and semi natural woodland) which are important in terms of their landscape and ecological value.

Development would have an adverse visual impact on the setting of the Union Canal, a scheduled monument, and its rural character. The Union Canal also forms part of the John Muir Way. The stretch of canal between the settlement edge of Brightons/Polmont and the A801 has a distinctly rural character, despite its urban-rural fringe location. Development would have an adverse impact on the setting of the Category B listed Haining, and associated non-inventory designed landscape. The LDP1 Examination Report highlights the sensitivity of the site in this regard and concluded that the site would represent “a significant and highly visible and intrusive expansion of urban development into the open countryside east of Maddiston, Rumford and Polmont. As such, the sites also carry the probability of a major and negative impact on the character and landscape setting of these settlements, on the integrity and remaining value of the designated Green Network, and on the character, amenity and potential of the Union Canal.”

The Council’s site assessment highlights the presence of the Rumford East SINC, Union Canal and Maddiston SINC within or close to the site, as well as potential for presence of protected species. Whilst the potential impacts could be mitigated with retention of substantial greenspace and enhancement of the green network, a substantial urban development of this size would undoubtedly result in some impacts on protected sites and legally protected species, which would be hard to mitigate.

A site of this scale would generate the requirement for a new primary school. As highlighted previously there are significant issues regarding capacity at Maddiston Primary. Current roll project show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for further expansion. A new school is not currently included within the proposed list of uses, nor alluded to in the masterplan. This scale of use would also have major implications for Braes High School which is already subject to capacity pressures. It is not clear that the school could be extended to accommodate this scale growth. Even if these upgrades to the school estate were possible, the up front cost of the

development would be likely to present serious viability issues.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Part Allocated Housing Site – Parkhall North West (Site Ref 189)

Manor Forrest Ltd (00455/3008/001)

The Council does not consider the unallocated part of the site at Parkhall North West to be an appropriate housing allocation. The site forms two distinct areas: an area allocated as Proposal H13 which the Council supports, and a larger area to the north west between Nicolton Road and the existing Parkhall Farm development, which is outwith the Urban Limit, unallocated and is not supported.. This unallocated area also forms part of the wider Parkhall Farm North site (Site Ref 141, 00851/3006/001) discussed above.

The site was subject to site assessment, and was identified at the MIR stage of LDP2 as a non-preferred site. It was considered at the previous LDP1 Examination and rejected by the Reporters. The LDP1 Examination Report highlights that the site would not be a logical settlement extension, together with the landscape and visual impacts arising from development of this site, and the wider Parkhall Farm North site.

The unallocated part of the site includes a prominent ridgeline and whilst the lower part of the site to the west could probably be developed with limited landscape impact, development on the eastern part, on the slopes of the drumlin, is likely to have significant impact, and offers a poor landscape fit.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for any further school expansion to accommodate pupils from a development of this scale. There may also be issues with regard to the capacity of Braes High School which is due to continue at high occupancy levels into the longer term.

Whilst access to the site is available from Glendevon Drive, the deliverability of a secondary access which would be necessary to provide the necessary road network connectivity for such a large development is unclear. The Development Framework indicates a connection into the Nicolton Road to the north. However, Nicolton Road is a narrow rural road and the feasibility of upgrading it to the necessary standard is unproven. Connecting the site to the A801 to the east is possible, but will involve land outwith the promoter's control and co-ordinating with

the development of Proposal H18. There is no evidence of any such collaboration or an agreed route to date.

The Council considers that provision for new housing has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Housing Site – Gillandersland (Site Ref 144)

Messrs Robertson (02873/3002/001)

The Council does not consider the site at Gillandersland to be an appropriate allocation for housing development. The site has been subject to site assessment. It was identified as a non-preferred site at the MIR stage of LDP2.

Development would have a significant landscape and visual impact, due to the extent of the site, and the undulating topography. In particular, the western part of the site is elevated, rising to the north/west towards a ridgeline and the settlement edge of Maddiston, which forms the highest part of the site. The eastern part of the site rises steeply northwards towards the highest point of the site and the settlement edge. This part of the site would still be visually prominent, particularly when viewed from the surrounding road network.

In terms of ecology, both parts of the site contain mature tree belts and watercourses. These features have the potential to have biodiversity value as well as the potential presence of legally protected species. Whilst mitigation is possible, no surveys or further information were submitted with the representation to establish the nature of such impacts.

The allocation of this site will have a major impact on the local road network. Parts of the B805 corridor exhibit peak time congestion and the allocation of this site will add further to this congestion. As the site straddles the B805, a full roundabout would be constructed to access both elements of the proposed development site. Due to the levels of both parts of the site, it may well be difficult to secure a second point of access on each site, making any development potentially contrary to 'Designing Streets' policy. The site is also identified as being of low to moderate accessibility to local services in the site assessment with Maddiston Primary School being around 2km from the furthest part of the site.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections show that the primary school will be operating at close to capacity, even when the committed school is completed. There is also a lack of space within the curtilage of the school for

further expansion to accommodate pupils from a development of this scale.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release in this location.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Housing Site – Greenwells North (Site Ref 138)

Craigrossie Properties (00904/3003/002)

The Council does not consider the site at Greenwells North to be an appropriate housing allocation. The site has been subject to site assessment. It was identified as a non-preferred site at the MIR stage of LDP2. The site was identified in the MIR as a non-preferred housing site. The site was previously considered by the Reporters to the LDP1 Examination.

The site would represent a substantial western extension of Maddiston/Rumford into the countryside, and would be capable of accommodating considerably more than the 90 units stated. The site is prominent, and landscape and visual impacts significant, as highlighted in the site assessment. It rises steeply from north to south. The previous LDP Examination Report highlighted the visual prominence of the site, the existing settlement edge and the lack of defensible boundaries. For these reasons, it is considered by the Council that landscape and visual impacts would be unavoidable, despite mitigation.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for further expansion to accommodate pupils which would be generated by a development of this scale. Craigrossie Properties acknowledge the capacity issues at Maddiston Primary School, and request that these be dealt with by way of a catchment review. The site lies on the edge of the Wallacestone Primary School catchment area. Wallacestone Primary School does have some capacity, and it is possible that the site could be 'pre-zoned' to this catchment. The outcome of such an exercise cannot, however, be guaranteed, and the site falls more naturally within the Maddiston community.

The Council considers that provision has been made in Maddiston and Rumford for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area, and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for a release in this location.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS22 - Maddiston Fire Station

Scotland Fire and Rescue Service (00331/3003/001)

The site of the former Maddiston Fire Station is allocated under Proposal BUS22 in the Proposed Plan for business, retail and community uses. The Council considers that it should be reserved for these purposes, and should not be a housing allocation. The site was subject to site assessment. It was identified as a preferred new site for employment/community uses at the MIR stage of LDP2. A PPP application submitted by SFRS for housing on the site (P/17/0347/PPP) was refused at by the Council on the 20th February 2019. The principal reason for refusal set out in the committee report was that the proposal was contrary to Proposal BUS22 in the Proposed Plan.

The site is a brownfield one, which has become vacant as a result of the closure of the Fire Service HQ. The site is located within the village core, close to existing shops and services, and presents an opportunity for community and employment uses at the heart of the community.

Maddiston is a community which has experienced rapid population growth over recent years, and is projected to grow further. The Council's settlement population statistics show that the population grew by around 17% between 2011 and 2016 as a result of significant new housing development. The Maddiston East Strategic Growth Area will also result in continued population growth with around 370 further new homes. The view of the community is that community infrastructure and employment opportunities have not matched this growth. Whilst a new primary school was built, and is being extended, other provision such as healthcare, recreational and shopping facilities have not been improved. The community centre is small and heavily used, residents have to travel to Polmont for GP facilities and indoor sports facilities, and there is no convenience store of any scale in the village. The closure of the Fire Service HQ resulted in a loss of local employment. These issues are compounded by the relative isolation of Maddiston within the Braes urban area, and levels of social and economic disadvantage which are higher than the Falkirk Council average.

The Maddiston and Rumford Community Action Plan 2014-2019 identifies the key priorities for the village which include improving the quality of infrastructure and growing business and employment within the village. More recently, the Locality Planning process progressed through Community Planning Partnership has highlighted similar concerns of deficiencies in community infrastructure, and work is ongoing to identify ways of tackling these deficiencies. These may require land which is centrally located within the village.

The Council considers that the safeguarding of the site for employment/community uses is important, pending the outcome of a detailed assessment of

the shortfalls in community infrastructure within the village as part of the Locality Planning exercise, and the development of any associated funding bids to acquire all or parts of the site, and develop new facilities. Allowing the site to be developed for housing will result in the loss of this opportunity. The Council's position has been supported by Maddiston Community Council and Brightons Community Council.

As highlighted previously, there are significant issues regarding capacity at Maddiston Primary School. Current roll projections show that the primary school will be operating at close to capacity, even when the committed school extension is completed. There is also a lack of space within the curtilage of the school for any further school expansion to accommodate pupils from a development of this scale. Allocating this site for housing will put further pressure on the primary school.

In response to the representation from Brightons Community Council seeking an emphasis on employment use on the site, the exact mix of uses on the site will be dependent on market testing and a full masterplan to be informed by the ongoing work of the Council and other partners in relation to the location and need of community facilities.

For the reasons set out above, the Council does not agree to modify the plan in response to this representation.

Maddiston East Development Guidance

Scottish Natural Heritage (00646/3004/003)

This representation is partly accepted. The Council accepts that reference to Proposal GN14 within the Maddiston East Development Guidance may be useful. If the Reporter is minded to recommend that this change be made, the Council would not take issue with this. With respect to the other part of the representation, Proposals Map 5 already includes the roundabout spur and access from the A801 within the boundary of H18.

Issue 6	Polmont Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72-73) Gilston Major Area of Change Development Guidance (pages 74-75) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Braes and Rural South: Polmont/Laurieston/Westquarter (page a03) Business – Braes and Rural South (a19) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Ms Susan Buchanan (02715) Muir Homes Ltd (01160) Brightons Community Council (00123) Hansteen Land Ltd (00772) Manor Forrest Ltd (00455) Goldcrest Partners LLP (03008) Mr George Hardwick (03027)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Polmont, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Non Allocated Housing Site – Milnholm Riding Centre (Site Ref 135)		
<u>Ms Susan Buchanan (02715 /3005/001)</u>		
A site at Milnholm Trekking Centre should be allocated for housing purposes (circa 10 units). Part of the site is brownfield and would therefore benefit from re-use. The site is accessible and effective. Flood risk within the site envelope can be addressed, and a flood risk assessment has showed that this constraint could be addressed for development of an adjoining residential development site.		
Non Allocated Site – Station Road, Polmont (Site Ref 136)		
<u>Muir Homes Ltd (01160/3001/001)</u>		
A site at Station Road, Polmont should be allocated for housing purposes. The		

site is effective, and under the control of a housebuilder. The new proposed junction would improve road safety in the area, and the development would deliver much needed parking facilities for the station and local shops by including up to 100 parking spaces. Vehicular access from Station Road is deliverable, and with suitable design and mitigation would have a negligible effect on flood risk and habitat. The site will deliver open space and green infrastructure, and is in a sustainable location in relation to access to services and transport links.

Brightons Community Council (00123 /3003/008)

The Council's position to not allocate land at Station Road, Polmont is supported.

Non Allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002)

A site at Haygate Avenue, Brightons should be identified for housing purposes. The site is capable of being accommodated within the landscape, with the addition of reinforced landscaping along the boundaries. The site can be accessed from Haygate Avenue. The site is in a sustainable location within easy walking distance of Polmont railway station, local shops, facilities, bus services along Station Road.

Allocated Business Site BUS21 – Gilston, Polmont

Hansteen Land Ltd (00772/3003/001)

Proposal BUS21 Gilston should be identified as a mixed-use development for up to 500 units and business land. The site would make a significant contribution to the housing land supply. The site is effective and deliverable, in terms of the provisions of SPP and PAN 2/2010 Housing Land Supply and Affordable Housing, and is in the control of a single owner. The Council currently has an oversupply of business land, and Hansteen have attempted to market the site for its allocated purpose with no success.

Development of the site would integrate successfully with the existing settlement and would protect the landscape and townscape character. The site will also deliver green infrastructure including open space. The site is well connected to public transport links and active travel routes. The site can be absorbed in terms of current education capacity through provision of developer contributions.

Manor Forrest Ltd (00455/3006/001)

Manor Forrest supports the Council's retention of Gilston as an economic development site as the site is highly accessible to the strategic transport network. The site is not suitable for the inclusion of residential development within the mix of uses.

Non Allocated Site – Polmont Park (Site Ref 195)

Goldcrest Partners LLP (03008/3001/002)

A site at Polmont Park, Polmont should be included in the LDP as an “Age Restricted Housing” allocation.

Non Allocated Site – Polmont Brethren Church (Site Ref 234)

Mr George Hardwick (03027/3001/001)

An annotated proposals map has been submitted (RD**) showing an area, coloured in red. The area is surplus to Old Polmont Church, as landowner, and too expensive for the Church to maintain. LDP2 should, therefore, identify the area for alternative uses. The Church is keen to explore the potential for housing development, but is also open to other uses including open space. The Church is mindful of the Antonine Wall World Heritage Site designation and would ensure proposals do not impact on the Wall and its setting.

Modifications sought by those submitting representations:

Non Allocated Site – Milnholm Riding Centre (Site Ref 135)

Ms Susan Buchanan (02715/3005/001)

Insert additional site at Milnholm Riding Stables as a housing proposal, with an approximate capacity of 10 units.

Non Allocated Site – Station Road, Polmont (Site Ref 136)

Muir Homes Ltd (01160/3001/001)

Insert additional site at Station Road, Polmont as a housing proposal for approximately 125 units.

Non Allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002)

Insert additional site at Haygate Avenue, Brightons as a housing proposal for approximately 25-30 units.

Allocated Business Site BUS21 – Gilston, Polmont (Site Ref 095)

Hansteen Land Ltd (00772/3003/001)

Delete Proposal BUS21 and replace with mixed use proposal forming a new Strategic Growth Area and comprising the following uses.

- Business (Class 4/5/6, leisure and tourism);
- Housing (indicative capacity 500) to include 25% affordable housing;
- Neighbourhood Centre (convenience retail/local services);
- Greenspace.

Amend the Gilston Major Areas of Change Development Guidance to allow for the inclusion of housing, as per the Proposed Plan Committee Draft which was presented to the Falkirk Council meeting of 27th August 2018.

Non Allocated Site – Polmont Park (Site Ref 195)

Goldcrest Partners LLP (03008/3001/002)

Insert additional site at Polmont Park as an “Age Restricted Housing” allocation.

Non Allocated Site – Polmont Brethren Church (Site Ref 234)

Mr George Hardwick (03027/3001/001)

Insert additional site to the west of Old Polmont Church as a proposal for housing and community/open space uses.

Summary of responses (including reasons) by planning authority:

Council’s Approach to Housing Growth in Polmont

As background to the Council’s response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

The Braes and Rural South has a generous existing housing supply of almost 700 units which are focused on the two Strategic Growth Areas of Maddiston East and Whitecross, both of which have been carried forward, in amended form, from LDP1. Otherwise a strategy of consolidation is being pursued on account of the rapid expansion of many of the Braes urban communities, and consequent pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which in the past has eroded the identity of what were once discrete settlements.

Polmont is reasonably accessible to the trunk road network, although the local road network is subject to peak time congestion, and some junction capacity issues. Polmont rail station provides good access to the rail network, although parking capacity at the station is very limited, with no option to expand.

Education capacity is a key consideration in terms of the settlement strategy for Braes and Rural South. The Education Background Paper highlights the current situation. In Polmont, the main catchment primary school is St Margaret’s which is close to capacity, while Graeme High School will begin experiencing pressures in 2020, operating at 85% capacity. This is expected to increase to 103% in 2024, as new development at Overton and Redding Park generates additional pupils.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank (CD** and CD**)

and the lack of additional land at the health centre to expand. The rapid increase in patient numbers has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

Non Allocated Site – Milnholm Riding Centre (Site Ref 135)

Ms Susan Buchanan (02715/ 3005/001)

The Council does not consider that the site at Milnholm Riding Centre should be allocated for housing. The site was subject to site assessment and was identified in the MIR as a non-preferred site.

The site is located within the green belt and the countryside, as defined on the existing LDP1 and Proposed LDP2, Proposals Map 5. Whilst potential landscape and visual impacts could be partly mitigated with suitable structure planting, design and layout, the site nonetheless remains an integral part of an area of green belt which contributes to the identity and landscape setting of Grangemouth and has been subject to development pressure over the last 20 years. Its loss would undermine the function of the green belt. The site is also within a rural location, isolated from existing residential communities and amenities, with low accessibility to public transport and local services. As such the development would be largely car-dependent.

The site also lies within buffer zone of the Antonine Wall World Heritage Site Buffer Zone which is established to protect the landscape setting of the Wall. The impacts on the WHS would require thorough assessment to establish potential impacts and possible mitigation.

The site would be accessed via Smiddy Brae, a C-classified rural road. There are difficulties in respect of the road widths and visibility in the immediate vicinity of the site and weight restrictions in place.

The site lies adjacent to the River Avon and in close proximity to the confluence of the flood relief channel and Millhall Burn with the River Avon. Although the site lies just outwith the 1:200 year flood risk envelope, as shown on the SEPA Flood Map, flood risk assessment would be required which assesses the risk from the River Avon and the tidal interaction with this watercourse. A number of small piped drains are also known to cross the site in a northerly direction. The site falls within the current boundary of the Grangemouth flood protection scheme.

There would be a requirement for a significant habitat buffer between development and the River Avon to the north to provide a suitable habitat corridor. There is also the potential for the presence of protected species including bats, badgers, breeding birds, otter and kingfisher which have not been subject to survey

The majority of site is in a major hazard consultation zone and a pipeline consultation zone which may restrict the scale of development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site - Station Road, Polmont (Site Ref 136)

Muir Homes Ltd (01160/3001/001)

The Council does not consider that the site at Station Road, Polmont should be allocated for housing. The site was subject to site assessment and was identified in the MIR as a non-preferred site. The site was previously considered, and rejected, at the LDP1 Examination in 2015.

The site consists of a wedge of countryside between the Union Canal and the main Glasgow-Edinburgh railway line. It extends into the urban area, but in doing so provides a sense of physical separation between the communities of Polmont to the north and Brightons to the south. This wedge forms an important part of the green network, in landscape, visual and access terms. In particular, it contributes to the rural character and amenity of the Union Canal in this location, the canal network being a strategic tourism asset which the Council seeks to maintain and enhance through the LDP. This character would be lost if the site were developed, and the development would make no contribution to the canal. The Union Canal is a scheduled ancient monument, and its setting would be potentially adversely affected. The site is also part of the Polmont Burn corridor, which runs across the western part of the site. As shown in the Core Path Plan, a core path crosses the middle of the site emphasising its importance for countryside recreation. The value of the site to local landscape and amenity was a key consideration for the Reporters at the LDP1 Examination.

In terms of education capacity, the site lies within the catchment of Wallacestone Primary School which does have capacity for pupils which would be generated from the site. There are longer term capacity issues associated with Braes High School, although these could be dealt with through developer contributions.

The proposed access point to the site would be from Station Road at a section of the road that is narrow, with poor horizontal and vertical alignment, opposite a row of shops which benefits from adjacent on street car parking. The access would also have to cross the Polmont Burn to access the site. The developer has submitted a drawing to show an engineering solution to the access involving a traffic light controlled junction and a bridge crossing over the Polmont Burn. These major works will inevitably have an adverse impact on the character of Station Road which at this point is part of an Area of Townscape Value in the plan. Trees will be lost, and the habitat formed by the burn corridor is likely to be adversely affected. There may well be flood risk issues caused by the introduction of a culvert or bridge which would require a flood risk assessment. The on street car parking for the shops will be lost, albeit that compensatory parking is to be provided to the east of Station Road.

The Council's view that the site is not appropriate for housing is endorsed by Brightons Community Council.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no overriding justification for the release of the land for housing.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Haygate Avenue, Brightons (Site Ref 231)

Muir Homes Ltd (01160/3001/002)

The Council does not consider that the site at Haygate Avenue, Brightons should be allocated for housing. The site was previously considered as part of a previous submission by Muir Homes for Station Road, and rejected, at the LDP1 Examination in 2015.

The site is a greenfield site, adjacent to the south side of Union Canal. Whilst the site is partly enclosed by hedgerows and mature/semi mature trees, it does not in any way represent a logical extension of the urban area, and a precedent would be set for development south/eastwards into the wider countryside. The proximity to the Union Canal also gives rise to potential visual impacts from canal users, and direct impacts on the setting of the canal, itself a Scheduled Monument. The Union Canal is a Core Path, and forms part of the John Muir Way, one of Scotland's long-distance routes, and as such is well used.

The Union Canal is a important wildlife corridor and designated as a SINC (Site of Importance for Nature Conservation). The site is also adjacent to the Rumford East SINC, which links the habitats of the Union Canal and the Gilston Burn. It is fringed by mature trees. There is potential therefore for a variety of ecological impacts. Suitable habitat buffers would be required reducing the developable area of the proposed site. There is potential for impacts on legally protected species including otter, water vole, breeding birds, badger, and bats. Protected species surveys will be required.

Access would have to be taken via Haygate Avenue which is a small residential cul-de-sac. This would be physically very difficult, due the steep embankment alongside the canal, and there would be loss of canalside trees, with consequent impacts on ecology and amenity.

Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. Further investigation and an FRA would be required to assess the flood risk from the small watercourses along the eastern and southern boundary.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS21 – Gilston, Polmont (Site Ref 095)

Hansteen Land Ltd (00772/3003/001)

The Council considers that the Gilston site should be retained as a business site, and should not be reallocated for mixed use, including 500 residential units which would form a new Strategic Growth Area.

The site has been promoted in successive development plans for business use over the last 18 years, and has been carried forward into the Proposed Plan as a key employment opportunity within the Eastern Gateway Strategic Business Location. The site has a complex planning history as a strategic development opportunity dating back to the 1990s. More recently, planning permission was granted on appeal in March 2009 for development comprising Classes 4, 5 and 6, garden centre, car showrooms, hotel, restaurants, and neighbourhood centre (P/07/0803/OUT). Detailed planning permission was also granted for the formation of access to the site (P/07/0802/FUL), works which are now completed. An application for approval of matters specified in Condition 5 of the PPP consent (P/12/0095/MSD) for the submission of a masterplan was granted in August 2013. These applications were for the northern part of the site and excluded land to the south, as at that time the applicant did not have control over the entirety of the allocated site. Hansteen are now understood to have control over the whole site. There is currently an application under consideration (P/17/0332/PPP) for the northern site for up to 500 houses and a smaller area of business land in the form of leisure and local retail. The site was considered at the LDP1 Examination, with Hansteen seeking the allocation to include residential use within the proposal. The Reporters rejected their representation, and the site was retained exclusively for business in LDP1.

Gilston is an important site in the portfolio of economic development opportunities within the Council area. It is part of the Council's TIF (Tax Incremental Finance) business case and, as such, business rates from future employment uses will contribute funding for key supporting infrastructure in the local area, such as the upgrade to the A801. It occupies a strategic location at Junction 4 of the M9, and forms a key part of the Eastern Gateway Strategic Business Location (Map 3.3, page 16). It is also recognised as strategic tourism node, with the potential to accommodate gateway tourism services (Map 3.4, page 17 and Figure 3.2, page 18). The promotion of residential development as part of the mix is seen by the Council as conflicting with, and constraining the employment potential of the site.

The Council accepts that there is currently a generous supply of business land in the Council area, as evidenced in Section 5 of Technical Report 6. However, only a small proportion of the business land in the Council is immediately available without constraint. Gilston's potential as part of the employment land supply has been assessed within Appendix 2, page 24 of Technical Report 6 (Revised): Employment Land which concluded that the site be retained for business/industry/leisure/tourism/local retail. The site is serviced, with access spur and roundabout already in situ. The site is well located with good accessibility to the trunk and local road network. This reason, in addition to the

size of the site ensures its flexibility in terms of the types of uses that can be accommodated, in particular Class 6 storage and distribution. This is one of the stronger sectors within the local economy and suitable land should be safeguarded and allowed for in terms of the Council's portfolio of employment land. Hansteen submitted marketing evidence as part of planning application P/17/0332/PPP which purports to show that the site has been marketed with no success. However, efforts to market the site appear to have been largely passive, with advertising hoardings and a website to field enquiries.

It has also yet to be demonstrated how residential use could be successfully integrated across the site, without compromising the economic and environmental aspirations for the Gilston development. No overall indicative masterplan was submitted as part of this representation, nor indeed through application P/17/0332/PPP. A phasing and zoning layout submitted as part of application P/17/0332/PPP excludes the southern site, and shows an area of primarily residential development in the northern section of the site, with business uses along the north-eastern frontage. The plan shows arrows connecting through to future development area, the use as yet undetermined by Hansteen.

The LDP1 Examination Report highlighted, at that time, the lack of information submitted to show that housing could be integrated without inhibiting and constraining the economic development potential of the rest of the site and without causing significant prejudice to important aspects of the Vision and Spatial Strategy. The Reporter also highlighted the lack of a masterplan covering Gilston North and South which has not yet been produced as part of the LDP2 examination, nor planning application P/17/0332/PPP.

The representation seeks an allocation of up to 500 houses. This will have significant implications for community infrastructure. In terms of education, this could be accommodated within a permanent extension to St Margaret's Primary School, although the site is some distance from St Margaret's. However, the site is capable of accommodating significantly more than 500 units, which would require a new school to be built on the site. The continuing lack of clarity over the future of the southern part of the site means that an overall masterplan and confirmation of the total content of the site would be required to allow proper infrastructure planning. The representation does not address whether Hansteen would be willing to provide a new school on the site. Primary healthcare capacity issues in the Braes have been highlighted previously, and a development of this scale is likely to exacerbate these issues, pending the design and implementation of a solution, which may take some time. Lack of capacity at Polmont railway station car park is also an issue of concern.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. The introduction of a new Strategic Growth Area at Gilston would be contrary to the strategy of consolidation for the Braes area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to

this representation.

Non-allocated Housing site – Polmont Park (Site ref 195)

Goldcrest Partners LLP (03008/3001/002)

The Council does not consider that the site at Polmont Park should be allocated for housing ('age restricted' as proposed in the submission or otherwise). The site was subject to site assessment and was identified in the MIR as a non-preferred site. The site was considered, and rejected, at the previous LDP1 Examination.

The site does not represent a logical extension of the urban area. It is an integral and logical part of Polmont-Grangemouth green belt and helps to fulfil the functions of green belt, as set out in the SPP. It directs development to the most appropriate locations, and protects and enhances the character, landscape setting and identity of Polmont. It also contributes to the separation of the settlements of Polmont and Grangemouth. The current green belt boundary is considered to be strong and defensible. The green belt in this location is relatively narrow, and any reduction in its extent is likely to threaten its viability. Development would represent a westward projection of the urban area into the green belt, leading to fragmentation of the green belt and partially isolating the important wedge formed by Gray Buchanan Park to the south from the wider Polmont-Grangemouth green belt. In landscape terms, whilst a degree of enclosure is provided by boundary trees and walls, parts of the site are prominent when viewed from north and south. Development would adversely affect the landscape setting of Polmont.

The site is part of the Antonine Wall World Heritage Site buffer zone. The buffer zone is designed to protect the landscape setting of the Antonine Wall, and was delineated using a robust methodology including detailed landscape assessment and key visualisations. Details on the Methodology used can be found on Page 99-105 of the World Heritage Site Nomination Document. The Council therefore considers that this site forms part of the landscape setting of the Wall. In particular, development of the northern section of the site closest to the WHS has the potential to have adverse impact on the setting of the Wall.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no overriding justification for the release of this site.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Polmont Brethren Church (Site Ref 234)

Mr George Hardwick (03027/3001/001)

On behalf of Old Polmont Brethern Hall, Mr George Hardwick seeks a change to the plan that would identify the site as housing, or alternatively other community or open space use. The Church is no longer in a position to maintain the land and are currently exploring other options. An area of land to the north west of the existing hall was granted consent for a private burial ground in 2014. This was granted on the basis that the plots would be marked by inset grave stones, enabling the site to continue to be read visually as open ground and not impact on the WHS. The site is in a sensitive area, being located in designated countryside, the green belt and containing a section of the Antonine Wall World Heritage Site (scheduled area) and Buffer Zone. It is understood the Church is considering different options for site, including a nature area, and children's play area. The site is also covered by a Section 50 legal agreement which was agreed at the time of the application for the Hall in the 1990s. This requires the submission site to be retained as parkland and open space.

The Council does not support a housing allocation for the site. The site lies within the WHS, and there would be unavoidable impacts on the Wall and its setting arising from housing development. Vehicular access to site is also likely to cross the WHS to the north. Whilst this is currently previously developed with an access track and some areas of hardstanding, development of any scale is likely to conflict with this designation, and give rise to both direct impacts and impacts on setting. The site is also a logical and legitimate part of the green belt, and is of low accessibility to local services including schools and transport connections.

The Council has Development Plan policies that would support appropriate proposals at the site, for example, community uses. It would not be appropriate to allocate land when the intentions for that land and mix of uses are unclear. The Council has concerns an allocation would set a precedent for similar allocations of land that would potentially undermine the policies, settlement strategy and protective designations of the LDP.

It is recommended that Old Polmont Church explore their aspirations through pre-application discussions with the Council's Development Management Unit, once these aspirations are clearer and appropriate professional advice has been sought.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 7	Wallacestone, Redding and Reddingmuirhead Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72-73) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Braes and Rural South: Wallacestone/Redding/ Reddingmuirhead (page a03) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
1936 Investments (02708) Frank and Birgitta Fortune (00907) Mr Craig Rooney (02974) Robert & Lorraine Gillespie (01020) Mr Robert A Moodie (01005) Mrs Shona Warner (02979) Mr William Warner (00997) Mr Barry Warner (02980) Ms Anne Moodie (01010) Mr Fred Kania (02984) Anne E Grimwood (00993) Mr & Mrs Jim Cutaia (02458) Mr Colin Heggie (02931) Gladman Developments Ltd (01258) Jit Singh (00397) Ms Irene Fotheringham (00782) Brightons Community Council (00123) Mr and Mrs J Blackley (00796) Mr Danny Callaghan (00205) Mr Joseph Oliver (02977)		Ms Fiona Tierney (01765) Ms Kim Cranmer (03002) Ms Kate Connochie (03003) Reddingmuirhead and Wallacestone Community Council (00426) Persimmon Homes (East Scotland) Ltd (00712) Mrs E G Kania (02991) Mr R M Bruce (01017) Mr Robert Tierney (00859) Calum Tierney (01296) Sarah & Raymond Harper (03028) Taylor Wimpey UK Limited (00198) Avonbridge &Standburn, Reddingmuirhead &Wallacestone, and Shieldhill &California Community Councils (03034) Maria Montinaro (00303) Ms Margaret Higgins (02960)
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in the Wallacestone, Redding and Reddingmuirhead area, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead		
<u>Brightons Community Council (00123 /3003/001) Mr Craig Rooney (02974/3001/001); Mr Robert A Moodie (01005/3001/001); Mr & Mrs Jim Cutaia (02458/3001/001); Mr and Mrs J Blackley (00796/3001/001); Mrs Shona Warner (02979/3001/001); Mr William Warner (00997/3001/001); Mr Barry Warner</u>		

(02980/3001/001); Mr Robert A Moodie (01005/3001/001); Ms Anne Moodie (01010/3001/001);

The Council's strategy of consolidation in the Braes is supported, including the Council's approach to not include Wallacestone, Redding and Reddingmuirhead as a Strategic Growth Area in the Spatial Strategy. A number of concerns were raised relating to pressure in the local road network, schools, and lack of parking at Polmont/Falkirk High Station, and coalescence of villages and loss of village identity.

Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Mr Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Mr Colin Heggie (02931/3001/001); Mr Danny Callaghan (00205/3001/002); Ms Kate Connachie (03003/3001/001); Ms Kim Cranmer (03002/3001/001); Mrs E G Kania (02991/3001/001); Mr Colin Heggie (02931/3001/001); Sarah & Raymond Harper (03028/3001/001)

A number of representees consider that the Council should go further in terms of restricting growth. The statement in paragraph 5.18 of the Braes and Rural South Settlement Statement about recent growth in Wallacestone, Redding and Reddingmuirhead and the need for consolidation is supported. However, the above representees feel that the settlement statement needs to make it clear that no more growth is supported as recent growth has often been to the detriment of the local community. They consider that the settlement statement in para 4.52 of the LDP should be replicated in LDP2 as this stated that no growth was planned for the period 2014-24 and LDP2 should reflect this with growth restricted within the first 10 years of the plan, and preferably the 20 year plan period. Specific concerns relating to growth in the area include:

- GP surgery capacity;
- Education capacity;
- Coalescence and loss of village identity;
- Local road network capacity; and
- Former mine workings across a number of sites.

Non Allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001)

A site at Redding Road should be allocated for housing. A suite of supporting information has been submitted including a transport and accessibility overview, Landscape and Visual Impact Assessment, Extended Phase 1 habitat survey and a Development Framework report. The site has limited ecological value, and the site is in a sustainable and accessible location, which would integrate sensitively into the settlement pattern. The Transport and Accessibility Overview document shows that the site is accessible to the local road network, and public transport network (bus stops are within 400m of the site and Polmont station is within 2.5 km) as well as active travel opportunities. Given the delivery difficulties associated with larger sites dependent on significant upfront infrastructure, the Council should seek to support smaller sites, such as the site at Redding Road. The Council has not provided any explanation as to why they do not wish to promote

further growth at Wallacestone, Redding and Reddingmuirhead.

Non Allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001)

A site at Standrigg Road 1, Wallacestone (MIR Ref 147) should be allocated for housing. It represents a logical extension to the urban edge of Wallacestone due to the careful and considered scale, density and mixed tenure of housing. The development would fit neatly and sustainably into the landscape and an overall positive environmental benefit would be achieved as a result of development in terms of placemaking and green infrastructure. The site can be accommodated in terms of education capacity. The site is accessible in terms of walking distances set out in PAN75. With the benefit of recent surveys, consultation and planning application responses, a much more balanced appraisal of the site and its development impacts can be made. Supporting information is including which comprise committee documentation in relation to application P/18/0126/PPP and the Proposed LDP2, as well as a transport assessment.

Frank and Birgitta Fortune (00907/3002/001); Brightons Community Council (00123/3003/002)

The Council's position not to allocate land at Standrigg Road 1 is supported.

Non Allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004)

A site at Standrigg Road 2 (subject to previous planning application P/17/0519/PPP) should be allocated for housing, and could form part of a new Wallacestone Strategic Growth Area, which could also incorporate the site at Standrigg Road 1 (subject to previous planning application P/18/0126/PPP). Applications for these sites have demonstrated their effectiveness and deliverability, as well as the need and demand for new housing in the area. Masterplanning of the whole area could be required through LDP policies and could overcome the minor shortcomings identified by the Reporter in the decision on Standrigg Road 2 (PPA-240-2054). There is no explanation of the plan's strategy of consolidation.

Frank and Birgitta Fortune (00907/3002/001); Brightons Community Council (00123/3003/002)

The Council's position not to allocate land at Standrigg Road 2 is supported.

Non Allocated site – Middlerigg Farm (Site Ref 211)

Taylor Wimpey UK Limited (00198/3006/001)

A site at Middlerigg Farm should be allocated for housing development, with a

capacity of 200 houses. The site forms a logical and natural extension to the settlement, and has defensive boundaries along established field boundaries and the Polmont Burn. A suite of supporting information is provided which included a planning statement, landscape appraisal, landscape design statement, LVIA, traffic statement, indicative layout, drainage study, ground condition and mining risk assessment and habitat assessment. The site is effective and deliverable. It is in the ownership of a national housebuilder, within a marketable area and is relatively unconstrained.

Mr Craig Rooney (02974/3001/002); Robert & Lorraine Gillespie (01020/3001/001); Mr Robert A Moodie (01005/3001/001); Mr R M Bruce (01017/3001/001); Mr Joseph Oliver (02977/3001/001); Mrs E G Kania (02991/3001/001)

The Council's position not to identify the site at Middlerigg Farm for housing development is supported. The comments of the Reporter dealing with the site at the previous LDP Examination, in terms of loss of settlement character and amenity, remain valid. The area has seen significant development over recent years. It is felt that the developers are proposing the site 'by the back door' as the community was not consulted at the MIR stage on the site.

The local road network, particularly around Redding and Brightons lacks the capacity to absorb new development. There is also inadequate public transport provision in the Braes. There are continuing parking problems and Polmont and Falkirk High stations. The local schools are also over capacity. Health capacity at the local GP surgeries is also a problem. Brownfield sites should also be developed before greenfield sites.

Allocated Housing Site – H21 Hillcrest (Site Ref 056)

Mr Danny Callaghan (00205/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001); Ms Irene Fotheringham (00782/3001/001); Mr Robert Tierney (00859/3001/001); Anne E Grimwood (00993/3001/002); Calum Tierney (01296/3001/001); Ms Fiona Tierney (01765/3001/001); Ms Margaret Higgins (02960/ 3001/001); Sarah & Raymond Harper (03028/3001/001); Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034/3001/001)

Objection is made to the allocation of Proposal H21Hillcrest (H21). Reasons given include

- The Braes area has seen significant growth over recent decades and has reached saturation point;
- Impact on the natural and built environment , including loss of open space and wildlife habitat, visual impact and a breach of the skyline, loss of village identity, and loss of residential amenity.
- It will lead to coalescence of Shieldhill and Reddingmuirhead;
- The site was allocated on the basis that there was depopulation in Shieldhill which is incorrect;
- The planning application represented over-development of the site, and did not provide for adequate greenspace;

- There are road safety concerns from the increase in traffic and road geometry;
- Infrastructure is inadequate, including roads, schools and healthcare facilities
- There would be increased flood risk within the site and in the surrounding area as well as drainage problems due to old sewerage infrastructure;
- There is a lack of public transport and the bus service is inadequate. The development will be isolated, and the properties will be car-dependent;
- There is considerable opposition to the planning application within the village;
- The site is not required as Falkirk Council have admitted to overestimating their housing supply and reduced it accordingly;
- The community wish to explore the potential for the community's Right to Buy in order to create a Community Woodland; and
- H21 should be considered anew due to the ongoing criminal investigation regarding the circumstances of planning application relating to the site.

The representation by the Community Councils is supported by a petition. Some objectors consider that if the site is allocated, its capacity should be reduced from 90 units to either 30 (as per figure the existing LDP1) or 19 (the LDP1 capacity minus units already built and approved).

Reddingmuirhead and Wallacestone Community Council (00426/3003/004)

The capacity of the site should be reconsidered in the event that the currently "minded to grant" planning application for the site is not granted consent. The figure of 91 represents a significant increase from the original figure of 30.

Persimmon Homes (East Scotland) Ltd (00712/3010/001)

Whilst Proposal H21 Hillcrest is supported, the site boundary should accord with the red line boundary of the detailed application for housing which was 'minded to grant' by the Council in the 5th March 2018. Land which forms the vehicular access road approved as part of planning application P/17/0504/FUL is not currently illustrated on Proposals Map 4. The remainder of the allocation shown on Map 4 reflects the red line boundary of the application.

Persimmon Homes (East Scotland) Ltd (00712/3010/002)

The Shieldhill village limit should be extended to include Proposal H21 Hillcrest. A detailed planning application for 91 dwellings on the H21 site has a current 'minded to grant' status pending conclusion of a S75 obligation. In light of the site's current and emerging planning status it is considered appropriate that the Shieldhill village limit is extended to fully incorporate the H21 site. Whilst consolidating the existing group of buildings at Hillcrest Square the application proposals also constitute an extension to the Shieldhill settlement.

Modifications sought by those submitting representations:

Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead

Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Mr Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Mr Colin Heggie (02931/3001/001); Mr Danny Callaghan (00205/3001/002); Ms Kate Connachie (03003/3001/001); Ms Kim Cranmer (03002/3001/001); Mrs E G Kania (02991/3001/001); Mr Colin Heggie (02931/3001/001); Sarah & Raymond Harper (03028/3001/001)

Amend the Braes and Rural South settlement statement at paragraph 5.18 by adding at the end “No further settlement expansion is planned at least for the period 2020-30”.

Non Allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001)

Insert additional site at Redding Road as a housing proposal with a capacity of approximately 125 units

Non Allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001)

Insert additional site at Standrigg Road 1 as a housing proposal with a capacity of 200 units. Identify as part of a new Wallacestone Strategic Growth Area.

Non Allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004)

Insert additional site at Standrigg Road 2 as a housing proposal, as part of a wider Strategic Growth Area at Wallacestone.

Non Allocated site – Middlerigg Farm (Site ref 211)

Taylor Wimpey UK Limited (00198/3006/001)

Insert additional site at Middlerigg Farm, with a capacity of 200 units.

Allocated Housing Site – Hillcrest H21

Persimmon Homes (East Scotland) Ltd (00712/3010/001)

Amend the boundary of Proposal H21 Hillcrest to accord with the red line boundary of planning application ref P/17/0504/FUL, including the access road.

Persimmon Homes (East Scotland) Ltd (00712/3010/002)

Extend the Shieldhill Village Limit to include Proposal H21 Hillcrest.

Ms Irene Fotheringham (00782/3001/001); Mr Robert Tierney (00859/3001/001); Calum Tierney (01296/3001/001); Ms Fiona Tierney (01765/3001/001); Ms Margaret Higgins (02960/ 3001/001);

Delete Proposal H21 Hillcrest.

Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils Community Councils (03034/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001)

Delete H21 Hillcrest, or if it continues to be allocated, amend the capacity from 91 to 30 units

Mr Danny Callaghan (00205/3001/001); Anne E Grimwood 00993/3001/002); Sarah & Raymond Harper (03028/3001/001)

Delete Proposal H21 Hillcrest, or if it continues to be allocated, amend the capacity from 91 to 30 units.

Reddingmuirhead and Wallacestone Community Council (00426/3003/004)

Reduce the capacity of Proposal H21 Hillcrest

Persimmon Homes (East Scotland) Ltd (00712/3010/001)

Amend the boundary of Proposal H21 Hillcrest to accord with the red line boundary of planning application ref P/17/0504/FUL, including the access road.

Persimmon Homes (East Scotland) Ltd (00712/3010/002)

Extend the Shieldhill Village Limit to include Proposal H21 Hillcrest.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Wallacestone, Redding and Reddingmuirhead

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Braes and Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

The Braes and Rural South has a generous existing housing supply of almost 700 units, which are mainly focused around the Maddiston East Strategic Growth Area. A site at Hillcrest remains the only significant allocation in this locality. No Strategic Growth Area is proposed in the Wallacestone, Redding and Reddingmuirhead area, with a strategy of consolidation being pursued. This is due to the significant growth of many of the Braes communities, and consequent

pressures on infrastructure, including education, transport and healthcare. There is a desire to avoid further incremental growth of the urban area which has resulted on the coalescence of Braes villages and a loss of identity.

The Wallacestone, Redding and Reddingmuirhead area has a somewhat constrained local road network, with the rural roads which connected what were once small villages now serving large urban communities, with relatively little upgrading. This includes the main spine through the area, the B805, which is subject to peak time congestion, and some junction capacity issues. Rail services may be accessed at Polmont station to the north, but parking capacity at the station is very limited, with no option to expand. Parts of Reddingmuirhead and Wallacestone are up to 2 miles from Polmont Station, which is not particularly convenient for active travel modes.

Education capacity is a key consideration in terms of the settlement strategy for Braes and Rural South. The Education Update Paper sets out the current situation. Wallacestone and the southern part of Reddingmuirhead are served by Wallacestone Primary School which is less constrained than previously, having already been extended, with capacity now available. Redding and the northern part of Reddingmuirhead is served by Westquarter Primary School which is now over capacity. Both secondary schools serving the area - Braes High School and Graeme High School – are likely to have capacity issues in the longer term, and may need extended.

There are also severe pressures on primary healthcare services in the Braes, which are delivered mainly through the four local GP practices at Meadowbank Health Centre in Polmont. Recent correspondence from NHS Forth Valley highlights concerns regarding premises capacity at Meadowbank and the lack of additional land at the health centre to expand. The rapid increase in patient number has been driven by high levels of housing growth over recent years. NHSFV are currently exploring potential solutions for these problems through a Primary Care Review.

Throughout successive Development Plan consultations, the community has highlighted the significant growth over recent years, and the pressure on local services through incremental development.

Reddingmuirhead and Wallacestone Community Council (00426/3003/001); Frank and Birgitta Fortune (00907/3002/002); Mr Fred Kania (02984/3001/001); Anne E Grimwood (00993/3001/001); Mr Colin Heggie (02931/3001/001); Mr Danny Callaghan (00205/3001/002); Ms Kate Connachie (03003/3001/001); Ms Kim Cranmer (03002/3001/001); Mrs E G Kania (02991/3001/001); Mr Colin Heggie (02931/3001/001); Sarah & Raymond Harper (03028/3001/001)

A number of representees consider that the Council should state more firmly in the settlement statement that there will be no further growth for the period of the plan. The Council has proposed no new allocations in the Wallacestone, Redding, Reddingmuirhead area, and paragraph 5.18 of the settlement statement reflects this, explicitly stating that growth is focussed elsewhere over the LDP2 period. However, the Council is conscious that legitimate windfall sites may come

forward, and it would therefore be unwise to state that there will be no further growth in the area for the period of the plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Housing Site – Redding Road (Site Ref 146)

1936 Investments (02708/3007/001)

The Council does not consider the site at Redding Road to be appropriate for housing. The site has been subject to detailed site assessment, and was identified in the MIR as a non-preferred site. The site was also previously considered at the Falkirk Council Local Plan Inquiry in 2009 and rejected.

The site is a visually prominent one, much of it elevated in relation to the adjacent B805 Redding Road. It would be visible from higher ground of Westquarter Avenue and the surrounding housing to the north and forms a useful buffer in visual terms between the older housing to the north and the new housing at Overton to the south. Due to the gradient of the site, development is likely to breach the ridge and result in significant visual impact from the surrounding area. The gradient will require substantial earthworks and potentially retaining walls which will exacerbate visual impacts. In short, the narrow shape of the site, sandwiched between the B805 and the railway line, and its topography, make it unlikely that it could be sensitively developed.

The site is identified in LDP1 as a SINC (Site of Importance for Nature Conservation). This designation is proposed for removal in LDP2. The conclusions of the submitted Phase 1 Habitat Survey Report are that the site is of limited ecological value, aside from some areas of standing water which should be further assessed for the presence of Great Crested Newts. The conclusions are broadly accepted by the Council.

The site does remain identified as an open space in the Proposed LDP2. In Section 1.1 of the Development Framework Report it is stated that the site is not public open space, and the site is gated. Annex 1 of PAN 65 identifies natural/semi-natural greenspace as one of the Open Space Typologies, regardless of ownership and access, and the Council considers that the site would fall into this open space typology, and visually plays an important function.

This site would take access from the B805 Redding Road which is a local distributor road that can be busy at peak times. The gradients and elevated nature of the site means that the two required accesses as proposed may be difficult to achieve.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Standrigg Road 1 (Site Ref 147)

Persimmon Homes (East Scotland) Ltd (00712/3011/001)

The Council does not consider the site at Standrigg Road 1 to be a suitable housing allocation. The site has been subject to detailed site assessment, and was identified in the MIR as a non-preferred site. It was also previously considered at the Falkirk Council Local Plan Inquiry in 2009 and subsequently rejected. An application for housing on the site (P/18/0126/PPP) was refused on the 21st September 2018.

The site will have a major impact on the surrounding local road network. The size and scale of development gives concern with the operation of the junctions of Standrigg Road with Wallacestone Brae and Sunnyside Road with Main Street, Rumford. The B805 corridor exhibits peak time congestion which this development site will further exacerbate. The proposed site lies in a semi-rural area to the south west of Wallacestone and is served by the C14 Standrigg Road which is a de-restricted road with no footways or lighting. Horizontal and vertical geometry of the road is substandard and visibility from the site is sub-standard and so not favoured to serve any other residential development in present form.

The site represents a major projection of the urban area into open countryside, and does not represent a natural rounding off of the urban area. There is no strong boundary on the eastern side to prevent further incremental growth between the Gardrum Burn and Standrigg Road. The site slopes up from the Gardrum Burn along the south-eastern boundary towards the north-western boundary, which forms the highest part of the site. It is accepted that there could be some visual containment from the woodland to the west of the site, and additional landscaping may provide some additional mitigation. However, the elevated nature of parts of the site, in particular, the section to the north-east of California Road, will mean that it would be difficult to integrate the site into the surrounding landform without breaching the skyline. Landscape and visual impacts would be significant

The site is assessed as having low accessibility in relation to local services and public transport connections. Apart from the distance from local facilities, there is no continuous footpath along Sunnyside Road and Standrigg Road, which was a key determining factor in planning application P/17/0519/PPP. Such a footpath is potentially undeliverable due to physical and land ownership constraints.

Rumford West SINC to the south of the site forms an important wildlife corridor supporting a variety of habitats, high species diversity, with presence of protected species – badgers and water voles. A range of potential adverse impacts are possible including increased disturbance levels, loss of habitat refuges adjacent to the burn, potentially increased pollution to the burn and reduction in habitat quality. The Council accepts that mitigation is possible, if a suitable buffer is implemented, but risks remain, particularly in relation to the protected species.

Infrastructure issues affected the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. Potential cumulative issues with Standrigg Road 2

and Middlerigg Farm also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Standrigg Road 2 (Site Ref 221)

Gladman Developments Ltd (01258/3005/004)

The Council does not consider the site at Standrigg Road 2 to be an appropriate housing allocation. The site has been subject to site assessment. It was only submitted as a potential site after the MIR stage of the plan. Planning permission for housing on the site (P/17/0519/PPP) was refused in March 2018, and an appeal subsequently dismissed (AP/18/002/PPA) in October 2018.

Development of the site would result in the loss of a large greenfield site. The does not represent a natural rounding off of the urban area, and there is no strong boundary on the western side to prevent further incremental westward growth. There will be localised landscape and visual impacts, but it is accepted that these can be mitigated. The Council accepts that flood risk and surface water drainage issues are also capable of being resolved.

A key issue is the overall concern regarding the accessibility of the site, and the implications for overall sustainability. This was highlighted as a determining issue in the recent appeal decision. The bus service serving Sunnyside Road is 2-hourly, with more regular services available from the B805. The site is relatively distant from these services, with the furthest part of the site being around 1km from the bus stops along the B805. This is outwith the guideline walking distances set out in PAN 75 Planning for Transport.

Another critical issue is the absence of a footpath along 180m of Sunnyside/ Standrigg Road. As part of planning application P/17/0519/PPP, this was considered in detail, and the Reporter also addressed the issue of the difficulty of footpath provision in paragraphs 17-25 of the appeal decision. The minimum required width of carriageway is 6m, and if a footpath was provided along the northern side of the road, this would be reduced to 5m. Alternatively, land at the cricket ground would require to be utilised to provide a footpath and 6m road, and this may require compulsory purchase given that no agreement between the developer and the club was reached as part of the application at that time. The Reporter concluded that the road geometry, together with the issue footpath and carriageway provision was problematic. Paragraph 32 of the appeal decision

concluded that the proposal does not meet the criteria for sustainable development, as set out in paragraph 29 of SPP.

Infrastructure issues affected the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. There would be impacts on the local road network, particularly the B805, as described for the Standrigg Road 1 site. Potential cumulative issues with Standrigg Road 2 and Middlerigg Farm also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated site – Middlerigg Farm (Site Ref 211)

Taylor Wimpey UK Limited (00198/3006/001)

The Council does not consider that a site at Middlerigg Farm should be allocated for housing. The site was subject to site assessment. It was only submitted as a potential site after the MIR stage of the plan. A planning application for housing on the site (P/19/0125/PPP) is currently under consideration.

A site at Middlerigg with different boundaries was previously considered through LDP1. It included land to the south of the Polmont Burn, but did not extend to the east of Fairhaven Terrace. It was included in the LDP1 MIR, published in 2011, as a preferred site but then subsequently not taken forward to the LDP1 Proposed Plan. It was considered at the LDP1 Examination, and rejected.

Notwithstanding the change in boundaries from the site that was promoted through LDP1, the site still raises issues of coalescence between Wallacestone, Reddingmuirhead and Shieldhill. It will still impact significantly on the green wedge between Wallacestone and Reddingmuirhead, and the character of the corridor of the Polmont Burn in this locality, which was highlighted by the Reporter as an important feature in the LDP1 Examination Report. Development of the western part of the site, west of Fairhaven Terrace, is an addition to the site promoted through LDP1. Whilst bounded by trees and hedgerows, development here could potentially set a precedent for further incremental growth to the south and west.

Infrastructure issues affected the area have been previously highlighted. The catchment primary school is Wallacestone Primary School which has sufficient capacity. The proposal will contribute to long term capacity pressure at Braes High School, although this could be dealt with through developer contributions. Capacity issues at Meadowbank Health Centre are critical, and it is unclear when a solution will be implemented. There would be impacts on the local road network, particularly the B805. Potential cumulative issues with Standrigg Road 1 and 2 also require to be considered, bearing in mind that the combined scale of the three sites would be in excess of 500 units.

The eastern part of the site is also subject to a degree of mining risk, as shown in Figure 8 of the Mining Risk Assessment. The Mining Risk Assessment also concluded that further ground investigation works are required together with a mitigation strategy, in consultation with SEPA and the Coal Authority. Whilst this is likely to be able to be resolved, it may have some implications for overall viability of the site.

The Council considers that provision has been made in the Braes area for suitable, effective housing sites. Release of this site would be contrary to the strategy of consolidation for the Braes area and would represent the kind of piecemeal, incremental growth which the Council is trying to avoid in the area. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this release of this scale.

The Council's position on the site has been supported by a number of letters of representation.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site – Hillcrest H21

Mr Danny Callaghan (00205/3001/001); Maria Montinaro (00303/3003/001); Jit Singh (00397/3001/001); Reddingmuirhead and Wallacestone Community Council (00426/3003/004); Ms Irene Fotheringham (00782/3001/001); Mr Robert Tierney (00859/3001/001); Anne E Grimwood (00993/3001/002); Calum Tierney (01296/3001/001); Ms Fiona Tierney (01765/3001/001); Ms Margaret Higgins (02960/ 3001/001); Sarah & Raymond Harper (03028/3001/001); Avonbridge & Standburn, Reddingmuirhead & Wallacestone, and Shieldhill & California Community Councils (03034/3001/001)

The site at Hillcrest has a complex history, in terms of planning applications and development planning. For ease of reference, and to summarise the current position of the site in planning terms, this can be summarised as follows:

The site of the present Hillcrest Square development, which was a brownfield site in the countryside, was subject to several applications for residential development which the Council refused. Planning consent was granted on appeal in 2003

(F/2002/0938) and the site was developed for housing. This was followed by a number of applications within the boundary of what would be now H21 for housing (plots and the wider site), which were refused by the Council.

The LDP1 Main Issues Report 2011 was preceded by a 'call for sites' exercise where the site was submitted to the Council as a potential allocation. The Council included the site as an allocation in the Proposed LDP1, with a capacity of 30 units (Ref H69). There was a substantial body of representations objecting to the site, and these were considered at the LDP1 Examination. The Reporter concluded that the site should be retained in the plan, and so the adopted LDP1 allocated the site for housing purposes, outwith the settlement limit, with a capacity of 30 units. The allocation was justified on the basis that it represented a consolidation of the existing development at Hillcrest Square/Tappernail Farm, and that additional sites were required to assist with the Council's housing land supply. Further development at Hillcrest would provide additional landscaping and greenspace, thereby softening the edge of the existing grouping at Hillcrest. There was capacity at the local primary school, and Shieldhill was seen as one of the more marketable Braes villages.

Following on from the adoption of LDP1 in 2015, an application was submitted by Persimmon Homes for 112 units (P/16/0706/FUL). This was refused by Falkirk Council on the 25th January 2017 on the basis that the site represented over-development in relation to the LDP capacity of 30 units, and lacked an appropriate level of greenspace. A revised application (P/17/0504/FUL) for 91 units was submitted in August 2017, which involved a reduction of 21 houses and an increase in open space and landscaping provision. The Council was minded to grant the application on the 5th March 2018, subject to the satisfactory conclusion of a legal agreement. The legal agreement has still to be concluded.

The site is proposed to be carried forward into LDP2. It is a committed allocation in LDP1, which was assessed and endorsed through the LDP1 Examination, albeit for a capacity of just 30 units. With regard to capacity, the recent 'minded to grant' decision on the application for 91 units is clearly material and indicates the Council's view that the site can satisfactorily accommodate this number of houses whilst retaining requisite greenspace. Accordingly, the capacity of the H21 allocation reflects the 'minded to grant' decision. The site area of H21 has been reduced from LDP1 to reflect the extent of the planning application.

Representations opposed to the allocation of the site submit that it should be removed from the Proposed Plan, or failing this, that the capacity should be reduced to the scale indicated previously in LDP1. The Council's response to the points of objection raised by representees is as follows:

- Community growth and pressure on infrastructure. The Council recognises that the Braes area has seen substantial growth, which has resulted in significant pressure on local infrastructure. The strategy of consolidation in LDP2 previously described reflects this. The Hillcrest site is an existing commitment from LDP1 and has been factored into infrastructure planning for the area. There is capacity at Shieldhill Primary School, and contributions will be secured in respect of long term capacity pressures at

Braes High School.

- Impact on natural environment and greenspace. The site comments relating to H21 require substantial greenspace to be retained on site including extensive tree planting to contain new development, open space, access provision and habitat enhancement. The masterplan associated with the 'minded to grant' application P/17/0504/FUL illustrates the extent to which this can be achieved with the increased site capacity of H21. The planning application includes a playspace to serve the eastern part of Shieldhill, in line with the priority action to meet the shortfall in play provision in east Shieldhill, set out on page 45 of the Falkirk Open Space Strategy. In response to concerns regarding loss of habitat, an extended phase one habitat survey, and breeding bird survey was undertaken as part of application P/17/0504/FUL. The site mainly comprises semi-natural grassland and scrub. Paragraph 8.1 concluded that *"None of the habitats within the study area were notable for their rarity, quality, or extent, and in summary we consider the habitats to be unremarkable and common although the scrub habitat has some intrinsic seasonal wildlife value (for breeding birds in particular). Habitats and botanical species are therefore not an ecological constraint for development at this site."* Additionally, greenspace and features such as SUDs will form a part of habitat enhancement measures on site.
- Coalescence. A reasonable gap remains between the eastern edge of the site and the western edge of Reddingmuirhead to avoid coalescence and maintain the identity of communities. The site requirements of site H21 also require a substantial amount of greenspace to be retained within the site which will help to mitigate any sense of coalescence.
- De-population. Settlement population estimates produced by the Council's Research and Information Unit are published annually. This shows a small decrease in the population of Shieldhill from 2422 in 2016 to 2377 in 2017. Generally speaking, the Council seeks to maintain the population of settlements to ensure to assist their viability. However, depopulation in Shieldhill was not a significant factor in the original decision to allocate the site in LDP1
- Overdevelopment. A number of representations state that, if the site is to be allocated, its capacity should be reduced to the scale envisaged in LDP1. The site masterplanning associated with application P/17/0504/FUL has demonstrated that the revised site capacity of 91 units can be satisfactorily accommodated on the site, with adequate provision of greenspace.
- Transport and Road safety. A Transport Assessment was prepared by ECS Transport Planning Ltd in support of application P/17/0504/FUL which confirmed through junction analysis and trip assessment that the site is capable of being accommodated within the local road network. The site will also be required to be accessed via a new priority junction with Hillcrest Square, with improved signage on the approach to the site. This is likely to

improve upon the current access arrangement to Hillcrest Square. This information within the Transport Assessment was assessed and agreed by Council officers as part of the determination of the application.

- Housing land supply. The Council position with regard to the housing land target for LDP2, the housing land requirement and the provisions that have been made to meet the requirement have been set out in Technical Report 3 (Revised): Housing and Settlement Growth Options, and further explained within Issue 2.
- Community woodland. The Council acknowledges that it is an aspiration from some members of the community to establish community woodland on the open space at Belmont Avenue and on the representation site. This would be dependent upon a number of factors which are not related to its consideration for housing purposes including land ownership and funding issues.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3010/001)

This representation seek the site boundary of H21 to be aligned to match the boundary of 'minded to grant' planning application P/17/0504/FUL . This would involve the addition of a narrow corridor of land which represents the access to the site. The proposed access off the B810 to Hillcrest Square and Tappernail Farm is already established, and whilst the route of the existing access road will have to be amended to secure access to the new development, there is no overriding reason why this access corridor should be included in the allocated site. For this reason, the Council does not agree to modify the plan in response to this representation.

Persimmon Homes (East Scotland) Ltd (00712/3010/002)

The Council considers it appropriate to exclude the site from the Shieldhill Village Limit. The intention of the development in this location was to extend and consolidate the existing development at Hillcrest Square, whilst maintaining its visual separation from the village of Shieldhill through a substantial green buffer between the settlement and the site. As such it was to be a development cluster in the countryside. Furthermore, including the site within the Village Limit could set a precedent for further development along the B810. Whilst the Council is minded to grant consent for 91 units on the site, the Council seeks to ensure that any future proposals within the site accord with the policy and design principles of development in the countryside. For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 8		California and Standburn Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72-73) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Braes and Rural South: California (page a04) Housing - Braes and Rural South: Standburn (a04) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:	
Body or person(s) submitting a representation raising the issue (including reference number):			
H Miller & Son (02969) MLFP (02916) Mr Raymond Campbell (03038) Mr Andrew Paterson (00515)			
Provision of the development plan to which the issue relates:	The allocation of sites for housing in around the villages of California and Standburn, as identified in the Braes and Rural South Settlement Statement, and detailed in Appendix 1.		
Planning authority's summary of the representation(s):			
Non Allocated Site - East of Burnside Villa, California (Site Ref 222)			
<u>H Miller & Son (02969/3001/001)</u>			
A site at Burnside Villa, California should be allocated for housing, with a capacity of approximately 10 units. The site is considered effective and deliverable, and is unconstrained. The site would be an infill gap site, complementing the existing settlement form.			
Non Allocated Site - Broadhead, Candie (Site Ref 226)			
<u>MLFP (02916/3002/001)</u>			
The grouping of properties at Candie/Broadhead should have a defined settlement boundary. This should include an area of land to the east of the settlement with development potential. This would still offer a level of containment, and would offer a development site for rural housing. This is consistent with the aims of the LDP2 vision and SPP. The land should also be excluded from the local landscape designation.			
Allocated Site H28 - Standburn West. Standburn			

Mr Raymond Campbell (03038/3001/001)

In respect of Proposal H28 Standburn West, Mr Campbell is currently pursuing a claim to legal title to land which forms part of the proposed development, plans of which are submitted. While it is understood that there are no imminent plans for development, Mr Campbell would object to any development which adversely affects either the land to which he has a claim or the claim itself.

Mr Andrew Paterson (00515/3001/001)

In respect of Proposal H28 Standburn West, Mr Paterson owns a large proportion of the land and is not willing to release it for development. A plan is provided showing the extent of ownership. Mr Paterson is unclear as to why he has never been consulted about the inclusion of the land for development. Four other landowners affected by the development are in the same situation and likewise are not willing to sell their land for development.

Modifications sought by those submitting representations:

Non Allocated Site - East of Burnside Villa, California (Site Ref 222)

H Miller & Son (02969/3001/001)

Insert additional site at Burnside Villa, California as a housing proposal for approximately 10 units.

Non Allocated Site - Broadhead, Candie (Site Ref 226)

MLFP (02916/3002/001)

Define a settlement boundary around the existing grouping at Candie/Broadhead including an area of land to the east within the settlement boundary as a development opportunity. Exclude the proposed area of land from local landscape designation.

Allocated Site H28 - Standburn West, Standburn

Mr Raymond Campbell (03038/3001/001); Mr Andrew Paterson (00515/3001/001)

Delete Proposal H28 Standburn West.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in California and Standburn

As background to the Council's response on this issue, the general approach to the allocation of housing sites in the Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

The Council attempted under previous development plans to promote growth in the former Rural South mining villages through additional housing allocations. The aim was to encourage regeneration, and provide critical mass to sustain existing services. California has seen some growth over the last 10-15 years, and two opportunities for additional housing are proposed carried forward from LDP1 into LDP2 at H23 Cockmalane and H24 Church Road. Standburn has seen little growth, but an area to west of the village (H28 Standburn) provides a partly brownfield opportunity should demand emerge.

In tandem with the Council's policy on housing in the countryside (HC05), the strategy for the rural areas is generally to direct new housing to the established villages in order to help sustain these communities, and protect the countryside from sporadic development.

Non Allocated Site - East of Burnside Villa, California (Site Ref 222)

H Miller & Son (02969/3001/001)

The Council does not consider the site at Burnside Villa to be appropriate for housing. The site was submitted following on from the publication of the Proposed Plan, and was not considered at MIR stage.

The site comprises 0.4 hectares of agricultural land lying to the east of California, outwith the Village Limit, and along the north side of the C-classified California Road between California and Maddiston. The site would form a linear development extending over 200 metres along this road. The site is detached from the existing village and does not represent a logical extension to it. It is not considered a gap site. Ribbon development in this form would not represent a desirable form of development. Opportunities exist for housing development within California which would be more appropriate.

The site would be accessed from the derestricted California Road, adjacent to a sharp bend offering poor visibility. Multiple points of access from the site are likely to impact on road safety. There is also no footpath along California Road between the site and the village, and very little scope in terms of available land to introduce one.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site 226 - Broadhead, Candie (site Ref 226)

MLFP (02916/3002/001)

The Council's approach to the rural area is that only villages of a reasonable scale are defined by Village Limits, within which appropriate development is generally permitted. Smaller hamlets of a few dwellings are left undefined and are subject to countryside policies. In this instance, the collection of about six dwellings at Broadhead falls into the latter category and does not merit a Village Limit. To give

it such a definition would create inconsistency with the rest of the plan.

In terms of the land to the east of the existing houses at Broadhead, which the representation seeks to have included in a settlement boundary, the Council does not consider it to be an appropriate housing allocation. The site does not represent a gap site, lies beyond the envelope of the existing houses, and would represent undesirable ribbon development. There is also a lack of a defensible boundary to the north. Development would be likely to result in the loss of mature roadside trees through the formation of access to the site. Access would also be problematic for road safety reasons. The site is located on a tight, blind bend with poor visibility. The road is single carriageway and is not capable of widening, and the provision of a footway is unlikely to be possible.

A planning application (P/18/0044/FUL) for 4 dwellinghouses on the site was refused under delegated powers on 23rd March 2019. An appeal was subsequently dismissed by the Council's Local Review Body. Reasons for refusal include that the development did not comply with policies on development in the countryside, and road safety reasons as noted above.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Site H28 - Standburn West, Standburn

Mr Raymond Campbell (03038/3001/001); Mr Andrew Paterson (00515/3001/001)

Standburn is a village which has seen no development over a number of years, which is partly reflective of its limited attractiveness to the housing market. Nonetheless, it is considered desirable to retain a site for potential future housing growth should development interest emerge over the plan period, and the site at Standburn West, which is proposed to be carried forward from LDP1, is considered the most appropriate location within the village. The site is partly brownfield and its redevelopment would offer the benefits of enabling the regeneration of a vacant/derelict site, making safe unstable ground and remediating historic contamination. The original process of allocating the site was undertaken shortly after the adoption of Falkirk Council Local Plan, whereby the Reporter sought an allocation within the village, with the Council to determine the boundary and scale through supplementary guidance at a later date. Following on from public consultation, a Supplementary Planning Guidance document was produced which identified the allocation and the key principles with which development should accord.

The representations are from parties who have an ownership interest in the land, and do not wish to promote it for development. It is recognised that this may limit its effectiveness in the short, and possibly long term. Certainly, there has been no recent development interest in the site as a whole. The Council recognises this in so far as the allocation is not seen as contributing to the housing land supply in the period of the plan. However, redevelopment of the site would nonetheless be desirable. The owners' interests would not necessarily be prejudiced by its continued allocation, since they would be under no obligation to participate in any

future scheme. The Council would not seek to acquire land for development at this location by compulsory purpose

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 9	Slamannan and Limerigg Housing Sites	
Development plan reference:	Chapter 5 Settlement Statements Braes and Rural South (pages 72-73) Appendix 1 Proposals and Opportunities Schedule Housing - Braes and Rural South: Limerigg (page a04) Housing - Braes and Rural South: Slamannan (page a04)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div>Alex Kirkland (02981) Ms Christina Wilson (02982) Mr Cameron Robertson (03018) Jim & William Robertson (00848) Mr Duncan Cooper (02983) Ms Sandra Hendricks (02996) Mr Stuart MacDonald (02998) Ms Sandra MacDonald (02997) Mr William Clark (03000) Ms Inger Cooper (02988) Mrs Mary Gardner (02989) Mr Mohammed Tariq (02990) Ms Pamela Clark (02992)</div><div>Mrs Parveen Tariq (02993) Mr Paul Cooper (02994) Mr Ray Kirkland (02995) Mr Gordon Kirkland (02986) Ms Helen McKinlay (02987) Stewart Homes (00456) Manor Forrest Ltd (00455) Ms Alison Mayne (02961) Mr Robert MacDonald Clarkston (03011) HJ & ME Harbinson (03013) Mr Robert Capper (02959) Mr and Mrs David Black (00746)</div></div>		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in the villages of Slamannan and Limerigg, as identified in the Braes and Rural South Settlement Area, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Allocated Housing Sites – H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)		
<u>Alex Kirkland (02981/3001/001); Ms Christina Wilson (02982/3001/001); Mr Cameron Robertson (03018/3002/001); Jim & William Robertson (00848/3001/001); Mr Duncan Cooper (02983/3001/001); Ms Sandra Hendricks (02996/3001/001); Mr Stuart MacDonald (02998/3001/001); Ms Sandra MacDonald (02997/3001/001); Mr William Clark (03000/3001/001); Ms Inger Cooper (02988/3001/001); Mrs Mary Gardner (02989/3001/001); Mr Mohammed Tariq (02990/3001/001); Ms Pamela Clark (02992/3001/001); Mrs Parveen Tariq (02993/3001/001); Mr Paul Cooper (02994/3001/001); Mr Ray Kirkland (02995/3001/001); Mr Gordon Kirkland (02986/3002/001); Ms Helen McKinlay (02987/3001/001)</u>		
The allocated housing sites in Slamannan and Limerigg (H25 – H27) are not suitable for development and not effective due to a number of factors including:		

flooding (site H27 is with the floodplain as defined by SEPA); drainage and sewerage issues; traffic issues; contamination (site H25); ecological issues (presence of bean geese); viability issues; and lack of development interest. The sites have been allocated for some time and have not seen any development. Indeed they are identified as 'non-contributing' in the Council's Housing Land Audit. This approach has deprived Slamannan of new development and associated regeneration benefits such as an improved environment and sustaining services and amenities in the village. The Council therefore needs to consider alternative sites which offer better prospects for development, particularly sites to the north and east of the village which were promoted through previous plans and which do not suffer from the same constraints.

Manor Forrest Ltd (00455/3007/001)

The inclusion of Proposal H25 Slamannan Road, Limerigg is supported. The development of this site will help to regenerate the wider area of Limerigg. The proposed end user will ultimately be a developer which specialises in the delivery of affordable housing.

Ms Alison Mayne (02961/3001/001)

The allocation of Proposal H25 Slamannan Road, Limerigg for housing development is supported. The site is derelict and is an eyesore, and further development in the village could sustain local services.

Non Allocated Site - Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456/3002/001)

A site at Slamannan Road, Limerigg, which would constitute an extension to the existing Proposal H25 (Site Ref 054), should be allocated for housing development, with a capacity of 120 units. Development would support and encourage much needed community regeneration, a mix of housing tenure, and commercial investment. A masterplan would be produced, with community involvement. Developer funding would ensure an appropriate mix of community facilities, green corridors and affordable housing. Developer interest has been secured and the necessary infrastructure is deliverable in the short term.

Non Allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Mr Robert MacDonald Clarkston (03011/3001/001)

A site at Slamannan Road, Limerigg should be retained in LDP2, with its capacity increased to 90 units. The site is allocated in the current adopted LDP1 (Proposal H66) but is proposed for deletion in LDP2. A Proposal of Application Notice has been submitted for the site in anticipation of the submission of a planning application, and a public meeting has been held. Supporting information has been submitted including evidence of approved funding for the scheme, a flood risk assessment, transport assessment, mining report, peat management statement, and a minute of a meeting with Council officers. Given the level of information

produced and the backing of the local community, the site should be kept in the LDP.

Non Allocated Site – Dyke Farm, Slamannan (Site Ref 224)

HJ & ME Harbinson (03013/ 3001/001)

A site at Dyke Farm, Slamannan should be allocated for housing development. The site could potentially deliver around 150 homes, either as market or social housing. An indicative layout has been produced. Although the LDP2 strategy for Slamannan has been to reduce allocations, the plan aims to retain opportunities for housing in most villages. The existing remaining allocations in Slamannan are considered ineffective. However, this site is not subject to the constraints faced by other sites and is considered effective. It is largely outwith the SEPA indicative floodplain, and is not in the Slamannan Plateau SPA. Although in a Local Landscape Area, it will not cause harm to the area. The area has been subject to some degradation from former mining activity. Although the site was part of the larger Wester Jaw site which not supported at the LDP1 Examination, circumstances have changed in that other allocations which were supported have been proved ineffective. The site meets the criteria for effectiveness set out in PAN 2/2010.

Non Allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Mr Robert Capper (02959/3001/001)

A site at Hillhead Farm, Slamannan should be allocated for housing. An indicative map is provided with suggested phasing and an indication of density. The reduction in the site allocation at Hillend Farm from LDP1 is supported, given the constraints affecting the site, and there remain unresolved issues even with the reduced area (Proposal H27). The lack of development interest in Slamannan is related to the constraints and costs associated with the previously allocated sites. The land at Hillhead Farm provides a suitable and deliverable alternative which can offer a sustainable location close to the village centre, and meet the housing needs of the village. The merits of the site are set out. An alternative to the present access via Avonbridge Road is shown on an indicative map. This would involve an access point from Main Street adjacent to St Laurence Church. Letters expressing interest in the proposed development from two building contractors have been submitted.

Non Allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001)

A site at Southfield Farm, Slamannan should be allocated for housing development. The site comprises two areas which were identified as H.SLA04 and H.SLA07 in the deposit draft Falkirk Council Local Plan 2007, for 110 and 150 homes respectively. Planning permission was granted for these sites in 2007 and 2008, developers were engaged, but they did not progress due to the recession. The site is deliverable. A third area for consideration, in separate

ownership, lies to the north side of the B803, opposite H.SLA07, and gives potential for a bypass for the village. Slamannan is unable to sustain the local amenities that once served it. Development would promote regeneration of the village.

Modifications sought by those submitting representations:

Allocated Housing Sites – H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)

Alex Kirkland (02981/3001/001); Ms Christina Wilson (02982/3001/001); Mr Cameron Robertson (03018/3002/001); Jim & William Robertson (00848/3001/001); Mr Duncan Cooper (02983/3001/001); Ms Sandra Hendricks (02996/3001/001); Mr Stuart MacDonald (02998/3001/001); Ms Sandra MacDonald (02997/3001/001); Mr William Clark (03000/3001/001); Ms Inger Cooper (02988/3001/001); Mrs Mary Gardner (02989/3001/001); Mr Mohammed Tariq (02990/3001/001); Ms Pamela Clark (02992/3001/001); Mrs Parveen Tariq (02993/3001/001); Mr Paul Cooper (02994/3001/001); Mr Ray Kirkland (02995/3001/001); Mr Gordon Kirkland (02986/3002/001); Ms Helen McKinlay (02987/3001/001)

Delete Proposals H25 Slamannan Road, H26 Avonbridge Road, and H27 Main Street.

Non Allocated Site - Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456/3002/001)

Extend Proposal H25 Slamannan Road, Limerigg to the north and west with an additional capacity of 120 units, and including a neighbourhood shop, community facilities and greenspace.

Non Allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Mr Robert MacDonald Clarkston (03011/3001/001)

Insert additional site at Slamannan Road, Limerigg as a housing proposal (re-instatement of LDP1 allocation), with a capacity of 90 units.

Non Allocated Site – Dyke Farm, Slamannan (Site Ref 224)

HJ & ME Harbinson (03013/3001/001)

Insert additional site at Dyke Farm, Slamannan as a housing proposal with indicative capacity of 150 units.

Non Allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Mr Robert Capper (02959/3001/001)

Insert additional site at Hillhead Farm as a housing proposal.

Non Allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001)

Insert additional site at Southfield Farm, Slamannan as a housing proposal.

Summary of responses (including reasons) by planning authority:**Council's Approach to Housing Growth in Slamannan and Limerigg**

As background to the Council's response on this issue, the general approach to the allocation of housing sites in the Rural South is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

Historically, the Council has attempted to promote growth in the former mining villages of the Rural South area, in order to stimulate regeneration and protect and enhance services. Within Slamannan and Limerigg, there are substantial allocations in LDP1, most notably a Strategic Growth Area at Slamannan, and two substantial allocations in Limerigg. However, although there was some development interest in these sites prior to the 2008 recession, the housing market in the Rural South villages is now very weak and there has been little active developer interest for some years. Through LDP2, the Council has had to take a more realistic view of the prospects for significant housing development, and proposes to delete housing sites which are now considered ineffective and unlikely to be developed in the period of the plan. At the same time, the retention of some smaller scale opportunities for housebuilding is considered desirable, albeit that the prospects for these are uncertain, and they are not regarded as contributing towards the housing land supply. In Slamannan, the large allocation at Hillend Farm forming the Strategic Growth Area (H70 in LDP1), has been reduced to a much smaller site at Main Street (H27 in LDP2), and a site at the Rumlie (H71 in LDP1) has been deleted, whilst a small site at Avonbridge Road (H26 in LDP2) is retained. In Limerigg a large site at Slamannan Road (H66 in LDP1) at the north end of the village has been deleted, whilst the brownfield further south on Slamannan Road (H25 in LDP2) has been retained.

Allocated Housing Sites– H25 Slamannan Road, Limerigg; H26 Avonbridge Road, Slamannan; H27 Main Street, Slamannan (Site Refs 054, 058, 205)

Alex Kirkland (02981/3001/001); Ms Christina Wilson (02982/3001/001); Mr Cameron Robertson (03018/3002/001); Jim & William Robertson (00848/3001/001); Mr Duncan Cooper (02983/3001/001); Ms Sandra Hendricks (02996/3001/001); Mr Stuart MacDonald (02998/3001/001); Ms Sandra MacDonald (02997/3001/001); Mr William Clark (03000/3001/001); Ms Inger Cooper (02988/3001/001); Mrs Mary Gardner (02989/3001/001); Mr Mohammed Tariq (02990/3001/001); Ms Pamela Clark (02992/3001/001); Mrs Parveen Tariq (02993/3001/001); Mr Paul Cooper (02994/3001/001); Mr Ray Kirkland (02995/3001/001); Mr Gordon Kirkland (02986/3002/001); Ms Helen McKinlay (02987/3001/001)

These representations take issue with the Council's allocated sites in Slamannan and Limerigg, criticising them for the constraints affecting them and the fact that they are stalled and potentially ineffective. It is suggested that there are other better sites in the villages, which are less constrained.

As described above, the Council has gone through a process of assessing effectiveness and de-allocating sites which have little prospect of the delivery. The three remaining sites (H25-H27) are not without issues, and the Council has accepted that they cannot be relied on as contributing to the housing land supply in the plan period. However, the main issue affecting Slamannan and Limerigg is lack of market demand, and this applies both to the allocated sites, and any other alternative sites which may be proposed. Some alternative sites have been proposed, and are considered under this Issue, but they are no more likely to be effective or capable of delivery.

In terms of the allocated sites referred to, the following comments are made:

H25 Slamannan Road, Limerigg is a committed site in the existing LDP and was granted planning consent (P/08/0617/OUT) in 2009, and subsequently renewed in 2013 (P/12/0241/PPP) which has now lapsed. Despite this, the Council considers that the site is appropriate for residential development by virtue of its brownfield nature, and its location within the centre of the village. Its allocation is supported by the site owner, Manor Forrest.

H26 Avonbridge Road, Slamannan is an existing committed site in LDP1. It is a small site which would round off development on the eastern side of Slamannan. With regard to site specific flooding issues, it is recognised that part of the site is constrained by potential fluvial flooding. This was considered through the Falkirk Council Local Plan Inquiry in 2009 and the Reporters reduced the capacity from 30 to 10 units, which has carried through into LDP1 and now LDP2 to reflect the flooding constraint. The LDP1 Examination in 2015 also considered the site's flood risk issues, and took no issue with the continued allocation. Paragraphs 30-33, page 246 of the Examination Report set out further detail on the scope of the constraint. Future applications will need to be informed by a flood risk assessment, which will determine the developable area. It is therefore considered that the site is suitable for housing, and of a scale which may attract the interest of a small scale builder.

H27 at Main Street, Slamannan forms a small part of the wider allocation in the existing LDP (H70). Development of this site would represent a rounding off of the village form, rather than a projection into open countryside, and is centrally located. The site has been rationalised and much reduced under LDP2 to reflect challenging market conditions in the Rural South, and assist in deliverability. The site is likely to be constrained by fluvial flood risk, although development of part of the site could still take place. Paragraph 24, page 244 of the LDP1 Examination Report confirms that the Reporters were content with the Council's approach to flood risk as regards the site and the wider area. In terms of flooding drainage, a flood risk assessment and drainage strategy would be required for any planning application which may come forward. Given the limited scale of proposed development, the Slamannan WWTW is likely to be able to

accommodate the limited additional growth proposed.

For these reasons, the Council considers the sites to be appropriate allocations and does not agree to modify the plan in response to these representations.

Non-Allocated Housing Site – Slamannan Road 4, Limerigg (Site Ref 213)

Stewart Homes (00456//3002/001)

The Council does not consider this site to be an appropriate extension to Proposal H25. Proposal H25 has been carried forward from LDP1. It was granted planning consent in 2009, a consent which was subsequently renewed in 2013 but has now lapsed. The site was subject to site assessment.

The submission seeks an extension to the allocated site of an additional 10.2 hectares to the west and north. The extension site could accommodate up to 250 units. Limerigg is a small village, with low market demand, and the market simply could support this level of development in this location. In addition, Limerigg Primary School is a small school, which could not accommodate additional development of this scale.

The extension to the site would extend significantly beyond the footprint of the brownfield allocated site into open countryside, as well as an area of woodland to the west. The boundaries would not represent a logical fit with the existing village. Landscape and visual impacts are likely to be significant.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site - Slamannan Road 1, Limerigg (Site Ref 053)

Mr Robert MacDonald Clarkston (03011/3001/001)

The Council does not consider that the site at Slamannan Road 1, Limerigg should be re-instated as a housing allocation. It was subject to site assessment, and was identified as an LDP1 site proposed for de-allocation in the MIR. The site is subject to a current PPP application for residential development and a shop which was submitted by Mr Clarkston in November 2018 and is as yet undetermined.

The site is a currently allocated site which is proposed for de-allocation as part of LDP2. The principal reason for de-allocation is that, as part of the wider review of the effectiveness of allocations in the Rural South, the site is no longer considered effective due to marketability and viability issues. Whilst the site is in the ownership of a party who wishes to develop it for housing, Limerigg is an area of limited attractiveness to the housing market and there is no evidence of demand for development of this scale (90 units) or of the overall viability of the scheme. Whilst the current PPP application is acknowledged, this is not from a housebuilder, and it is likely that it has been stimulated by the threat of removal of the site from the LDP, rather than any genuine housebuilding interest. Given

limited future housing demand in the village, the strategy for Limerigg is to focus any future development on Proposal H25 which would result in the regeneration of a brownfield site, rather than extending the village into the countryside to the north of the village.

The site is constrained in terms of the presence of shallow coal deposits, which would be sterilised through development, in addition to there being particularly unstable ground. Part of the site is also an area of carbon-rich soil which would limit its developable area, once a peat management plan has addressed this. There is also potential impact on legally protected species through proximity to the woodland. A contribution to the upgrading of Limerigg Primary School is also likely to be required. Whilst none of these constraints preclude development, it is considered that they will further adversely affect viability, particularly in light of the challenging market in Rural South.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Dyke Farm, Slamannan (Site Ref 224)

HJ & ME Harbinson (03013/ 3001/001)

The Council does not consider the site at Dyke Farm to be an appropriate housing allocation. The site was only promoted following the publication of the Proposed Plan, and was therefore not considered at the 'Call for Sites' or MIR stage of the plan.

The site lies to the north of Slamannan, bounded to the south by the River Avon corridor, and the B803 to the east, with woodland along the south and eastern boundaries. It is detached from the village, and does not in any way represent a logical extension to the settlement. It is located within the Slamannan Plateau Local Landscape Area, is elevated in relation to the village, and visually prominent viewed from both the village and the adjacent main road. Development would result in adverse landscape and visual effects. The site is also at least 1km walking distance from local services in Slamannan.

The site is located within an area of supporting habitat for the population of Taiga Bean Geese which are the qualifying species for which the Slamannan Plateau SPA is designated. Whilst this may not preclude all development, the site would be required to be assessed under the Habitat Regulations to determine whether there are likely significant effects on the SPA. This has been a known constraint in relation to potential development sites in and around Slamannan.

There is unlikely to be market demand in Slamannan for a development of this scale, bearing in mind the lack of interest from housebuilders over recent years. There is no evidence of interest from a housebuilder in this site, nor evidence of its viability.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Hillhead Farm, Slamannan (Site Ref 223)

Mr Robert Capper (02959/3001/001)

The Council does not consider the site at Hillhead Farm, Slamannan to be an appropriate housing allocation. The site was only promoted at the Proposed Plan stage, and was not considered at the 'Call for Sites' or MIR stages. The representation makes reference to support for the reduction in the site allocation at Hillend Farm and considers that the land at Hillhead Farm provides a suitable and deliverable alternative.

The site lies on the eastern side of the village, to the north of the Avonbridge Road. The site would represent a significant and illogical extension of the village into the open countryside, with a lack of any defensible boundary. The site is located within the Slamannan Plateau Local Landscape Area, and development would have significant landscape and visual impacts. The site slopes relatively steeply to the north and east, with a highpoint within the northern part of the site. Development is likely to breach the skyline, with impacts extending beyond the village. Extensive earthworks would be required to create suitable development platforms, exacerbating landscape impacts.

The site is located within an area of supporting habitat for the population of Taiga Bean Geese which are the qualifying species for which the Slamannan Plateau SPA is designated. Whilst this may not preclude all development, the site would be required to be assessed under the Habitat Regulations to determine whether there are likely significant effects on the SPA. This has been a known constraint in relation to potential development sites in and around Slamannan.

There is unlikely to be market demand in Slamannan for a development of this scale, bearing in mind the lack of interest from housebuilders over recent years. Although two brief letters expressing interest in the site from building contractors in N Ireland have been submitted, there is no evidence of genuine housebuilder interest based on any serious assessment of demand or viability.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Southfield Farm, Slamannan (Site Ref 232)

Mr and Mrs David Black (00746/3001/001)

The Council does not consider that the site at Southfield Farm, Slamannan to be an appropriate housing allocation. The site was only promoted following the publication of the Proposed Plan, and was therefore not considered at the 'Call for Sites' or MIR stage of the plan.

Southfield Farm lies to the south west of Slamannan. Land here was previously considered through the Falkirk Council Local Plan process in the late 2000s when large scale residential growth to support regeneration of the village was under

discussion. In the finalised draft version of the FCLP, two sites were included - Proposals H.SLA4 and H.SLA7 (RD**). A further eastward extension of H.SLA7 was approved by the Council as a pre-inquiry modification (RD**). However, following the Local Plan Inquiry in 2009, only H.SLA04 was included in the adopted FCLP (CD**). Proposal H.SLA04 was never taken forward, and with the original developer interest lapsing following the recession, the site was eventually removed from LDP1 in 2015.

The site would represent a very significant westward extension to the village. As with other sites in and around the village, development would require to address a number of constraints. It is located within the Slamannan Plateau Local Landscape Area, with potential landscape and visual effects to be dealt with. It is adjacent to Bean Geese feeding areas, requiring screening to check for likely significant effects on the SPA. There are drainage and access issues to be overcome.

However, the main reason for not considering a site of this scale remains lacks of demand for housing in the village, and viability issues. It is not considered that the site is effective, primarily due to lack of market interest and the absence of any development interest. Supporting letters from housebuilders are dated from 2006 and 2007. In the context of a strategy which is trying to remove ineffective sites from the Rural South, it would not make sense to reintroduce this site, or any part of it.

For these reasons, the Council does not consider the site to be suitable for housing.

Issue 10	Whitecross Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Braes and Rural South (pages 72-73) Whitecross Major Area of Change Development Guidance (pages 78-79) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Braes and Rural South: Whitecross (page a04) Business – Braes and Rural South (a12) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Malcolm Whitecross Ltd (02918) CWC Group (02735) Mr Finlay Erskine (02654)		
Provision of the development plan to which the issue relates:	The allocation of specific sites in and adjacent to the village of Whitecross, as identified in the Braes and Rurla South Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Allocated Housing Site H29 Whitecross (Site Ref 076)		
<u>Malcolm Whitecross Ltd (02918/3004/001)</u>		
As owners of the land and promoters of the development, Malcolm Whitecross Ltd seek changes to Proposal H29 at Whitecross and the associated Development Guidance. The Council decided in November 2018 that it was minded to grant a PPP application (ref P/17/0797/PPP) for residential development at the site subject to draft conditions and the applicant entering into a Section 75 obligation. The changes sought to the plan are considered to reflect the draft conditions and include increasing the capacity of the site from 200 to 225, removing reference to a route to Vellore Road as an access option, removing reference to the requirement for Whitecross Primary School to be upgraded to a full single stream, and changes to references to the upgrading of the local recreation ground.		
Allocated Business Site BUS02 Manuel Works (Site Ref 076)		
<u>CWC Group (02735/ 3001/001)</u>		
The Proposed Plan significant alters the current allocations at Whitecross, with		

the residential element reduced from 1,500 units to 200. It removes the Manuel Works site from the Village Limit and allocates it purely for business (Proposal BUS02). However, contrary to the Council's view, the brickworks site is not a stalled site. Significant technical work has been undertaken and a planning application submitted for business and residential use (400 houses). This has demonstrated that the site can be effective in the period of the plan. The development of this site for mixed use would assist in the regeneration of a long term vacant brownfield site. The business and industrial element will address the Council's economic aspirations for this area. The residential element will assist in the delivery in the identified shortfall in the housing land shortfall supply. Accordingly, the Manuel Works site should be brought back within the Whitecross Village Limit and allocated for mixed use including business use and housing (indicative capacity of 400 units).

Non Allocated Site – Land South of B825, Whitecross (Site Ref 157)

Mr Finlay Erskine (02654/FLDP2 PP/3002/001)

A site south of the B825 near Whitecross should be allocated for residential development. The site is 5.3 hectares in size, of which 2.8 hectares would be developed for housing and the remainder as landscaped open space. The reduction in the overall allocation in Whitecross from 1,500 units to 200 is recognised, but this site can provide an additional 70 units to mitigate against the proposed reduction. The site is deliverable and in the hands of a small, local developer. Information in respect of the site was previously provided in the form of a Call for Sites submission, which is attached again.

Modifications sought by those submitting representations:

Allocated Housing Site H29 Whitecross (Site Ref 076)

Malcolm Whitecross Ltd (02918/3004/001)

Amend text for H29 Whitecross in the Whitecross Major Area of Change Development Guidance (page 78-79) as follows:

- Increase the capacity to 225 units
- Remove reference to a route to Vellore Road, bypassing the village, as an option to be considered as part of site access study.
- Remove reference to Whitecross Primary School requiring to be extended to a full single stream and replace with: "Contributions to education provision will be in accordance with relevant Supplementary Guidance or a bespoke solution for Whitecross".
- Remove reference to contributions being required to upgrading of the recreation ground, and replace with: "The payment of a financial contribution towards the improvement and maintenance of existing open space in the local area, if this is agreed as an alternative to full on-site open space provision".

Allocated Business Site BUS02 Manuel Works (Site Ref 076)

CWC Group (02735/3001/001)

Change Proposal BUS02 to a mixed use proposal for business/industrial and residential use, with an indicative capacity of 400 units, and amend the Village Limit to include the site.

Non Allocated Site – Land South of B825, Whitecross (Site Ref 157)

Mr Finlay Erskine (02654/3002/001)

Insert new additional site on land to south of the B825 near Whitecross as a housing proposal for 70 units.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Whitecross

Since 2007, the Council has promoted major growth in the Whitecross, based around the redevelopment of the large Manuel Works site, which lies to the west of the village, and greenfield development around the village itself. In the Falkirk Council Structure Plan 2007 and Falkirk Council Local Plan 2010, this proposal was one of four Special Initiatives for Residential Led Regeneration, comprising 1500 homes, employment uses, a new primary school, open space and other infrastructure. The concept was essentially of a new settlement which would embrace and revitalise the existing village and the redundant Manuel Works site and connect them as a single entity. Central to the proposals was the upgrading of infrastructure to support development of this scale, including the creation of a new access from the A801 to the east. The new settlement was carried forward into Falkirk LDP1 in 2015, where it is designated as a Strategic Growth Area and covered by Proposal M14. The requirements for the Strategic Growth Area were also carried forward into LDP1 and set out in Appendix 2.

The proposal involved three principal landowners – Morston Assets, who owned the Manuel Works site, Callendar Estate, and Malcolm Whitecross Limited. An application for PPP (Ref. P/10/0188/PPP) was submitted by Morston in 2010, and secured a 'mind to grant' decision from the Council in 2011, based on an agreed masterplan. Protracted negotiations on the Section 75 Obligation followed. Morston went into administration in December 2014. Administrators tried to progress matters but the Section 75 could not be concluded, largely due to the refusal of Callendar Estate to sign. The Council ultimately refused the application due to lack of progress in November 2015. The administrators tried to promote a Phase 1 application but this could not progress without the context of a wide masterplan. In 2016, the Manuel Works site was put up for sale and was bought by CWC Group.

In considering the future of the stalled proposals through LDP2, the Council initially took the view that the original vision was still achievable, albeit that a new masterplan was required, and the timescale for development would be delayed. This was the position adopted in the MIR. However, following a reassessment of

the site, it has become clear that the overall settlement concept is unlikely to be deliverable in the plan period, or even in the longer term. This is due to the scale and complexity of the infrastructure required, the associated costs, and difficulties in securing control of the necessary land. Land needed for the A801 is in the control of a third party who is unwilling to facilitate the link. Calendar Estate, who own the land between the village and the Manuel Works, no longer have an interest in participating in development. This has left the two remaining developers – CWC Group and Malcolm Whitecross Limited – progressing their own separate and disconnected proposals. CWC Group has submitted a PPP comprising 400 houses and employment uses on the Manuel Works site (Ref P/17/0792/PPP), on which a decision is pending. Malcolm Whitecross Limited have submitted a PPP application for housing on their site at Crounerland (Ref P/17/0797/PPP), which adjoins the village on the south western side. The Council decided that it was minded to grant this application in November 2018. Neither party has the ability or inclination to deliver the A801 access road.

The Council considers that more limited housing development could still be delivered at Whitecross, and could bring benefits to the community. In the absence of a new primary access link to the A801, this would have to be of a scale appropriate to the limitations of the local rural road network. It should also relate well to the existing village. In assessing the two options at Manuel Works and Crounerland, the Council believes that the Crounerland site is of an appropriate scale and links well with the village, in comparison with the Manuel Works site which is much larger and would essentially be a free standing development divorced from the village and its facilities. Accordingly, the Crounerland site has been proposed for residential development of 200 units in the Proposed LDP2 (Proposal H29) as a reduced Strategic Growth Area while the Manuel Works site is promoted for business use (Proposal BUS02) as part of the eastern Gateway Strategic Business Location.

Allocated Housing Site H29 Whitecross (Site Ref 076)

Malcolm Whitecross Ltd (02918/3004/001)

Malcolm Whitecross Limited seek certain changes to the Whitecross Major Area of Change Development Guidance to reflect the Council's 'minded to grant' decision on their application P/17/0797/PPP. In general, the Council sees no need for the wording of the Development Guidance to mimic the draft conditions. The response to each of these suggestions is as follows:

- The indicative figure of 200 is the Council's estimate of capacity, given the various constraints on the site such as the need for peripheral planting, open space, burn corridors and pipeline corridor constraints. It is not intended to be an upper limit, but a general figure to enable the site's contribution to the land supply to be estimated. By contrast, the figure of 225 in the draft conditions is intended to be an upper limit, and therefore fulfils a different purpose. An indicative masterplan produced to accompany the application shows 216 units. The final figure will be dependent on detailed masterplanning, and the type of housing which is as yet unknown. In the meantime, there is no overriding evidence to support a definitive change to the Council's estimate.

- The scope of the access study stated in the Development Guidance is appropriate, irrespective of the access solution which has been agreed as part of the application. This particular option could have offered a means of access bypassing the village and was worthy of consideration.
- In respect of the reference to education provision, the wording in the Development Guidance already states “contributions to education provision to be in accordance with relevant Supplementary Guidance” which is factually correct. The current LDP1 Supplementary Guidance refers to the possibility that contributions may be based on bespoke solutions, rather than standard rates, and it is likely that this will be carried through into the LDP Supplementary Guidance, so reference to a bespoke solution is superfluous. The statement that Whitecross requires to be extended to a full single stream is a statement of fact based on Children’s Services’ advice on the application which requires a bespoke contribution of £4,800 per house to deliver “the extension of the school from its current 100 capacity to single stream (circa 217 capacity) and the nursery from 20 places to 50 places”.
- The reference to open space contributions in the Development Guidance reflects the Council’s preference for the development to contribute to the existing recreation ground immediately to the north of the development and to be connected by a bridge over the Manuel Burn. This is a key play facility for the village. The rationale for significant development at Whitecross has always been that it would enhance community infrastructure in the village.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS02 Manuel Works (Site Ref 076)

CWC Group (02735/3001/001)

CWC Group is promoting the Manuel Works site for residential and business use, with 400 houses proposed. The background to the Council’s consideration of the site has been outlined previously. A PPP application was submitted in December 2017 and is under consideration. Although the Council was previously supportive of mixed use development, including housing, on the Manuel Works site, this was in the context of a wider masterplan and a much larger development which would have linked to, and helped to regenerate, the existing village, and would have been supported by significant new infrastructure including, crucially, a new access link to the A801. However, the Council does not support this current proposal.

The proposal, a masterplan for which has been prepared to support the PPP application has a number of positive features, including the re-use of a brownfield site and the possibility of restoring and enhancing Almond Castle, Haining Wood, and the Union Canal, which were aspirations of the original wider proposal. However, the housing development as now proposed will have no physical relationship to the village and would constitute an isolated housing estate in the countryside. Housing will be more than 400 metres from the nearest bus service.

Although a 'village centre' is indicated on the masterplan, it is unlikely that 400 houses would be of sufficient size to make such facilities viable, and a journey to the village will be needed to access the primary school, local shop, bus services and community facilities. The proposal will do little to benefit or assist the regeneration of Whitecross. Moreover, the scale of housing development, either on its own, or in combination with the Crownerland site (Proposal H29) is considered too great to be accommodated on the existing local road network. A new link to the A801 would be required or, at the very least, a significant upgrade to Myrehead Road (which connects to the A803 to the north) including a new railway crossing, neither of which form part of the proposal.

The most suitable use for the site is considered to be business and industry. In particular, it offers good flexibility for industrial uses requiring expansive areas of hardstanding or storage, and processes requiring good separation from sensitive receptors.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Land South of B825, Whitecross (Site Ref 157)

Mr Finlay Erskine (02654/3002/001)

The Council does not consider this site to be an appropriate housing allocation. It has been subject to site assessment, and was identified as a non preferred site in the MIR. The site is outwith the boundary of the Whitecross Strategic Growth Area in LDP1, and has not been subject of any planning application to date. The site was promoted by the landowner through the 'call for sites' exercise for LDP2 in 2015 as an addition to the Strategic Growth Area, with the argument that it would aid its delivery in the wake of Morston Assets, the lead developer, going into administration. The current representation sees the site as being able to mitigate the Council's proposed reduction in the scale of the Strategic Growth Area.

The site is physically separate from Whitecross, and does not relate to the village as well as the Crownerland site (Proposal H29). It lies to the south of the B825, which forms a natural boundary to any village expansion, and would not form a logical addition. The site is an attractive part of the Slamannan Plateau/Avon Valley Local Landscape Area, fringed by woodland and sloping up to the south west. There would be significant landscape and visual affects which would be hard to mitigate.

The site would take access onto the B825 which is a derestricted road with blind bends nearby. It may be difficult to secure safe access for such a substantial development. As previously noted, the nature of the local road network, without significant improvement, places constraints on the overall scale of housing development which would be appropriate at Whitecross, and this is one of the principal reasons why the Strategic Growth Area has been reduced to 200 units. A capacity of 70 is indicated for this site, but it could accommodate significantly more, and this would add to pressure on the unsuitable local roads.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 11	Denny Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Denny and Dunipace (pages 80-81) Denny South East Major Area of Change Development Guidance (pages 82-83) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Denny (page a05) Mixed Use – Denny (a10) <u>Proposals Map 1</u> Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Ms Elaine Tanser (02965) Mr Lewis Cruse (02966) SportScotland (00330) Ogilvie Homes Ltd (00614) Mr A Robinson (03030)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Denny and Dunipace, as identified in the Denny and Dunipace Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Level of housing development in Denny		
<u>Mr Lewis Cruse (02966/3001/001)</u>		
There should be no more housing in Denny.		
Allocated Housing Site H30 – Former Denny High School, Denny		
<u>Sportscotland (00330/3003/001)</u>		
The site's development guidance on page 82 of the Proposed LDP2 needs amended so that the loss of on-site sports pitches is considered against Policy PE16 Protection of Open Space.		
Allocated Housing Site H35 – Rosebank, Dunipace		
<u>Ms Elaine Tanser (02965/3001/001)</u>		
The site at Rosebank, Dunipace (H35) should be deleted. Local infrastructure, namely electricity, education, road and broadband, is not sufficient for the site's		

development. The development would result in a loss of countryside as well as create noise and disruption during construction. Too many private homes, and not enough social housing, are proposed at the site.

Non Allocated Site – Rosebank North, Dunipace (Site Ref 116)

Ogilvie Homes Ltd (00614/3006/001)

The site at Rosebank North, Dunipace should be allocated for housing with capacity between 80 to 130 units. This would maintain a supply of housing in a sustainable location post 2025.

As a contained site, Rosebank North would form a logical and modest expansion to Proposal H30 Rosebank. The site has no known constraints and, if allocated, would help address a housing land shortfall and improve the range and choice of housing sites.

Non Allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002)

The site at Bankend Farm, Dunipace is a logical location for a housing allocation and will provide a continued supply new homes post 2030. The site has no known constraints and, if allocated, would help address a housing land shortfall post 2030. Ogilvie Homes Ltd, however, is not seeking a specific allocation of this site but rather an acknowledgement in the Proposed LDP2 that the site is suitable for long term growth post 2030.

Non Allocated Site – Denovan Road, Denny (Site Ref 229)

Mr A Robinson (03030/3001/001)

The Proposed LDP2 should recognise Denovan as a settlement, and should allocate the site at Denovan Road as a housing proposal for 5 houses. The reasons stated to support to the site's allocation include:

- The site is in a good location for housing development, being surrounded by well-defined boundaries
- Housebuilders are interested in developing the site
- The site's development will create new public open space within Denovan which has no such space.
- The Proposed LDP2 focuses new housing development to the south and east of Denny. A small proportion of this development should be directed toward settlements such as Denovan.

Non Allocated Site – Kirklands Farm, Denny (Site Ref 230)

Mr A Robinson (03030/3002/001)

The site at Kirklands Farm should be allocated for mixed development as an alternative to Proposal MU09 – Broad Street. Proposal MU09 is not desirable for

residential development and amenity due to being close to a waste water treatment works. This site also has flooding issues, and SPP warns against allocating land with flood risk issues. Lastly, Kirklands Farm has a much more robust landscape framework than Proposal MU09.

The sites forming the Denny South East Strategic Growth Area, which include Proposals MU09, H30, H31 and H32, are set to deliver 720 homes or 72 per year over the plan period 2020-2030. This level of housing, and associated business development, will not be delivered due to concerns over flooding, infrastructure constraints and time delays associated with delivering housing on large sites. If allocated, Kirklands Farm would alleviate pressure on existing sites and ensure a steady supply of houses and business units.

Modifications sought by those submitting representations:

Level of housing development in Denny

Mr Lewis Cruse (02966/3001/001)

No specific modification stated.

Allocated Housing Site H30 – Former Denny High School, Denny

Sportscotland (00330/3003/001)

Amend page 82, under Key Principles for Former Denny High School (H32), seventh bullet, to read ...”Requirement to retain playing fields to be considered against SPP criteria and Policy PE16”.

Allocated Housing Site H35 – Rosebank, Dunipace

Ms Elaine Tanser (02965/3001/001)

Delete Proposal H35 Rosebank, Dunipace.

Non Allocated Site – Rosebank North, Dunipace (Site Ref 116)

Ogilvie Homes Ltd (00614/3006/001)

Insert additional site at Rosebank North as a housing proposal.

Non Allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002)

Amend the Proposed LDP2 to acknowledge that the site at Bankend Farm is suitable for long term growth post 2030.

Non Allocated Site – Denovan Road, Denny (Site Ref 229)

Mr A Robinson (03030/3001/001)

Amend the Proposals Map 1 to identify Denovan as a settlement. Insert additional site at Denovan Road as a housing proposal.

Non Allocated Site – Kirklands Farm, Denny (Site Ref 230)

Mr A Robinson (03030/3002/001)

Insert additional site at Kirklands Farm as a mixed-use proposal and include the site within Denny's urban and village limit.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Denny

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Denny is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

Denny has a substantial existing supply of housing land which is being carried forward from LDP1, notably the Denny South East Strategic Growth Area comprising sites at Denny High School (H30), Mydub (H31/H32), Broad Street (MU09), and further significant sites at Carrongrove Mill (H33) and Rosebank, Dunipace (H35). This gives an existing supply of 971 units for the plan period 2020-30. The Council considers that this is a high level of growth for a town of Denny's size, and LDP2's strategy is to focus on delivering this large scale growth for the town, whilst managing the necessary infrastructure upgrades to support it, rather than allocating any new sites. In terms of infrastructure the delivery of the Denny Eastern Access Road is paramount. The Council has committed itself to front-fund and deliver the remaining phases of this project, which will address congestion at Denny Cross in the town centre and serve future housing development within the Denny South East Strategic Growth Area. School extensions will be required at Denny and Head of Muir Primary Schools and additional capacity may be needed at Denny High School to address long term capacity issues. The regeneration of Denny Town Centre is in progress, with Phase 1 having delivered a new retail and community facilities.

Mr Lewis Cruse (02966/3001/001)

The Proposed LDP2 has carried over all existing housing sites in Denny from LDP1. These are committed sites were subject to assessment through the previous and current plan process and have been deemed suitable for development, subject to conditions. A number have planning permission and some are under construction. Denny continues to be considered a suitable area to contribute to housing requirements in the area, and new housing will bring benefits to the town. Infrastructure to support growth is also integral to the plan. No further housing beyond existing commitments has been allocated. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Housing Site H30 – Former Denny High School, Denny

Sportscotland (00330/3003/001)

The Council's accepts the modification sought by Sportscotland, which would appropriately cross-reference to Policy PE16 and SPP. If the Reporter were minded to recommend that the plan be amended in response to this representation, the Council would have no issue with the change.

Allocated Housing Site H35 – Rosebank, Dunipace

Ms Elaine Tanser (02965/3001/001)

At the time of writing, the Council is minded to grant a planning application for 105 dwellinghouses and 8 flats at the Rosebank site subject to a Section 75 obligation. The site is an allocated housing site within LDP1 and is part of the housing land supply to meet the housing land requirement. The site has been subject to assessment through the previous plan process and the planning application process in terms of impacts on local infrastructure and the environment, and has been deemed suitable for development, subject to conditions. Accordingly, the site is being carried over into LDP2. Affordable housing will be provided within the site in accordance with the rate required in LDP1 (15%) and is being secured through the Section 75 obligation.

For these reasons, the Council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to this representation.

Non Allocated Site – Rosebank North, Dunipace (Site Ref 116)

Ogilvie Homes Ltd (00614/3006/001)

The Council does not consider Rosebank North to be an appropriate housing allocation. The site was subject to a site assessment along with other potential sites in Denny and was identified in the MIR as a non-preferred site.

H35 Rosebank is a currently allocated site in LDP1, which has been carried forward into the Proposed LDP2 and is the subject of a 'minded to grant' planning application for residential development. This representation seeks to extend the site northwards and westwards.

The Proposed LDP2 already has an adequate provision for housing in Denny, amounting to 971 units. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement for the plan period 2020-2030. Therefore, there is no need to allocate Rosebank North at this particular time. The site represents a substantial additional extension to the urban area into attractive open countryside. The upper part of the site to the east is elevated and visually prominent with potential landscape impacts. The site comprises prime agricultural land and therefore its allocation at this time would not be supported

by SPP (CD/*, paragraph 80). The northern edge of H35 is formed by a minor road which forms a robust and defensible Urban Limit. By contrast, the extension site lacks any physical boundary on the ground.

Development of the site would put further pressure on Denny Cross, within the Town Centre, which experiences severe congestion particularly at peak times. Whilst the Denny Eastern Access Road is planned to alleviate this congestion, the scheme is as yet contractually uncommitted, and from a road network point of view, it would be unwise to commit to yet more development in Denny prior to the construction of the new bypass and an assessment of its effectiveness. If the site were to be allocated, a substantial financial contribution to the project would be required.

The northern part of the site falls within the pipeline consultation zone associated with a high pressure gas pipeline. This would not preclude development, but would constrain the capacity of the site. The site assessment has also flagged up potential impact on badgers which are known to be present within the nearby area. The development of the site, particularly land to the east of A872, could also be constrained by noise disturbance emanating from the nearby M80.

In terms of education capacity, Dunipace Primary School is a small school which will require to be extended as a result of H35, with developer contributions being secured to fund this. Further allocation of land will put further pressure on the school. Developer contributions to fund additional classrooms may provide a solution, although the implications for the school have not yet been fully assessed. Denny High School is subject to long term capacity pressures so developer contributions would be required.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Bankend Farm, Dunipace (Site Ref 164)

Ogilvie Homes Ltd (00614/3006/002)

The site was subject to a site assessment along with other potential sites in Denny and was identified in the MIR as a non-preferred site. While no allocation is being sought for the Bankend Farm site, the Council does not support any modification to the Proposed LDP2 that would acknowledge or infer that the site is suitable for development post 2030.

The period of the Proposed LDP2 and the housing land requirement is 10 years from adoption (2020-2030). It is not a requirement of SPP for local development plans to indicate exactly the location of housing development beyond 10 years from adoption. Instead, SPP, paragraph 120, states beyond 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement. Page 18, Table 3.2 of the Proposed LDP2 already indicates the likely longer term level of growth within settlement areas, including Denny, over the period 2030-2040. It would be a matter for the next plan process to set a housing requirement post 2030 and identify sufficient

land in sustainable locations to meet that requirement in full.

The site at Bankend Farm is large one which would constitute a major further greenfield extension to the urban area. As has been explained, the town already has a high level of allocations, and it would be prudent to assess the progress of these committed sites over the coming years, and their impact on local infrastructure, prior to committing to further long term growth. This is particularly the case with regard to the local road network, and the progress and effectiveness of the Denny Eastern Access Road in dealing with current issues at Denny Cross, and the capacity of school provision, particularly Dunipace Primary School which is a small school which is likely to require further major extension, and Denny High School which is subject to long term pressures.

The site assessment also states the site has a number of constraints which may make the site problematic for development. These constraints include:

- Potential adverse impact on legally protected species. These impacts would need to be considered through an ecological survey, and addressed through appropriate mitigation.
- Potential loss of woodland and wetland habitat. These issues would need to be assessed through appropriate surveys.
- Potential flood risk issues. SEPA's 1 in 200 year flood map shows that the site has potential flooding issues associated with surface water. SEPA has also advised that a flood risk assessment would be required to assess the flood risk from multiple watercourses which flow through the site.
- Approximately half of the site is prime quality agricultural land. The site is not part of the settlement strategy nor is necessary to meet an established need. Therefore, acknowledging the site's suitability for development in the Proposed LDP2 would be inconsistent with SPP.
- Potential adverse landscape/visual impact. Housing development on higher ground within the west side of the site has potential to be overly prominent in the wider landscape.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Denovan Road, Denny (Site Ref 229)

Mr A Robinson (03030/3001/001)

The Council does not consider that Denovan should be identified as a discrete settlement, or the site at Denovan Road to be an appropriate housing allocation. This site was submitted at the Proposed Plan stage and has been subject to assessment through the strategic environment assessment of the Proposed LDP2.

Denovan comprises a small and dispersed collection of properties set in an area of open countryside to the north east of Denny. The pattern of development comprises Denovan House and stables, Denovan Mains Farm, and a detached ribbon of properties along the south side of Denovan Road and to the north along a track access. This loose cluster of buildings is not within a defined settlement

being completely divorced from the urban area of Denny and Dunipace. Because of its small size and dispersed character, the Council does not consider it is appropriate to define it with a Village Limit. The Council's approach to the rural areas is that only villages of a reasonable scale are defined by Village Limits, within which appropriate development is generally permitted. Smaller hamlets of a few dwellings are left undefined and are subject to countryside policies. If a Village Limit were drawn as suggested by the representation, this is likely to cause a major intensification of development to the detriment of the environment and character of the area, as well as road safety issues.

In terms of the suggested site for development, travelling to the site involves taking the unclassified Denovan Road from either Dunipace in the west or the Checkbar roundabout in the east. This is a long, narrow and circuitous route, which has no footway or lighting provision along most of its length. The Council's Engineering Design (Roads) does not support additional housing development in this location due to concerns development traffic could increase the risks of road accidents on Denovan Road. The site is an isolated location with no public transport links, local services and facilities nearby. The site's development will, therefore, be heavily car dependent compared to the accessible and more centrally located sites within Denny.

The wooded grounds of the Category B listed Denovan House provide a strong physical edge to development north of Denovan Road. The site is beyond this edge and would likely constitute a sporadic and detached area of development in open countryside. There is also potential for development to detract the setting of the nearby Category B listed Dunipace Parish Church, which is an early 19th Century gothic bell tower. Overall, the site is not a sustainable location for housing development.

Substantial development at the site would require to be connected to public sewer for the collection and treatment of household wastewater. Both Scottish Water and SEPA have advised that it may be difficult to connect the site to public sewer network. This would potentially involve installing a new pipe between the site and Denny waste water treatment works, including across the River Carron. The works are some distance from the site. The infrastructure constraints, along with developer contributions requirements, would likely pose viability issues for the site's development.

Sufficient provision for housing has already been made in Denny, providing an adequate choice of greenfield and brownfield sites augmenting the housing land supply. The spatial strategy focuses on the Denny South East Growth Area where growth will be accommodated on accessible and more centrally located sites. Within the Council area as a whole, enough land has been allocated to meet the housing land requirement in full for the plan period 2020-2030. Therefore, there is no need to specifically allocate this isolated site in the countryside to meet the housing requirement.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Kirklands Farm, Denny (Site Ref 230)

Mr A Robinson (03030/3002/001)

The Council does not consider the Kirklands Farm site to be an appropriate mixed use allocation, or that the Denny Urban Limit should be amended to include it. The site was submitted at the Proposed Plan stage and has been subject to assessment through the strategic environment assessment of the Proposed LDP2.

The site is on the opposite side of the River Carron from Denny, with no direct access to the town across the river. Therefore, the site does not represent a logical extension to the settlement.

In common with Denovan Road site, the access to Kirklands Farm involves taking the unclassified Denovan Road from either Dunipace in the West or the Checkbar roundabout in the east. This is a long, narrow and circuitous route, which has no footway or lighting provision along most of its length. The Council's Engineering Design (Roads) does not support additional housing or business development in this location due to concerns development traffic could increase the risk of road accidents on Denovan Road. The site is an isolated location in open countryside with no public transport links, local services and facilities nearby. The site's development will, therefore, be heavily car dependent compared to the accessible and more centrally located sites within Denny. Overall, the site is not in a sustainable location.

The Kirklands Farm site also has a number of constraints which may the site problematic to develop. These constraints include:

- Potential impacts on protected species and habitats, including mature trees and boundary hedgerows. These impacts would need to be considered through an ecological survey and addressed through appropriate mitigation.
- Waste water treatment. Substantial development at the site would require to be connected to public sewer for the collection and treatment of household wastewater. SEPA and Scottish Water have advised that it might be difficult to connect the site to public sewer network. This would potentially involve installing a new pipe between the site and Denny Waste Water Treatment Works, including across the River Carron. The works are some distance from the site.
- Potential flood risk issues. SEPA's 1 in 200 year flood map (CD/*) shows that the site has potential flooding issues associated with fluvial and surface water. SEPA has advised that a Flood Risk Assessment would be required to assess the flood risk from the River Carron and the small watercourses through and adjacent to the site.
- A Scottish Water main pipe transects the northern section of the site. The capacity of the site may be constrained by health and safety, wayleave and easement issues associated with this main. Scottish Water would require a minimum 10m stand off on either side of this main to be free from development.
- The likely need for extensive off-site improvements to the local road

network

- Capacity issues at the non-denominational catchment schools of Denny High School and Dunipace Primary School.

The site also comprises prime agricultural land along its southern section. This land is not part of the settlement strategy nor is necessary to meet an established housing need. Therefore, the allocation of the site would not be supported by SPP.

Sufficient provision for housing has already been made in Denny, providing an adequate choice of sites augmenting the housing land supply. The spatial strategy focuses on the Denny South East Growth Area where growth will be accommodated on accessible and more centrally located sites. These sites include H30, H31 and H32 and MU09. Within the Council area as a whole, enough land has been allocated to meet this housing land requirement in full. Therefore, there is no need to allocate this isolated site in the countryside to meet the housing requirement.

In terms of the business aspect of the proposal, it is not clear what specific type of business uses are proposed. However, the Council has a generous supply of business land, as highlighted in Technical Report 6 (revised): Employment Land, and there is no need for additional allocation. Its immediate access to the site is poor, and it would not be an attractive or worthwhile addition to the portfolio of sites in the area.

The representation sees this site as an alternative to Proposal MU09, with specific reference to flooding issues. MU09 is affected to some extent by flooding, which will have some impact on the developable area. Most of the site will nonetheless be capable of being developed. The accessibility of MU09 and its relationship to the town is far preferable to the Kirklands Farm site.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 12	Falkirk Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Falkirk (pages 84-85) Falkirk Gateway Major Area of Change Development Guidance (pages 88-89) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing - Falkirk (page a06) Mixed Use - Falkirk (page a10) Business - Falkirk (page a13) <u>Proposals Map 2</u> Falkirk, Larbert & Stenhousemuir	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Forth Valley College (00592) SportScotland (00330) Scottish Enterprise (00447) Persimmon Homes (East Scotland) Ltd (00712)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in the town of Falkirk, as identified in the Falkirk Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Allocated Housing Site – H41 Grangemouth Road		
<u>Forth Valley College (00592/3002/001)</u>		
<p>The inclusion of the site H41 Grangemouth Road as a housing proposal (H32 in the current LDP) is supported, but changes are sought to the stated capacity and the boundary of the site. In terms of capacity, Forth Valley College welcomes the increase in the indicative capacity from 150 in the current LDP to 200 in the Proposed Plan. However, it is considered that the site can be developed at a density of 25-35 units per hectare and can achieve a capacity of 230 units. With respect to the boundary of the site, this been amended in the Proposed Plan to exclude the existing playing fields to the north of the site. However, including the playing fields in the boundary would allow comprehensive masterplanning, and a more flexible approach to the delivering open space on the site. The Open Space Strategy indicates that Falkirk has an excess of open space, and local provision is available at Victoria Park and the indoor sports facility adjacent at Coasters. Open space requirements in the development itself and any loss of open space can be dealt with through other policies and guidance, with new open space and play areas incorporated into an integrated masterplan, and a commuted sum paid for off-site replacement or upgrading.</p>		
SportScotland (00330/3003/002)		

The proposed development site H41 Grangemouth Road is adjacent to an existing pitch and its design will need to consider this.

Allocated Business Site BUS06 – Abbotsford Business Park

Scottish Enterprise (00447/FLDP2 PP/3003/001)

Proposal BUS06 Abbotsford Business Park should be amended so that the northern part is allocated for residential use, with the southern part retained for business and industrial use. Promotion of the site by Scottish Enterprise for business development over a number of years has yielded little interest. Reassessment of the site has concluded that there is little prospect of significant business development, and the site is only viable if housing is included. Residential use on part of the site could assist delivery of business use on the remainder. Development would be guided by a detailed masterplan which would retain a buffer between business/industry and the proposed housing development. A marketing report, marketing brochure, and development appraisal are submitted in support of the submission.

Non Allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001)

A site at Glen Farm, Falkirk should be allocated for housing development, with a capacity of approximately 150 units. LDP2 does not take full account of the HNDA and housing supply targets and requirements should be increased. The Council's Site Assessment assessed a wider site of 16.5 hectares, compared to the reduced site of 6 hectares which is now proposed. An Indicative Design Framework has been produced to illustrate how landscape impact concerns can be mitigated. Previous assessments have demonstrated that there are no constraints to development with regard to ecology, flood risk, cultural heritage or transport/access. The site would provide housing to the south of Falkirk as an alternative to the strategic growth areas to the north. Reference is made to the allocated site at Hallglen (H42 Woodend Farm) which would similarly have landscape impacts and require mitigation. The site is effective when assessed against PAN2/2010 criteria. Further information is provided in a supporting statement.

Modifications sought by those submitting representations:

Allocated Housing Site – H41 Grangemouth Road

Forth Valley College (00592/3002/001)

Amend the indicative capacity of Proposal H41 Grangemouth Road from 200 to 230, and revise the site boundary to include the playing fields to the north of the site.

SportScotland (00330/3003/002)

Amend the text for Grangemouth Road (H41) in the Falkirk Gateway Major Area of Change Development Guidance (page 88) by adding an additional bullet: "The development will be designed such that it takes account of the adjacent sports pitch use, and does not impede its use".

Allocated Business Site BUS06 – Abbotsford Business Park

Scottish Enterprise (00447/FLDP2 PP/3003/001)

Amend Proposal BUS06 from a business to mixed use proposal, with residential development (including affordable and other compatible uses) permitted on the northern part of the site, and business/industrial use retained on the southern part.

Non Allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001)

Insert additional housing site at Glen Farm, Falkirk for 150 units, and extend Urban Limit to include the site.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth In Falkirk

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Bo'ness is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

As the principal town in the Council area, Falkirk has the largest allocation of all the settlements: 1,073 units, of which 843 are existing commitments, and 230 from new sites brought forward in LDP2. Most growth is concentrated in three Strategic Growth Areas: the Falkirk Canal Corridor, where there is a focus on regeneration of major brownfield canalside sites (H36-H38, MU11); Falkirk North, comprising the final phase of long term masterplanned growth at Mungal/Cauldhame Farm (H39); and the Falkirk Gateway, comprising the housing element of a major new mixed use urban quarter at the eastern gateway of the town (H41, MU16). Other major opportunities include residual land at the Falkirk Community Hospital site (H43), and a greenfield release exclusively for affordable housing at Woodend Farm (H42). There is therefore significant provision for new housing in Falkirk, with a mixture of brownfield and greenfield elements, and a strong emphasis on regeneration and mixed use placemaking.

Allocated Housing Site – H41 Grangemouth Road

Forth Valley College (00592/3002/001); SportScotland (00330/3003/002)

Proposal H41 is the current Forth Valley College site which is becoming available for redevelopment as part of the Falkirk Gateway Strategic Growth as a result of the relocation of the college campus to a site immediately to the east. Forth Valley

College contend that a playing field to of the old college building should be included in H41. The Council, however, believes that the playing field should identified as open space and excluded from the H41 allocation on the Proposals Map and the Major Area of Change Development Guidance . It is, *de facto*, an outdoor sports facility which is part of the campus and is subject to the safeguarding criteria set out in SPP paragraph 226. Although there are playing fields nearby at Victoria Park, which may in future be linked to H41 via the proposed Helix- Falkirk Town Centre green corridor (GN08), the Council does not have an approved sports pitch strategy which demonstrates that it is surplus to requirements. The retention of the pitch in this location, together with the tree belt on its eastern side would provide an attractive recreational and amenity space which would complement the campus and the proposed green corridor. Should a developer wish to promote development on the playing field as part of the masterplan for H41, with compensation in the form of open space elsewhere or contributions to off-site open space, this would have to be tested against SPP and Policy PE16 (Protection of Open Space), including a full audit of playing field provision in the area to support the proposed scheme. Sportscotland have drawn attention to the playing field in their representation, in the context of H41, further emphasises its potential value.

Forth Valley College have also sought to have the indicative capacity of H41 increased from 200 to 230. The site size is 6.3 hectares which, at 200 units, would give an average density of nearly 32 units/hectare. This is considered reasonable, allowing for denser development along the site frontages, the need for provision to be made for the GN08 green corridor, and the likely loss of some land due to the proposed roundabout at the junction of the Grangemouth Road and Middlefield Road which is part of the wider A904 Corridor Improvements (Proposal IN06). The actual capacity will not be confirmed until detailed masterplanning has been undertaken, and any figure would be tested against the criteria set out in Policy HC04 (Housing Density and Site Capacity).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS06 – Abbotsford Business Park

Scottish Enterprise (00447/3003/001)

The Council does not consider that the Abbotsford Business Park site should be amended to mixed use with a substantial housing element. The site is allocated in the current Falkirk LDP1 for business/industrial use (ED05) and is regarded as a strategic site within the Falkirk Investment Zone Strategic Business Location. Its marketability has been assessed positively within Technical Report 6 (Revised): Employment Land. The site is serviced, with access, drainage and landscaping installed. It is well located with good accessibility to the trunk road network, and is in public ownership. A Development Design Guide has been produced. It has good flexibility in terms of the types of uses that can be accommodated, and its scale means that it could service different sizes of business requirements, from small workshops to larger warehouses or manufacturing units. As such it is one of the most marketable sites in the Council's business portfolio.

Scottish Enterprise's preferred option would reduce the available business land to 3 smaller parcels of land totalling just 4 hectares. This would dramatically reduce its flexibility to meet a range of business requirements, and the encroachment of housing into the site may impact on the types of activity which could be carried on in the remaining land.

The Council accepts that interest in the site to date has been limited, but activity has picked up recently with the Council's construction of four speculative workshop units. One of these is occupied, and the remainder have prospective tenants. A private developer is developing plans for further workshop units on one of the frontage plots. The site should be regarded, in any case, as a long term resource. Section 4 of Technical Appendix 5 discusses demand for industrial land in the area, and although take up has been slow in recent times, there remain sectoral strengths, including manufacturing and logistics, which the Council remains committed to building on in terms of its Economic Strategy. The Council's ambitions in this regard are reflected in its Investment Zone bid, which could release resources through the Strategic Business Locations project to assist sites such as this, without any need for cross-subsidy from housing. There is no pressing need for additional housing land in Falkirk, which would override the business imperative to protect the site.

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Glen Farm (Site Ref 121)

Persimmon Homes (East Scotland) Ltd (00712/3008/001)

The Council does not consider the Glen Farm site to be an appropriate housing allocation. The site has been subject to site assessment. It was identified as a non preferred site at the MIR stage of LDP2. The site was also considered, and rejected, at the previous LDP1 Examination in 2015.

The site represents a major intrusion into the countryside to the south of Falkirk. It would have significant visual impacts, particularly viewed from the south, which could only be partially mitigated. The Glen Burn provides a robust and logical edge to the urban area. Development of the site would breach this natural boundary and extend the town up the southern side of the valley for the first time. South Falkirk has been a focus for green network development as part of the Falkirk Greenspace Strategy including a network of paths in the vicinity of Glen Farm, as illustrated in the Core Paths Plan. The John Muir Way runs immediately to the north of the site. Development of the site would have an adverse impact on the character and enjoyment of the green network.

The site would take access onto the C47 Wester Shieldhill Road, which is a narrow rural road, and over the narrow Glen Bridge. Significant off site upgrading would be required to these and to the junction of the C47 with the B8208 Falkirk Road. Glen Bridge is listed which is a constraint to upgrading. The accessibility of the site is low, and it is relatively remote from community facilities in the town.

The site is farmed by Mr Robert Reid as part of a tenancy from Callendar Estate. In his response to the MIR, Mr Reid has highlighted the major adverse effect which development of these fields would have on the farm business and also on the Milk Barn, which is a highly successful farm diversification project run by the Reid family adjacent to the proposed development.

Substantial provision has been made for housing in Falkirk, amounting to 1,073 units, and providing opportunities of both a greenfield and brownfield nature in a variety of locations. This includes a greenfield release on the southern edge of the town at Woodend Farm (Proposal H42) which the Council considered to offer a more sustainable fit with the existing settlement. Within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, and so there is no justification for this substantial release of greenfield land.

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Issue 13	Larbert and Stenhousemuir Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Larbert and Stenhousemuir (pages 98-99) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Larbert and Stenhousemuir (page a07) Mixed Use - Larbert and Stenhousemuir (page a11) Business - Larbert and Stenhousemuir (page a15) <u>Proposals Map 2</u> Falkirk, Larbert & Stenhousemuir	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Jonathan Harvey (02972) Bellsdyke Consortium (02716) Scottish Enterprise (00447) Gladman Developments Ltd (01258) Taylor Wimpey UK Limited (00198) Cala Homes (West) Ltd (00512) Wallace Land Investments (00001)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Larbert and Stenhousemuir, as identified in the Larbert and Stenhousemuir Settlement Statement, and detailed in Appendix 1.	
Planning authority’s summary of the representation(s):		
Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)		
<u>Mr Jonathan Harvey (02972/3001/001)</u>		
Land at MU19 should remain for business use only and not be changed to mixed use. MU19 should be used to expand the current community facilities which will require expansion to deal with the vast amount of homes already approved.		
<u>Bellsdyke Consortium (02716/3003/001)</u>		
The housing allocation at site MU19 Hill of Kinnaird 2 should be increased from 70 to 164 units. The residential allocation of 70 is not sufficient as it does not relate to the development capacity of the site or take account of the infrastructure costs to complete the original Masterplan. Education capacity constraints can be overcome with a phased approach to development.		

Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

Scottish Enterprise (00447/ 3004/001)

The business/industry designation on Glenbervie (BUS19) should be changed to housing with potential for compatible commercial uses adjacent to the access point. It should be a medium term proposal in recognition of the education capacity issues at Larbert High School. Business/industry development is not a viable option on this site, and is unlikely to be developed in the foreseeable future.

The submission is supported by a justification paper which assesses the potential for alternative uses on the site and concludes that housing development is the only economically viable option. Evidence of site marketing for business is also submitted.

Non Allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001)

A site at Stirling Road, Larbert should be identified for housing in LDP2. The site is effective and sustainable. The site can be delivered in a sensitive manner, without adverse impact in Larbert House and setting or on the townscape. This has been demonstrated through previous LDP submissions, planning application (P/17/0632/PPP) and appeal submission to DPEA (PPA-240-2053).

Non Allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198/ 3005/004)

A site at Roughlands Farm (North) should be allocated for housing. The 5.4 hectare site is effective and immediately available and could deliver in the region of 100 units. It will go some way to meeting the shortfall in housing land which is projected to occur at the point of adoption of LDP2. The site has been promoted through the Call for Sites and Main Issues Report for LDP2 and LDP1. The submission is supported by a Development Statement to promote the site.

The site should be removed from the green belt designation to the east of Carronshore. Its purpose in this location is limited as any potential for coalescence is already constrained by the strategic motorway network. The application of the green belt designation in this location will contribute to the Council's inability to meet housing need and demand.

Non Allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005)

A site at Kirkton Farm, Carronshore should be allocated as a 'Development Safeguarding' designation, to confirm the direction of future housing development in the Larbert / Stenhousemuir settlement area. It is approximately 100 hectares and has the capacity to deliver in excess of 2000 homes over the medium to long

term. It would include a community hub to support a variety of uses including education provision (including a new primary school and potentially a new high school). Off-site infrastructure requirements are outwith the immediate control of the landowner but contributions could be made to address deficiencies. The site has been promoted through the Call for Sites and Main Issues Report for LDP2 and LDP1. The submission is supported by a Development Statement to promote the site.

The site should be removed from the green belt designation to the east of Carronshore around Kirkton Farm.

Non Allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512 /3003/001)

A site at Hill of Kinnaird (East) should be allocated for housing. The 48 hectare greenfield site is proposed for 1000 houses (25% affordable), a new primary school, community based local centre, extension to Larbert North Green Network, community green space, and associated infrastructure and services. The proposals can be accommodated within the school estate on the basis of on-site provision of a new primary school and a phased approach to development. The site is considered to be effective and any local or strategic constraints/issues can be addressed on-site or by developer contributions. It provides a logical and sustainable extension to existing development. The proposal is supported by a Development Framework and Masterplan, as well as extensive technical support studies, some of which were prepared to promote the site previously through the Main Issues Report.

Non Allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001)

A site at Bellsdyke Road should be allocated for housing. The site would form a sustainable and logical expansion to the north east of Stenhousemuir. It could accommodate around 240 homes and would assist LDP2 achieve its housing land requirement in full. The site is considered effective and could contribute to housing completions within a two year period. The proposal would not have a significant visual or landscape impact and includes the provision of landscaping to form a robust Green Belt and settlement edge. A Housing Land Supply Statement, Education Statement, Transport Statement, Site Effectiveness Statement, Indicative Development Framework Plan and SEA Assessment Review have been produced to support the allocation.

Modifications sought by those submitting representations:

Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)

Mr Jonathan Harvey (02972/3001/001)

Amend the land use of Proposal MU19 at Hill of Kinnaird 2 from mixed use to

business.

Bellsdyke Consortium (02716/ 3003/001)

Amend the housing capacity of site MU19 Hill of Kinnaird 2 from 70 to 164 units.

Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

Scottish Enterprise (00447/3004/001)

Amend Proposal BUS19 at Glenbervie from business/industry to housing with scope for compatible commercial uses.

Non Allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001)

Insert additional site at Stirling Road, Larbert as a housing proposal with a capacity for around 60 units.

Non Allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198 /3005/004)

Insert additional site at Roughlands Farm (North) as a housing proposal. Amend Map 3.3 to remove land east of Carronshore from the green belt.

Non Allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005)

Insert 'Development Safeguarding' designation to be applied to the land in and around Kirkton Farm. The policy should state:

'Land is safeguarded to the east and south east of Carronshore. The landowner / developer will prepare a Design Framework for the Carronshore Expansion Area, spatially including its associated infrastructure requirements. The Design Framework will be at the basis against which the Council will seek to confirm if a comprehensive solution for the development of the area exists, as well as development agreements between the relevant landowners.

The Design Framework should also provide information on delivery mechanism for the provision and phasing of shared infrastructure as necessary to enable an appropriate phasing and timing of development. If a comprehensive solution to the known issue is found, the conversion from safeguarding to allocation shall be considered through the review of the LDP or sooner in the event of a failure in the 5 year supply emerging'.

Non Allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512 /3003/001)

Insert additional site at Hill of Kinnaird (East) as a new Kinnaird Strategic Growth Area.

Non Allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001)

Insert additional site at Bellsdyke Road (MIR 131 Site Bensfield Farm), Larbert and Stenhousemuir as a housing proposal, with a capacity for around 240 units.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Larbert and Stenhousemuir

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Larbert and Stenhousemuir is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

Larbert and Stenhousemuir has been one of the fastest growing settlements over the last 10-15 years, its population increasing by some 17% between 2001 and 2017. Housing growth has been concentrated at Bellsdyke and Hill of Kinnaird, known collectively in LDP1 as the Larbert North Strategic Growth Area (SGA) (otherwise known as Kinnaird Village). The settlement strategy in LDP2 is to continue to focus on the delivery of the SGA, with no significant new housing development proposed. The existing housing land supply for the plan period amounts to 119 units, comprising the residual land at Hill of Kinnaird (H46), and a small site at Pretoria Road (H47). The only additional housing proposed in LDP2 is 70 units within the former Hill of Kinnaird Business Park (MU19) which is identified for mixed use development to include housing / business / community uses, bringing the total allocation to 189 units. The housing capacity of MU19 is linked to the residual shortfall from the originally approved 1700 houses for Kinnaird Village. This is currently estimated to be 70 units although, since the publication of the Proposed Plan, it has become evident that increased density within the H46 Hill of Kinnaird site is likely to reduce this shortfall. Effectively, in housing supply terms, some or all of this 70 units would be delivered through an increase in the capacity of H47.

The strategy for Larbert and Stenhousemuir is therefore one of consolidation in recognition of the rapid and extensive growth which has taken place in the settlement over recent years, and the pressures this has placed on infrastructure. Education capacity constraints are particularly acute, highlighted in the Education Background Paper. Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carrongrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations. By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to

extend the school, and this presents a major impediment to any further significant housebuilding in the area. Most of the primary schools are also operating at high occupancies, with particular issues at Kinnaird Primary School, where the Council is undertaking a major extension programme simply to catch up with past growth.

Allocated Mixed Use Site MU19 – Hill of Kinnaird 2 (Site Ref 094)

Mr Jonathan Harvey (02972/3001/001); Bellsdyke Consortium (02716/3003/001)

These representations relate to the content of Proposal MU19 Hill of Kinnaird. In LDP1, the site is currently allocated exclusively for business use as proposal ED21, in line with the original Bellsdyke/Hill of Kinnaird masterplan. The Proposed LDP2 has amended its proposed use to mixed use to include housing and community uses as well as business. The site's use was previously considered at the LDP1 Examination in 2015 at which the Reporter rejected submissions from the Bellsdyke Consortium to have the proposed use changed from business to housing.

The reduction in the business component reflects an assessment of the Council's existing employment land that found LDP1 to have a generous supply of employment land currently allocated. Whilst the majority of employment sites remain well located and suitable for their intended use to meet the Council's economic development aspirations, it was considered that business potential was more limited at MU19 and therefore other uses could be introduced which would include further community uses to serve Kinnaird Village and an element of residential use. The Council is keen to see the Bellsdyke/Hill of Kinnaird masterplan completed, and acknowledges that a mixed use approach, with an element of housing, could assist viability. The amended mixed use approach will allow business uses to be located prominently on the Bellsdyke Road frontage, and will also provide an opportunity to address any shortfall in community uses. This in turn will allow for the completion of Kinnaird Village.

The Council has given careful consideration to the scale of housing which might be appropriate in view of the severe pressures on school capacity being experienced in the locality which have previously been highlighted. The situation at Kinnaird Primary School is particularly acute with a phased programme of extensions to the school in hand which will only partly deal with committed development. Even with the school extended to full 3 stream, mobile classrooms will continue to be required. In the Proposed LDP2, the housing capacity has been linked to the residual shortfall from the originally approved 1700 houses for the Bellsdyke/Hill of Kinnaird development. This would mean there would be no net increase in the number of houses originally planned. At the time of publication of the Proposed LDP2 the shortfall was estimated at 70 units, and this was the allocation put in the plan. However, since the publication of the Proposed Plan, it has become evident that increased density within the H46 Hill of Kinnaird site may reduce or even eliminate this shortfall and likewise reduce the amount of housing allowable at MU19.

The Council's approach therefore tries to strike a balance between achieving a realistic and deliverable solution to the last phase of the Bellsdyke/Hill of Kinnaird

masterplan, and limiting the additional pressure placed on local schools.

Mr Harvey seeks to retain the whole site in business use, and also that the site be used to expand community facilities for the area. As noted above the Council does not believe sufficient demand for business uses exists in this location, and retaining the exclusive business allocation may result in delivery of the site being stalled. The mixed use allocation allows for community uses.

The Bellsdyke Consortium has put forward an economic viability case for increasing the allocation from 70 units to 164 units. It is submitted that the increased housing allocation is required to maximise value, so that the infrastructure required to complete the masterplan can be undertaken. Their submission lists a number of areas across the whole Bellsdyke/Hill of Kinnaird development where revenue has not been realised as expected. The Council does not consider that these are abnormal costs, given all infrastructure costs and developer contributions were agreed at the outset through the masterplan and outline planning consent. The loss of 139 units for affordable housing is not accepted given there was no requirement for affordable housing on site as this was dealt with by commuted sums. The developers chose to deliver affordable housing on site which presumably reflected poor market conditions at that time. Further, some of the items listed will still generate revenue, for example the crèche/assisted living site and the proposed 70 housing units and pub/restaurant on the Bellsdyke frontage which are still to be developed. Changes in revenue are inevitable with such a large housing site developed over a long time frame, and should not be a justification for allocating additional housing. The cost of infrastructure works to complete the masterplan is stated as circa £1,200,000. However this is not substantiated by a breakdown of the works required. The Council considers that the limit on the housing capacity of the MU19 site is justified on the basis of school capacity constraints, and viability arguments do not override these considerations.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Allocated Business Site BUS19 – Glenbervie (Site Ref 092)

Scottish Enterprise (00447/3004/001)

The Council does not consider that the business/industry designation at Glenbervie should be changed to housing with compatible commercial uses (petrol filling station/roadside services, bar restaurant and hotel).

The site was originally purchased by Scottish Enterprise as a strategic employment site and has been allocated for economic development in successive development plans, including the current adopted LDP1. Technical Report 6 (Revised): Employment Land contains an assessment of the Council's existing sites portfolio and recommends that Glenbervie is retained for business/industry, commenting that the amount of housing sought would have consequences for the scale and flexibility of the employment land remaining. It is therefore carried forward into the Proposed LDP2 as a business site, forming a core element of the

Larbert North Strategic Business Location. The site is a prime location for business development, offering a high amenity site on the urban edge of Larbert and Stenhousemuir next to the M876 motorway with access to the M9 motorway to Edinburgh and the M80/A80 to Glasgow. Site access has been constructed and the site benefits from an attractive landscaped edge. Glenbervie is in close proximity to the Royal Forth Valley Hospital which opened in 2010 and it is not inconceivable that there may be businesses/ancillary development in the future who would actively seek to locate near a regional hospital.

The Council acknowledges in Technical Report 6 that there is a generous supply of business land in the area, and the take up of business land in the area has been slow over recent years. Nevertheless it is considered prudent to safeguard land for future business needs, especially those sites which are in key accessible locations such as Glenbervie. The Council seeks to have long-term flexibility and variety in their business portfolio that is required to meet the area's economic development aspirations.

Scottish Enterprise seeks to demonstrate that Glenbervie is not economically viable without significant public sector investment which is unlikely to be forthcoming. It is argued that the only economic development option is housing with some commercial uses. However, additional funding to assist with viability may well become available through the Council's Investment Zone bid which could release resources through the Strategic Business Locations project to assist sites such as this, without any need for cross-subsidy from housing.

In terms of the commercial uses suggested, there is no market evidence submitted that there is demand for these commercial services in this location. There are two petrol stations with the urban area of Larbert and Stenhousemuir, and a Premier Inn and restaurant (Outside Inn) in the adjacent Glenbervie Business Park.

Finally, the Council would point to its overall strategy for housing in Larbert and Stenhousemuir which is one of consolidation, in view of the significant education capacity pressures facing the settlement previously referred to. Additional housing on this large site will add unacceptably to these pressures.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Stirling Road (Site Ref 133)

Gladman Developments Ltd (01258/3005/001)

The Council's view through the LDP process has been that this site was not an appropriate allocation. The site was submitted at the 'call for sites' stage, was subject to site assessment and was identified in the MIR as a non-preferred site. It was not included in the Proposed LDP2. The reasons for the Council's position were as follows.

The Council's approach to housing growth in Larbert and Stenhousemuir has

been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

The proposed site relates to a greenfield site within the historic parkland estate of Larbert House which is a category B listed building. It lies in the countryside to the west of the urban area of Larbert and Stenhousemuir. It comprises prime quality agricultural land.

The Council considers that the proposal will have an adverse impact on the setting of the category B listed Larbert House and Stables. The proposed housing would occupy a field which lies east of the loch and as such would impact on a key view from Larbert House. The view over the historic ha-ha to the circular wooded planting and wooded areas adjacent to Stirling Road is a design feature of the historic designed landscape. This originally designed vista remains perceivable on site at present.

The site forms an integral part of the parkland which is included on the Council's non-inventory of designed landscapes. Although some development has encroached on the boundaries of the original designed landscape, the proposed development will encroach to an unacceptable extent in terms of the views from Larbert House. The development would erode a large area of greenspace and impact on the landscape character of the estate and the adjacent urban area. Development would also have an adverse impact on legally protected species and result in the loss of mature trees.

In addition, the site contributes to the open nature and is part of the parkland which is well used by the local community for informal access, contributing to the health and wellbeing of the community and patients/ staff from Forth Valley Royal Hospital. It is considered that the proposal would urbanise this parkland asset which contributes to the local cultural heritage and historic environment. Further, it is considered that the proposal would impact on the Maggie's Centre (Cancer support centre) which has recently been developed in this location to benefit from the peaceful surroundings of the parkland.

A planning application for housing development on the site was submitted in October 2017 by Gladman which was refused planning permission by the Council (P/17/0632/PPP). An appeal was subsequently lodged by the applicant and allowed subject to Section 75 obligation (DPEA reference PPA-240-2053). The Reporter's decision focused on the Council's acknowledged shortfall in the 5 year effective housing land supply. The site has an estimated capacity of 60 units. The Section 75 obligation has been signed and the final decision letter issued in April 2019.

Therefore, whilst the Council does not support the allocation of the site, it recognises that planning permission has been issued for residential development and there is a high likelihood that this permission will be implemented. Consequently, the Reporter may wish to view the permission as a commitment and reflect this in the Proposed Plan.

Non Allocated Site – Roughlands Farm (Site Ref 130)

Taylor Wimpey UK Limited (00198/3005/004)

The Council does not consider that Roughlands Farm (North) should be allocated as a housing site or removed from the green belt. This submission relates the northern part of wider Roughlands Farm site which was subject to site assessment and identified in the MIR as a non-preferred site.

The wider Roughlands Farm site was considered at the Falkirk Council Local Plan Inquiry in 2009 and the LDP1 Examination in 2015. In 2009 the Reporter recommended that Roughlands Farm should not be allocated for housing and should remain outwith the Urban Limit, but the site should be taken out of the green belt, allowing it to be considered as a development option beyond 2020. The Council did not accept the latter part of the recommendation, and continued to retain the site within the green belt. In 2015, the Reporter declined to allocate the site, or to remove it from the green belt, whilst acknowledging that it might have some logic as a future development opportunity, but that it was for the Council to determine its future value and potential in subsequent LDP reviews.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population. Whilst Carronshore Primary School has some capacity to cope with new development, Larbert High School does not, and there are no options to extend it further.

Given the strategy of consolidation for the settlement, and the fact that, within the Council area as a whole, sufficient land has been allocated to meet the housing land requirement, it would be inappropriate to remove the site from the green belt. The site is an integral part of the green belt in this location and fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt boundary comprises strong physical features following urban edges or roads which are considered appropriate and robust.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Kirkton Farm 1 & 2 (Site Refs 129 & 127)

Taylor Wimpey UK Limited (00198/3005/005)

The Council does not consider that the Kirkton Farm sites should be allocated as a 'Development Safeguarding' site or removed from the green belt. The sites were subject to site assessment and identified in the MIR as non-preferred sites. Kirkton Farm 1 (Ref 129) is an irregularly shaped piece of land to the east of

Stenhousemuir and north of Carronshore. Kirkton Farm 2 (Ref 127) lies further east, extending out to the M9 motorway. Essentially, the representation seeks the removal of the land from the green belt, and its identification as a long term future location of housing growth in the area.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

It is not considered appropriate at this stage to commit to long term, large scale growth in this location given major issues as to how strategic infrastructure for such growth might be delivered. This is the reason why the growth potential for the period 2030-2040 in the Proposed LDP is identified as 'low' (Table 3.2, page 18). Larbert High School is projected to continue to operate at high occupancy levels for at least the next 10 years. A new secondary school would be required, as well as a new primary school. The proposal includes provision for a new primary school but secondary school provision is less clear. A temporary catchment review is suggested to allow the site to be developed prior to the development of a new secondary school. This is not considered to be a robust solution to education capacity constraints. The Council has undertaken a secondary school catchment review in the recent past, and it has no plans to undertake another one. In any case, the outcome of any such review would be uncertain and not ultimately within the Council's control. Accordingly, a new secondary school would have to be funded by the development, and it is unlikely that even a growth area of this size could sustain the required scale of investment in the school estate. The strategic transport implications of the proposal will be substantial, and have not yet been properly assessed. There will be major impacts on the local road network, with particular pressures on the congested B902 into Falkirk which may not be capable of being mitigated.

The land at Kirkton Farm forms an integral part of the designated green belt. It fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir/Carronshore and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt boundary comprises strong physical features following urban edges or roads which are considered appropriate and robust. Development would also involve the loss of pockets of prime quality agricultural land.

The site boundary of the Kirkton Farm 1 site is convoluted and does not represent a logical extension to the existing urban area of Larbert and Stenhousemuir. The irregular shape of the boundary reflects land ownership, rather than being a meaningful boundary for a potential settlement expansion to the existing urban area. In order to effectively masterplan this area, this site would need to be combined with other adjacent land to the north at Kirkton and Bensfield Farm which are not included in this proposal and appear to be within other ownerships. It is also considered illogical to safeguard Kirkton Farm for future development in advance of any allocation on the intervening agricultural land at Roughlands Farm.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Hill of Kinnaird East (Site Ref 134)

Cala Homes (West) Ltd (00512/3003/001)

The Council does not consider that the Hill of Kinnaird East site should be allocated as a Strategic Growth Area or removed from the green belt. The site was subject to site assessment and identified in the MIR as a non-preferred site. The site was previously considered at the LDP1 Examination in 2015 (where it was referred to as Hill of Kinnaird 3), and was rejected by the Reporter.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population.

In an attempt to mitigate education constraints, the proposal includes provision for a new primary school and the representation suggests that the development could be accommodated at Larbert High School on the basis of a phased approach and a catchment area review at non denominational secondary level. This view is not supported. The capacity of Larbert High School has recently been increased with expansion to incorporate the neighbouring Carrongrange School, however school projections indicate that the school will be operating close to capacity for the next 10 years. Phasing is therefore not a solution for at least the 2020-2030 period of the plan. As regards a potential catchment review, the Council has undertaken a secondary school catchment review in the recent past, and it has no plans to undertake another one. In any case, the outcome of any such review would be uncertain and not ultimately within the Council's control. Accordingly, a new secondary school would have to be funded by the development, and it is unlikely that even a growth area of this size could sustain the required scale of investment in the school estate.

The strategic transport implications of the proposal will be substantial, and have not yet been properly assessed. There will be major impacts on the local road network, with particular pressures on the congested B902 into Falkirk which may not be capable of being mitigated. Access to the site via a new 5th leg off the Antonshill roundabout would not be supported by the Council.

The land at Hill of Kinnaird forms an integral part of the designated green belt. The site fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt has a robust and defensible western boundary provided by Moss Road which provides a well defined edge to the current limit of urban development. In contrast the proposed new western boundary provided follows a minor access road within Kinnaird House estate. Development would also involve the loss of

prime quality agricultural land.

The proposed development would also adversely impact on the setting of the category B listed Kinnaird House which is also a non-inventory designed landscape. It would involve adverse impacts on woodland of long established plantation origin which is currently protected by TPO, which in turn would have a significant impact on the habitat network in the vicinity.

In the LDP1 Examination Report, in dismissing Hill of Kinnaird, the Reporter concluded that its development might prejudice the delivery of other settled housing land allocations and disrupt the balance of growth that has been distributed across the LPD area. The Reporter concluded that it was for the Council to determine the potential of the site in subsequent LDP reviews. At this stage the Council still considers that the development of this area is premature given the significant infrastructure constraints and environmental impacts.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Bensfield Farm (Site Ref 131)

Wallace Land Investments (00001/3003/001)

The Council does not consider that the Bensfield Farm site should be allocated as a housing site or removed from the green belt. The site was subject to site assessment and identified in the MIR as a non-preferred site. It was previously considered and dismissed at the Falkirk Council Local Plan Inquiry in 2009.

The Council's approach to housing growth in Larbert and Stenhousemuir has been outlined above. A strategy of consolidation is adopted for the settlement, which primarily reflects the significant education constraints. This will allow for a period of stabilisation for the community, to ensure that the existing infrastructure can cope with the rapidly expanded population. Whilst Carronshore Primary School has some capacity to cope with new development, Larbert High School does not, and there are no options to extend it further.

The land at Bensfield forms an integral part of the designated green belt. The site fulfils two key objectives of the green belt by protecting the landscape setting of Stenhousemuir and reinforcing the settlement strategy for the area, which is to focus on the completion of Kinnaird Village (Site H46). The existing green belt has a robust and defensible western boundary provided by Redpath Drive and associated housing development, which provides a well defined edge to the current limit of urban development. In contrast the proposed new western boundary provided follows a fairly insignificant field boundary within the farmland.

The proposed site does not represent a natural rounding off of the urban area, and could set a precedent for further incremental incursions into the green belt, and a piecemeal approach to future eastern growth of the urban area. In the 2009 Inquiry the Reporter concluded that the site should remain as green belt, as development of the site would harm the openness of the green belt, and the

substantial eastwards extension would be detrimental to landscape setting. The Council concurs with this view.

The site assessment outlines that development would also involve the loss of prime quality agricultural land and adversely affect the landscape setting of Stenhousemuir and Carronshore. There is relatively poor accessibility by walking or cycling to the community facilities at Stenhousemuir Town Centre, partly due to the severance caused by the busy B902.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 14	Airth Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Rural North (pages 100-101) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Rural North: Airth (page a07) <u>Proposals Map 3</u> Rural North – Airth, Dunmore, Letham and South Alloa	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Robert Brown Smith (03037) Ogilvie Homes Ltd (00614) George Russell Construction Ltd (00313)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in the village of Falkirk, as identified in the Rural North Settlement Statement, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Allocated Housing Site H49 – Airth Castle South (Site Ref 041)		
<u>Mr Robert Brown Smith (03037/3001/003)</u>		
Although Site H49 Airth Castle South is allocated for housing, it is at flood risk from the Pow Burn. A comprehensive flood scheme should be implemented before any development occurs at this site.		
Allocated Housing Site H50 – The Glebe (Site Ref 042)		
<u>Ogilvie Homes Ltd (00614/3007/003)</u>		
Site H50 The Glebe should be deleted and replaced with non allocated site Eastfield 1. The Council has failed to provide evidence that H50 is effective, and the site can not be relied upon to deliver actual housing completions during the plan period. The allocation of Eastfield 1 would ensure the delivery of housing completions given it is under the direct control of a housebuilder who has a successful track record of delivering housing in Airth.		
<u>Mr Robert Brown Smith (03037/3001/002)</u>		
Support is given to the limited development of H50 The Glebe for low rise bungalow type housing on the higher ground which is above flood risk level.		
Non Allocated Site – Airth Mains Farm (Site Ref 148)		

George Russell Construction Ltd (00313/3003/001)

A site at Airth Mains Farm should be allocated for a visitor centre and enabling bungalow development. The Pineapple and Listed Walled Garden are an undervalued resource, and the visitor centre will provide much needed gateway facilities and employment opportunities. The enabling bungalows will address an area wide shortage for the 55+ age group looking to downsize. A draft site plan and artist's impression supports the representation.

Mr Robert Brown Smith (03037/3001/004)

Proposals at Airth Mains Farm for a visitor centre, car park, cafe, retail units and bungalows, which are not included in the plan, are supported. There is a proven demand for bungalows for mature owners which would lessen the impact of more housing on Airth Primary School. The proposal for a visitor centre and services will provide much needed facilities for visitors to Dunmore Pineapple.

Non Allocated Site – Eastfield 1 (Site Ref 150)

Ogilvie Homes Ltd (00614/3007/002)

A site at Eastfield 1 should be allocated for housing. The site is effective and there are no factors which would prevent its development in the short term. The Falkirk Council Local Plan Inquiry Report in 2009 concluded that this site should be allocated for housing. However, the Council did not accept the Reporter's recommendation. The site was rejected by the Reporter to the LDP1 examination in 2014 on landscape and flood risk grounds. A Flood Risk Assessment and Landscape and Visual Appraisal support the representation and conclude that there are no adverse landscape impacts and a mitigation strategy can address flood risks concerns.

Modifications sought by those submitting representations:

Allocated Housing Site H49 – Airth Castle South (Site Ref 041)

Mr Robert Brown Smith (03037/3001/003)

Amend site comments on Proposal H49 Airth Castle South to indicate that a comprehensive flood scheme should be implemented before any development occurs.

Allocated Housing Site H50 – The Glebe (Site Ref 042)

Ogilvie Homes Ltd (00614/3007/003)

Delete Housing Proposal H50 The Glebe Airth.

Mr Robert Brown Smith (03037/3001/002)

Amend site comments on Proposal H50 The Glebe Airth to allow for low rise

bungalow type housing on the higher ground which is above flood risk level.

Non Allocated Site – Airth Mains Farm (Site Ref 148)

George Russell Construction Ltd (00313/3003/001); Mr Robert Brown Smith (03037/3001/004)

Insert additional site at Airth Main Farm as a mixed use proposal for a visitor centre, car park, cafe, retail units and bungalows.

Non Allocated Site – Eastfield 1 (Site Ref 150)

Ogilvie Homes Ltd (00614/FLDP2 PP/3007/002)

Insert additional site at Eastfield 1 as a housing proposal.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Airth (Rural North)

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Rural North is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

Rural North housing allocations in LDP1 are focused on the villages of Airth and Torwood. The Proposed Plan carries forward these existing allocations, with the exception of a small site at Graham's Terrace in Airth which is de-allocated. These commitments are expected to deliver 188 units in the period 2020-2030. Airth is the largest village in the Rural North and has been the focus of growth due to its range of village services, including primary school, shops and community facilities. However further development in Airth is not favoured given the scale of proposed housing allocations and education capacity constraints. A strategy of consolidation has therefore been adopted.

In terms of education capacity the most recent roll projections indicate that Airth Primary School, the non-denominational catchment primary school, is projected to be close to capacity over the coming years. Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carrongrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations. By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to extend the school, and this presents a major impediment to any further significant housebuilding in the area.

Allocated Housing Site H49 – Airth Castle South (Site Ref 041)

Mr Robert Brown Smith (03037 /3001/003)

The site lies outwith the 1 in 200 year flood envelopes for fluvial and coastal flooding as shown on the SEPA Flood Maps. Planning permission in principle was previously granted in 2015 for residential use, with no objection from SEPA, although this consent has now lapsed. SEPA's more recent response on the site's consideration through LDP2 indicated that a flood risk assessment was required to determine the risk from the Pow Burn. It was expected that topographic and site layout information might be sufficient to address any concerns. In a separate representation (00532/3003/001), considered under Issue 25, SEPA has sought the inclusion of wording to indicate that a flood risk assessment is required on the site, and the Council has indicated that it has no objection to this. Therefore it is not expected that a 'comprehensive flood scheme' will be necessary, but that that a flood risk assessment would be required to check whether any mitigation is required.

Allocated Housing Site H50 – The Glebe (Site Ref 042)

Ogilvie Homes Ltd (00614/3007/003)

The Council does not consider that Proposal H50 should be deleted from LDP2 and replaced by Eastfield 1. H50 is an existing housing site which has been carried forward from LDP1. It is in the established supply in the Housing Land Audit 2017/18 and considered to be capable of coming forward during the lifetime of the LDP2. The site has been subject to assessment, and its effectiveness assessed as part of this. Environmental and infrastructure constraints identified may have an impact on the developable area of the site, but these are not expected to affect the overall viability. The site is within the ownership of a party who wish to develop it for housing (General Trustees for the Church of Scotland), and it is in a marketable location. The conclusion is that the site is considered likely to be effective in the period of the plan. Development of the site offers the opportunity to round off the northern edge of the village, and enhance the approach into Airth.

The Council does not consider that the non-allocated Eastfield 1 should be included in LDP2 as a replacement for The Glebe. The reasons for not supporting Eastfield (1) are set out below under 'Non Allocated Site – Eastfield 1 Airth (Site Ref 150)'.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Mr Robert Brown Smith (03037/3001/002)

The Council does not consider that any further modifications are required to the site comments provided on H50 The Glebe in Appendix 1. The text provided states that the proposed design should be sympathetic to adjacent housing and urban edge location in terms of scale and density and boundary treatments, and the final form of the development should take account of assessment of flood risk. The form of wording in relation to design was recommended by the Reporter in the LDP1 Examination Report.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Airth Mains Farm (Site Ref 148)

George Russell Construction Ltd (00313/3003/001); Mr Robert Brown Smith (03037/3001/004)

The Council does not consider that the Airth Mains Farm site should be allocated for a visitor centre and enabling bungalow development. A larger site that shown in the representation, comprising 50 houses, was originally promoted at the 'call for sites' stage. This larger site was subject to site assessment and identified as non-preferred site in the MIR. The representation has reduced the scale of the site and although the capacity is not stated, the layout drawing indicated around 22 units.

A substantially larger housing proposal of 300 units, care facility and visitor centre wrapping around the west of Castle View (H48) was rejected by the Reporter at the LDP1 Examination. In addition to landscape and heritage concerns the Reporter concluded that the site was not needed as an additional housing site and might prejudice the delivery of other housing land allocations and disrupt the balance of growth across the LDP area.

The site assessment for the wider site outlines that development is likely to have significant landscape and visual impacts. Whilst the scale of the proposal has been reduced, impacts on the landscape setting of Airth and the Pineapple which is included on the Inventory of Gardens and Designed Landscape may still be significant. The proposed visitor centre would be located between the listed East Lodge to the south, and the Parsonage to the north inevitably impacting upon the character and setting of these two listed buildings. The proposed visitor centre element of the proposal would be set within the Pineapple's curtilage and the Inventory of Gardens and Designated Landscapes. There are only three such inventory sites within the Falkirk Council area and therefore the Council seeks to safeguard against any development which would impact on the character and integrity of these sites. No supporting evidence has been provided to demonstrate that the introduction of new development will not harm the designed landscape.

Access to the site also requires to be further investigated. It is currently shown to be accessed off the B9124 but would require co-ordination with the adjacent committed sites at Castle View (H48) and the Glebe (H50).

Whilst a visitor centre in this locality could be of benefit, there is no evidence of discussion with, or support from, the National Trust for Scotland who own and manage the Pineapple. Much of the space indicated on the drawing appears to be for retail units, the need for which is questionable in this location. There is also no evidence in the form of a development viability assessment that the level of residential development proposed is needed as enabling development.

The Council's approach to housing in Airth has already been outlined as one of consolidation. Provision has been made for sufficient growth carried forward from

LDP1, and the focus should be on delivering these sites. There is no need for further housing in the village. Whilst it is noted that the proposal seeks to address a perceived housing shortage for those age 55 plus, there is no reason why such housing cannot be provided on other allocated sites in the village.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Eastfield 1 Airth (Site Ref 150)

Ogilvie Homes Ltd (00614/3007/002)

The Council does not consider the Eastfield 1 site to be an appropriate housing allocation. The site was subject to site assessment, and identified as non-preferred site in the MIR.

This site was considered at the Falkirk Council Local Plan Inquiry Report in 2009. Whilst the Reporter concluded that the site should be allocated for housing the Council did not accept the recommendation, and the site remained unallocated within the countryside outwith the village limit of Airth. The site was considered again at the LDP1 Examination in 2015 and was rejected by the Reporter due to landscape impacts and potential flood risk from the nearby Pow Burn.

The Council's position has not changed since LDP1. The Council's approach to housing in Airth has already been outlined as one of consolidation. Provision has been made for sufficient growth carried forward from LDP1, and the focus should be on delivering these sites which include Castle View (H48), Airth Castle South (H49), and The Glebe (H50). The largest site at Castle View will provide 108 houses and is currently pending approval subject to the completion of the Section 75 Agreement (P/16/0644/FUL). These proposed sites are considered to be the best options for growth in the village. The Eastfield site would constitute a significant southward extension which would further elongate the village and impact on the maintenance of its existing compact form. Further, it would erode the open landscape setting of the village from the south.

In addition the site assessment notes that the site is at risk of both fluvial and coastal flooding. The SEPA Flood Map shows that approximately one third of the site is within the 1 in 200 year envelope for fluvial flood risk. This covers the western part of the site, including much of its frontage with the A905. Development in this area would be contrary to the flood risk framework in SPP. A satisfactory layout, avoiding the area at risk, would be difficult to achieve. In their response to the site at the 'call for sites' stage, SEPA confirmed that flood risk assessment would be required to assess flood risk from the Pow Burn, and that the site is likely to be constrained. The representation compares the Eastfield site with the allocated Airth Castle site (H49) in terms of flood risk. However, the Airth Castle site is not within the 1 in 200 year flood envelope.

There are education capacity constraints in the catchment schools of Airth Primary School and Larbert High School which have been outlined in the background section above. Further growth will put additional pressure on these

schools which are not readily capable of expansion.

For these reasons, the Council does not agree to modify the plan in response to this representation

Issue 15	Other Rural North Housing Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Rural North (pages 100-101) <u>Appendix 1 Proposals and Opportunities Schedule</u> Housing – Rural North: Torwood (page a08) <u>Proposals Map 1</u> <u>Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood</u> <u>Proposals Map 3</u> Rural North – Airth, Dunmore, Letham and South Alloa	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Malcolm Whitecross Macropaper Ltd (02918) Mrs Jeanette Sutherland (02863) Emandel Properties (02957) Mr Robert Alistair Young (02192) Partners of the Dalgrain Farming Partnership (01083) Mactaggart and Mickel Ltd (00011) Roy Mitchell Design Ltd (00193) Mr Paul Edney (02962)		
Provision of the development plan to which the issue relates:	The allocation of specific sites for housing in Torwood, South Alloa, Dunmore and Skinflats, as identified in the Rural North Settlement Statement, and detailed in Appendix 1.	
Planning authority’s summary of the representation(s):		
Non Allocated Site – Ferry Road South Alloa (Site Ref 215)		
<u>Malcolm Whitecross Macropaper Ltd (02918/3003/001)</u>		
The former Thermalite site in South Alloa should be allocated as a housing proposal and be included within the village limit of South Alloa. The site is considered to be effective. It extends to 15 acres and could accommodate approximately 70 units. The site has been considered previously through LDP1 and previous stages in the preparation of LDP2.		
Non Allocated Site – Dunmore South (Site Ref 208)		
<u>Mrs Jeanette Sutherland (02863/3002/001)</u>		
A site to the south of Dunmore should be allocated as a housing proposal for 29 elderly amenity residential bungalows. The site is currently rough grazing land and is considered effective and suitable for housing. It would create a logical		

extension and rounding off of the village of Dunmore with the establishment of a defensible eastern boundary. A Preliminary Site Report of existing site conditions, constraints and services, a Landscape Strategy, an Indicative Housing Layout and a Transportation Statement are submitted in support of the representation. These studies conclude that subject to the implementation of mitigation and a landscape strategy the site has the capacity to accommodate residential development.

Non Allocated Site – Newton Avenue North, Skinflats (Site Ref 153)

Emandel Properties (02957/3001/001)

A site at Newton Avenue (North) Skinflats should be allocated for housing.

Partners of the Dalgrain Farming Partnership (01083/3001/001)

A site at Newton Avenue (North), Skinflats should be allocated for housing or included in the settlement boundary. The site extends to 4.12 hectares and is proposed for 120 houses, 30 of which would be affordable. Skinflats is in need of new housing to regenerate the village and support local services including the primary school. The MIR identified Skinflats as an additional preferred location for new housing, with Skinflats South (Site Ref 165) being identified as the preferred option. Newton Avenue North is marketable, and there is interest from a housebuilder. It can be satisfactorily accessed. The Council's assertion that the site is subject to flood risk is contested as the site is not shown to be at risk of coastal or river flooding on the SEPA flood maps. The settlement strategy for Rural North is criticised, with a reliance on the existing land supply in just two settlements, which have deliverability problems. The allocation of the site would help the Council meet its housing requirement and complies with SPP.

Non Allocated Site – Letham East (Site Ref 155)

Mr Robert Alistair Young (02192/3004/001)

A site to the east of Letham Cottages, Letham should be allocated for housing. The site is 2 hectares in size and is not prime agricultural quality. The site is within a marketable area and is considered suitable and effective for residential development.

Non Allocated Site – Castle Crescent, Torwood (Site Ref 154)

Mr Robert Alistair Young (02192/3004/002)

A site at Castle Crescent Torwood should be allocated for housing. The site is 3.5 hectares and Class 2 prime agricultural land. It is promoted for 40-60 units. The site is within a marketable area and is considered suitable and effective for residential development.

Non Allocated Site – Blairs Farm, Torwood (Site Ref 152)

Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001)

A site at Blairs Farm, Torwood should be allocated for mixed use. A Vision Statement supports both representations describing the proposal and outlining the following reasons why Blairs Farm should be allocated in the plan:

- The site extends to 10.8 hectares and the proposal includes 50 homes, a hotel and restaurant, a garden centre, a parade of shops, structural planting and public open space. A concept masterplan illustrates the proposal.
- It provides the opportunity to create a village centre for Torwood and address the shortfall in community facilities.
- The site is available, suitable and sustainable.
- It is a logical extension of Torwood to the east of the A9 and creates the opportunity for traffic calming on the A9.
- The site has been promoted through Call for Sites and Main Issues Report.

Non Allocated Site – Kersie Terrace, South Alloa (Site Ref 225)

Mr Paul Edney (02962/3001/001)

A site on the west side of Kersie Terrace in South Alloa should be allocated as a housing proposal. The site would provide financial support towards the restoration of Kersie Mains House which is Grade B listed and is in a dilapidated condition. It would seem a logical expansion of the settlement and all services are immediately adjacent.

Modifications sought by those submitting representations:

Non Allocated Site – Ferry Road South Alloa (Site Ref 215)

Malcolm Whitecross Macropaper Ltd (02918/3003/001)

Insert additional site at South Alloa as a housing proposal and amend the village limit accordingly.

Non Allocated Site – Dunmore South (Site Ref 208)

Mrs Jeanette Sutherland (02863/3002/001)

Insert additional site at the south of Dunmore as a housing proposal.

Non Allocated Site – Newton Avenue North, Skinflats (Site Ref 153)

Emandel Properties (02957/3001/001); Partners of the Dalgrain Farming Partnership (01083/3001/001)

Insert additional site at Newton Avenue (North), Skinflats as a housing proposal.

Non Allocated Site – Letham East (Site Ref 155)

Mr Robert Alistair Young (02192/3004/001)

Insert additional site to the east of Letham Cottages, Letham as a housing proposal.

Non Allocated Site – Castle Crescent, Torwood (Site Ref 154)

Mr Robert Alistair Young (02192/3004/002)

Insert additional site at Castle Crescent, Torwood as a housing proposal.

Non Allocated Site – Blairs Farm, Torwood (Site Ref 152)

Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001)

Insert additional site at Blairs Farm Torwood as a mixed use proposal.

Non Allocated Site – Kersie Terrace, South Alloa (Site Ref 225)

Mr Paul Edney (02962/3001/001)

Insert additional site at Kersie Terrace South Alloa as a housing proposal.

Summary of responses (including reasons) by planning authority:

Council's Approach to Housing Growth in Rural North

As background to the Council's response on this issue, the general approach to the allocation of housing sites in Rural North is outlined in Appendix 5 of Technical Paper 3 (Revised): Housing and Settlement Growth Options.

Rural North housing allocations in LDP1 focused on the villages of Airth and Torwood. The Proposed Plan carries forward the existing allocations at Airth and Torwood with the exception of a small site at Graham's Terrace in Airth which is de-allocated. These commitments are expected to deliver 188 units in the period 2020-2030. Airth is the largest village in the Rural North and has been the focus of growth due to its range of village services, including primary school, shops and community facilities. The other villages which are the focus for this issue generally lack services and are therefore not favoured for further growth.

The Rural North villages feed into Larbert High School which has severe capacity issues are constrained. Larbert High School is operating close to its operational capacity. Its capacity is being enhanced by the conversion of the neighbouring Carrongrange School building to provide additional accommodation. This will provide capacity for the existing committed sites, but no capacity to cope with a further increase in housing allocations. By 2024, the school will be the biggest secondary school in Scotland with around 2,100 pupils, and high occupancies are likely to continue to the end of the decade. Significantly, there are no options to

extend the school, and this presents a major impediment to any further significant housebuilding in the area.

Non Allocated Site – Ferry Road, South Alloa (Site Ref 215)

Malcolm Whitecross Macropaper Ltd (02918/3003/001)

The Council does not consider the Ferry Road site to be an appropriate housing allocation, or that the Village Limit be amended to include all of the site. The site was subject to site assessment and identified as non-preferred site in the MIR. The site was previously considered at the LDP1 Examination in 2015. The Reporter was unable to conclude that the site was a realistic probability during the LDP period due to several significant constraints.

The proposed site is of mixed character comprising a vacant brownfield area to the north and a greenfield area to the south. The brownfield area is currently contained within the village limit of South Alloa in LDP1 and remains unchanged in the Proposed Plan. There is no specific land use designation in the Proposed Plan, but inclusion within the Village Limit allows for the rehabilitation of the brownfield area and future uses to be considered subject to detailed policy considerations. Allocation of the greenfield part of the site, or expansion of the Village Limit to encompass the greenfield area is not considered to be justified. It is noted that the representation does not contain any supporting evidence as to why the greenfield area should be included. South Alloa is a small village with limited services, and residential growth of the scale proposed would not be sustainable, or consistent with the strategy of consolidation proposed for the Rural North villages.

The site has significant constraints. Most of it is within the 1 in 200 coastal and fluvial flood risk envelope as shown on the SEPA Flood Maps and so is subject to significant risk of flooding. Whilst the representation acknowledges this, no detailed supporting assessment has been provided on how this will be overcome. In addition, the nearest sewer connection is some 300 metres away from the site, entailing significant off site costs. Education capacity constraints exist at Airth Primary School and Larbert High School.

There are also ecological concerns, as the site is also within close proximity to the Firth of Forth Special Protection Area (SPA) so there is potential for significant effects on SPA qualifying interests. Again no detailed ecology assessment has been provided.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Dunmore South (Site Ref 208)

Mrs Jeanette Sutherland (02863/3002/001)

The Council does not consider the Dunmore South site to be an appropriate housing allocation. The site was subject to site assessment. It was promoted in

response to the MIR, and has not been considered through previous development plans.

The representation relates to a greenfield site which is located at the south west corner of the village of Dunmore. The entire village envelope is designated as a Conservation Area. The core of the village is characterised by category B Listed stone cottages surrounding a village green. The potential for significant impact on this model village is highlighted in the Site Assessment. No supporting heritage information has been provided on this aspect of the proposal. The indicative housing layout submitted shows a dense urban style of development comprising detached properties which is not complementary in character to the conservation area.

The proposal relates to a flat agricultural field on the carseland, so inevitably given the exposed nature of the site there will be substantial landscape impacts and impact on the setting of the conservation area from the eastern approach on the A905. There is also likely to be potential impact on the Tree Preservation Order (TPO) on the northern corner of the corner of the site.

In terms of flooding, part of the site is within the 1 in 200 year coastal flood risk envelope and so is subject to risk of flooding. The representation does not include a detailed flood risk assessment and therefore mitigation proposals have not been identified at this stage. Furthermore, Dunmore is not served by a sewer network.

Education capacity issues have already been outlined above in the section on Council's Approach to Housing Growth in Rural North. In addition to the significant constraints already outlined, Dunmore has limited services so is not considered appropriate for housing expansion of this scale.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Newton Avenue North, Skinflats (Site Ref 153)

Emandel Properties (02957/3001/001); Partners of the Dalgrain Farming Partnership (01083/3001/001)

The Council does not consider the Newton Avenue North site to be an appropriate housing allocation. The site was subject to site assessment and identified as non-preferred site in the MIR. The site has been considered and rejected at the Falkirk Council Local Plan Inquiry in 2009 and the LDP1 Examination in 2015.

At the MIR stage of the plan, the Council considered that housing growth in Skinflats could be beneficial in terms of sustaining village services. Two sites were suggested through the 'call for sites' process including this site at Newton Avenue North (Site Ref 150) and a site at Newton Park South (Site Ref 165). The Council's preferred option in the MIR was Newton Avenue South. At the time of preparation of the MIR, the most up to date coastal flooding information available indicated that flood risk was not an issue, and that expansion of the village to the south or east was possible.

However, according to updated flooding information gathered to inform the Grangemouth Flood Protection Scheme, the 1 in 200 year coastal flooding envelope now encroaches to the edge of the village, and consequently the Council considers that growth is constrained and no housing allocations have been made. The 1 in 200 year flood envelope covers approximately 50% of the Newton Avenue North site and includes the Newton Avenue road frontage. This is a significant constraint and allocating a housing development on the floodplain of the Forth Estuary is not considered appropriate.

Whist flood risk is the overriding reason for not allocating Newton Avenue North, vehicular access to the site is a concern. The site is currently constrained by the narrow access road which is exacerbated by on-street parking and would need to be widened to support the level of development proposed.

In terms of school capacity, Skinflats is not subject to the same constraints as the other Rural North villages in that it lies within the catchment of Grangemouth High School, which has spare capacity. Until very recently, the village had its own primary school (Bothkennar Primary School), but this has recently been mothballed due to the extremely low roll, and children from the village now attend Beancross Primary School in Grangemouth. At this stage, further housing growth in the village is unlikely to be sufficient to justify the re-opening of the school.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Letham East (Site Ref 155)

Mr Robert Alistair Young (02192/3004/002)

The Council does not consider the Letham East site to be an appropriate housing allocation. The site was subject to site assessment and identified as non-preferred site in the MIR. The site has been considered and rejected at the Falkirk Council Local Plan Inquiry in 2009 and the LDP1 Examination in 2015.

The site is on the east side of Letham Cottages outwith the Village Limit and relates to flat agricultural land which is part of a much larger area. It is bounded by a hedgerow and some mature trees to the south, and Letham Cottages road on its western boundary. The northern and eastern site boundaries are not contained.

Letham is a designated Conservation Village which comprises two separate areas, Letham Terraces and Letham Cottages. It has a strong established pattern of development, so the Council considers that any development on the east side of the village would significantly impact on the character and setting of the conservation village. The representation does not include any supporting evidence demonstrating how the impact on Letham Conservation Area can be minimised.

There are landscape sensitivities in this location. The site is within an open carse

land setting with an open aspect, and there are no topographical features which help absorb the development into the landscape. Historically Letham has developed on the west side of the main road, so the proposed site would extend the village footprint across the road and inevitably impact on the landscape setting of the conservation village.

The Council has considered the options for expanding the village previously, however was unable to find a satisfactory site that was sympathetic to the existing form of the conservation village. The Examination Reporter in 2015 concluded that the particular character of Letham Conservation Area creates significant difficulty in finding sites where development would not have a negative impact on its special value and amenity.

Whilst impact on the conservation area is the primary reason for not allocating further development in Letham, there are other considerations. There are education capacity issues which have already been outlined above in the section on Council's Approach to Housing Growth in Rural North. In addition there are limited facilities in the village to support further development, and development could potentially breach the capacity of Letham pumping station so may need to be upgraded.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Castle Crescent, Torwood (Site Ref 154)

Mr Robert Alistair Young (02192/3004/002)

The Council does not consider the Castle Crescent site to be an appropriate housing allocation. The site was subject to site assessment and identified as non-preferred site in the MIR.

The Council considers that Torwood is not a suitable location for significant growth in the Rural North area. Two housing sites have been carried forward from LDP1 at the former Torwood School (H51) and McLaren Park (H52) as they are still likely to be active in the period 2020-30, but no further allocations are considered appropriate. The village has severe limitations in terms of local facilities and poor accessibility to other services. Sewerage infrastructure capacity is also constrained. A growth project will be progressed by Scottish Water to accommodate the existing LDP1 sites carried forward into the Proposed Plan, however there will be very limited flexibility for any additional sites. It is likely that a further growth project would be required to accommodate any new housing sites.

The Castle Crescent site contains two parcels of land with a narrow link between them and is contained by existing woodland. There are likely to be ecological sensitivities as the site forms an integral part of a habitat corridor running around the fringes of Torwood. At the very least a substantial habitat buffer would be required between any development and the adjacent woodland to ensure that a robust habitat corridor is retained.

Access is suggested from Glen Road or Castle Crescent, however further assessment would be required to assess whether it is possible to access the site from the A9, given the close proximity to the M876 accesses. There is no supporting transport assessment with this representation. There are also education capacity issues which have already been outlined above in the section on Council's Approach to Housing Growth in Rural North.

In landscape terms the site is contained by woodland, which forms part of the wider woodland setting of Torwood. The Council is concerned that this woodland character could be eroded by the proposed development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Blairs Farm, Torwood (Site Ref 152)

Mactaggart and Mickel Ltd (00011/3001/001); Roy Mitchell Design Ltd (00193/3002/001)

The Council does not consider the Blairs Farm site to be an appropriate housing allocation. The site was subject to site assessment and identified as non-preferred site in the MIR. The site has been considered and rejected at the LDP1 Examination in 2015. Amongst other considerations, the Reporter concluded that the proposal would effectively double the size of Torwood, and would therefore be out of scale with the prevailing village character and pattern.

The Council considers that Torwood is not a suitable location for significant growth in the Rural North area. Two housing sites have been carried forward from LDP1 at the former Torwood School (H51) and McLaren Park (H52) as they are still likely to be active in the period 2020-30, but no further allocations are considered appropriate. The village has severe limitations in terms of local facilities and poor accessibility to other services. Education capacity is constrained and has already been outlined above in the section on Council's Approach to Housing Growth in Rural North.

Sewerage infrastructure capacity is constrained in Torwood. A growth project will be progressed by Scottish Water to accommodate the existing LDP1 sites carried forward into the Proposed Plan, however there will be very limited flexibility for any additional sites. It is likely that a further growth project would be required to accommodate any new housing sites.

The proposed site is not a natural extension to Torwood as it is bisected by the busy A9 trunk road. In landscape terms the proposed site is predominantly flat grazing land so visually the development would have a major landscape impact from the west. The majority of the site is prime agricultural land. Further, the site is in close proximity to Wallacebank Wood which is a designated wildlife site, so there is potential for development to impact upon the broadleaved habitat network and have an adverse impact on legally protected species.

The site would be accessed from a new junction onto the A9 and given its close proximity to the M876 accesses there will be implications for the road network. Designing an access with appropriate levels of road safety may prove to be challenging. A Transport Assessment would be required to investigate the impact of this development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Kersie Terrace, South Alloa (Site Ref 225)

Mr Paul Edney (02962/3001/001)

The Council does not consider the Kersie Terrace site to be an appropriate housing allocation. The site was promoted in response to the Proposed Plan; it was not previously suggested through either the 'call for site' process or the MIR.

The site is outwith the village boundary of South Alloa and relates to flat agricultural land which is part of a larger field. It is bounded by hedges and some small trees on its north south and east boundaries, however its west boundary is undefined. Kersie Mains Farm house itself is a category B listed building.

There is no supporting evidence or development viability assessment to support this proposed enabling housing allocation. In such cases of enabling development usually there would be a requirement for the applicant to demonstrate that the restoration project (Kersie Mains Farm House) would not be financially viable without the enabling development. There would be an expectation that all other potential sources of subsidy have been explored and evidence provided that the property has been subject to appropriate marketing.

In this particular case, it is noted that the listed farmhouse is included within the application boundary of a recent approved planning consent at Kersie Mains Farm for the Redevelopment of Farm Steading to form 6 Dwellinghouses P/17/0252/FUL. Whilst the application does not seek any alterations or development as part of the proposals to Kersie Mains Farm, the applicant has indicated that any profits from the redevelopment of the steading would be directed to the refurbishment of the farmhouse. The indicative cost for the project is stated as being in the region of £200,000. There is no evidence provided to indicate that this is no longer a viable solution to safeguard the future of the listed building.

Irrespective of the issues around enabling development there are significant concerns with the proposed site itself. The site does not fall within the 1 in 200 year coastal flooding envelope, as defined on the SEPA Flood Maps. However, given the sites proximity to the River Forth, a flood risk assessment will be required. Furthermore, the proposed site is within 150m of the Firth of Forth Special Protection Area (SPA), so an assessment of the potential impacts would be required. The proposed site is not contained on its western boundary, so there are concerns that there could be further encroachment into the countryside.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 16	Grangemouth Investment Zone	
Development plan reference:	<u>Chapter 3 Spatial Strategy</u> Business (pages 20-21) Infrastructure (pages 24-25) <u>Chapter 4 Policies</u> Jobs and Economy Business Policy JE06 (Major Hazards) <u>Chapter 5 Settlement Statements</u> Grangemouth (pages 94-95) Bo'ness Road/Wholeflats Road Major Area of Change Development Guidance (pages 96-97) <u>Appendix 1 Proposals and Opportunities Schedule</u> Business – Grangemouth (pages a14-a15) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Grangemouth (including Skinflats) Community Council (02723) Forth Ports PLC (00591) The Grangemouth Chemical Cluster Companies (TGCCC) (00878) Partners Of The Dalgrain Farming Partnership (01083) All Truck Commercial Vehicle Repairs (03036)		
Provision of the development plan to which the issue relates:	The spatial strategy for Grangemouth, and the allocation of specific business sites within and adjacent to the Grangemouth Investment Zone, as set out in the Grangemouth Settlement Statement, together with consideration of Policy JE06 (Major Hazards).	
Planning authority's summary of the representation(s):		
Grangemouth Settlement Statement		
<u>Grangemouth (including Skinflats) Community Council (02723/3002/001); (02723/3002/012)</u>		
<ul style="list-style-type: none">There is a lack of consideration for the town of Grangemouth in the text. Proposals are for the benefit of industry with the expansion of business supported but nothing for the local population. The Flood Scheme is for the benefit of industry and only incidental for the public. Flood risk in Grangemouth is partly caused by increased run off in the Braes from housing developments which still continue.There have been vast improvements to Falkirk, Denny and Camelon town		

centres but Grangemouth. which raises revenues for the whole area, has been left to stagnate. It also has a number of areas in the Scottish Index of Multiple Deprivation with one in the 5% most deprived areas, three in the 10% most deprived and in total 27% of the population is classed as deprived (SIMD 2016).

- The MUGA pitch at Moray PS has not yet materialised and the realignment of Bo'ness Road is not understood. The vision for the area is commended however the treatment of Grangemouth and its residents needs to be urgently addressed.

Spatial Strategy – Infrastructure

Forth Ports PLC (0059/3001/002)

The depiction of the Grangemouth Flood Prevention Scheme on Map 3.6 Spatial Strategy - Infrastructure does not reflect the finalised position of the scheme and this could compromise the use of MIR site 163 (Plot C) which is subject to a separate representation by Forth Ports (00591/3001/001). Reading the map alongside Policies PE24 and IR01 the plan compromises the potential of Plot C in advance of the finalisation of the flood scheme.

Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003)

The priority given to the Grangemouth Investment Zone and its identification as a strategic business location is supported. However, the Investment Zone boundary should be shown on Proposals Map 5, otherwise it is impossible to understand the area covered by Policy JE01. It is also essential that TGCCC's land holdings are shown as being within the Investment Zone.

Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008)

Moves must be made to reduce the population at risk from major hazards rather than just stabilising it. There are far fewer operating plants and therefore fewer hazardous materials in Grangemouth than in the past but there appears to be no reduction in the areas affected by zones/consultation distances. Local industry must work towards a permanent reduction in the hazardous materials associated with their operations which will reduce the areas affected and allow further development for the community's benefit.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005)

Policy JE06 should be amended to take a more positive and proactive approach towards promoting the Grangemouth Investment Zone as specified in Policy JE01 Business and Tourism.

Allocated Business Site BUS 12 - Earls Gate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009)

Proposal BUS12 Earls Gate Park should read "Earls Gate Park". The reference to flood risk assessment in the site comments for Proposal BUS12 in Appendix 1 should clarify that this is in relation to surface water drainage, as acknowledged by the Council in their MIR response.

Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Partners Of The Dalgrain Farming Partnership (01083/3002/001)

The inclusion of Proposal BUS 13 Glensburgh for business use is supported.

Grangemouth (including Skinflats) Community Council (02723/3002/002)

Proposal BUS13 Glensburgh should be allocated for social housing rather than more industry.

Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005)

The comments for Proposal BUS15 in Appendix 1 include a reference to the consent for a biomass plant and this should be correctly referred to under the Electricity Act. A number of requirements are listed where planning permission is required, however these may not be relevant to all proposals.

Non Allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162 and 163)

Forth Ports PLC (00591/3001/001)

MIR Sites 162 and 163 identified as sites B and C in Appendix 1 form part of Forth Port's operational estate in accordance with the Forth Ports Authority Order Confirmation Act 1969 and should be allocated as sites for port related development. Development which requires planning permission would be subject to assessment under LDP2 and could be subject to environmental impact assessment and appropriate assessment. These were preferred sites in the MIR and the concerns expressed in the Council's response to the MIR are not supported. The flood scheme design is not yet finalised and references to the site's exclusion are incorrect. No evidence has been provided to justify the non allocation of the sites for business use.

Non Allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001)

The site at Yonderhaugh should be removed for the green belt and allocated as a

site for employment uses. The site has two industrial units at present one of which is in use for Class 5 vehicle repairs and the other unit is the subject of a planning application (P/18/0665/FUL) for the same use. The business is currently located on a site allocated for housing in Bonnybridge (Site H10) and requires to relocate. The allocation of the wider site will enable further expansion of the business and other employment uses. The site makes little contribution to the green belt and its removal will not undermine its core role and function.

Modifications sought by those submitting representations:

Grangemouth Settlement Statement

Grangemouth (including Skinflats) Community Council (02723/3002/001, 012)

The text should be amended to give more recognition to Grangemouth's needs as a place to live which are not currently addressed in the plan and to provide a better deal for Grangemouth recognising its position as a major source of revenue both nationally and locally.

Spatial Strategy – Infrastructure

Forth Ports PLC (00591/3001/002)

Amend Map 3.6 to identify locations where the route of the flood prevention scheme remains to be confirmed.

Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003)

Amend Proposals Map 5 to include the boundary of the Grangemouth Investment Zone.

Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008)

Reduce the areas affected by major hazard zones to allow development of the town for the community's benefit.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005)

- Amend Policy JE06 by inserting the words "and enhance" into sub section 2, so as to read "...while taking into account the need to safeguard and enhance nationally important clusters of industry handling hazardous substances."
- Insert "permanent" into sub section 4, first sentence, to read "The revocation of HSC will be pursued where the permanent use of the site has ceased."

Allocated Business Site BUS 12 - Earlsgate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009)

- Amend Proposal BUS12 Earls Gate Park to "Earls Gate Park".
- Amend sentence 5 in site comments in Appendix 1 to read "A flood risk assessment may be required to reflect the potential need to address surface water drainage"

Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Grangemouth (including Skinflats) Community Council (02723/3002/002)

Amend Proposal BUS13 by allocating the site for affordable housing rather than for business and industry.

Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005)

Amend Proposal BUS15 site comments as specified in the representation. Delete the reference to planning permission for a biomass energy from waste plant and replace with "Consent was granted for the Grangemouth Biomass Electricity Generating Station under Section 36 of the Electricity Act 1989". Replace the main text from "Where planning permission is required..." with alternative text as specified in the representation referencing relevant policies in LDP2 rather than noting specific requirements, and amending the requirement for project specific information to inform an appropriate assessment to be only "where appropriate".

Non Allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162, 163)

Forth Ports PLC (00591/3001/001)

Insert additional sites for port related uses at Grangemouth Docks 3 and 4 (Plots B and C).

Non Allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001)

Insert an additional site at Yonderhaugh for employment uses in the plan and remove it from the green belt.

Summary of responses (including reasons) by planning authority:

Grangemouth Settlement Statement

Grangemouth (including Skinflats) Community Council (02723/3002/001, 012)

NPF3 contains a number of references to Grangemouth as two national developments directly relate to the town and a further one relates to increasing

freight on the Forth. Under 'Statement of Need and Description' on page 78 the need for a coordinated approach to minimise impacts on the community and the environment is recognised and elsewhere at paragraph 3.41 the need to address the community's needs is highlighted.

In terms of the Proposed Plan, Grangemouth is acknowledged in the Vision (paragraph 2.04) and the Grangemouth Settlement Statement as an economically important area and as a local community. All business proposals and opportunities in Grangemouth must address cumulative impact on sensitive receptors, including the wider town and the local community. The Council has a duty to protect residential development from flooding and this was the impetus for the Grangemouth Flood Prevention Scheme which will also protect residential properties up the River Carron to Larbert. The Scheme also includes flood prevention works which will offer business protection which increase the cost benefit ratio of the scheme in economic terms, recognising the importance of the Grangemouth Investment Zone nationally. The plan also acknowledges that the town centre needs to be redeveloped. The flood prevention scheme and the reduction in the major hazard consultation distances affecting the town centre will help to support such development should market conditions improve to enable investment to be made in the town centre which is owned in the main by the Council and a private company.

The MUGA pitch at Moray Primary School has now been delivered. The Community Planning process has flagged up a number of issues in Grangemouth and where the planning system can support the development of projects in the town the plan provides a positive policy framework including support for the redevelopment of Zetland Park which is subject to a Heritage Lottery application. Proposal IN17 includes a reference to the potential for an upgraded footpath link between Bo'ness and Grangemouth and realignment of the A904. This relates to the road east of the oil refinery and outwith the town of Grangemouth. Realignment to the north may be required to enable a footpath to be established as a number of businesses have boundaries up to the road edge. The plan tries to balance the needs of the community against the requirement to support the Grangemouth Investment Zone within the framework of constraints in the town including the major hazard sites and flooding. For these reasons, the Council does not agree to modify the plan in response to this representation.

Spatial Strategy – Infrastructure

Forth Ports PLC (00591/3001/002)

Map 3.6 on page 25 of the Proposed Plan is intended to provide a broad indication of the locations of infrastructure proposals. The Grangemouth Flood Prevention Scheme, which is the highest priority flood management scheme in Scotland, is being pursued under the Flood Risk Management (Scotland) Act 2009 and is not identified as a development plan proposal. Map 3.6 only identifies the watercourses and coastline relating to the scheme to provide an indication of where the scheme is likely to have an impact. It is not intended to define the boundaries or extent of the intended works which, as the representation suggests, have not been finalised yet. The option currently being considered for the docks

excludes the undeveloped Plots B and C. Although the scheme is not yet finalised the Local Flood Risk Management Plan sets an objective to manage flooding in Grangemouth including reducing economic damages to residential and non-residential properties and reducing risk to people from river and coastal flooding. It is not therefore intended to protect undeveloped land. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy JE01 – Business and Tourism

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/003)

The Grangemouth Investment Zone is identified indicatively in Map 3.4 of the Spatial Strategy and is also identified in NPF3 under the 'Statement of Need and Description' on page 78. In NPF3 it is based on the adopted Local Development Plan core business and industry boundaries which include the Chemical Cluster Companies. It is not necessary to identify the area on Map 5 which already identifies the core business and industry areas. Policy JE01 states that specific sites identified in the proposals and opportunities schedule for new development will be safeguarded rather than offering any blanket protection for the Investment Zone itself. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy JE06 – Major Hazards

Grangemouth (including Skinflats) Community Council (02723/3002/008)

The development plan is required by SPP paragraph 99 to safeguard nationally important clusters of industries handling hazardous substances from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. At the same time the development plan is also required to take into account the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment and the need in the long term to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes. This obligation is set out in the Town and Country Planning (Development Plan) (Scotland) Regulations 2008 as amended by Schedule 8 (2(4)) of The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.

In meeting these requirements Policy JE06 seeks to balance the needs of the operators and the needs and safety of the local community. The policy includes the requirement for applicants for hazardous substance consents (HSC) to demonstrate that off-site impacts have been minimised. It also indicates that the Council will be active in pursuing the revocation of HSC consents where the use has ceased to ensure that development in the area is not hindered by redundant consultation distances set around major hazard sites. The Council is also actively engaging with operators through the development management process to review their existing consents where appropriate. A number of HSC's have been

reviewed and led to reductions in the consultation distances around major hazard sites such as the reduction of the zones for the H W Coates site which affected the town centre. The town centre is now no longer affected by the most restrictive inner zone consultation distance for this site. For these reasons, the Council does not agree to modify the plan in response to this representation.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/005)

SPP paragraph 99 requires the development plan to safeguard nationally important clusters of industries handling hazardous substances from development which compromise their operation or growth potential. It does not require the plan to “enhance” these clusters. This may also conflict with the requirement to take into account the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment and the need in the long term to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes as set out in the Development Plan Regulations 2008. For these reasons, the Council does not agree to modify the plan in response to this part of the representation.

The pursuance of the revocation of hazardous substance consents is intended to prevent the continued restriction on development in the surrounding area where there are no longer any major hazards on a site. For example a derelict gas holder can have a consultation distance around it although the site is derelict and no longer in operation. It is not intended to limit operational sites from managing their materials inventory as they consider appropriate. If the Reporter is minded to recommend that the plan be amended in line with this part of the representation to include the word “permanent”, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Allocated Business Site BUS 12 - Earls Gate Park (Site Ref 087)

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/009)

If the Reporter is minded to recommend that the plan be amended in line with this part of the representation regarding renaming the site as “Earls Gate Park” the Council would not take issue with the amended wording. This is not regarded as a notifiable modification. The SEPA Indicative Flood Risk maps indicate surface water flooding on the site in a 1:200 year (medium) event. A generic wording is used across the Grangemouth sites and there is no need to specify that it relates to surface water drainage. For this reason, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site – Glensburgh BUS 13 (Site Ref 088)

Grangemouth (including Skinflats) Community Council (02723/3002/002)

The site has been allocated for business and industry site since 2010 and this is considered the most appropriate use for the site. The site is also isolated from other residential areas nearby and severed from residential amenities by the A905

and the M9. Noise from these primary routes is likely to present problems. It is also affected by two consultation zones associated with major hazard sites which limit the number and density of housing achievable to a maximum of 30 units. The site is also within the Tax Incremental Finance initiative (TIF) boundary within which uplift in the rateable value of the site for business and industry development will come back to the Council for reinvestment in infrastructure. The site is in the Council's ownership but is subject to an agricultural tenancy. The agricultural tenant (Dalgrain Framing Partnership) has indicated their support for the current business/industry allocation. The site has some poor ground conditions as the line of the old Forth and Clyde Canal runs east west through the site. The site is also traversed by a 12 inch trunk water main and combined sewer. Access may be difficult to achieve because of the site's proximity to the M9 junction 6 off ramp and the signalised junction of the 4 lane A905 Glensburgh Road and Forth and Clyde Way. All these constraints are more likely to be overcome for some form of business use, rather than housing. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS15 - Grangemouth Docks West (Site Ref 090/190)

Forth Ports PLC (00591/3001/005)

The Council has no issue with describing the current consent for Proposal BUS15 as "Grangemouth Biomass Electricity Generating Station under section 36 of the Electricity Act 1989". If the Reporter is minded to recommend that the plan be amended in line with this part of the representation, the Council would not object to the amended wording. This is not regarded as a notifiable modification.

Forth Ports have permitted development rights and the site comments in the plan highlight that where planning permission is required for non-dock, pier, harbour etc related development as specified in the GPDO Class 35, Schedule 1, Part 13, a number of factors will require to be taken into consideration. The site comments provide background to the proposal and give an indication of issues which require to be addressed. They are not intended to address all the issues and policies but highlight particular areas likely to be of concern in assessing any planning application. These include the cumulative impact on the wider community of Grangemouth from incremental industrial development. The existing comments are considered appropriate.

It should be noted that the generic wording on Habitats Regulations Appraisal used for various sites affecting SPAs has been subject to a representation by Scottish Natural Heritage (00646//3004/001) which is considered under Issue 26 (Miscellaneous). The Council is content to accept SNH's suggested wording. The Reporter's recommendation with regard to this matter should be reflected in the site comments for Proposal BUS15.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Sites – Grangemouth Docks 3 and 4 (Site Ref 162 and 163)

Forth Ports PLC (00591/3001/001)

The Council does not consider the sites at Grangemouth Docks 4 and 5 (noted in the representation as Plots B and C) should be allocated for business development. The sites have been subject to site assessment. They were identified as preferred sites at the MIR stage of LDP2, but the sites were subsequently reappraised and were not included in the Proposed Plan. Through the LDP1 process, the sites were considered as a potential location for a coal powered gasification plant (with carbon capture) and general port related development. The Reporters to the LDP1 Examination rejected the allocation of the sites citing a number of issues including the potential impact on the Firth of Forth SPA and the development of the Grangemouth Flood Defences as reasons.

The sites are located to the north east of the established Port of Grangemouth in an area classified as countryside and outwith the Grangemouth Urban Limit. They are bounded to the north, east and southeast by the Firth of Forth. Plot B is bounded to the west by the port and to the south by the Grange Burn. Plot C is bounded to the south and west by land in the ownership of Ineos. The reclaimed land is made up of scrub woodland and there are also ponds on Plot B. It is understood that the sites have never been developed apart from consent being granted for a 70 metre high meteorology mast in 2009 on Plot B. It is not known if this consent was implemented. Plot B can be accessed from the port but Plot C appears to have very limited access. There is a wooden causeway available at low tide from Plot B and a railway bridge crosses on to land to the south of the Ineos site from the port to the west.

The sites are subject to a number of constraints which means that the sites are unlikely to be effective. Key issues include:

- The potential significant impacts on the Firth of Forth SPA, which has been confirmed through the gathering of additional bird data for the Grangemouth Flood Defence Scheme. The site has not been included the LDP2 Habitats Appraisal Record, or the Appropriate Assessment for the SPA within the HRA.
- Flood risk issues bearing in mind that the sites are not protected in the draft options for the Grangemouth Flood Defence Scheme. The SEPA Flood Risk map and data from the Grangemouth Flood Protection Scheme identify Plots B and C as being at risk from a 1:200 yr flood event. Plot B is most significantly affected with Plot C affected to a lesser degree and at a lower flood level as this ground is higher. The Grangemouth Flood Prevention Scheme preferred (set back) alignment was developed based on protecting existing buildings and infrastructure, not protecting undeveloped land. The preferred alignment would not preclude development of the Forth Ports land either through future modification of the scheme defences or by the provision of flood gates which would allow access through the defences into that area. Any future development of land not protected by the scheme would be subject to an assessment of flood risk with appropriate mitigation measures developed to address flood risk. It should also be noted that land within the flood scheme boundaries will

still have to address residual flood risk.

- It is also not clear how the sites, particularly Plot C, will be accessed.
- There was previous interest in developing a power station with carbon capture and storage on this site, linked to the relevant National Development in NPF3. However, the prospects for a carbon capture and storage plant here now seems tenuous and the project is no longer being actively promoted by any developer.

Forth Ports claim that the land should be allocated because it is 'operational land'. Permitted development rights are conferred on Forth Ports for operational land under Class 35 of the GPDO. The sites certainly appear to be part of the 'port premises' as defined by The Forth Ports Authority Order 1969 (part 1, page 5) (CD). However, 'operational land' is defined under the terms of The Town and Country Planning (Scotland) Act 1997 (Section 215) as (a) land which is used for the purpose of carrying on their undertaking, **and** (b) land in which an interest is held for that purpose. Whilst the sites are in Forth Ports' ownership, there is no evidence that they have been used 'for the purpose of carrying on their undertaking'. They may not, therefore, constitute operational land.

Instead of a formal allocation, the Council has considered it appropriate to extend the Urban Limit to take in both Plots B and C in the Proposed Plan. This would afford Forth Ports the opportunity to bring forward development in the future in accordance with Policy JE04 Business Development Out with Designated Business Areas, provided they could overcome the abovementioned constraints. Alternatively if the sites are indeed operational land, there is no requirement to allocate them to enable permitted development rights to be applied.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Yonderhaugh (Site Ref 233)

All Truck Commercial Vehicle Repairs (03036/3001/001)

The Council does not consider the Yonderhaugh site to be an appropriate business allocation or that it should be removed from the green belt. The site was first submitted to the LDP2 process through this representation to the proposed Plan. It was not put forward or considered through the 'Call for Sites' process or the MIR.

The site is located between the A905 Skinflats Road to the east and the M9 motorway to the west. It is located to the north of the River Carron and is bounded by agricultural land to the north. It has two units on the site at present. The first unit was constructed on the south east corner of the site just north of the River Carron. There is no record of any planning consent for this unit which is in operation as a vehicle repair business by All Trucks Commercial Vehicle Repairs Ltd. An application was made for an additional agricultural building to the north of the existing building in 2016 which was granted. The representee then applied for a change of use from an agricultural building to Class 5 general industry. It became apparent that the building constructed did not match that consented and

was built as an industrial unit with the same footprint but a different height, wall finishing and five doors on the north elevation. The applicant was advised to apply retrospectively for the erection of a Class 5 industrial building. This application is still ongoing.

The site is located in the green belt and countryside on the northern edge of Grangemouth. It is also within the outer zone of a consultation distance associated with the Major Hazard CalaChem site in Grangemouth which places some restrictions on the type of development close to a major hazard site. Industrial development is likely to be acceptable in this location in relation to the major hazard site. A right of way runs through the site from the A905 to the western boundary between the two existing units on the site. A 36 inch water main also runs through the site. The site contributes to the green edge of Grangemouth which transitions into a more urban form on crossing the bridge over the River Carron. The existing consented units are considered to detract from the landscape setting of Grangemouth and additional industrial development would exacerbate this effect, resulting in the unattractive outward sprawl of urban development in Grangemouth along the A905 north of the River Carron. The green belt would be undermined by development in this location detracting from the character, landscape setting and identity of the town. The resulting green belt boundary would be illogical. The site is identified as at risk from tidal flooding and surface water flooding. The SEPA Flood Risk map and data from the Grangemouth Flood Protection Scheme identify the site as being at significant risk from a 1:200 yr flood event. The Flood Scheme Data is more up-to-date than the SEPA maps.

There is no requirement for an additional greenfield allocation for employment. As demonstrated by Technical Report 6 (Revised): Employment Land, there is a generous provision of business land in the Council area. Grangemouth itself has significant land allocated for business and industry use which could easily accommodate such a development. The site has a significant flood risk and its development would have a significant landscape impact. For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 17	Other Business Sites	
Development plan reference:	<u>Chapter 5 Settlement Statements</u> Bo'ness (pages 62-63) Bonnybridge and Banknock (pages 66-67) Braes and Rural South (pages 72-73) <u>Appendix 1 Proposals and Opportunities Schedule</u> Business - Bo'ness (page a12) Business – Braes and Rural South (page a12) <u>Proposals Map 1</u> Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross <u>Proposals Map 6</u> Bo'ness, Blackness and Muirhouses	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Falkirk Whisky Distillery Co Ltd (00891) Historic Environment Scotland (02656) Klondyke Group Limited (00471) Mr & Mrs D McCormack (02766) 1936 Investments (02708)		
Provision of the development plan to which the issue relates:	The allocation of sites for business use in the Bo'ness, Polmont and Banknock area, as identified in the respective Settlement Statements, and detailed in Appendix 1.	
Planning authority's summary of the representation(s):		
Allocated Business Site BUS23 – Grandsable Road, Polmont		
<u>Falkirk Whisky Distillery Co Ltd (00891/3002/001)</u> Proposal BUS23 has planning permission for a distillery, bonded warehouse, visitor centre, restaurant and retail use and has been under construction for eight years. Whilst the identification of the site as a proposal is supported, the business will undoubtedly evolve and the text inLDP2 should allow for future development and flexibility for expansion beyond that currently consented.		
The site should also be removed from the green belt. Its green belt designation is no longer justifiable, given the established hub of development in the area. It does not contribute to the separation of Grangemouth and Polmont.		

Historic Environment Scotland (02656/3002/001)

Significant concerns are expressed about Proposal BUS23. The boundary of BUS23 includes part of the Antonine Wall World Heritage Site and is located entirely within the buffer zone of the Antonine Wall World Heritage Site (AWWHS). Inclusion of this allocation within LDP2 could lead to direct impacts on the AWWHS and its Outstanding Universal Value (OUV). The section of the AWWHS within BUS23 includes documented archaeological remains, and marks an important topographical change in the Wall. Development in this section would significantly disrupt the topographical relationship of the monument. The proposal also has the potential to impact on the setting of the scheduled section of the Wall at Mumrills Roman fort. In its current form, BUS23 would not accord with SPP, and the boundary should be redrawn to exclude the AWWHS and its immediate setting.

Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001)

The allocation of Proposal BUS03 as a business site is supported. However, the allocation should fully reflect the nature of the site and the grant of planning permissions for the mixed use redevelopment of the site which were issued in 2017 and 2018 (references P/17/0169/FUL and P/18/0104/FUL) which provides scope for Class 1 retail, Class 3 food and drink, Class 4 business and class 6 storage and distribution uses on the site.

Klondyke Group Limited (00471/3002/002)

Proposal BUS03 should be removed from the green belt. Identification of the site within the green belt conflicts with the terms of the planning consent for the site and its continuing allocation in the LDP. The green belt designation fails to provide the proper clarity and certainty on where development will and will not take place as recommended by the Scottish Planning Policy.

Allocated Business Site BUS01 – Kinneil Walled Garden

Mrs D McCormack (02766/3002/001)

The following concerns are expressed about the site's allocation for tourism/business use in the Proposed LDP2:

- It is not clear what the plan proposes for leisure or tourism related uses at the site, so it difficult what changes might be necessary;
- Development, and an increase of people using the site, would pose security issues for the residential properties which back on to the site, with more people using the site access to the rear of the residential properties.
- An unresolved drainage issue causes flooding at the rear of our property;
- There is a lack of car parking and levels of traffic will increase
- Toilet facilities within the Kinneil Estate are very limited;
- Development may impede access to existing residential properties and increase traffic, visitor and noise levels to detriment of residential and

public amenity;

Non Allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001)

The site at Easter Thomiston should be allocated for business and general industrial (Use Classes 4 and 5). The reasons why the site should be allocated include:

- The site is a good location owing to its proximity to the M80, bus services, local communities and facilities
- The site has no constraints that would preclude its development
- The site's development supports the aspirations of the Banknock and Hagg Special Initiative for Residential led Regeneration (SIRR) and would complement future housing development at existing allocated sites such as MU04 – Banknock South
- There are few opportunities promoted for business use to the west of the Council area
- The site is consistent with Scottish Planning Policy

A range of documents are provided in support of the representation including a development framework report, Phase 1 habitat survey, landscape and visual impact assessment, and development zone drawing.

Modifications sought by those submitting representations:

Allocated Business Site BUS23 – Grandsable Road, Polmont

Falkirk Whisky Distillery Co Ltd (00891/3002/001)

Amend the comments for Proposal BUS 23 in Appendix 1 to “Existing distillery and visitor centre site with potential for future development associated with distillery and associated visitor centre”. Remove Proposal BUS23 from the green belt in Proposals Map 5

Historic Environment Scotland (02656/3002/001)

Amend the boundary of Proposal BUS 23 to exclude the Antonine Wall World Heritage Site and its immediate setting.

Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001)

Amend proposed uses for Proposal BUS03 in Appendix 1 from “Business” to “Mixed Use”.

Klondyke Group Limited (00471/3002/002)

Remove Proposal BUS03 from the green belt on Proposals Map 5.

Allocated Business Site BUS01 – Kinneil Walled Garden

Mrs D McCormack (02766/3002/001)

Proposal should be more specific and should acknowledge neighbour concerns.

Non Allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001)

Insert additional site at Easter Thomiston, Banknock as a business and general industrial proposal for Use Classes 4 and 5.

Summary of responses (including reasons) by planning authority:

Allocated Business Site BUS23 – Grandsable Road, Polmont

Falkirk Whisky Distillery Co Ltd (00891/3002/001)

The Council considers that the existing wording for Proposal BUS23 is appropriate. The site was granted planning permission for a distillery, restaurant, retail, bonded warehouse and other ancillary uses in May 2010, following a call-in of the application by Scottish Ministers and a public local inquiry. The development commenced in 2011, and is ongoing. The site is a very sensitive one with a variety of constraints. It lies within the green belt. The northern part of the site is within the Antonine Wall World Heritage Site (WHS) and the remainder is within the WHS Buffer Zone. The site is also subject to flood risk issues. Because of these constraints, the wording of the proposal in Appendix 1 reflects the planning permission granted, and emphasises that any further development, or amendments to the existing consent, must address all these constraints. The wording suggested by the Falkirk Whisky Distillery Co Ltd fails to highlight these constraints, and gives the false impression that the site is relatively unencumbered, and that further development will be acceptable.

The Council considers that the site remains a valid and logical part of the green belt. The green belt in this vicinity serves to provide visual separation between Polmont and Grangemouth, thereby safeguarding the identities of these communities and their landscape setting. The green belt is relatively narrow at this point, and does indeed shrink to a pinch point around Junction 5 of the M9. This makes the maintenance of the green belt all the more important. Green belt designation on these sites means that new development will be subject to additional scrutiny, control and mitigation to ensure that the purposes of the green belt are respected as far as possible. It is accepted that there are a number of urban uses within the green belt in this area, including hotels, restaurants, a garden centre and the distillery itself, but this does not invalidate the designation. It is not uncommon for built development to sit within the green belt, without compromising its function or purpose – SPP advises at paragraph 51 that only “existing settlements and major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments” should be excluded. Removing individual sites such as this one would undermine its integrity. It is noted that a representation has also been made to remove the

adjacent Proposal BUS03 from the green belt, raising issues of the cumulative erosion of the designation.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Historic Environment Scotland (02656/3002/001)

Proposal BUS23 has been included in the LDP to reflect the planning permission which was granted for the distillery development in May 2010, and therefore the site boundary has been drawn to reflect the boundary of the planning application which extends north to the A9. It is recognised that this includes a part of the Antonine Wall World Heritage Site (AWWHS). However, the site comments on BUS23 in Appendix 1 make this clear, and that any development over and above what is currently consented will require to comply with the policy on the Antonine Wall (Policy PE05). Historic environment interests should not, therefore, be prejudiced. HES seek the site boundary to be redrawn to exclude the AWWHS and its immediate setting. Yet it is not clear what is meant by 'its immediate setting'. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS03 – Beancross, Polmont

Klondyke Group Limited (00471/3002/001)

Klondyke is a long established garden centre, which has aspirations to invest further in the business. The Council is supportive of these aspirations, subject to proposals addressing green belt, Antonine Wall and flood risk issues affecting the site, and has signalled this support through Proposal BUS03. There have been numerous applications over the last 20 years for a range of uses including temporary modular office buildings, paving and landscape display, storage buildings, canopy extensions, and formation of overflow parking. The most recent application (P/17/0169/FUL) includes part of the LDP allocation and represents a rationalisation of the site, increasing the current floor area of retail uses, café and office space from around 5800m² to 12400m². This was amended again in 2018 via application P/18/0104/FUL to reduce the amount of office space. These have been granted, confirming the Council's support for the redevelopment of the site.

Klondyke Group seeks to have the site identified as 'mixed use' rather than 'business' in Appendix 1. However, in the terminology used by the LDP, 'mixed use' denotes a mix of housing and business uses, and so this term would not be appropriate here. 'Business' is an overarching term which embraces all the various existing and consented uses on the site, and any other activities which might be ancillary to the garden centre. The description of the proposal in the site comments as 'an expansion of the existing garden centre' provides adequate flexibility to accommodate the range of uses normally found within a garden centre operation, and reflected in the various consents, whilst ensuring that activities remain related to the core garden centre operation, and avoid, for example, unrelated retail activity which may have a negative impact on town

centres or other local retail centres. For these reasons, the Council does not agree to modify the plan in response to this representation.

Klondyke Group Limited (00471/3002/002)

The Council considers that the site remains a valid and logical part of the green belt. The green belt in this vicinity serves to provide visual separation between Polmont and Grangemouth, thereby safeguarding the identities of these communities and their landscape setting. The green belt is relatively narrow at this point, and does indeed shrink to a pinch point around Junction 5 of the M9. This makes the maintenance of the green belt all the more important. Green belt designation on these sites means that new development will be subject to additional scrutiny, control and mitigation to ensure that the purposes of the green belt are respected as far as possible. It is accepted that there are a number of urban uses within the green belt in this area, including hotels, restaurants, a distillery under construction, and the garden centre itself, but this does not invalidate the designation. It is not uncommon for built development to sit within the green belt, without compromising its function or purpose – SPP advises at paragraph 51 that only “existing settlements and major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments” should be excluded. Removing individual sites such as this one would undermine its integrity. It is noted that a representation has also been made to remove the adjacent Proposal BUS23 from the green belt, raising issues of the cumulative erosion of the designation. For these reasons, the Council does not agree to modify the plan in response to this representation.

Allocated Business Site BUS01 – Kinneil Walled Garden

Mrs D McCormack (02766/3002/001)

The site in question is contained within the Category C listed walled garden at Kinneil Estate, Bo’ness. The site has historically been used as the Council’s plant nursery. However, with the prospect of this use ceasing, the Council has given consideration to alternative future uses through LDP2, informed by the masterplan for the wider Kinneil Estate which was produced by Falkirk Community Trust in 2014. In February 2019, the closure of the plant nursery was confirmed.

The Proposed Plan has identified two potential appropriate uses for the walled garden. Firstly, the site is seen as having potential for community growing, including allotments, and is included as one of a suite of sites under Proposal GN24. This aligns with its historic horticultural use. Indeed there is a small social enterprise continuing to grow food on the site in the meantime. Secondly, Proposal BUS01 identifies the potential for a commercial business use such as a café/restaurant or small garden centre which would enhance the tourism offer at Kinneil Estate, in line with the Kinneil Estate masterplan. At present there is no food and drink offer for visitors, and toilet facilities are only available in the small Kinneil Museum, which has limited opening hours. It is not possible to be more specific about the precise nature of any commercial opportunity until further feasibility work has been carried out, and the market has been tested.

The concerns of Mrs MacCormack are recognised. However, given that the current plant nursery is ceasing operation, the best prospect of addressing these issues is through finding a suitable alternative use, rather than leaving the site vacant. The uses proposed in the plan can be compatible with the adjoining residential properties if suitably located and designed. The wording for Proposal BUS01 in Appendix 1 acknowledges that “sensitivity (is) required in relation to...adjacent residential properties”, and residents will be closely consulted on any specific proposals. For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Easter Thomiston, Banknock (Site Ref 109)

1936 Investments (02708/3005/001)

The Council does not consider the Easter Thomiston site to be an appropriate allocation for business use. The site has been subject to site assessment, and it was identified as a non-preferred site at the MIR stage of LDP2.

The Council does not consider that there is a need for the allocation of further business and industrial land in the area. Technical Report 6 (Revised): Employment Land highlights the extent of allocated business land, which amounts to some 290 hectares, albeit that only a proportion of this is immediately available. Take up is relatively modest with around 25 hectares developed over the five years from 2011-2016. Demand and take up tends to be focused in the Falkirk/Grangemouth area. There is no indication of any development interest in the site, whether from a developer willing to invest in the site to create plots or speculative units, or businesses wishing to build for owner-occupation. Nor is there any indication that the development of the site would be commercially viable, bearing in mind the likely high infrastructure and site preparation costs, and likely modest rental returns from business units. Access would appear to require third party land, casting further doubt on effectiveness.

The proposed access to the site would be through site MU04 which is the major brownfield mixed use regeneration proposal for Banknock North, comprising housing and a small retail centre. The Banknock North site has not been planned to integrate with the Easter Thomiston site or to accommodate industrial through access. Connections to the business development would be via residential access roads which would be unsuitable for commercial traffic. The M80 Junction 7 sliproads are currently being upgraded to accommodate committed housing development in the A803 corridor. No allowance in the transport modelling has been made for a further major area of business use at Easter Thomiston. Drainage is a further constraint, with long standing capacity issues in the local network. The developer of the Banknock North site has negotiated a solution with Scottish Water but it is not known whether this will also work for Easter Thomiston.

The site is a greenfield one, which would involve a major extension of the urban area into the open countryside. It would have a significant impact on the setting of the Banknock North site, and the amenity of future housing planned for this site. Great crested newts (GCN) are present in the area, and part of the site is

identified as a new Wildlife Site (Haggs Wetland) in LDP2, on account of its mosaic of wetland, mire, grassland, and woodland habitats, and role as a GCN breeding site. The site also contains carbon rich soils

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 18	Place and Environment Policies	
Development plan reference:	<u>Chapter 4 Policies</u> Place and Environment (pages 30-42) <u>Proposals Map 1</u> Banknock, Bonnybridge, Denny, Allandale, Greenhill and Torwood	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (East Region) (00532) British Sign and Graphics Association (02955) Scottish Government (00643) Scottish Natural Heritage (00646) RSPB (00977) Homes For Scotland (00284) AWG Property & Mactaggart & Mickel Homes (03035) SportScotland (00330) Philip C Smith Commercials (00145) Woodland Trust Scotland (00549) Taylor Wimpey UK Limited (00198) Development and Environmental Services Limited (02975) The Coal Authority (00213)		
Provision of the development plan to which the issue relates:	Place and environment policies, specifically PE01, PE03, PE06, PE13-20, PE22-25 and PE27	
Planning authority's summary of the representation(s):		
Policy PE01 – Placemaking <u>SEPA (East Region) (00532/3003/011)</u> Policy PE01 Placemaking should include a specific reference to climate change mitigation (in the first paragraph) and adaptation (in the second paragraph). This would support SPP, paragraphs 29 and 159, and local authority duties under the Climate Change (Scotland) Act 2009. SEPA also recommends adding a reference to separate recyclable materials at source.		
Policy PE03 – Advertisements <u>British Sign and Graphics Association (02955/3001/001)</u> Objection is made to aspects of Policy PE03 on Advertisements. In sub section (3) the statement that illuminated advertisements will generally be prohibited outwith the Urban Limit is beyond the powers of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, is overly restrictive and impractical. Businesses outwith the Urban Limit who trade in darkness need to		

indicate that they are there and open for trade. In sub section (4) the requirement that advance directional signs must be 'in the public interest' is negative and unrealistic. This criterion is not permitted by the Regulations and does not take into account the needs of businesses which rely on passing trade but are remote from main roads.

Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008)

Policy PE06 should be amended to reflect the fact that planning authorities have no remit over direct impacts on scheduled monuments. Additional information should be inserted to clarify that works directly affecting a designated Scheduled Monument require Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland (HES).

Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004)

Policy PE13 Green and Blue Network is supported, but a clearer link to Policy PE23 Marine Planning and the Coastal Zone should be made. The coastal zone is a part of the wider green and blue network and, in Falkirk's case, appears likely to be particularly important due its designation as a Special Protection Area (SPA). The suggested change would help to establish a clearer link between green and blue network proposals in the LDP and the relevant policies of the National Marine Plan.

Scottish Government (00643/3001/009)

To accord with paragraph 227 of SPP, LDP2 should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. This could be done through an addition to Policy PE13.

RSPB (00977/3002/008)

RSPB supports Policy PE13 Green and Blue Network and how it will be delivered.

Policy PE14 – Countryside

Homes For Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002)

Policy PE14 Countryside restricts the availability of housing land and should therefore be viewed as a housing supply policy. If there is a shortfall in the five year supply of effective land the policy would be out of date as set out in paragraph 125 of SPP. The policy should be amended to reflect this.

Policy PE15 – Green Belt

Homes For Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003)

Policy PE15 Green Belt should be amended to allow for development in the green belt where there is a shortfall in the effective housing land supply and subsection 2 of Policy HC01 is triggered.

Policy PE16 - Protection of Open Space

SportScotland (00330/3003/004)

In Policy PE16 Protection of Open Space, references to 'playing fields' and 'sports pitches' in the last two bullet points of sub section 2 should be changed to the broader terminology used in SPP (paragraph 226).

Scottish Natural Heritage (00646/3004/005)

There should be recognition in the information supporting Policy PE16 Protection of Open Space of the potential for the use of open space for community growing. There are significant areas of open space in some parts of the town and neighbouring settlements that could be used in ways that increase their value to communities and which help to deliver overall plan aims such as the Falkirk area being a good place to live. The Falkirk Greenspace Strategy has an objective to meet increasing demand for community growing, and development on open space which included community growing/allotments could meet this need.

Philip C Smith Commercials (00145/3003/001)

A site at Drove Loan, Denny should not be allocated as open space on the proposals Map and subject to Policy PE16. It should retain purely its current designation as green belt in the current adopted LDP1. The reasons are:

- the Council's site assessments (2017 and 2018) do not consider the site to be open space
- the Council has not provided any evidence as to why they now consider the site to be functional open space
- the site does not form part of the adjacent Chacefield Wood which is considered to be functional open space.

Policy PE17 - Open Space and New Development

SportScotland (00330/3003/003)

Policy PE17 Open Space and New Development could be clearer by stating there is a need for new developments to make provision for sports facilities.

Policy PE18 - Landscape

Homes For Scotland (00284/3003/008)

Although the general ambition of the Policy PE18 Landscape is supported, it should be amended to enable a more balanced approach on landscape impacts against other considerations to be taken.

Scottish Government (00643/3001/010)

To accord with paragraphs 169, 196, 197 and 202 of SPP, changes should be made to Policy PE18 Landscape. Paragraph 169 of SPP is clear that landscape impacts may be part of decision making for renewable energy projects but does not say that adverse landscape effects should be absent as a result. Sub section (2) of the policy allows for mitigation, but mitigation may not reverse or avoid an adverse effect but could in fact reduce it to an acceptable level.

Scottish Natural Heritage (00646/3004/006)

LDP2 has introduced an inconsistency between the updated Policy PE18 Landscape and the related SG09 supplementary guidance which states that the Council will "...protect and enhance landscape character and quality..." SNH's advice is that the separation of character and quality and the difference in protection created by this change to the policy should be avoided. The existing policy (Policy GN02 Landscape, LDP1) and supplementary guidance approach to protecting and enhancing both character and quality should be maintained in the new policy.

Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011)

To better reflect paragraphs 208 and 212 of SPP, changes are sought to the wording of Policy PE19 Biodiversity and Geodiversity. These relate to the description of the circumstances in which development adversely affecting a Natura 200 site may be permitted (sub section (1)) and the type of benefits which can be taken into account in assessing development which adversely affects a Site of Special Scientific Interest (sub section (2)).

RSPB (00977/3002/009)

RSPB supports Policy PE19 Biodiversity and Geodiversity.

Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012)

Policy PE20 Trees, Woodland and Hedgerows should make references to the role that forests, woodlands and trees may have for natural flood management, and requires development to prevent further introduction of invasive non-native species as part of the onsite works.

Woodland Trust Scotland (00549/3002/002)

Policy PE20 Trees, Woodland and Hedgerows, sub section (2), should provide protection to woodland of high value for nature conservation, as well as sites in the Ancient Woodland Inventory. This is in line with SPP, and reflects the fact that the Inventory is not comprehensive across Scotland. Sub section (2) should also require that development likely to impact negatively on the woodland is located away from such areas, and that suitable buffer areas should be included where development is proposed on sites adjacent to ancient woodland.

Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013)

Policy PE22 The Water Environment sub section (2) should state that, prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment should be undertaken. In sub section (4), in relation to engineering works in the water environment, the word "unnecessary" should be removed from the text. "Unnecessary" is superfluous as the wording "general presumption" in the policy caveats this requirement. The policy should include a reference to Groundwater Dependent Terrestrial Ecosystems (GWDTEs). This is needed to ensure the Council accords with its duties to protect and improve the water environment.

Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014)

Policy PE23 Marine Planning and the Coastal Zone, sub section (3) should be altered to read "protect and enhance the water environment".

Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015)

Policy PE24 Flood Management should make reference to flood risk assessments being undertaken in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders. It should also state that prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment is undertaken. The supporting text in paragraph 4.26 should be changed as the current wording refers to outdated SEPA indicative flood maps.

Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016)

Policy PE25 Soils and Agricultural Land, sub section (1), should be extended to include the protection of all carbon rich soils. The policy needs change so that specifies areas of carbon rich soil (CRS) should be identified as a constraint for site allocations and areas of search for energy proposals. In sub section (2), bullet point 3, the text should be changed from "any likely release of greenhouse gas

emissions caused by disturbance is offset" to "Suitable mitigation measures to abate carbon emissions are implemented". Sources of information should be signposted in the policy and used in mapping to highlight where further sites investigation may be required.

Scottish Government (00643/3001/012)

To reflect paragraph 80 of SPP, the wording of Policy PE25 Soils and Agricultural Land should be changed to delete the terms 'significant' and 'permanent' in reference to the loss of prime quality agricultural land. These terms are not used in SPP which states that any loss of agricultural land should be minimised and development only permitted where essential.

Woodland Trust Scotland (00549/3002/003)

Policy PE25 Soils and Agricultural Land should be amended to make reference to native tree planting as a way in which greenhouse gas emissions from peat loss can be offset.

Taylor Wimpey UK Limited (00198/3005/002)

Policy PE25 Soils and Agricultural Land should introduce the option of an agricultural land review on a case by case basis. This could apply to circumstances where pockets of prime agricultural land (PAL) are located within a wider area of non-prime land, and may therefore act as a constraint to future development on site. In such cases the general approach should be to treat small areas in accordance with the dominant land classification.

Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001)

The words “particularly those related to development in the countryside” should be removed from Policy PE27 Vacant, Derelict and Contaminated Land. The use of contaminated land and derelict land/buildings for development in the countryside should be maximised.

The Coal Authority (00213/3003/001)

Policy PE27 Vacant, Derelict and Contaminated Land is supported.

Modifications sought by those submitting representations:

Policy PE01 – Placemaking

SEPA (East Region) (00532/3003/011)

Amend Policy PE01 Placemaking, sub section (6) by including a specific reference to climate change mitigation (in the first bullet point) and adaptation (in the second bullet point) and by inserting the wording “and incorporating space to

separate materials at source" after "recycling of materials" in the first bullet point.

Policy PE03 – Advertisements

British Sign and Graphics Association (02955/3001/001)

Amend Policy PE03, sub section (3), on illuminated adverts by removing "and will generally be prohibited outwith the the Urban Limit". Delete Policy PE03 subsection (4) on advance directional signs and replace with wording that such signs "should respect the character of their surroundings (particularly if they are in the countryside) and be designed and located so as not to be detrimental to public safety".

Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008)

Amend the second sentence of Policy PE06 to read: "Developments which have an adverse effect on the integrity of the setting of scheduled monuments will not be permitted unless there are exceptional circumstances". An additional paragraph should also be added which reads: 'Any works directly affecting a designated Scheduled Monument require Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland (HES).

Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004)

Amend Policy PE13, by adding "and Policy PE23 Marine Planning and the Coastal Zone" to the end of subsection (3).

Scottish Government (00643/3001/009)

Amend Policy PE13 to include a statement advising that the Council will safeguard existing and potential allotment sites.

Policy PE14 – Countryside

Homes For Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002)

Amend Policy PE14 sub section (2) by adding the last sentence to the last bullet point and inserting "or" at the end. Insert an additional bullet point after this: "There is a shortfall in the effective housing land supply and Policy HC01(2) is triggered."

Policy PE15 – Green Belt

Homes For Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003)

Amend Policy PE15 sub section (3) by deleting the wording "any of", and by adding a further circumstance in which development in the green belt will be permitted as follows: "or there is a shortfall in the effective housing land supply and Policy HC01(2) is triggered".

Policy PE16 - Protection of Open Space

SportScotland (00330/3003/003)

In Policy PE16 sub section (2), in the third bullet, replace first reference to "playing field" with "facility" and second reference to "playing field" with "outdoor sports facility". In the fourth bullet, replace "sports pitches" with "provision".

Scottish Natural Heritage (00646/FLDP2 PP/3004/005)

In paragraph 4.17, amend the 5th sentence to read: "There may be opportunities to release open space which is of little or no value for alternative uses including community growing as part of beneficial development".

Philip C Smith Commercials (00145/3003/001)

Remove the open space designation from a site at Drove Loan, Denny.

Policy PE17 - Open Space and New Development

SportScotland (00330/3003/004)

In Policy PE17 sub section (1): after "promote", insert "physical activity, sport and". In sub section (2), after "recreational", insert "and sport".

Policy PE18 - Landscape

Homes For Scotland (00284/3003/008)

Amend Policy PE18 sub section (2) to read: "Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated". In sub section (3), delete "without adverse effects".

Scottish Government (00643/3001/010)

Amend Policy PE18 sub section (2) to read: 'Development within Local Landscape Areas will only be supported where it safeguards landscape character and scenic interest for which the area is designated'. In sub section (3), delete "without adverse effects".

Scottish Natural Heritage (00646/3004/006)

Amend Policy PE18 subsection (1) to read: "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'".

Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011)

Amend Policy PE19 sub section (1), 3rd and 4th sentences, to read "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, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for other reasons subject to the opinion of the European Commission (via Scottish Ministers)". Amend sub section (2) to include reference to "environmental benefits" alongside social and economic benefits.

Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012)

Amend Policy PE20 by making reference to the role that forests, woodlands and trees may have for natural flood management, and by inserting wording requiring development to prevent further introduction of invasive non-native species as part of the on site works.

Woodland Trust Scotland (00549/3002/002)

Amend Policy PE20, sub section (2) so that it applies to woodland of high value for nature conservation, as well as sites in the Ancient Woodland Inventory. Add the following text to the policy: "Development likely to negatively impact on these should be located away from these areas. Buffer areas of open space or additional enhancement planting with native trees as appropriate should be considered where development may be allocated on sites adjacent to sites identified on the Ancient Woodland Inventory".

Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013)

Amend Policy PE22 sub section (2) by stating in the policy that, prior to development to assess the potential for channel restoration, a feasibility study including a flood risk assessment should be undertaken. In sub section (4) remove the word "unnecessary". Add a specific reference in the policy to Groundwater Dependent Terrestrial Ecosystems.

Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014)

Amend Policy PE23, sub section (3) to read "protect and enhance the water environment".

Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015)

Amend Policy PE24 by making reference to flood risk assessments being undertaken in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders; and by stating in the policy that a flood risk assessment, including a feasibility study to assess the potential for channel restoration, should be undertaken prior to development. Amend paragraph 4.26, first sentence to "The Falkirk area faces issues of fluvial, coastal and surface water flooding as identified on SEPA Flood Maps".

Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016)

Amend the wording of Policy PE25, sub section (1) to cover the protection of all soils. Insert wording in the policy so that areas of carbon rich soil (CRS) should be identified as constraints for site allocations and areas of search for energy proposals. Replace the wording of sub section (2), third bullet, with "suitable mitigation measures to abate carbon emissions are implemented". Signpost sources of relevant information in the policy and in mapping to highlight where further site investigation may be required.

Scottish Government (00643/3001/012)

Amend Policy PE25 sub section (1) to delete the words "significant" and "permanent".

Woodland Trust Scotland (00549/3002/003)

Amend Policy PE25 sub section (2), replacing the 3rd bullet point with: "Any likely release of greenhouse gas emissions caused by disturbance is offset through means such as native tree planting".

Taylor Wimpey UK Limited (00198/3005/002)

Amend Policy PE25 to introduce the option of an agricultural land review where there are pockets of prime agricultural land (PAL) in an otherwise non-PAL landscape.

Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001)

Amend Policy PE25 by deleting the words “particularly those related to development in the countryside”.

Summary of responses (including reasons) by planning authority:

Policy PE01 – Placemaking

SEPA (East Region) (00532/3003/011)

The minor changes sought relate to the inclusion of references to climate change and materials recycling. If the Reporter is minded to recommend that the plan be amended in line with this recommendation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE03 – Advertisements

British Sign and Graphics Association (02955/3001/001)

Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations refers to the control of advertisements being exercised in the interest of amenity and public safety. The wording of Policy PE03(3) is intended to draw a distinction between the impact of illuminated signage within the urban area, where illumination is common and generally acceptable in the street scene, subject to appropriate siting and design, and the countryside, where there is generally much less illumination, and new illuminated signage is much more intrusive, and the adverse impacts on amenity and road safety are more marked. The wording of Policy PE03(4) is intended to restrict advance directional signage which is unnecessary, serves no public function, and contributes to clutter and disamenity in both urban and rural locations. This is a regular source of complaints to the in terms of impact on both amenity and road safety. The policy as worded gives the Council a stronger position to justify removal of unauthorised signs and to control proposed signs. Neither of these provisions is considered to go beyond the scope of Regulation 4. For these reasons, the Council does not agree to modify the plan in response to the representation.

Policy PE06 – Archaeological Sites

Scottish Government (00643/3001/008)

The representation takes issue with the part of the Policy PE06 which states that “Developments which *have an adverse effect on scheduled monuments*...will not be permitted unless there are exceptional circumstances”. This appears to be on the grounds that because of the Scheduled Monument Consent (SMC) process, development plan policy has no locus with regard to direct impacts on scheduled monuments. However, this is not the case, as is clear from the wording of SPP Paragraph 145, which this part of Policy PE06 follows word for word. For this reason, the Council does not agree to modify the policy. The Council would not

take issue with the insertion of an informative in the supporting text referring to the separate SMC process.

Policy PE13 – Green and Blue Network

Scottish Natural Heritage (00646/3004/004)

The Council does not feel that the insertion of a cross reference to Policy PE23 Marine Planning and the Coastal Zone at this point in Policy PE13 is particularly necessary or appropriate. The key purpose of the sentence is to establish the necessary 'hook' for the relevant Supplementary Guidance, which will itself included advice on the marine and coastal environment if necessary. For this reason, the Council does not agree to modify the plan in response to the representation.

Scottish Government (00643/3001/009)

The Council acknowledges the requirement in SPP paragraph 227 to safeguard existing and potential allotment sites. Potential allotment sites have effectively been safeguarded through Proposal GN24 which identifies a network of community growing opportunities across the area. Existing allotment sites are owned by the Council and are effectively safeguarded through ownership. If the Reporter is minded to include the specific wording as set out in SPP in the plan, the Council would not take issue with this, but would suggest that it would be better placed as an additional sub section at the end of Policy PE16 Protection of Open Space. This is not regarded as a notifiable modification.

Policy PE14 – Countryside

Homes For Scotland (00284/3003/006); AWG Property & Mactaggart & Mickel Homes (03035/3001/002)

The amendment sought to Policy PE14(2) is not considered appropriate. This sub section of the policy only deals with uses in the countryside not covered by other policies for specific uses (i.e. HC05 Housing in the Countryside, and JE05 Business Development in the Countryside). If such an amendment were to be made, it would have to be inserted into Policy HC05. The Council does not believe that such a change to HC05 is necessary, since Policy HC02(2) already makes it explicit that sites outwith the Urban or Village Limits can be considered in circumstances where there is a shortfall. However, if the Reporter is minded to amend Policy HC05 in response to the representation, such an amendment would have to require that all the criteria set out in HC01(2) are met, rather than simply that it is 'triggered'.

Policy PE15 – Green Belt

Homes For Scotland (00284/3003/007); AWG Property & Mactaggart & Mickel Homes (03035/3001/003)

The amendment sought to Policy PE15 is not considered appropriate. Such a

change would imply that if there was an effective housing land shortfall, Policy PE15 and the concept and purposes of the green belt would automatically be set aside. Green belt is a constraint which would still need to be given due weight in the event of a shortfall, in the same way as other policy designations which recognise the intrinsic value of a particular area of land such as Local Landscape Areas or Wildlife Sites. Its designation implies a longer term presumption against development and, in the event of a shortfall, it will provide an important steer as to what locations might be more appropriate to address housing land supply deficiencies. For this reason, the Council does not agree to modify the plan in response to the representation.

Policy PE16 - Protection of Open Space

SportScotland (00330/3003/004)

The Council accepts that the wording of Policy PE16(2) should mirror that in SPP paragraph 226, but the terminology does not completely match. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this recommendation, the Council would not take issue with this. This is not regarded as a notifiable modification.

Scottish Natural Heritage (00646/FLDP2 PP/3004/005)

The amendment to the supporting text of Policy PE06 suggests that surplus open space could be considered for community growing, as well as development. If the Reporter is minded to recommend that the plan be amended in line with this recommendation, the Council would not take issue with this. This is not regarded as a notifiable modification.

Philip C Smith Commercials (00145/3003/001)

Part of the site was previously suggested by Philip C Smith Commercials for housing development through the pre-MIR 'Call for Sites' process. This part, which is a triangular area of land, was subject to a site assessment along with other potential sites in Denny and was identified in the MIR as a non-preferred site. The location has been considered and rejected for housing development by Reporters on two previous occasions. The first was the Falkirk Council Local Plan Inquiry in 2009. The second was the LDP1 Examination in 2015. The Council maintain its view that the site is not appropriate for housing development.

Philip C Smith Commercials is now no longer seeking a housing allocation of the site. Instead, it is seeking a modification that would remove the site's new open space designation in the Proposed LDP2 while retaining the site's Green Belt and countryside designation in LDP2. The site is not identified as open space in LDP1.

The new open space designation reflects the site's identification in the Council's Open Space Strategy as part of the audited open space at Chacefield Wood. Chacefield Wood is owned and managed for public access by Callendar Estate. The site was included as part of the wider Chacefield Wood open space site because it contains a core path which provides an important access to the wood

from Drove Drove In addition, the site provides an undeveloped setting to both the core path and to Chacefield Wood. Because of this, and the need to maintain consistency between the LDP and the Open Space Strategy, the Council considers the site's open space designation to be justified. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy PE17 - Open Space and New Development

SportScotland (00330/3003/003)

The Council would not take issue with the amendment to Policy PE17(1), which usefully expands the beneficial functions of open space. However, the change to Policy PE17(2) is considered unnecessary since the term 'recreational' already includes 'sport'.

Policy PE18 - Landscape

Homes For Scotland (00284/3003/008); Scottish Government (00643/3001/010); Scottish Natural Heritage (00646/3004/006)

On the wording of Policy PE18(1), SNH's change does not make a significant difference to the meaning and intent of the policy. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

On the wording of Policy PE18(2), Homes for Scotland's change would weaken the protection given to Local Landscape Areas (LLAs). The proposed wording would imply that development is generally acceptable in LLAs, and that developers merely have to 'minimise' adverse effects, rather than reduce them to a level which is acceptable. The Scottish Government's policy would not significantly alter the meaning of the policy and so is considered unnecessary. The Council does not agree to modify the plan in response to these representations.

On the wording of Policy PE18(3), both Homes for Scotland and Scottish Government seek the deletion of the word "without adverse effects", the council considers this phrase is appropriate but recognises that a proposal may be acceptable if, following mitigation, there are residual, non-significant landscape effects. The phrase could be amended to read "without significant adverse effects". If the Reporter considers that change is needed to this aspect of the policy, the Council would not take issue with such an amendment. This is not regarded as a notifiable modification.

Policy PE19 - Biodiversity and Geodiversity

Scottish Government (00643/3001/011)

The Council agrees that the suggested altered wording would align better with SPP paragraph 208. If the Reporter is minded to recommend that the plan be

amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE20 – Trees, Woodland and Hedgerows

SEPA (East Region) (00532/3003/012)

Policy PE20 already contains reference to the flood control/management benefits of woodland in sub section (1) and in supporting paragraph 4.22. The issue of controlling invasive non native species is already covered in the Council's current supplementary guidance on Biodiversity and Development, and will be dealt with in its successor SG07, which is linked to Policy PE19. There is no need to refer to it in Policy PE20. The Council does not agree to modify the plan in response to this representation.

Woodland Trust Scotland (00549/3002/002)

The fact that not all ancient woodland may be captured in the Scottish Ancient Woodland Inventory is acknowledged. The wording of PE20(2) could be altered to "Ancient, long-established and semi-natural woodland, including sites identified in the Scottish Ancient Woodland Inventory, will be protected as a resource of irreplaceable value". If the Reporter considers this appropriate, the Council would not take issue with such an amendment. This is not regarded as a notifiable modification.

References to buffer zones, and the detail of safeguarding trees, are dealt with in the Council's current supplementary guidance on Trees and Development, and will be dealt with in its successor SG06, which is linked to Policy PE20 at sub section (4). There is no need to include reference in PE20(2). The Council does not agree to modify the plan in response to this part of representation.

Policy PE22 - The Water Environment

SEPA (East Region) (00532/3003/013)

The Council would not take issue with reference to the need for a flood risk assessment being inserted at the end of Policy PE22(2), or for Groundwater Dependent Terrestrial Ecosystems to be added to the list of features which are included in the water environment in the first sentence of paragraph 4.24. These are not regarded as notifiable modifications.

The removal word 'unnecessary' in Policy PE22(4) is not supported. Engineering works are sometimes required in the water environment for a whole range of reasons. The Council's wording allows the need for any works to be balanced against any potential negative effects on the water environment. In the event of works being deemed necessary, sub section (3) of the policy would still operate to protect damage to the ecological status or quality of water bodies. The Council does not agree to modify the plan in response to this part of representation.

Policy PE23 – Marine Planning and the Coastal Zone

SEPA (East Region) (00532/3003/014)

If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy PE24 – Flood Management

SEPA (East Region) (00532/3003/015)

Reference is already made to SEPA's Technical Flood Risk Guidance for Stakeholders in Policy PE24(3). The Council has indicated above that it is happy to include reference to flood risk assessment being carried out in association with channel restoration in relation to policy PE22(2). There is no need to include a further reference in Policy PE24.

The Council does not take issue with changing the reference to 'SEPA indicative map' to 'SEPA Flood Maps' to reflect the change in terminology. This is not regarded as a notifiable modification.

Policy PE25 – Soils and Agricultural Land

SEPA (East Region) (00532/3003/016)

The extension of Policy PE25 has no justification and SEPA has not provided any basis for this in national policy. The suggestion that the policy should specify that carbon rich soils be regraded as a constraint for site allocations and areas of search for energy proposals is unnecessary. All environmental constraints referred to in the plan are, by implication, regarded as constraints for site allocations, and have been considered as part of site assessments. Carbon rich soils are already built into the spatial framework as a constraint for onshore wind farms. The proposed rewording of sub section (3) does not significantly change the meaning of the policy and is considered necessary. The Council does not agree to modify the plan in response to this part of representation.

The Council would take no issue with reference to sources of information (e.g. the SNH carbon rich soil and peatland map) being included in the supporting text at paragraph 4.28. This is not regarded as a notifiable modification.

Scottish Government (00643/3001/012)

The Council considers that the use of the terms 'significant' and 'permanent' in Policy PE25(1) is appropriate. Although these words are not used in SPP paragraph 80 (which deals with loss of prime agricultural land), they are implied by the exceptions listed in the paragraph, and represent a common sense and proportionate approach. The Council does not agree to modify the plan in response to this representation.

Woodland Trust Scotland (00549/3002/003)

The Council does not consider this change to policy PE25(2) to be necessary. It is widely understood that tree planting is a way of offsetting greenhouse gas emissions and does not need to be stated. The Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198/3005/002)

SPP paragraph 80 sets out the national policy on the safeguarding of prime agricultural land. There is no basis in this paragraph for a case by case agricultural land review as suggested by Taylor Wimpey. Policy PE25(1) indicates that there is a test of significance, and this is sufficient to ensure that a proportionate approach is taken to pockets of prime agricultural land within generally non-prime areas. The Council does not agree to modify the plan in response to this representation.

Policy PE27 – Vacant, Derelict and Contaminated Land

Development and Environmental Services Limited (02975/3001/001)

Policy PE27 draws particular attention to the need to comply with countryside policies, because otherwise the policy could be seen as sanctioning redevelopment of vacant and derelict sites in the countryside for any purpose. This policy does not override the relevant countryside policies (PE14, HC05 and JE05) and the wording ensures that there is ambiguity about this. For this reason, the Council does not agree to modify the plan in response to this representation.

Issue 19	Other Housing Policies	
Development plan reference:	Chapter 4 Policies Housing (pages 44-45)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Taylor Wimpey UK Limited (00198) Mr Paul Houghton (01072) Development and Environmental Services Limited (02975) Goldcrest Partners LLP (03008)		
Provision of the development plan to which the issue relates:	Housing policies HC05 Housing in the Countryside and HC06 Infill Development and Plot Subdivision, and the lack of policies dealing with other housing topics	
Planning authority's summary of the representation(s):		
Policy HC04 – Housing Density and Site Capacity		
<u>Taylor Wimpey UK Limited (00198/3005/014)</u>		
The calculation of site capacity based on site area can often fail to take into account physical constraints resulting in sites delivering less than the anticipated number of units. Policy HC04 should therefore be amended to recognise that such shortfalls could be met through the release of non-allocated sites, which would be favoured by the Council in such circumstances.		
Policy HC05 - Housing in the Countryside		
<u>Mr Paul Houghton (01072/3001/001)</u>		
Policy HC05 should be reworded to include four additional categories which constitute acceptable housing in the countryside. These are (1) Building Groups (2) Redevelopment of Brownfield Land (3) Replacement Dwellings and (4) Sustainable Living Schemes. These categories are listed as acceptable forms of countryside housing in other local authority areas. Copies of supplementary guidance relating to Housing in the Countryside by Stirling Council and Perth and Kinross Council are submitted as supporting evidence.		
<u>Development and Environmental Services Limited (02975/3001/003)</u>		
Policy HC05 should not be overly restrictive. The policy should be changed to ensure brownfield land, derelict buildings and land in the countryside are able to be redeveloped subject to appropriate design.		
Policy HC06 – Infill Development and Plot Sub Division		

Development and Environmental Services Limited (02975/3001/007)

Minor amendment to the policy wording of Policy HC06 is suggested to redress the over restrictive existing regime. Sub section (1) should be amended to read “The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside characteristics of the area”.

Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006)

The inclusion of a policy statement encouraging self-build and self-build co-operatives would be welcomed given the Scottish Government support for self-build.

Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001)

There should be a new policy in relation to age-restricted housing for older people. The population is ageing and the Council’s own HNDA clearly indicates that in the period 2012 – 2037, the greatest change in the population profile of the Council area will be in the 60+ age group. Sites should be specifically allocated for retirement housing to exclude mainstream housing, due to the lower residual land values.

Modifications sought by those submitting representations:

Policy HC04 – Housing Density and Site Capacity

Taylor Wimpey UK Limited (00198/3005/014)

Amend Policy HC04 to allow for shortfalls in the number of units delivered from individual allocated sites to be met through the release of non-allocated sites.

Policy HC05 - Housing in the Countryside

Mr Paul Houghton (01072/3001/001)

Amend Policy HC05 Housing in the Countryside to include four additional categories. These are (1) Building Groups (2) Redevelopment of Brownfield Land (3) Replacement Dwellings and (4) Sustainable Living Schemes.

Development and Environmental Services Limited (02975/3001/003)

Amend Policy HC05 Housing in the Countryside, sub section (2) to read “Restoration or replacement of houses including those in a poor or derelict condition”. Change “comparable size to the original” to “suitable size and design”. Amend sub section (4) to read “Appropriate infill development or plot sub-division”. Add additional sub section (7) “Limited housing development that

delivers rehabilitation and remediation of derelict or contaminated land”.

Policy HC06 – Infill Development and Plot Sub Division

Development and Environmental Services Limited (02975/3001/007)

Amend Policy HC06 Infill Development and Plot Sub Division, sub section (1) to read 'The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside characteristics of the area'.

Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006)

Insert a policy statement encouraging self-build and self-build co-operatives.

Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001)

Insert a new Policy HC11 – Age Restricted Housing Development with the following wording:

“Proposals for age restricted housing developments, on land allocated specifically for this purpose, as detailed within the Proposals and Opportunities Schedule will be supported.

The development of such housing on unallocated sites, which fall either within or out with the identified urban boundary, will generally be permitted where:

1. The site lies in a location where an appropriate residential environment can be established;
2. The site benefits from good access to public transport or where the proposed development make specific provision for suitable enhancements to the existing public transport network or where it provides a dedicated bus service provided as part of the development;
3. The development is of a scale and character that it appropriate both in respect of the site and the surrounding area;
4. The proposed development makes suitable provision for amenity open space as an integral part of the overall development;
5. The inclusion of any associated healthcare provision is demonstrated to meet an identified need; and,
6. The proposed development complies with other relevant LDP policies.

Supporting text: “Policy HC11 provides support for the development of age

restricted housing developments on land allocated for this specific purpose and also sets out the criteria for considering proposals for this type of development which relate to windfall sites, either within or out with the urban area, ensuring that development sites are capable of providing a high quality environment for future residents.”

Summary of responses (including reasons) by planning authority:

Policy HC04 – Housing Density and Site Capacity

Taylor Wimpey UK Limited (00198/3005/014)

Paragraph 4.34 of the Proposed LDP2 indicates the basis for site capacities stated in the LDP and built into the housing figures. Where there is no planning permission or masterplan for a site, the estimate is based on site area and a broad assessment of any other physical constraints on the site, as set out in the criteria under Policy HC04(1). Experience suggests that the estimates tend to be conservative and, more often than not, the actual capacity ends up being greater than the LDP estimate. However, if there are instances where fewer units are realised than estimated, this does not provide a justification for the release of non-allocated sites. Rather, it is the purpose of the generosity allowance (set at 14%) to cover any such shortfalls. For this reason, the Council does not agree to modify the plan in response to this representation.

Policy HC05 - Housing in the Countryside

Mr Paul Houghton (01072/3001/001)

The Council does not consider that Policy HC05 should be amended to include the additional categories of housing in the countryside suggested. The representation is supported by examples of supplementary guidance on housing in the countryside prepared by Perth and Kinross and Stirling Councils. It is noted that the Perth and Kinross guidance is dated November 2012 which predates Scottish Planning Policy (SPP) June 2014. The Stirling Council guidance is dated October 2014, so similarly is likely to have been prepared under SPP 2010 which has now been superseded. SPP 2010 was generally supportive of development in the countryside but with little differentiation between different types of rural area in Scotland, with development plans directed to provide a host of different types of opportunities for new housing.

Policy HC05 has been prepared in accordance with SPP 2014. Paragraph 76 of SPP distinguishes between “accessible or pressured rural areas” and “remote rural areas”. It states that “In accessible pressured areas where there is a danger of an unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate”. Falkirk is clearly identifiable as an accessible and pressured rural area, given its easy accessibility to all the main urban centres of central Scotland, and the number of enquiries and applications received for houses in the countryside. SPP further elaborates that in such areas plans should generally “guide most new development to locations within or adjacent to

settlements”, and “set out the circumstances in which new housing outwith settlements may be appropriate”.

Policy HC05 identifies the circumstances in which housing in the countryside is considered acceptable in Falkirk. This provides reasonable scope for new housing including where there is a specific need for a countryside location, the restoration or conversion of buildings, infill development, enabling development in association of historic buildings, and gypsy/traveller sites. Further advice on the interpretation of the policy is given in SG01 Development in the Countryside.

The Council does not accept that this criteria should be expanded to include building groups, redevelopment of brownfield sites, replacement dwellings elsewhere or sustainable living schemes. The scale of additional housing which this would be likely to permit would be detrimental to the character of the countryside, contribute to an unsustainable pattern of development in the area, and undermine the Council’s strategy of focusing housing in the rural area within established villages where it can assist their viability and regeneration.

In respect of ‘building groups’, the Council already allows for infill development between existing dwellings, but does not consider that such groups should be allowed to expand, as this could lead to unsustainable growth of housing in these locations. In respect of ‘redevelopment of brownfield sites’ the Council is particularly aware that given Falkirk’s industrial history there is a high incidence of brownfield land in the countryside. If this policy change were brought in it would lead to a proliferation of housing in the countryside. There are also likely to be difficulties in defining whether sites are brownfield, and issues where brownfield land is deliberately created to open up opportunities for housing. Whilst SPP states that brownfield development should be considered before greenfield development, this does not provide a basis for supporting housing development on brownfield sites in the countryside as an overriding policy principle. The final suggested relaxations – for ‘sustainable living schemes’ and ‘replacement dwellings’ are not supported. There is no demand for ‘sustainable living schemes’, which would in any case be difficult to control. Neither is there any demonstrable justification for a relaxation in respect of replacement houses.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Development and Environmental Services Limited (02975/3001/003)

The Council does not consider that Policy HC05 is overly restrictive. The policy responds to Falkirk’s characteristics as an accessible and pressurised rural area and complies with Government advice contained in SPP, as previously described.

In terms of the detailed modifications suggested, these are responded to as follows:

(2) Restoration/replacement houses. The Council does not accept that this criteria should apply to houses in poor or derelict condition. Introducing this further flexibility could undermine restoration projects in the countryside. If both options of

restoration and replacement are included in criteria 2 the incentive to restore may be reduced. It is considered that restoration rather than replacement will help to continue to preserve the vernacular character of the countryside. The substitution of 'comparable size to the original' to 'suitable size and design' is not as accepted as the proposed wording is vague and gives no rule of thumb as what may be considered acceptable by the Council.

(4) Appropriate infill development. The Council does not accept that criteria (4) should be expanded to include 'plot sub-division'. The curtilage of houses in the countryside are inevitably more generous than within the urban area, so plot sub division could lead to a proliferation of housing in the rural area. This could potentially lead to the suburbanisation of the countryside, and have a detrimental impact on its character. Plot sub-division is much more appropriate in the urban area and is covered by Policy HC06 Infill Development and Plot Sub Division in the Proposed Plan.

(7) 'Limited housing development that delivers rehabilitation and remediation of derelict or contaminated land'. The Council does not accept that this additional criteria should be added to Policy HC05. Given Falkirk's industrial history there is a high incidence of brownfield land in the countryside. If this policy change were brought in it would lead to a proliferation of housing in the countryside. Whilst the rehabilitation and remediation of derelict or contaminated land is a worthy planning objective, it should not override the general need to restrict housing in the countryside to avoid the suburbanisation of the countryside, and the creation of unsustainable, car dependent patterns of development.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy HC06 – Infill Development and Plot Sub Division

Development and Environmental Services Limited (02975/3001/007)

The Council does not consider that Policy HC06 should be amended to include a reference to development in the countryside. This would be inappropriate as Policy HC06 explicitly relates to infill development and plot subdivision in the urban area. The relevant policy to assess infill proposals in the countryside is provided by Policy H05 Housing in the Countryside (sub section 4), with further detailed guidance being provided in Supplementary Guidance SG01 Development in the Countryside.

In the interests of clarification, it is suggested that 'Urban or Village Limits' should be inserted into the first line of the policy to make it explicitly clear that Policy HC06 applies to the urban area. The first sentence would read '*Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites within the Urban or Village Limits will be permitted where:*'. If the Reporter is minded to recommend that the plan be amended as a consequence of this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Additional Housing Policy – Self Build

Development and Environmental Services Limited (02975/3001/006)

Whilst the benefits of self build, and the supportive stance of the Scottish Government to self build, are acknowledged, the Council does not see what practical purpose a planning policy encouraging self build or self build co-operative would serve. Whether or not a development is carried out by the ultimate occupier is of no direct planning relevance, and will have no bearing on the acceptability of any specific proposal in planning terms.

The Council has granted planning permission for many self build houses over the years, including single houses, and sites comprising self build plots. Indeed the majority of single plot house developments in the Falkirk Council area which will be either self-build or custom builds are granted consent. A review of completions between 2010 and 2015 showed that there was an average of 6 completions/yr on sites of 3 or less units. This is against the background of 258 decisions on applications for small housing developments in the same period, with 204 granted consent (or allowed on appeal) and 54 refused. The adopted LDP and Supplementary Guidance also excludes sites of 3 or less units from open space contributions and sites of 3 or less houses or 10 flats from education contributions which helps towards the viability of such proposals. Opportunities for self-build clearly exist in the Council area, and these are already supported where they accord with the development plan and all other relevant planning criteria. Planning is not a particular hindrance to self-build per se, and there is no need for a planning policy encouraging self-build.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Additional Housing Policy – Housing for Older People

Goldcrest Partners LLP (03008/3001/001)

This representation seeks to make housing for older people a special category of housing which is effectively exempt from the LDP's countryside policies. Windfall housing for older people would be allowed, irrespective of whether it was located within or outwith the Urban Limit. The Council considers that there is no basis or justification for such an exemption, which would undermine the Council's Spatial Strategy.

Chapter 5 of the HNDA considers housing need and demand for specialist housing provision which includes accessible housing and supported provision such as care homes. In paragraph 5.4.12 (page 112) it points out that age itself is not an indicator of the need for services but whether people are in good health. The 2012 population projections indicate that the population is aging and the number of people over 65 will increase significantly by 72% between 2012 and 2037. The majority of the population will however still be within the 25-64 age range. The increase in the aging population will increase the need for adaptations in people's existing homes and some forms of housing for older people such as

extra care housing (between very sheltered and a care home) but there is low demand for very sheltered, sheltered and amenity housing (paragraph 5.4.14, page 112). The Local Housing Strategy also identifies the supply of accessible housing as an outcome in Priority 4, page 3.

LDP2's housing allocations and policies provide a range of opportunities for housing specifically designed for the elderly. Although the Local Housing Strategy has not identified a specific need for retirement housing, two sites have been developed recently in the social sector for housing for older people on windfall sites. Proposal H18 Parkhall Farm 5 within the Maddiston East Strategic Growth Area has been specifically allocated for amenity/elderly care housing and a care home. An application for this development is 'minded to grant' subject to the signing of the S75 agreement. Therefore, in so far as there is a need for housing for the elderly, this is being adequately catered for without the need for the suggested policy.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 20	Town Centre Policies and Proposals	
Development plan reference:	<u>Chapter 3 Spatial Strategy</u> Town Centres (22-23) <u>Chapter 4 Policies</u> Jobs and Economy – Town Centres (pages 48-49) <u>Chapter 5 Settlement Statements</u> Falkirk (pages 84-85) Falkirk Town Centre Major Area of Change Development Guidance (pages 86-87) Grangemouth (pages 94-95) <u>Appendix 1 Proposals and Opportunities Schedule</u> Mixed Use – Falkirk (page a10) Mixed Use – Grangemouth (page a11) <u>Proposals Map 2</u> Falkirk, Larbert and Stenhousemuir <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross <u>Proposals Map 7</u> Falkirk Town Centre Inset	Reporter:
	Body or person(s) submitting a representation raising the issue (including reference number):	
Ellandi LLP (02703) Falkirk Towns Ltd (00605) Grangemouth (including Skinflats) Community Council (02723) Team Scotland Ltd (02978) Asda Stores Ltd (00856) Scottish Government (00643)		
Provision of the development plan to which the issue relates:	Policies on town centres and retailing, and site-specific proposals and designations within and adjacent to Falkirk, and Grangemouth Town Centres and Camelon Local Centre.	
Planning authority's summary of the representation(s):		
Falkirk Town Centre		
<u>Ellandi LLP (02703/3004/004)</u>		
The Howgate Centre should be introduced as a key development site offering a regeneration opportunity to diversify the function of Falkirk Town Centre. There is an opportunity to reconfigure the centre to respond to the rightsizing of retail portfolios nationally and the change in space requirements for centres like Falkirk.		

This will lead to an opportunity to rationalise retail space towards the High Street with vacated space becoming available for higher density redevelopment for a wider range of uses including civic, business, leisure, tourism, and residential uses. Future proposals would be subject to a masterplanning exercise, as is the case for the other mixed use development opportunities in Falkirk Town Centre (Proposals MU12 and MU13).

Ellandi LLP (02703/3004/005)

Clarification is needed as to the type and quantum of retail uses that are envisaged at the Grahamston site (Proposal MU12). The effects of such a proposal should be tested through a retail assessment which would, inter alia, review the need for retail in this location and the impacts of such retail on the remainder of the Town Centre. The expansion of retail uses outwith the core areas of the Town Centre should only be considered once existing vacancies/redevelopment opportunities within the Town Centre core have been fully addressed.

Falkirk Towns Ltd (00605/3002/001)

The support given to town centres in LDP2, including Policy JE09 and the town centre first principle, is welcomed. The vision for Falkirk Town Centre is also broadly supported. However, the plan should reflect the Council's commitment to site the Council's new headquarters and arts centre within the boundary of the Business Improvement District in Falkirk Town Centre.

Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001)

Central Retail Park (CRP) should not be removed from the Falkirk Town Centre boundary, and should not be designated as a separate commercial centre subject to Policies JE08 and JE09. This change is not supported by Technical Report 7, by SPP, or by any assessment of the area's retail needs. CRP is an important part of the Town Centre and its ability to meet the needs of the local population and to arrest the expenditure leakage which the area suffers should be a key factor. Surveys indicate the wide draw of CRP and the high level of linked trips to the Town Centre. CRP is not a threat to the Town Centre, and there is no basis or purpose to be served by giving the traditional Town Centre preference over it. Moreover, LDP2 should not give support for the historic Section 75 obligations restricting the range of goods at CRP. A more flexible approach is required. Anomalies which would arise between Policy JE09 and the Section 75 obligation for CRP are highlighted. CRP should also not be subject to a requirement to demonstrate 'need' as stated in bullet point 3 of Policy JE09.

Ellandi LLP (02703/3004/002)

Policy JE08 Commercial Centres is supported. The amendment to the plan designating Central Retail Park as a Commercial Centre is supported. Ellandi had previously expressed concerns as to the implications of continuing to include this

edge/out of centre retail park in the Falkirk Town Centre boundary, and welcome this change.

Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001)

The area of retail and commercial uses at Glasgow Road, Camelon should be retained as part of the Camelon Local Centre boundary, and subject to Policy JE07, rather than identified as a separate Commercial Centre under Policy PE08. Most of the buildings within this area are Class 1 Retail or Class 11 Assembly and Leisure, and are larger than the 1,000 sq.m threshold adopted by Policy JE09.

Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011)

Given the amount of revenue generated from Grangemouth industries, the Council should be pressing the Scottish Government for additional monies to fund the redevelopment of Grangemouth town centre. This recognises Grangemouth's local and national importance. The town centre should have less shops and an increased number of non flatted family social housing. Despite rent increases the Council also appears to have a poor response to repairs in some of its Grangemouth stock.

Policy JE09 – Retail and Commercial Leisure Development

Ellandi LLP (02703/3004/003)

Whilst the thrust of Policy JE09 Retail and Commercial Leisure Development is supported, objection is made to sub section (2) which states that retail development proposals of less than 1,000 sq.m. gross floorspace, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies. There is concern that the threshold is too high and that out of centre proposals of this scale or smaller could have an adverse effect on the vitality and viability of town centres such as Falkirk. Research should inform a new threshold, with 300-500 sq.m. being suggested. There is also a lack of clarity as to what would be regarded as 'significant commercial leisure development, and other significant cultural, civic and community uses' and what scale would need to be subject to assessment. Finally, in paragraph 4.51, the threshold of 2,500 sq.m for retail impact assessment is at odds with the 1,000 sq.m. 'significance' threshold.

Asda Stores Ltd (00856/3001/003)

Concern is expressed about the threshold of 2,500 sq.m. for undertaking retail and leisure impact assessments as set out in paragraph 4.51. It would be simpler to require all developments in excess of 1,000 sq.m which are not within defined centres to undertake impact assessments. This would tie with Policy JE09 which sets 1,000 sq.m. as the threshold above which proposals are deemed 'significant'.

Scottish Government (00643/3001/007)

Policy JE09 should be renamed 'Town Centres First', and offices included in the list of uses in sub section (1). This is to ensure the policy clearly puts in place the sequential policy framework that supports the town centres first approach for the full range of uses set out in paragraph 60 and paragraph 69 of SPP.

Modifications sought by those submitting representations:

Falkirk Town Centre

Ellandi LLP (02703/3004/004)

Insert the Howgate Shopping Centre as a new mixed use proposal. Amend the Falkirk Town Centre Major Area of Change Development Guidance accordingly.

Ellandi LLP (02703/3004/005)

Amend Proposal MU12 to clarify the type and quantum of retail use, and to indicate that any retail use will be subject to assessment in terms of its impact on the core of the Town Centre.

Falkirk Towns Ltd (00605/3002/001)

Include reference in the plan to the Council's commitment to locate the new Council headquarters and arts centre within the Business Improvement District boundary in Falkirk Town Centre.

Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001)

Retain Central Retail Park within the Falkirk Town Centre boundary and do not identify it as a separate Commercial Centre in the network of centres set out in Table 3.5.

Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001)

Include the area of retail and commercial uses at Glasgow Road, Camelon as part of the Camelon Local Centre, rather than as a separate Commercial Centre.

Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011)

Insert a commitment into the Plan that Falkirk Council will pursue monies from the Scottish Government to fund the redevelopment of Grangemouth town centre.

Policy JE09 – Retail and Commercial Leisure Development

Ellandi LLP (02703/3004/003)

In Policy JE09, reduce the 'significance' threshold, below which retail development is allowed generally in the urban area from 1,000 sq.m. to 500-300sq.m. Clarify the scale of other uses which would require them to be subject to assessment, and whether in-centre development would be subject to the requirement to carry out retail and leisure impact assessments.

Asda Stores Ltd (00856/3001/003)

Amend paragraph 4.51 to indicate that retail and leisure impact assessments will be required for proposals in excess of 1,000 sq.M.

Scottish Government (00643/3001/007)

Amend the title of Policy JE09 to 'Town Centres First' and include offices in the list of uses in sub section (1).

Summary of responses (including reasons) by planning authority:

Falkirk Town Centre

Ellandi LLP (02703/3004/004)

There is insufficient evidence at this stage to suggest that significant land use change or physical redevelopment is likely at the Howgate Centre to warrant its inclusion in LDP2 as a town centre opportunity. Although recently affected by the closure of the Marks and Spencer store, it otherwise remains a functioning mall with only an average level of vacancies. By contrast, the other town centre opportunities (Proposals MU12-MU15) comprise areas of vacant or underused land, or surface car parking that present obvious sites for redevelopment. Callendar Square shopping centre, although an existing shopping mall, has been included in Proposal MU13 because of its high level of vacant space, and because it links to the opportunity on the other side of Callendar Riggs (the vacant bus station).

The desire of the Howgate Centre to keep its options open, as the mall seeks to adapt to the rapidly changing retail climate, is nonetheless acknowledged. The LDP's town centre policies, notably Policy JE07 Town and Local Centres, would generally support such change where it would assist the vitality and viability of the centre. The fact that it is not identified as a specific opportunity is unlikely to be a barrier to any future plans which the Howgate may wish to promote in the future. The Council would consider the inclusion of appropriate wording in the Falkirk Town Centre Development Guidance (pages 86-87) to reflect the potential for restructuring of both malls in the Town Centre. An additional sentence, inserted after the 4th sentence of the Vision is suggested as follows: "The two shopping malls – Howgate and Callendar Square – may need restructuring to maintain their

viability and to support the process of diversification". The two malls could also be identified with symbols on the accompanying map, labelled "Potential shopping mall restructuring to support investment" in the key. If the Reporter were minded to respond to this representation with changes to the plan, the Council would not take issues with such an amended wording. This is not regarded as a notifiable modification.

Ellandi LLP (02703/3004/005)

The Grahamston opportunity (Proposal MU12) is insufficiently advanced to determine the content of any future redevelopment. The opportunity is framed flexibly to allow town centre uses generally, but the final mix will reflect market conditions. In this regard, since there is generally an excess of retail floorspace in the Town Centre, and low demand, retail is unlikely to play a major role, with office, residential and hotel uses more likely to predominate. In accordance with Policy JE07(2) any redevelopment will be required to support the vitality and viability of the Town Centre, so uses which were likely to undermine the role of the core retail area would be unlikely to be supported. For these reasons, the Council does not agree to modify the plan in response to this representation.

Falkirk Towns Ltd (00605/3002/001)

The Council is in the process of preparing a business case for a proposed new Council HQ and Arts Centre, as the current Municipal Buildings at the western end of the Town Centre has reached the end of its serviceable life. It is also intending to progress a procurement exercise to seek a preferred site and means of delivering the project. The Council is clear that the delivery of the new Council HQ is integral to the regeneration of the Town Centre, although pending the procurement process, the exact site of the new development has not been determined. In the meantime, a general statement reflecting the current status of the project could be included in the LDP. The last sentence of the 'Vision' section of the Falkirk Town Centre Major Area of Change Development Guidance (page 86) could be amended to read: "The Council has commenced a procurement process to select a site for a new Council HQ and Arts Centre which would be located in the Town Centre and contribute significantly towards its regeneration. The existing Municipal Buildings site would present an opportunity for redevelopment". If the Reporter is minded to recommend inclusion of such a statement in response to the representation, the Council would not take issue with this. This is not regarded as a notifiable modification.

Commercial Centre - Central Retail Park

Hammerson UK Properties (00903/3002/001)

Central Retail Park (CRP) was developed in two phases which opened in 1995 and 2003 respectively. It was subject to a Section 75 Agreement restricting the range of goods which could be sold. The original Section 75 Agreement was renegotiated in 2001, removing the restriction on the range of goods in Phase 1 and while setting out a range of prohibited goods on Phase 2. As CRP was developed, successive development plans extended the Falkirk Town Centre

boundary to include it, and it currently lies within the Town Centre boundary as defined in LDP1.

As part of LDP2, the Council took the opportunity to review the position of CRP in relation to the Town Centre. This was partly in response to representation at the issues stage from Ellandi LLP, representing the Howgate Centre, which sought to have the status of CRP reconsidered. The issue was flagged up in Technical Report 7 (Town Centres and Retailing). In the MIR, the Council suggested that the status quo should be maintained, although it identified the exclusion of CRP from the Town Centre boundary as a 'reasonable alternative'. In response to the MIR, there were further representations from both Ellandi LLP and Hammerson. Having considered these representations, along with the relevant sections of SPP and the current challenges facing Falkirk Town Centre, the Council decided to exclude CRP from the Town Centre boundary and to designate it as a commercial centre. Hammerson seeks to have this change reversed.

The Council has made this change for the following reasons:

- CRP has a very separate character from the rest of the Town Centre, aligning more to the description of a commercial centre contained in SPP paragraph 63, i.e. a more specific focus on retailing and/or leisure uses. Conversely, it lacks the diversity of use, and qualities of character and identity listed as characteristics of town centres in paragraph 62.
- Although there are clearly strong links with the traditional Town Centre, via the crossing point on Grahams Road, it lacks integration with the rest of the Town Centre.
- Although CRP has undoubtedly brought major economic benefits to the area, and indeed to the Town Centre through linked trips and a supply of free parking, it has drawn some retailers and investment out of the core of the Town Centre, to the detriment of the vitality and vitality of the High Street and the Howgate and Callendar Square shopping centres. This has exacerbated the effect of the departure of major national retailers from the town, the latest of which is Marks and Spencer. This suggests that, in terms of the network of centres and the 'town centres first' principle, a distinction needs to be drawn between CRP and the traditional Town Centre.

This change does not seek to deny the positive role which CRP plays in the network of centres or in the local economy as a whole. However, it does recognise that the interests of CRP and those of the traditional town centre are not always aligned with one another.

The change will have limited commercial effect on CRP, as it has a secure planning permission for retail and leisure use, albeit that there is some residual restriction of type of goods that can be sold in Phase 2. The application of Policies JE08 and JE09, and the sequential approach, would only come into operation where a change of use or redevelopment was proposed, or a change to the Section 75 Agreement was sought. In these instances, it will allow a proper assessment of impacts on the traditional Town Centre to be undertaken, and application of the sequential test. In the meantime, CRP is in a healthy state, with only one vacancy out of 28 units recorded at the time of the 2019 Retail

Floorspace Survey (January 2019). This 3.5% vacancy rate is in contrast to the 12% vacancy rate for the Town Centre as a whole recorded in the 2018 Town Centre Health Check Report.

Hammerson also object to the Proposed LDP2 giving support for historic Section 75 Agreements restricting the range of uses at CRP. For the reasons stated above, and in line with SPP paragraph 63, the continuation of these restrictions is considered appropriate. However, it is open to Hammerson to seek to have the Section 75 modified, and Policy JE08 highlights how such an application would be assessed.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Commercial Centre – Glasgow Road, Camelon

Team Scotland Ltd (02978/3001/001)

The area of retail and leisure uses located on Glasgow Road, Camelon comprises the newer retail uses of Tesco, Aldi, and Home Bargains, alongside an older core of leisure uses including the Mariner Leisure Centre, Pro Bowl and Indoor Bowling Centre. In LDP1 this area is included within the boundary of the Camelon Local Centre.

As part of LDP2, the Council has reconsidered the character and status of this area, and its role within the network of centres, and has decided that it would be more appropriate to identify it as a commercial centre separate from Camelon Local Centre. Team Scotland seeks to have this change reversed. The reasons for the Council's position are similar to those stated for Central Retail Park above:

- The character of the area, with its specific focus on large format retail and leisure uses matches the criteria for a commercial centre set out in SPP paragraph 63, rather than a town centre as described in paragraph 62.
- Although adjacent to the traditional part of Camelon Local Centre on the south side of Camelon Main Street, functional links are poor, with the main road and the A9/A803 roundabout causing significant severance.
- The scale of the retail/leisure uses at Glasgow Road is well in excess of that of the traditional local centre, and they serve a much wider catchment than the traditional local centre of Camelon. This causes an imbalance in the role of the local centre, which does not fit with its place in the network of centres.
- There has been some pressure for change of use of the Pro Bowl entertainment centre for retail use. Categorising this as part of a commercial centre would allow such changes of use, and indeed any other significant redevelopment, to be properly assessed in terms of impacts on Falkirk Town Centre.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Grangemouth Town Centre

Grangemouth (including Skinflats) Community Council (02723/3002/011)

The Council recognises the concerns of Grangemouth Community Council about Grangemouth Town Centre, which faces challenges arising from social and economic change. The Investment Zone bid being prepared by the Council includes provision for support for Falkirk's town centres, but is too early to make specific reference to any particular project within the LDP. The Council has highlighted redevelopment potential in Grangemouth Town Centre under Proposal MU18, and discussions are ongoing through the community planning process on the issues which any redevelopment should try to address, including tackling the current overprovision of retail space, and the potential for more social housing in the centre. In the meantime, the Council considers that the Proposed LDP2 includes sufficient 'hooks' to hang any future investment which may be secured through the Investment Zone bid, and there is no further information that can be usefully included in the plan at this stage.

Policy JE09 – Retail and Commercial Leisure Development

Ellandi LLP (02703/3004/003); Asda Stores Ltd (00856/3001/003)

Ellandi LLP queries the threshold in Policy JE09 above which retail proposals are judged as 'significant', and require to be located within centres. The threshold is a matter of judgement. The Council considers that 1,000 square metres gross is appropriate, because it allows a reasonable level of neighbourhood shopping to be provided in local areas. Convenience stores up this scale are likely to have a predominantly neighbourhood catchment, and are likely to have minimal impact on centres. The threshold was set at its present level in LDP1 (having previously been 500 sq.m. in the Falkirk Council Local Plan), and there is no evidence that this has caused harm to centres. With regard to the level of 'significance' for commercial, leisure, cultural, civic and community uses, it is impossible to set a threshold for these as they vary so much. A judgement has to be made based on the nature of the proposal, and the footfall it is likely to generate.

Both Ellandi LLP and Asda Stores Ltd draw attention to the difference between the 1,000 sq.m. 'significance' threshold and the 2,500 sq.m. threshold for retail impact assessment. However, these do not have to be the same. Out of centre proposals between of a scale these two figures will require some form of assessment against Policy JE09, but may not necessarily a full-blown retail impact assessment. The retail impact assessment threshold is taken from SPP paragraph 71, but both SPP and the Proposed LDP2 advise that formal assessment may still be needed below this threshold.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Scottish Government (00643/3001/007)

The Council agrees that title of Policy JE09 is less than satisfactory because it

suggests that it deals only with retail and leisure development, rather than the full range of uses which generate significant footfall, as described in SPP paragraph 68. The suggested title of 'Town Centre First' would be a more accurate description. Likewise the Council recognises that the inclusion of 'offices' among the list of uses in Policy JE09(1) would be consistent with SPP paragraphs 60 and 68. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

The Council is cautious about including 'offices' among the list of uses in Policy JE9(1), notwithstanding that it appears in. The Council is promoting a number of economic development opportunities at various out of centre locations, where Class 4 offices are seen as appropriate, and this could appear confusing and contradictory.

Issue 21	Infrastructure Policies and Proposals	
Development plan reference:	Chapter 3 Spatial Strategy Infrastructure (pages 24-25) <u>Chapter 4 Policies</u> Infrastructure and Resources – Infrastructure (pages 50-55) <u>Chapter 5 Settlement Statements</u> Bo'ness and Muirhouses (pages 62-63) Braes and Rural South (pages 72-73) Gilston Major Area of Change Development Guidance Whitecross Major Area of Change Development Guidance Grangemouth <u>Appendix 1 Proposals and Opportunities Schedule</u> Infrastructure (a17-a19) <u>Proposals Map 5</u> Grangemouth, Polmont, California, Old Polmont, Shieldhill, Skinflats and Whitecross <u>Proposals Map 6</u> Bo'ness, Blackness and Muirhouses	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00643) Forth Ports plc (00591) Network Rail (00493) Ellandi LLP (02703) Taylor Wimpey UK Limited (00198) Homes For Scotland (00284) Gladman Developments Ltd (01258) NHS Forth Valley (NHS Board) (00522) Grangemouth (including Skinflats) Community Council (02723) SEPA (East Region) (00532) The Grangemouth Chemical Cluster Companies(00878) Ms Joyce Hartley (02976)		
Provision of the development plan to which the issue relates:	Infrastructure policies, specifically IR02-06, IR08, IR10 and IR11, and provisions in respect of certain infrastructure proposals	
Planning authority's summary of the representation(s):		

Policy IR02 – Developer Contributions (General)

Scottish Government (00643/3001/004)

To accord with Policy IR02 should set out further detail in relation to the circumstances in which developer contributions will be sought, in particular the locations and types of development where they will be sought. Paragraph 139 of Circular 6/2013 Development Planning states that the circumstances in which developer contributions are to be sought should be contained within the plan as opposed to supplementary guidance.

Forth Ports plc (00591/3001/003)

The reference to securing funding for maintenance of infrastructure in Policy IR02 Developer Contributions may not comply with the terms of Circular 3/2012 Planning Obligations and Good Neighbour Agreements and the policy should be amended to reflect this.

Network Rail (00493/3002/005)

Network Rail, as a public sector organisation and provider of key infrastructure, should be excluded from any requirements for developer contributions. Profits, including those from commercial developments, are re-invested in the railway. Improvements to rail transport contribute to the public good and support regeneration, and railway developments should not be expected to support other public projects.

Policy IR02 – Developer Contributions (Town Centre Exemption)

Ellandi LLP (02703/3004/006)

In Policy IR02 Developer Contributions, the exemption for town centre residential developments of up to 50 units from education and open space contributions is supported. However, the wording should be changed so that the first 50 units of a scheme of any size can benefit from the exemption.

Taylor Wimpey UK Limited (00198/3005/003)

In Policy IR02 Developer Contributions, the exemption for town centre residential developments of up to 50 units from education and open space contributions is not supported. Although the objective of trying to encourage new development in town centres is acknowledged, such developments have the potential to generate pressure on existing infrastructure in the area and increase the burden on other developments in the area. It would rather be appropriate to waive developer contributions for all tenures of affordable housing and there may be merit in similarly applying this waiver to small 1-bed flats/ sheltered housing which are not likely to attract child generating occupants. However, mainstream flatted development does not fall within this category.

Policy IR02 – Developer Contributions (Healthcare)

Homes For Scotland (00284/3003/009)

The inclusion of healthcare contributions is not supported. Healthcare is funded through central government and development should not have to fund any shortfall to provide primary healthcare provision, nor should housebuilders have to supplement other businesses such as GP surgeries. As no specific costs are set out in LDP2 the implications of these obligations on viability and the deliverability of the Plan will need to be considered at the supplementary guidance stage.

Gladman Developments Ltd (01258/3005/003)

Whilst the overall aim and wording of Policy IR02 Developer Contributions is supported, there is concern at the inclusion of 'Healthcare Facilities' in Table 4.1, especially as the most-cited requirement is for primary healthcare (i.e. GP surgery facilities). GP practices tend to be private businesses contracting to the NHS, and as such, funding their growth through developer contributions sits awkwardly with Circular 3/2012.

NHS Forth Valley (00522/3002/001)

Policy IR02 is supported and the importance of developer contributions is recognised. This will be a fundamental requirement to ensure that an efficient delivery of primary care services is maintained throughout the Falkirk area. NHS Forth Valley will work in collaboration with Falkirk Council and other stakeholders to identify where developer contributions, including financial payments or additional infrastructure provision, will be required to maintain the delivery of this service. The type and level of these contributions will be identified within the updated Supplementary Guidance and subsequent planning applications. The updated Supplementary Guidance will replace the existing Healthcare and New Development Supplementary Guidance SG11, November 2015 which requires to be updated to reflect the current position.

Policy IR03 – Education and New Housing Development

Homes For Scotland (00284/3003/010)

Policy IR03 Education and New Housing Development is too negative. LDP2 should take a coordinated approach to ensure that education capacity is available. The policy should therefore not apply to allocated sites, but this is not made clear in the policy or supporting text. Furthermore, if a site was coming forward due to a shortfall in the effective land supply, it could be assumed that additional capacity would exist elsewhere as planned sites had not delivered. Decision makers should identify practical solutions which recognise the importance of new house building. Not developing sufficient homes to meet identified housing need is not an appropriate response to a deficiency in education capacity. The final sentence of the policy should be deleted so as not to preclude other pragmatic solutions.

Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009)

Policy IR04 Community Facilities does not include any requirement to consult the community on the loss of community facilities. It notes a requirement for Changing Places toilets in all new public buildings but does not require these to be retrofitted in suitable existing public buildings.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004)

Policy IR05 Transport Assessment should require air quality impact assessments in all cases unless the proposal leads to a reduction in traffic or is using cleaner vehicles. Gains in emissions reductions are negated by increased traffic. The Transport Appraisal for four Forth Ports sites notes that there will be a major impact on the A904 and M9 junctions 5 and 6 and the M9 corridor. The sites are also adjacent to corridors with peak time congestion. The Freight Transport section then goes on to identify only a moderate impact on local communities and the road network. Even though Forth Ports has permitted development rights this should not allow them to cause pollution through increased traffic. The Strategic Environmental Assessment objectives must be regarding air quality in Grangemouth.

Scottish Government (00643/3001/005)

To accord with paragraph 273 of SPP, Policies IR05 Transport Assessment and IR06 Active Travel should be clearer that the aim is to promote development that maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars. There is a danger of this arising from the fact that not all development proposals will trigger the need for a transport assessment.

SEPA (East Region) (00532/3003/017)

Policy IR06, sub section (2) should require the design of active travel routes should conform to other environmental protection policies as well as meeting the relevant standards where routes are to be adopted by the Council.

Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003)

Policy IR08 Freight Transport identifies Grangemouth as the preferred location for freight development. This is not possible without having a significant effect on local communities and local or strategic roads. This policy and the proposed Bo'ness Road closure conflict with policies PE01 and PE26 in relation to increasing air pollution. HGV's shouldn't be allowed on narrow streets with housing which causes pollution and damage. Weight restrictions should also be

applied 24/7 and enforced. Additional road infrastructure around i.e. avoiding the town is required. The plan also makes no provision for parking for industrial traffic and associated facilities.

Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018)

In Policy IR10 Drainage Infrastructure, references to 'Sewers to Scotland' and the SUDS Manual should be made more general so that they are not tied to particular editions of these documents. There should be a requirement that developments should have sufficient space to accommodate SUDS including the provision of temporary/construction phase SUDS.

Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006)

Policy IR11 Digital Infrastructure does not fully address the criteria set out within paragraphs 295 and 296 of SPP. The policy should be updated to more fully reflect the options and matters outlined within the guidance.

SEPA (East Region) (00532/3003/019)

Policy IR11 Digital Infrastructure should be changed to make it a requirement for operationally redundant communication installations to be immediately removed and for the site to be restored to its original conditions.

Rail Infrastructure

Network Rail (00493/3002/001); Network Rail (00493/3002/004)

Consideration should be given to the impacts that the proposed housing and business development at Whitecross (Proposals H29 and BUS02) and business development at Gilston (Proposal BUS21) will have on the existing rail network, particularly impact on the nearby Polmont Station. These impacts should be assessed and contributions towards rail infrastructure sought as appropriate.

The Grangemouth Chemical Cluster Companies (00878/3003/002)

Proposal IN14 Grangemouth Rail Station Site Safeguarding is not objected to in principle but it should not prejudice the development of the chemical companies. The Council acknowledged that a full HSE assessment would be carried out in their response to an MIR representation and this should be formally included in the comments on the proposal in Appendix 1.

Network Rail (00493/3002/002)

Network Rail do not object the rail station safeguarding proposals at Bonnybridge and Grangemouth (Proposals IN13 and IN14) on the basis that appropriate

assessments and studies are carried out and Network Rail requirements met.

Active Travel Infrastructure

Scottish Government (00643/3001/001)

To accord with paragraph 5.14 of NPF3, LDP2 should identify at least one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting the vision for increased cycling.

Ms Joyce Hartley (02976/3001/001)

A proposal for an active travel route should be identified alongside the A904 from the village of Muirhouses to Champany Corner. This would provide a route for walkers and cyclists on a dangerous stretch of road, giving an alternative to the car for people travelling from Bo'ness to Linlithgow. A grass verge on the A904 is wide and could easily accommodate an off-road path.

Health Care Infrastructure

NHS Forth Valley (00522/3002/003)

Whilst the Proposed Plan is supported, additional commentary is required with regard to certain sections of the plan to reflect up to date information on capacity issues with primary health care facilities. Generally, in the Falkirk Council area there are issues with primary care service provision, with many of the GP practices at capacity. This relates to both GP recruitment issues and premises capacity. Specific areas where additional acknowledgement of capacity issues is needed include the Braes and Rural South settlement statement, where Meadowbank Health Centre is at capacity, and the guidance on for the Major Growth Areas for Maddiston East, Whitecross and Bonnybridge/Banknock.

Modifications sought by those submitting representations:

Policy IR02 – Developer Contributions (General)

Scottish Government (00643/3001/004)

Amend Policy IR02 to include further detail in relation to the circumstances in which developer contributions will be sought, in particular the locations and types of development where they will be sought.

Forth Ports plc (00591/3001/003)

Amend Policy IR02 Developer Contributions by inserting the words "where appropriate" before "maintenance of infrastructure".

Network Rail (00493/3002/005)

Amend Policy IR02 by adding the statement: “public sector organisations are excluded from any developer contribution requirement”.

Policy IR02 – Developer Contributions (Town Centre Exemption)

Ellandi LLP (02703/3004/006)

Amend Policy IR02, replacing the last sentence with: “Developer contributions for education and open space will be waived for flatted residential development, or conversion of buildings for residential use, for the first 50 units of a scheme within town centre boundaries. Contributions for the 51st unit and above will be required (subject to viability considerations above)”.

Taylor Wimpey UK Limited (00198/3005/003)

Amend the last sentence of Policy IR02 to read “Developer contributions for education and open space will be waived in certain limited circumstances, those circumstances being for either flatted residential development where each unit comprises of no more than 1-bedroom, or in the case of conversions of buildings for residential use that would not be child generating, of up to 50 units within town centre boundaries”.

Policy IR02 – Developer Contributions (Healthcare)

Homes For Scotland (00284/3003/009); Gladman Developments Ltd (01258/3005/003)

Delete the entry on “Healthcare Facilities” in Table 4.1 (page 51).

Policy IR03 – Education and New Housing

Homes For Scotland (00284/3003/010)

Delete the last sentence in Policy IR03. Clarification should be offered that the policy will not apply to allocated sites.

Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009)

Amend Policy IR04 to require consultation with affected communities before granting applications which would involve the loss of community facilities.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004)

Introduce a policy to reduce traffic pollution rather than having policies which maintain current levels. Amend Policy IR05 to require air quality impact assessments in all cases unless the proposal includes a reduction in traffic or

cleaner vehicles are utilised for the life of the project.

Scottish Government (00643/3001/005)

Amend Policies IR05 and IR06 to clarify that the aim is to promote development that maximises the extent to which its travel demands are met first through walking, then cycling, the public transport and finally through the use of private cars.

SEPA (East Region) (00532/3003/017)

Amend Policy IR06, sub section (2), third bullet, to read “Conform to other environmental protection policies and meet the relevant standards where routes are to be adopted by the Council”.

Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003)

Amend Policy IR08 to redirect freight intensive development away from Grangemouth. Provide facilities for HGV traffic already using town.

Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018)

Amend Policy IR10 as follows:

- Sub section (2), change "Sewers for Scotland (3rd Edition)" to "the most recent version of Sewers for Scotland".
- Sub section (4) change last sentence to "The strategy should follow the latest version of the SUDS Manual".
- Add a requirement for development to have sufficient space to accommodate SUDS and include provision for temporary/construction phase SUDS.

Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006)

Amend Policy IR11 so it more fully reflects the options and matters outlined within SPP paragraphs 295 and 296.

SEPA (East Region) (00532/3003/019)

Amend Policy IR11 by adding a requirement for operationally redundant communication installations to be immediately removed and for the site to be restored to its original conditions.

Rail Infrastructure

Network Rail (00493/3002/001); Network Rail (00493/3002/004)

In the Development Guidance on Whitecross, after “transport assessment will be required”, and in the Development Guidance on Gilston after “where there are parking limitations”, the following wording should be inserted: “The TA should consider the impact on the nearby Polmont Station and identify appropriate mitigation measures in consultation with Network Rail and Scotrail”.

The Grangemouth Chemical Cluster Companies (00878/3003/002)

Amend the comments section of Proposal IN14 Grangemouth Rail Station Site Safeguarding to include a reference to the requirement to undertake a full HSE assessment should the proposal come forward.

Active Travel Infrastructure

Scottish Government (00643/3001/001)

Identify an exemplar active travel settlement in LDP2.

Ms Joyce Hartley (02976/3001/001)

Insert additional proposal for an active travel route for pedestrians and cyclists from Muirhouses to Champany Corner.

Health Care Infrastructure

NHS Forth Valley (00522/3002/003)

Include additional text on healthcare capacity issues within the Infrastructure section of the Spatial Strategy, the Braes and Rural South Settlement Statement, and the guidance for the Major Areas of Change at Maddiston East, Whitecross and Bonnybridge/Banknock.

Summary of responses (including reasons) by planning authority:

Policy IR02 – Developer Contributions (General)

Scottish Government (00643/3001/004)

The Council considers that Policy IR02 complies with the guidance in paragraph 139 of Circular 6/2013 Development Planning in that it sets out within the policy itself and, more specifically, within the associated Table 4.1 (page 51), the general circumstances in which developer contributions will be sought. Table 4.1 identifies the items for which contributions will be sought (e.g. schools and nurseries) and the circumstances in which they will be required (e.g. where school/nursery capacity needs to be enhanced to mitigate the impacts of children generated by

new development). The Council's supplementary guidance provides detail on the contribution rates and methodologies which will be applied, which is in line with Circular 6/2013. Therefore the Council does not agree to modify the plan in response to this representation.

Forth Ports plc (00591/3001/003)

The policy tests in Circular 3/2012 Planning Obligations and Good Neighbour Agreements do not rule out maintenance of infrastructure as a legitimate subject of a planning obligation *per se*. This would be likely to come down to the test of reasonableness. Provision for maintenance could, for example, relate to a new play area, or area of open space, which was provided through contributions. It would not be unreasonable to factor into the contribution a commuted sum to cover maintenance of this new asset. Indeed, where the Council adopts a new area of open space provided within a development, it will ask for payment of a sum equivalent to ten times the annual maintenance cost, albeit that this would normally be secured through a normal contract rather than a planning obligation. However, it would probably not be reasonable simply to ask for a commuted sum to assist in maintaining an existing open space. The Council does not routinely seek contributions for maintenance, but could envisage situations in which it might be appropriate. Therefore the Council does not agree to modify the plan in response to this representation.

Network Rail (00493/3002/005)

The fact that a developer is a public sector organisation is of no relevance to whether developer contributions will be sought under Policy IR02. It is the nature of the impacts and the need to mitigate those impacts that is important. For example, the Council routinely pays contributions towards education and open space to mitigate the impact of new Council housing developments. Therefore the Council does not agree to modify the plan in response to this representation.

Policy IR02 – Developer Contributions (Town Centre Exemption)

Ellandi LLP (02703/3004/006)

The Council has promoted this exemption in order to assist the introduction of more residential use in the area's town centres as a further tool to promote their regeneration. The exemption will have potential financial implications for the Council as education authority, but this is considered justified given the overriding concern about the vitality and viability of our town centres.

The ceiling of 50 units has been set in order to limit the Council's exposure to financial risk which might arise with large scale developments which might have a particularly significant impact on school capacity. However, the purpose of the ceiling is also to target smaller scale developments which are known to experience particular viability and deliverability issues. These tend to be taken on by smaller scale builders and social housing providers who may be less able to bear the burden of contributions. The better funded volume builders will generally not consider sites of less than 50 units. If the exemption was extended to the first

50 units of larger developments, this 'targeting' would be diluted, and larger, more viable developments could benefit from a discount that was not necessarily needed. Therefore the Council does not agree to modify the plan in response to this representation.

Taylor Wimpey UK Limited (00198/3005/003)

The exemption on town centre site up to 50 units is not expected to increase the burden on other developments in the area. Contributions from developments will continue to be based on the set contribution rates in supplementary guidance. If any developments are subject to the exemption, then it is the Council that will bear the burden of loss of income, rather than other developments. Moreover, it is unlikely that the scale of exempted developments, which are more likely to be smaller flatted schemes and conversions, will be such as to have major impacts in infrastructure.

The suggestion that all affordable housing should be exempt from contributions is not supported. Affordable housing places burdens on infrastructure in the same way as market housing and there is no rationale for exempting it on the basis of tenure. Over the last 10 years around 10% of completions have been social housing. Failing to secure contributions for these units would potentially create significant issues and a gap in funding for necessary infrastructure. One bedroom flats and sheltered housing are already exempted from education contributions, and open space requirements for such developments are similarly adjusted to take account of their particular characteristics.

Therefore the Council does not agree to modify the plan in response to this representation.

Policy IR02 – Developer Contributions (Healthcare)

Homes For Scotland (00284/3003/009); Gladman Developments Ltd (01258/3005/003)

Primary healthcare infrastructure is considered to be a legitimate form of community infrastructure for which developer contributions can be sought, and should feature within Table 4.1. Within some parts of the Council area, community growth has put pressure on GP premises, and it is appropriate for developments to make proportionate contributions to any necessary upgrading or extension of premises. The principle of healthcare contributions was established within LDP1 through Policy INF06 Healthcare and New Housing Development and the linked supplementary guidance SG11. This policy was challenged as part of the LDP1 Examination and the Reporter upheld the Council's position, seeing no reason why healthcare infrastructure could not be subject of planning obligations, provided the policy tests in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements' are met. The provision is supported by NHS Forth Valley, who have restated their commitment to work with the Council to update the relevant supplementary guidance and to help identify where contributions would be required. The revised supplementary guidance will specify contribution rates and how these are calculated.

Gladman has drawn attention to the fact that GP practices are private businesses and that this presents a particular issue in terms of Circular 3/2012. The Council acknowledges that seeking contributions for the upgrading of privately owned assets may present difficulties. However, the trend is increasingly for GP practices to lease their premises from the NHS, and so it is more likely that contributions will be channelled to the NHS. In the National Code of Practice for GP Premises, the Scottish Government commits to moving to a model where GPs do not provide their practice premises. Where capacity issues exist, contributions can be utilised to deliver new or expanded premises which will be owned by the NHS, and facilitate this shift. The issue of private ownership of some GP premises does not, of itself, invalidate the principle of seeking contributions.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR03 – Education and New Housing

Homes For Scotland (00284/3003/010)

Policy IR03 makes no distinction between allocated sites and non-allocated sites, and there is no ambiguity about contributions being sought for both. Where education contributions are likely to be required for sites, this is highlighted in the site comments in Appendix1. There is no reason why allocated sites should be exempt from education contributions. The Council does not have the capital resources to make the necessary investment and, in the absence of any other government support or funding mechanism, there is no other way of delivering the infrastructure needed to support housing growth. The final sentence of Policy IR03 is considered necessary. Whilst the Council is willing to deploy a variety of education solutions to facilitate new development, there will sometimes be circumstances where there is no practical way of providing adequate school capacity for a development. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR04 – Community Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/009)

Where the loss of a community facility would involve a planning application (e.g. through a change of use or redevelopment), consultation with the community would take place through the application process in line with the legislative requirements. Otherwise, consultation on the disposal of community facilities would be outwith the remit of the planning system, and would not be appropriate to include in Policy IR04. The Council will, of course, have non-planning procedures and practices for consulting with communities on these matters.

With regard to Changing Places toilets, the planning system can only legislate for the inclusion of such facilities in new development. It cannot require retrofitting into existing buildings.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR05 - Transport Assessment/Policy IR06 - Active Travel

Grangemouth (including Skinflats) Community Council (02723/3002/004)

Policy PE26 Air Quality states that air quality assessments may be required for developments that are within an Air Quality Management Area (AQMA) or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. This will be the case in only a minority of proposals where a transport assessment is needed. It would not be proportionate to require an air quality assessment with every transport assessment.

Nonetheless, in recognition of local concerns, a sentence has been included in the supporting paragraph to Policy PE26 (paragraph 4.29) stating that “in areas with significant potential for further industrial development such as Grangemouth, proposals may require an air quality assessment even where no breach of air quality standards is anticipated”.

In relation to the development of policies which reduce traffic pollution in Grangemouth rather than sustain current levels, the Council operates an air quality monitoring system under the Environment (Scotland) Act 2005, which aims to ensure that air pollution levels comply with national air quality objectives, and promotes and reports on measures to reduce air pollution. The Council’s latest report confirms that traffic derived pollutants (nitrogen dioxide and PM10 particulates at all Grangemouth monitoring stations are well within all the statutory limits. Grangemouth does have an AQMA but this is for sulphur dioxide and is industry rather than traffic related. Policy PE26 Air Quality provides the necessary planning input to the air quality management process, and there is no need for any further planning policies on reduction in traffic pollution.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Government (00643/3001/005)

Policy IR05 is explicit about the hierarchy of transport modes, in line with SPP paragraph 273. The policy itself states that “assessment will focus on the hierarchy of transport modes, favouring walking, cycling and public transport over use of the car”. This is further reinforced in the supporting paragraph 4.57. For this reason, the Council does not agree to modify the plan in response to this representation.

SEPA (East Region) (00532/3003/017)

The Council considers the suggested additional wording to be unnecessary. However, if the Reporter considers that the plan should be amended, this would be better as a separate bullet point which simply states the design of routes should comply with other LDP policies. This is not regarded as a notifiable

modification.

Policy IR08 - Freight Transport

Grangemouth (including Skinflats) Community Council (02723/3002/003)

The identification of Grangemouth as a preferred location for freight intensive development in Policy IR08 aligns with the designation of the Grangemouth Investment Zone as a National Development in NPF3. NPF3 refers to the town's "nationally important role in freight handling" and "the need for further upgrading of freight handling facilities to enhance business activity on the site". The town benefits from its port, easy access to the strategic rail and road network, and intermodal freight handling facilities. It is well placed to help facilitate the movement of freight off the road network.

It is accepted that these activities bring HGV traffic into the town, and NPF3 recognises that there is a need to improve transport links to assist with logistics and minimise the impact of industrial traffic on the surrounding community. This is recognised through Proposal IN08 Grangemouth Access Improvements. Mention is made of the Bo'ness Road closure, although this has subject to a public local inquiry and a decision on the closure is still awaited. It is worth noting that most of the main roads for freight (Earls Road, Forth and Clyde Way, Inchyra Road) are separate from residential streets. Beancross Road, where there are residential properties, has a weight restriction on the road for vehicles over 7.5 tonnes except for access to the town centre and certain industrial areas. HGV routing and the enforcement of weight restrictions is not a matter for the planning system or the LDP.

On the issue of parking for HGVs, Scottish Enterprise undertook a study of freight issues in the Grangemouth Investment Zone in 2017 which identified the development of a HGV parking facility within the associated action plan. This is an action for the private sector, with public sector support, but no progress has been made on this, and no site yet identified.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR10 - Drainage Infrastructure

SEPA (East Region) (00532/3003/018)

The suggested changes to the references to Sewers for Scotland and the SUDS Manual are sensible and the Council would have no issue with them. This is not regarded as a notifiable modification.

Additional reference to the inclusion of sufficient space for SUDS is not considered necessary as it is implicit in sub section (2) of Policy IR10. The Council does not agree to modify the plan in response to this part of the representation.

Policy IR11 – Digital Infrastructure

Scottish Government (00643/3001/006)

Policy IR11 is worded differently from SPP paragraphs 295 and 296, and does not contain all of the technical detail in SPP. Nonetheless the policy covers all the relevant issues raised by SPP including siting and design options, minimising visual impact, compliance with ICNIRP guidance, and the submission of supporting information to demonstrate that these issues have been addressed. The Council sees no overriding need to change the policy so that it mimics the detail in SPP. Accordingly, the Council does not agree to modify the plan in response to this part of the representation.

SEPA (East Region) (00532/3003/019)

The Council applies a standard condition on planning permissions for telecommunications masts requiring the operator to notify the Council if they cease to be operational, and for them to be removed, and the site reinstated, within two months of the date that they ceased to be in use. Whilst inclusion of this provision within the policy is not considered necessary, if the Reporter is minded to recommend that the plan be amended in line with the representation, the Council would not take issue with an amended wording along the lines of the Council's standard condition.

Rail Infrastructure

Network Rail (00493/3002/001); Network Rail (00493/3002/004)

The Council recognises that access to the rail network will be factors to be considered as part of the transport assessments for both Gilston and Whitecross. It is also acknowledged that there are capacity issues at Polmont station car park, with no real option to expand the existing facility. Nonetheless, the existing references in the development guidance for these sites is considered appropriate, and it is unlikely that any mitigation or contributions to rail infrastructure would be justified in either case. For Gilston, the existing wording states "Transport assessment required to establish impacts on the local and strategic transport network...Travel Plan will be essential which includes measures to connect the development with Polmont railway station". As an employment rather a residential development, Gilston is less likely to put more pressure on the car park, with the important thing being walking, cycling and public transport links between the proposed development and the station. For Whitecross, again the predominant land use proposed is employment, with the residential element amounting to just 200 units. The requirement that a transport assessment is undertaken should be sufficient, without any specific indication that impacts on the rail network will need to be addressed. For these reasons, the Council does not agree to modify the plan in response to this part of the representation.

The Grangemouth Chemical Cluster Companies (00878/3003/002)

The Council recognises that Proposal IN14 Grangemouth Rail Station Site

Safeguarding is within a Major Hazard Consultation Zone, and if the station were to be taken forward following all the relevant appraisal processes, it would require to be subject to consultation with the HSE. A statement within the comments section in Appendix 1 that it is within a Major Hazard Consultation Zone would be appropriate, and consistent with the treatment of other proposals. Therefore, if the Reporter is minded to recommend that the plan be amended to address this representation, the Council would not take issue with the inclusion of this additional wording. This is not regarded as a notifiable modification.

Active Travel Infrastructure

Scottish Government (00643/3001/001)

Paragraph 5.14 of NPF3 states that the Scottish Government will “encourage” local authorities to develop at least one exemplar walking- and cycling-friendly settlement. The Council feels that this is an old fashioned approach which fails to take account of the fact that promoting active travel has been a mainstream activity in local authorities for many years. Since 2010, the Council has added nearly 200km of paths to the network across its area, and since 2014 alone there has been an investment of over £6m in new or improved routes, much of this funded in partnership with Sustrans. The Council’s approach is to continue to roll out improvements to the active travel network across the whole authority area, including strategic and local connections within the various settlements, and strategic connections between settlements. This is reflected in both the Spatial Strategy for the Green and Blue Network outlined in LDP2 (pages 16-17) and in the Falkirk Greenspace Strategy. The identification of an exemplar walking- and cycling- friendly settlement is therefore not considered relevant to the Council area. For this reason, the Council does not agree to modify the plan in response to this representation.

Ms Joyce Hartley (02976/3001/001)

The Council recognises that a route as suggested between Muirhouses and Champany Corner could be beneficial in terms of facilitating active travel options between Bo’ness and Muirhouses. Accordingly, a feasibility study was undertaken in 2013. Two options were considered, with the cost of the preferred option being £1,358,350. Because of the high cost, the requirement to acquire private land, and the need for extensive removal of mature trees, the scheme was not progressed. Bearing in mind the existing focus on other strategic active travel projects in LDP2 such as the Denny/Bonnybridge to Falkirk route (Proposal IN16), It is not considered likely that this project would be taken forward in the period of the plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Health Care Infrastructure

NHS Forth Valley (00522/3002/003)

The Council welcomes the updated information on capacity in primary healthcare facilities supplied by NHS Forth Valley, particularly with regard to critical issues in

the Braes area which have not previously been highlighted. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the insertion of the additional information into the relevant sections of the plan.

Issue 22	Energy Policies	
Development plan reference:	<u>Chapter 3 Spatial Strategy</u> Energy and Minerals (pages 26-28) <u>Chapter 4 Policies</u> Infrastructure and Resources – Minerals (pages 57-58)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (East Region) (00532) Grangemouth (including Skinflats) Community Council (02723) Homes For Scotland (00284) The Grangemouth Chemical Cluster Companies (TGCCC) (00878) Forth Ports plc (00591)		
Provision of the development plan to which the issue relates:	Energy policies IR12-14	
Planning authority's summary of the representation(s):		
Policy IR12 – Energy Generation		
<u>SEPA (East Region) (00532/3003/020)</u>		
Policy IR12 should make specific reference to issues related to forestry and makes reference to the management of waste arising from energy generation development and having regard to Policy IR18. The policy requires a change so that it is flexible enough to apply to a full range of energy generation technology, in particular the wider range of renewable energy technology.		
<u>The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006)</u>		
Policy IR12 refers to Supplementary Guidance SG14 which has not yet been written. It is therefore impossible to comment on it in relation to Policy IR12. TGCCC reserve their position on SG14 and other SG's until they become available for consultation.		
Policy IR12 should contain support for gas fired Combined Heat and Power (CHP) plants recognising the need for a balanced energy portfolio and for companies to generate onsite heat and electricity.		
Policy IR13 – Low and Zero Carbon Development		
<u>SEPA (East Region) (00532/3003/021)</u>		
Policy IR13 should be extended to any building that is a substantial change of use, extension and alteration. This will meet future Energy Performance		

Certificate targets set out in the Energy Strategy and take the opportunity to deal with low energy efficient buildings now, rather than in the future.

Homes For Scotland (00284/3003/011)

The wording in Policy IR13 appears to duplicate what is already in the Building Regulations. Homes for Scotland support a fabric first approach to reducing carbon emissions and consider that this matter should be addressed at the building warrant stage and not in a planning application.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007)

The Grangemouth Chemical Cluster Companies operate in a highly competitive global environment. It is therefore essential that they are not disadvantaged by the impact of sustainability requirements.

Policy IR14 Heat Networks

SEPA (East Region) (00532/3003/022)

In Policy IR14 the wording "major new development" should be replaced "substantial developments". The policy should be changed so that any land required for the heat network is protected. This is to prevent new infrastructure prejudicing the expansion of the heat network. Another policy change is needed so that new developments located adjacent to existing or proposed heat networks, or significant heat sources, should be designed to be capable of connecting to the heat supply.

Homes For Scotland (00284/3003/012)

For the majority of development a heat network will not be viable and the production of an energy statement to explain this should not be required. Instead the policy should enable the requirement to be scoped out of an application in agreement with planning officers.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008)

Firm evidence is required to justify the provision and safeguarding of expensive infrastructure within sites. Heat is a vital component for some sites and Policy IR14 should recognise that they may not have spare capacity for any district heating network. Progress on schemes also needs to be made in the near future to enable companies to incorporate this into their energy planning.

Forth Ports plc (00591/3001/004)

The principle of heat networks is supported. However Policy IR14 places unreasonable requirements on new development which could affect their viability. The policy should provide more direction on the type of development which must provide detail on decentralised energy generation with heat recovery or allow flexibility for when such statements should be submitted. The provision of pipework to the curtilage of the development is also considered unreasonable

because of costs, uncertainty of its future use and its remaining fit for purpose.

Grangemouth (including Skinflats) Community Council (02723/3002/007)

A local heat network has been on the agenda for Grangemouth since the 1970's. Without the proper funding, possibly from revenues raised in the area, this will never materialise. This is particularly true since Ineos withdrew their involvement in the scheme. All references to the heat network should be removed from the Plan.

Modifications sought by those submitting representations:

Policy IR12 – Energy Generation

SEPA (East Region) (00532/3003/020)

Amend Policy IR12 so that the policy makes specific reference to issues related to trees, woodland and forestry, and makes reference to the management of waste arising from energy generation development and requiring to have regard to Policy IR18. Amend the wording of the Policy so that the policy can be applied to a full range of energy generation technology.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006)

Amend Policy IR12 Energy Generation Development to include support for gas powered CHP plants.

Policy IR13 – Low and Zero Carbon Development

SEPA (East Region) (00532/3003/021)

Amend Policy IR 13, Criterion 1 by adding after "All new buildings"... ", and buildings undergoing substantial change of use, extensions or alterations,"

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007)

Amend Policy IR13 Low and Zero Carbon Development by inserting a new section 3 after section 2 to read:

"3. The economic impact of sustainability requirements on businesses will be taken into account particularly in relation to energy costs and global competitiveness."

Homes For Scotland (00284/3003/011)

Delete Policy IR13 Low and Zero Carbon Development.

Policy IR14 – Heat Networks

SEPA (East Region) (00532/3003/022)

Amend Policy IR14, replacing the wording "major new development" with

"substantial developments" and adding a requirement requiring new developments located adjacent to existing or proposed heat networks, or significant heat sources, to be designed so that they are capable of connecting to the heat supply. The policy should also be changed to protect any land required for the heat network.

Homes For Scotland (00284/3003/012)

Amend Policy IR14 Heat Networks to allow for the requirement to produce an Energy Statement to be scoped out of a planning application in agreement with planning officers.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008)

Amend Policy IR14 Heat Networks by adding an additional section 3 after section 2 to read:

"3. The installation of pipework to the curtilage of development and safeguarding of pipe runs within development will only be required where there is firm evidence that a future heat network is a realistic possibility; and"

Forth Ports Plc (00591/3001/004)

Amend Policy IR14 Heat Networks as suggested in the representation to introduce flexibility into the requirement in sub section (1) to produce an assessment of the viability of such schemes. In sub section (2) developers should consider the potential for heat networks in their energy statements. The reference to the installation of pipework should be deleted and provision for the safeguarding of pipe runs should be sought only where it is likely to become feasible in the future.

Grangemouth (including Skinflats) Community Council (02723/3002/007)

All promises to deliver a local heat network for Grangemouth should be removed from the plan.

Summary of responses (including reasons) by planning authority:

Policy IR12 – Energy Generation

SEPA (East Region) (00532/3003/020)

Comment is partly accepted. The policy criteria were broadly based on the considerations in paragraph 169 of SPP. However, the Council would not object to a specific reference to forestry, if the Reporter were minded to recommend such a change. Potential wording would be: *"Impacts on forestry, having regard to Policies PE20 and PE20."*

In terms of the management of waste from energy developments, this is not considered to require mention in IR12. Policy IR18 is sufficient to deal with this

issue. For this reason, the Council does not agree to modify the Plan in response to the representation.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/006)

The Council will be consulting with a wide range of stakeholders, once SG14 is produced, and there will be opportunity to influence the content of the guidance then.

Policy IR12 and IR13 seek to support the delivery of all renewable and low-carbon development, which can include CHP which is powered from low-carbon sources, and which results in carbon savings from its operation. Further detail on the range of low carbon technologies and their applicability will be published in SG14. For this reason, the Council does not agree to modify the Plan in response to the representation.

Policy IR13 – Low and Zero Carbon Development

SEPA (East Region) (00532/3003/021)

Policy IR13 is based on the exclusions set out in the current Building Regulations. This is to ensure that the building standards regime can be used to assess the proportion of carbon savings derived from LZCGT using the methodology set out in the Building Standards Handbook. For this reason, the Council does not agree to modify the Plan in response to the representation.

Homes For Scotland (00284/ 3003/011)

Policy IR13 has been included in the Proposed LDP2 to comply with Section 72, of the Climate Change (Scotland) Act 2009, introduced as Section 3F of the Town and Country Planning (Scotland) Act 1997. Under this Act, local development plans must require all new buildings to be designed to avoid a specified and rising proportion of projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies. The requirement is re-iterated in the SPP.

Paragraph 47, page 14 of the Ninth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 published in March 2019 monitors the implementation of the requirements of the Act, and confirms that the commitment to retain Section 3F has not changed. The report states in Paragraph 17, page 7 states that SPP will be reviewed and NPF4 will be prepared and the Scottish Government will consider how the new format National Planning Framework might respond to Section 3F in a way which could be taken forward locally by planning authorities.

In terms of requirements of the Act, the Council acknowledges that the most cost effective means of reducing the carbon footprint of buildings is through energy efficiency measures in the building fabric. However, the intention of the Act is still to build up domestic renewable energy infrastructure capacity to assist in meeting the Scottish Government's ambitious renewable energy targets.

Removal of the policy would mean that the Council would not meet the requirements of the Climate Change Act. For this reason, the Council does not agree to modify the plan in response to this representation.

The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/007)

The Council acknowledges that the economic viability of new development can be challenged by the requirements of planning policy. However, as indicated above, the Council is obliged by law to ensure that the requirements of Section 72 of the Climate Change (Scotland) Act are reflected in development plan policy.

Policy IR13 states that *“All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT.”* It is therefore considered that this gives adequate scope to demonstrate whether or not the constraints would result in the policy requirements being financially unviable. For this reason, the Council does not agree to modify the plan in response to this representation

Policy IR14 Heat Networks

SEPA (East Region) (00532/3003/022)

The Council considers that the term ‘major new development’ is easier to define than ‘substantial developments’. This is in the context of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 which quantifies the threshold for major development in terms of number of units or floorspace. SEPA also references the hierarchy of developments in paragraph DM50 of their Planning Background Paper on Heat Networks and District Heating. The requirement for an energy statement is not limited to ‘major’ new development as defined in the hierarchy, but applies to all new development, except that which falls within the exceptions set out in Policy IR13.

With regard to safeguarding of pipe networks, Policy IR14 states that *“The installation of pipework to the curtilage of development and safeguarding of piperuns within developments to allow future connection will be required unless the submitted Energy Statement, informed by Scotland’s Heat Map and local Council strategies, demonstrates that there are financial or technical barriers to installation.”* The Council considers that this provides adequate scope to ensure that piperuns are safeguarded. There may also be piperuns outwith the development area, and the suitability of these would be assessed in the context of a planning application.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Homes For Scotland (00284/3003/012); Forth Ports plc (00591/3001/004); The Grangemouth Chemical Cluster Companies (TGCCC) (00878/3003/008)

Three representations were received regarding viability concerns in relation to Policy IR14, which seeks to ensure that major new developments include an energy statement which undertakes an assessment of the viability of decentralised energy within the proposal.

SPP make it clear that development plans should support the development of heat networks in as many locations as possible, including safeguarding of pipeworks within developments for later connection and pipework to the curtilage of development.

The Council considered Policy IR14 to be in line with SPP. It accepts that not every proposal will be able to provide a decentralised energy scheme, or be in an area which is likely to be feasible for a heat network in the future. However, it is the purpose of the Energy Statement to explore this. The onus is on the applicant to assess the potential within the overall context of development viability. For these reasons, the Council does not agree to modify the plan in response to this representation

Grangemouth (including Skinflats) Community Council (02723/3002/007)

The Council recognises that the community aspirations for a heat network to serve existing housing and community facilities have not been delivered. Ineos, in conjunction with the Chemical Cluster Companies are developing their own steam and power generation energy plant within their site. It does, however, remain the Council's aspiration to support low-carbon energy development including decentralised energy networks in the Council area, including at Grangemouth. A new Combined Heat and Power (CHP) Plant, utilising energy from waste at Earls Gate, was approved in January 2017 and construction is due to start in 2019. The Proposed Plan Vision highlights the aspiration for low carbon energy and heat, as well as decentralised energy networks. The Spatial Strategy also highlights the main focus being around Grangemouth for the development of heat networks in paragraph 3.36. LDP aims to provide support for any further proposals which may come forward, and the Council therefore considers it appropriate to retain references to heat network opportunities in Grangemouth.

Issue 23	Mineral Policies	
Development plan reference:	<u>Chapter 3 Spatial Strategy</u> Energy and Minerals (pages 26-28) <u>Chapter 4 Policies</u> Infrastructure and Resources – Minerals (pages 57-58)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (East Region) (00532) RSPB (00977) The Coal Authority (00213) Tillicoultry Quarries (02968) Grangemouth (including Skinflats) Community Council (02723) Ineos Upstream Ltd (03039)		
Provision of the development plan to which the issue relates:	Mineral policies IR15 and IR16, including consideration of provisions for onshore oil and gas extraction	
Planning authority's summary of the representation(s):		
Spatial Strategy – Energy and Minerals		
<u>SEPA (East Region) (00532/3003/023)</u>		
SEPA recommend that the heading for Map 3.8 is changed to Onshore, Oil, Gas and Minerals and references to PEDL licences on the map and text are checked against the latest information from Scottish Government. Some PEDL Licences may have been extended or surrendered.		
<u>RSPB (00977/3002/004)</u>		
Para 3.38 of the Proposed Plan does not mention commercial peat extraction despite this activity having extant planning permission and still taking place in the area.		
Policy IR15 – Mineral Resources		
<u>The Coal Authority (00213/3003/002)</u>		
The Coal Authority supports the inclusion of Policy IR15 Mineral Resources which identifies the preferred area of search for surface coal in Falkirk and is pleased that the sterilisation of mineral resources capable of acceptable extraction will not be permitted.		
<u>Tillicoultry Quarries (02968/3001/001; 02968/3001/001)</u>		

Tillicoultry Quarries have operated at Northfield Quarry since 1998 providing a sustainable supply of construction aggregate to the Falkirk and wider central Scotland area which contributes to the 10 year supply required by SPP (CD01). The site could be extended if the 10 year supply of minerals is no longer available and the demand for materials arises. Extensions rather than new quarries are generally preferred over new sites due to potential environmental impacts. For this reason the policy should be amended to allow extensions if a proven demand that is not being met elsewhere can be demonstrated. Support is also expressed for Section 4 of the policy which states that the sterilisation of minerals through development will not be permitted.

RSPB (00977/3002/005)

Chapter 4, Infrastructure and Resources - Minerals makes no mention of commercial peat extraction. At paragraph 241, SPP states "policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible".

Ineos Upstream Ltd (03039/3001/002)

The Proposals Map should promote opportunities and should safeguard Petroleum Exploration Development Licence areas (PEDL).

Policy IR16 – Assessment of Mineral Proposals

The Coal Authority (00213/3003/003)

Policy IR16 Assessment of Mineral Proposals is supported.

Ineos Upstream Ltd (03039/3001/001)

Onshore hydrocarbons are likely to become an important part of national energy policy. They are different from other forms of mineral extraction and require a separate policy which should cover all forms of extraction. Whilst there is a moratorium there has been no change to national policy and the plan should reflect this. Main benefits include a secure energy supply and local raw materials, tax revenues, jobs and a community benefit scheme.

The planning process is one of the five regulatory functions affecting operations and the plan should include a review of these identifying those that fall outwith the planning process. The policy should not include a generic set of criteria which may not be relevant to every application which can be considered against other LDP policies.

Grangemouth (including Skinflats) Community Council (02723/3002/010)

No fracking or unconventional oil and gas recovery should be allowed in the central belt. This would spell the end of the tourist industry as well as having other detrimental effects.

Modifications sought by those submitting representations:**Spatial Strategy – Energy and Minerals**SEPA (East Region) (00532/3003/023)

Amend the heading for Map 3.8 to Onshore, Oil, Gas and Minerals. Confirm the most up to date information on PEDL licence areas.

RSPB (00977/3002/004)

Insert a reference to operational commercial peat extraction in paragraph 3.38.

Policy IR15 – Mineral ResourcesRSPB (00977/3002/005)

Insert a reference to commercial peat extraction in the text at paragraph 4.69.

Tillicoultry Quarries (02968/3001/001; 02968/3001/002)

Amend section 2 of Policy IR15 after 2nd sentence deleting the full stop and adding "or if a proven demand that is not being met elsewhere can be demonstrated."

Ineos Upstream Ltd (03039/3001/002)

Identify and safeguard PEDL areas on the proposals map.

Policy IR16 – Assessment of Mineral ProposalsIneos Upstream Ltd (03039/3001/001)

Amend Policy IR16 to exclude references to oil and gas extraction. Insert an additional policy after IR16 as specified in the planning statement submitted with supporting text providing background and justification against national policies (section 4.0 Planning Statement 1 CD).

Grangemouth (including Skinflats) Community Council (02723/3002/010)

Amend the plan to insert a presumption against fracking or unconventional oil and gas recovery.

Summary of responses (including reasons) by planning authority:**Spatial Strategy – Energy and Minerals**SEPA (East Region) (00532/3003/023)

The Scottish Government has confirmed that there has been no change to the

boundaries of the Petroleum Exploration and Development Licence (PEDL) areas and PEDL 133 remains in place until 30th June 2035 in the third production phase. PEDL 162 is still in the first exploration phase of the licence and this part of the licence is currently extended to 19th June 2019. The title of Map 3.8 should read “Spatial Strategy - Onshore Oil, Gas and Minerals” and if the Reporter is minded to recommend that the plan be amended in line with SEPA’s representation in this regard the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

RSPB (00977/3002/004; 00977/3002/005)

Paragraph 3.38 (page 26) of the Proposed Plan highlights the dominant mineral resources in the Falkirk Council area and supporting paragraphs 4.69 and 4.70 at page 57 of the plan also note the main minerals in the area. It is acknowledged that there is one active commercial peat extraction site in the north of the Council area near Letham which has been worked since 1937 and has a Certificate of Lawful Use however it may no longer be in operation. Policy PE25 (page 41) specifies that development involving the significant permanent loss of carbon rich soils including peat will not be permitted subject to criteria. Policy IR16 also highlights that proposals for mineral extraction will be assessed against Policy PE25. This is in accordance with the requirement in SPP paragraph 241 to protect areas of peatland. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR15 – Mineral Resources

Tillicoultry Quarries (02968/3001/001; 02980/3001/02)

Hard rock is available to the north west of the Council area and also south of Avonbridge in the south east although not all of this will be workable. The assumption has been made that there is an adequate landbank in the Council area with quarries to the north west of Denny at Northfield and Boards and also in the recent past at Cowdenhill to the north of Banknock. The quarries have ceased operation from time to time dependent on market conditions. There is an outstanding planning application to quarry for hard rock immediately to the west of Cowdenhill in North Lanarkshire at Tomfyne and consent for this site will include restoration of the Cowdenhill Quarry within the Falkirk Council boundary.

Policy IR15 seeks to put the onus on operators to prove the need for additional mineral workings in the absence of reliable market information or up-to-date knowledge on reserves. The most recent Scottish Aggregates Survey in 2012 and published in 2015 did not provide any information on hard rock quarries in the Forth Valley area (Stirling, Clackmannanshire and Falkirk) and the small number of quarries means that commercial sensitivity precludes the publication of data where quarries could be individually identified. SPP paragraph 238 states that plans should support the maintenance of a landbank of permitted reserves of a minimum 10 years extraction through the identification of areas of search or, as an alternative, a criteria based approach may be taken. Policy IR16 provides such a criteria based approach to mineral sites. It is generally accepted that aggregates travel around 30 miles from their extraction site to market and the market area is

likely to extend across local authority boundaries. Boards Quarry, Northfield Quarry and the proposed Tomfyne Quarry (North Lanarkshire) will all contribute to this landbank as well as quarries in other local authority areas.

The policy allows proposals to come forward if evidence is available with regard to any changes in the landbank and it is not considered necessary to add additional wording regarding demand for materials. For these reasons, the Council does not agree to modify the plan in response to this representation.

Ineos Upstream Ltd (03039/3001/002)

SPP paragraph 240 states that development plans should identify PEDL areas. The PEDL areas are clearly identified on Map 3.8, page 28, of the Spatial Strategy section of the plan. This fully identifies the areas covered by the licence areas, and there is no need to replicate this on the Proposals Maps

While SPP recognises the national benefit of indigenous oil and gas production at paragraph 235 it does not require PEDL areas to be safeguarded. Most of the Council area is covered by PEDL areas and safeguarding this land for unconventional oil and gas development could place constraints on other development plan proposals in the Council area at a time when the Scottish Government has placed a moratorium on granting planning applications for such development and expressed a policy position which does not support the development of unconventional oil and gas in Scotland. For these reasons, the Council does not agree to modify the plan in response to this representation.

Policy IR16 – Assessment of Mineral Proposals

Ineos Upstream Ltd (03039/3001/001)

As previously stated the Government established a moratorium on granting planning applications for unconventional oil and gas developments in 2015. A position statement has since been published by the Scottish government which does not support the development of unconventional oil and gas in Scotland. This policy is expected to be embedded in the next National Planning Framework due in 2020. In the meantime, policy on onshore oil and gas in SPP remains extant. Paragraph 235 recognises the national benefit of indigenous oil and gas production. SPP also notes a number of requirements for the development plan at paragraph 240 for areas covered by PEDLs. There is no explicit support expressed in SPP, NPF or the Scottish Government's Energy Strategy for unconventional oil and gas extraction and the representee's proposed policy expresses support for such development. While certain aspects of energy policy are reserved to the UK Government, licencing and planning are devolved matters and the UK Government's support for unconventional oil and gas will not be implemented in Scotland. It is noted that the regulation, including setting of the consideration payable for a licence remains reserved. In addition, the UK Government has powers to revoke a licence on the basis of failure to make payments due under the licence.

Policy IR16 covers all minerals development in the Council area including

onshore oil and gas development. The policy highlights the many factors which need to be taken into account in assessing mineral applications and also details specific requirements relating to onshore oil and gas which were inserted into the adopted plan following the last Examination Report, page 407. Given the expectation that the Scottish Government's policy position will be confirmed in NPF and SPP in 2020 and the plan's accordance with SPP, there is no specific need or requirement to insert a separate policy for onshore oil and gas development. For these reasons, the Council does not agree to modify the plan in response to this representation.

Grangemouth (including Skinflats) Community Council (02723/3002/010)

As noted above, notwithstanding the Government's moratorium on granting planning applications for unconventional oil and gas developments, SPP remains extant, continues to recognise the national benefit of indigenous oil and gas production and notes a number of requirements for the development plan at paragraph 240 for areas covered by PEDLs. LDP2 must reflect SPP, and does so through Policy IR16 Assessment of Mineral Proposals, with additional references in paragraphs 3.39 and 4.69. Introducing a presumption against unconventional oil and gas developments would not, at this stage, be in accord with SPP. For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 24	Waste Policies and Proposals	
Development plan reference:	Chapter 3 Spatial Strategy Energy and Minerals (pages 26-28) Chapter 4 Policies Infrastructure and Resources – Waste (pages 55-57)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Grangemouth (including Skinflats) Community Council (02723) Avondale Holdings Ltd (03026) SEPA (00532/3003)		
Provision of the development plan to which the issue relates:	Waste policy IR17 Waste Management Facilities and the non-allocation of a site for an extension to the Avondale waste management facility.	
Planning authority's summary of the representation(s):		
<p>Policy IR17 – Waste Management Facilities</p> <p><u>Grangemouth (including Skinflats) Community Council (02723/3002/005)</u></p> <p>Waste management facilities in the Falkirk Council area should only be used for people resident in the area. Notwithstanding the Zero Waste Plan and SPP, waste should be dealt with where it is generated and not brought into this area for disposal.</p> <p><u>Avondale Holdings Ltd (03026/3001/002)</u></p> <p>Policy IR17 should be amended to support the co-location of new waste management facilities in or adjacent to existing waste management facilities to allow for the creation of a circular economy on waste. The reference to sustainable transport should acknowledge the benefits of co-location. The preferred location for energy from waste plants should also be in or adjacent to existing waste management facilities.</p> <p>SEPA (00532/3003/25)</p> <p>General support is expressed for Policy IR17 which gives priority to development which supports the waste hierarchy and clearly refers to facilities for all types of waste. The reference to the Zero Waste Plan, the national capacity requirements and other criteria in part 2 as well as designing energy from waste facilities to enable links to users of heat and power is supported.</p> <p>Non Allocated Site – Avondale (Site Ref 097)</p> <p><u>Avondale Holdings Ltd (03026/3001/001)</u></p>		

The site safeguarded in LDP1 as an extension to the Avondale Landfill Site should be allocated as an extension to the existing waste management facility for the processing and reuse of waste including Energy from Waste. This would protect existing employment, create additional jobs and reduce the amount of waste going to landfill. It would also be in accordance with the Zero Waste Policy and SPP. The proposal would also enable the co-location of a number of facilities in one location.

Modifications sought by those submitting representations:

Policy IR17 – Waste Management Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/005)

Amend Policy IR17 to exclude waste from outwith the Falkirk Council area from being processed within the area.

Avondale Holdings Ltd (03026/3001/002)

Amend Policy IR17 as specified in the representation and supporting statement. Amend 2nd sentence to include a reference to co-location. In sub section (2), bullet point 4, state that the preferred location for energy from waste facilities will be within or adjacent to existing waste management facilities. In bullet point 5, state that the promotion of sustainable transport will be through the co-location of waste management facilities.

Non Allocated Site – Avondale (Site Ref 097)

Avondale Holdings Ltd (03026/3001/001)

Reinstate the safeguarded site in LDP1 as an extension to the existing waste management facility.

Summary of responses (including reasons) by planning authority:

Policy IR 17 – Waste Management Facilities

Grangemouth (including Skinflats) Community Council (02723/3002/005)

The establishment of waste management facilities is market led and the regional additional capacity figures published annually by SEPA are not intended to limit the development of waste management facilities as noted in SPP, paragraph 181. SEPA's development plan guidance note on sustainable resource use and energy, page 10, indicates that where there is a national shortfall in waste management infrastructure development plans must provide capacity for waste management facilities that may manage waste from both in and out with the Council area. Development Plans should set out policies to enable the development of facilities to contribute to the additional capacity requirement. SPP paragraph 182 also notes that while there is a shortfall in capacity the emphasis

should be on need over proximity. In paragraph 186 it states that development plans should identify appropriate locations and should provide a policy framework to facilitate delivery. The regional capacity tables indicate that there is a continuing capacity requirement in the Forth Valley area and nationally for operational waste management facilities. It is therefore appropriate for the plan to support the development of waste management facilities and to highlight the need to contribute to national capacity requirements. Amending Policy IR17 to exclude waste from outwith the area would therefore not accord with national and regional policy and guidance. For these reasons, the Council does not agree to modify the plan in response to this representation.

Avondale Holdings Ltd (03026/3001/002)

SPP paragraphs 178 - 187 sets out the requirements for local development plans in relation to planning for zero waste. Paragraph 180 recognises that industry and business should engage with planning authorities to identify sites which would enable co-location with end users of waste outputs. Paragraph 182 states that the planning system should support the provision of a network of infrastructure for Scotland's waste resources to be managed in one of the nearest appropriate installations. Paragraph 183 notes that any sites for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Local development plans should also identify appropriate locations for new infrastructure and safeguard existing installations. Paragraph 158 of SPP highlights that development plans should use heat mapping to identify the potential for co-location for developments with a high heat demand with sources of heat supply. SEPA also acknowledges that co-location for heat supply and demand should be supported by the development plan. Neither SPP nor SEPA identify a requirement to support the co-location of waste management facilities but SPP recognises the benefit of the co-location of the producer of waste with a potential user for that waste and both SPP and SEPA support co-location for heat supply and demand.

Policy IR17 sub section (1) states that “the preferred location for waste management facilities for all types of waste will be within or adjacent to existing waste management facilities or on land identified for employment or industrial use as well as mineral sites”. This recognises that the expansion of waste management facilities can take place and support should be in place to enable this to happen in accordance with SPP. The representation seeks the use of the word ‘co-location’ instead of ‘within or adjacent to’. This change is unnecessary, adds nothing to the meaning, and indeed is confusing in that the term ‘co-location’ is used in a separate context in SPP to refer to the connection between facilities and end users of waste outputs.

In sub section (2) bullet point 4, Policy IR17 states that for “energy from waste facilities, co-location with other heat users should be sought”. This wording accords with SPP. The representation tries to extend this by stating that energy from waste facilities should be co-located with other waste management facilities. However, blanket support for the co-location of energy from waste facilities with other waste management facilities is neither desirable nor required by SPP. In bullet point 5, the suggested change to the wording in relation to sustainable

transport is inappropriate because it would limit the scope of this criterion.

In short, the policy as drafted is appropriately worded. It is supported by SEPA (00532/3003/025) who particularly express support for the wording in sub sections (1) and (3) which they consider protects existing waste management facilities and allows for their growth or expansion without being restricted or prejudiced by adjoining land uses.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Non Allocated Site – Avondale (Site Ref 097)

Avondale Holdings Ltd (03026/3001/001)

Proposal INF34 in LDP1 safeguards this site for the extension of the existing Avondale landfill facility. The extension area is bounded to the south by the M9 motorway, to the east by open farmland, to the west and north by the existing landfill site and to the north east by woodland and a SINC. It is located within the green belt, is prime agricultural land, and is traversed by oil and ethylene pipelines.

The safeguarding was inserted into the Falkirk Council Local Plan in 2010 as a post inquiry change following the Local Plan Inquiry. The Reporter at that time declined to allocate the site as an extension to the landfill facility as there was no immediate and overriding need for the site and because of the site's countryside and green belt location - Inquiry Report extract paragraph 27.2.36. The safeguarding was carried through into LDP1 and was not considered at the LDP1 Examination. However, the safeguarding has been reassessed through LDP2, in the light of the reduction of waste going to landfill. The Regional Capacity Tables produced by SEPA now indicate a ten year rolling landfill capacity requirement in the Forth Valley area of 1,340,000 tonnes (Stirling, Clackmannanshire and Falkirk Council areas). All of the operational landfill capacity is in the Falkirk Council area and includes Avondale Landfill, Avondale Hazardous Landfill, West Carron landfill and Broadside landfill (waste water sludge). The most up-to-date landfill capacity for these sites at December 2017 was 2,908,508 tonnes. There is therefore no longer a need to safeguard an additional site for landfill and the safeguarding has therefore been removed in the Proposed Plan. SEPA have made no objection to its removal.

The existing Avondale landfill site has capacity at current infill rates for approximately six more years of operation from December 2017, and the consent includes a restoration plan once landfilling ceases. It has however had a number of consents which could extend the longevity of the site. Consent was granted for a composting facility to create a soil substitute in 2017 and for the expansion of the existing gasification plant in 2016. Both of these consents relied on using materials from the Materials Recycling Facility to the west of the landfill site which has operated intermittently since its consent in 2008. Neither of these have been implemented.

It is suggested by the representee that the extension site should be retained for waste management purposes but not for landfill use. The suggested use is for an energy from waste plant. Whilst Policy IR17 is generally supportive of new waste management facilities being located adjacent to existing waste facilities, this preference must obviously be caveated by other LDP policies and considerations. It does not provide explicit support for all sites adjacent to existing waste management sites but recognises that these are generally the preferred locations for such uses. Such proposals will be assessed against SPP, other LDP policies and the factors highlighted in part 2 of Policy IR17. In the case of Avondale, the extension site is in a sensitive location within the green belt, on the edge of the Bo'ness South Local Landscape Area, highly visible from the M9, and comprises prime agricultural land. It is also traversed by gas and oil pipelines. It would not be suitable for a major, permanent built facility such as an energy from waste plant, and therefore the Council does not support its allocation as a general waste management facility, or specifically an energy from waste plant.

It should be stressed that the Council area has a significant amount of business and industrial land, particularly in Grangemouth, which would offer far more sites for waste management facilities. Indeed, two energy from waste plants have been consented in Grangemouth, at Forth Ports and at CalaChem which have not yet been implemented.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Issue 25	Site Specific Environmental Mitigation	
Development plan reference:	<u>Appendix 1 Proposals and Opportunities Schedule</u> (pages a02-a24) <u>Chapter 5 Settlement Statements</u> Major Areas of Change Development Guidance	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Historic Environment Scotland (02656) SEPA (East Region) (00532) National Grid (00583) Woodland Trust Scotland (00549) Scottish Natural Heritage (00646)		
Provision of the development plan to which the issue relates:	Site comments and requirements for miscellaneous proposals, where agencies have sought detailed changes in relation to environmental mitigation.	
Planning authority's summary of the representation(s):		
<p>This issue brings together environmental mitigation sought by various agencies in relation to a number of proposals in the plan. The mitigation sought relates to the site comments section of Appendix 1 (Proposals and Opportunities Schedule) or the Major Areas of Change Development Guidance within Chapter 5 (Settlement Statements). The mitigation sought is grouped by type in bold below. A spreadsheet has also been produced which summarises the mitigation sought on a site by site basis.</p> <p>Forth and Clyde Canal Scheduled Monument</p> <p><u>Historic Environment Scotland (02656/3002/003),(02656/3002/005),(02656/3002/007)</u></p> <p>Proposals MU05 Bonnybridge Town Centre and BUS11 Falkirk Wheel include part of the Forth and Clyde Canal Scheduled Monument while Proposal BUS04 A801 Union Canal is immediately adjacent to this scheduled monument. These proposals, therefore, have to carefully consider potential impacts on the setting of the canal and seek to address the canal frontage. Development within the scheduled area of the canal will also require Scheduled Monument Consent from Historic Environment Scotland.</p> <p>Antonine Wall World Heritage Site Buffer Zone</p> <p><u>Historic Environment Scotland (02656/3002/004),(02656/3002/006)</u></p> <p>Proposals BUS03 Beancross and BUS10 Wester Carmuir are located entirely</p>		

within the Antonine Wall World Heritage Site Buffer Zone. Proposal BUS11 Falkirk Wheel is partly located within this buffer zone. Development at these allocated sites should therefore be informed by a detailed heritage assessment.

Flood risk assessments

SEPA (East Region) (00532/3003/001)

Appendix 1 site comments states a flood risk assessment (FRA) may be required for specific allocated sites. SEPA takes a precautionary approach to flood risk and therefore considers that in most cases the Proposed LDP2 should state that a FRA is, rather than may be, required. This text change is necessary to ensure development avoids areas at medium to high flood risk (unless development accords with SPP's risk framework) and there is safe flood-free pedestrian access and egress at times of flood.

In Table 3 of its representation, SEPA has listed the following allocated sites where it believes a FRA is, rather than may be, required to inform the scale, layout and form of development:

- H01 Drum Farm North
- H02 Kinglass Farm 2
- H09 Dennyloanhead
- H13 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H20 Redding Park
- H21 Hillcrest
- H28 Standburn West
- H33 Carrongrove Mill
- H35 Rosebank, Dunipace
- H36 Gowan Avenue
- H43 Westburn Avenue
- H47 Pretoria Road
- H48 Castle View, Airth
- H49 Airth Castle South
- H51 Former Torwood School
- MU02 Drum Farm South
- MU03 Crawfield Lane
- MU05 Bonnybridge Town Centre
- MU11 Portdownie
- MU13 Callendar Riggs
- MU16 Falkirk Gateway
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS05 Falkirk Stadium
- BUS06 Abbotsford Business Park

- BUS07 Caledon Business Park
- BUS10 Wester Carmuir
- BUS11 Falkirk Wheel
- BUS22 Maddiston Fire Station
- BUS 23 Grandsable Road
- IN13 Bonnybridge Station
- IN14 Grangemouth Railway Station Site Safeguarding

Protection and enhancement of the water environment

SEPA (East Region) (00532/3003/002)

In Table 5 of its representation, SEPA has provided specific advice for each of the following allocated sites in relation to the protection and enhancement of the water environment.

- H04 South Street
- H05 Main Street
- H06 Union Street
- H10 Broomhill Road
- H32 Mydub 2
- H39 Cauldhame Farm
- H41 Grangemouth Road
- H53 Cumbernauld Road
- MU01 Links Road
- MU05 Bonnybridge Town Centre
- MU09 Broad Street
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS10 Wester Carmuir
- BUS15 Grangemouth Docks West
- BUS19 Glenbervie
- BUS22 Maddiston Fire Station.

SEPA recommends this advice should be incorporated within Chapter 5 Settlement Statements and Appendix 1 site comments.

Open watercourse retention

SEPA (East Region) (00532/3003/003)

Where there is a watercourse within or immediately adjacent to a site, SEPA recommend that a developer requirement is attached to the site to ensure that the watercourse is not culverted for land gain and that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.

The inclusion of an undeveloped buffer and retention of the open water of the open watercourse accords with 'protect and improve' objectives of the Water

Framework Directive and the Council's duties as responsible authority under the Water Environment and Services (Scotland) Act 2003.

De-culverting

SEPA (East Region) (00532//3003/004)

Where there are culverted watercourses within or immediately adjacent to a site, there may be opportunities to restore the water environment to its natural state by removing the culvert. SEPA, therefore, recommend that a developer requirement is attached to sites, requiring a feasibility study, including a flood risk assessment, to be undertaken prior to development to assess the potential for channel restoration.

Watercourse restoration accords with the Water Framework Directive (WFD) objectives as it will help move a waterbody towards good status. It will achieve the Council's associated duties under the Water Environment and Water Services (Scotland) Act 2003, relating to the WFD and River Basin Planning Process.

Cemetery allocations

SEPA (East Region) (00532/3003/005)

The Proposed LDP2 allocates the following sites as extensions to cemeteries:

- IN37 - Camelon
- IN38 - Muiravonside
- IN39 - Hills of Dunipace
- IN40 - Weedingshall

Appendix 1 site comments, page a19, states the development of these sites will have to meet SEPA's Guidance on Assessing the Impacts of Cemeteries on Groundwater. SEPA support this requirement. However, it should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Co-location with waste management facilities

SEPA (East Region) (00532//3003/006)

The following lists allocated sites which are located adjacent to activities that are regulated by SEPA under a Waste Management Licence or Pollution Prevention and Control (PPC) Permit:

- H39 Cauldhame Farm
- MU16 Falkirk Gateway
- MU17 Carron Road
- BUS04 A802 Union Canal
- BUS15 Grangemouth Docks
- BUS21 Gilston

In Table 5 of its representation, SEPA has provided comments for each of these allocated sites. SEPA recommends that the comments are incorporated into the plan as development requirements.

Contaminated land

SEPA (East Region) (00532/3003/007)

SEPA recommends, where the Strategic Environment Assessment (SEA) has identified opportunities for land remediation within allocated sites, these opportunities should be reflected Appendix 1 site comments or Major Areas of Change: Development Guidance.

Air quality

SEPA (East Region) (00532/3003/008)

Appendix 1 site comments or the Major Areas of Change Development Guidance should be amended to specify that an Air Quality Assessment is required for allocated sites within Falkirk Town Centre, Grangemouth, and Banknock and Hags as these sites are within or close to an Air Quality Management Area.

Infrastructure Proposals

SEPA (East Region) (00532/3003/009)

Appendix 1 site comments for infrastructure proposals (pages a17-18) should refer to opportunities for watercourse restoration and look to ensure future proofing of the usage of low carbon resources and, where possible, facilitate the provision for connecting low carbon heat networks.

Historic Environment Scotland (02656/3002/002)

Appendix 1 site comments for infrastructure proposals (pages a17-18) include no historic environment mitigation advice.

District Heating

SEPA (East Region) (00532/3003/010)

The Revised Environmental Report, Appendix 2, identifies district heating as a mitigation measure for the following allocated sites:

- H01 Drum Farm North
- H13 Parkhall Farm 1
- H14 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H25 Slamannan Road

- H27 Main Street
- H29 Whitecross
- H54 The Haining
- MU02 Drum Farm South
- MU08 Stein's Brickworks

Appendix 1 site comments does not mention district heating as a requirement for the development of these allocated sites.

Major Hazard Pipelines

National Grid (00583/3002/001),(00583/3002/002),(00583/3002/003)

The location of a major hazard pipeline should be taken into account when site options are developed in more detail for the following allocated sites:

- MU20 East Bonnybridge,
- IN16 Falkirk - Denny/Bonnybridge Path
- IN39 Hills of Dunipace Cemetery Extension.

The pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to retain existing pipelines in situ.

Ancient Woodland

Woodland Trust Scotland (00549/3002/001)

The Woodland Trust Scotland state the following allocated sites are adjacent or within areas of ancient woodland:

- H01 Drum Farm North
- H15 Parkhall Farm 3
- H18 Park Farm
- H30 Former Denny High School
- H52 McLaren Park
- H42 Woodend Farm.
- H46 Hill of Kinnaird 1
- H54 The Haining
- MU11 Portdownie
- MU19 Hill of Kinnaird 2
- BUS02 Whitecross /Manuel Works

The plan should specify a suitable buffer between ancient woodland and the development of these allocated sites to minimise the negative impact on ancient woodland.

In Appendix 1, page a06, the site comments should specify the buffer as 50m as a requirement for H42 Woodend Farm. This buffer is needed to protect Callendar Wood as an Inventory Garden and Designed Landscape.

Habitats Regulations Appraisal

Scottish Natural Heritage (00646//3004/001)

Appendix 1 site comments states the following proposals must be accompanied by project-specific information to inform an appropriate assessment:

- H27 Main Street
- BUS15 Grangemouth Docks West
- BUS18 Wholeflats Business Park
- IN19 Dalderse
- IN20 Torwood
- IN21 Whitecross Waste Water Treatment Works
- GN01 John Muir Way
- GN03 Kinneil Kerse
- GN04 Bothkennar/Skinflats
- GN06 River Carror Corridor Improvements
- GN19 River Avon Corridor
- GN25 Outdoor Learning Sites

The site comments should be changed. As currently written, they include a reference to a single stage of the assessment process (i.e. appropriate assessment). The complete assessment process for Natura 2000 sites is the Habitats Regulations Appraisal, which includes screening sites for likely significant effect through to appropriate assessment if required. The site comments make an assumption that appropriate assessment will always be required and in SNH's experience this is not the case.

Other Site Comments

Scottish Natural Heritage (00646/3004/002)

Additional requirements for Proposal MU20 East Bonnybridge should be set out at Appendix 1 site comments. These requirements should address the:

- sensitivity of the site as a new gateway to Bonnybridge
- importance of frontages facing the road
- retention of existing walls and hedgerows
- potential impact on protected species associated with riparian corridors and links to the Forth & Clyde Canal.

Scottish Natural Heritage (00646/3004/007)

The development guidance for Proposal MU11 Portdownie is generally supported. However, the south bank of the canal at this site is relatively quiet with well-established woodland and scrub and emergent vegetation along the canal bank. This character should be retained to assist in establishing a sense of place in the new development. Reference should also be made to the potential for protected species and the need for appropriate surveys.

Modifications sought by those submitting representations:

Forth and Clyde Canal Scheduled Monument

Historic Environment Scotland (02656/3002/003), (02656/3002/005), (02656/3002/007)

Amend Appendix 1 site comments for MU05 Bonnybridge Town, BUS11 Falkirk Wheel and BUS04 A801 Union Canal to state: "Carefully consider potential impacts on the setting of the canal and address the canal frontage. Development within the schedule area of the canal will require Scheduled Monument Consent from Historic Environment Scotland".

Antonine Wall World Heritage Site Buffer Zone

Historic Environment Scotland (02656/3002/004), (02656/3002/006)

Amend Appendix 1 site comments for BUS03 Beancross and BUS10 Wester Carmuir to state: "Entirety of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment."

Amend Appendix 1 site comments for BUS11 Falkirk Wheel to state: "Part of site within Antonine Wall World Heritage Site Buffer Zone. Proposals to be informed by a detailed heritage assessment."

Flood Risk Assessments

SEPA (East Region) (00532/3003/001)

Amend Appendix 1 site comments to state that a "flood risk assessment is required" for each of the following allocated sites:

- H01 Drum Farm North
- H02 Kinglass Farm 2
- H09 Dennyloanhead
- H13 Parkhall Farm 2
- H15 Parkhall Farm 3
- H16 Parkhall Farm 4
- H17 Toravon Farm
- H18 Parkhall Farm 5
- H20 Redding Park
- H21 Hillcrest
- H28 Standburn West
- H33 Carrongrove Mill
- H35 Rosebank, Dunipace
- H36 Gowan Avenue
- H43 Westburn Avenue
- H47 Pretoria Road
- H48 Castle View, Airth
- H49 Airth Castle South

- H51 Former Torwood School
- MU02 Drum Farm South
- MU03 Crawfield Lane
- MU05 Bonnybridge Town Centre
- MU11 Portdownie
- MU13 Callendar Riggs
- MU16 Falkirk Gateway
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS05 Falkirk Stadium
- BUS06 Abbotsford Business Park
- BUS07 Caledon Business Park
- BUS10 Wester Carmuir
- BUS11 Falkirk Wheel
- BUS22 Maddiston Fire Station
- BUS 23 Grandsable Road
- IN13 Bonnybridge Station
- IN14 Grangemouth Railway Station Site Safeguarding

Protection and Enhancement of the Water Environment

SEPA (East Region) (00532/3003/002)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate SEPA's comments as stated in Table 5 of representation. SEPA's comments relate to the following sites:

- H04 South Street
- H05 Main Street
- H06 Union Street
- H10 Broomhill Road
- H32 Mydub 2
- H39 Cauldhame Farm
- H41 Grangemouth Road
- H53 Cumbernauld Road
- MU01 Links Road
- MU05 Bonnybridge Town Centre
- MU09 Broad Street
- BUS01 Kinneil Walled Garden
- BUS04 A801 Union Canal
- BUS10 Wester Carmuir
- BUS15 Grangemouth Docks West
- BUS19 Glenbervie
- BUS22 Maddiston Fire Station.

Open Watercourse Retention

SEPA (East Region) (00532/3003/003)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to include the following requirement for all allocated sites including or immediately adjacent to a watercourse: “the watercourse should not be culverted for land gain and a maintenance buffer strip of at least 6 metres wide should be provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures”. SEPA do not specifically state allocated sites to attach this requirement.

De-culverting

SEPA (East Region) (00532//3003/004)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate the following requirement for all allocated sites including or immediately adjacent to a watercourse: “Prior to development, a feasibility study is to be undertaken as part of the flood risk assessment to assess the potential for channel restoration”. SEPA does not specifically state allocated sites to include this requirement.

Cemetery Allocations

SEPA (East Region) (00532/3003/005)

Amend Appendix 1 site comments for the following cemetery allocations to state that “the findings of the investigation may indicate that a site is not suitable for a cemetery due to an unavoidable impact on groundwater”:

- IN37 - Camelon
- IN38 - Muiravonside
- IN39 - Hills of Dunipace
- IN40 - Weedingshall

Co-location with Waste Management Facilities

SEPA (East Region) (00532//3003/006)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to incorporate SEPA's comments as stated in Table 6 of its representation. SEPA's comments relate to the following allocated sites:

- H39 Cauldhame Farm
- MU16 Falkirk Gateway
- MU17 Carron Road
- BUS04 A802 Union Canal
- BUS15 Grangemouth Docks
- BUS21 Gilston

Contaminated Land

SEPA (East Region) (00532/3003/007)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to state potential remediation opportunities as a requirement for allocated sites, identified by the Strategic Environmental Assessment, as having land contamination.

Air Quality

SEPA (East Region) (00532/3003/008)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require proposals for allocated sites in Falkirk Town Centre, Grangemouth, and Banknock and Hags to be accompanied by an Air Quality Assessment.

Infrastructure Proposals

SEPA (East Region) (00532/3003/009)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require infrastructure proposals to refer to opportunities for watercourse restoration and to future proof for usage of low carbon resources and, where possible, facilitate the provision for connecting low carbon heat networks.

Historic Environment Scotland (02656/3002/002)

Amend, where relevant, Appendix 1 site comments for infrastructure proposals to include historic environment mitigation.

District Heating

SEPA (East Region) (00532/3003/010)

No change specified.

Major Hazard Pipelines

National Grid (00583/3002/001), (00583/3002/002), (00583/3002/003)

Amend, where relevant, Appendix 1 site comments and Major Areas of Change: Development Guidance to require development at the following sites to take into account the position of major hazard pipelines:

- IN16 Falkirk - Denny/Bonnybridge Path
- IN39 Hills of Dunipace Cemetery Extension.

Ancient Woodland

Woodland Trust Scotland (00549/3002/001)

Amend the requirements associated with the following allocated sites in Appendix 1 site comments or Major Areas of Change: Development Guidance to include references to the presence of ancient woodland, and the need for suitable buffers between ancient woodland and development:

- H01 Drum Farm North
- H15 Parkhall Farm 3
- H18 Parkhall Farm 5
- H30 Former Denny High School
- H52 McLaren Park
- H46 Hill of Kinnaird 1
- H54 The Haining
- MU11 Portdownie
- MU19 Hill of Kinnaird 2
- BUS02 Whitecross /Manuel Works

Particular requirements are requested for two buffers:

- Specify the buffer for H42 Woodend Farm as 50m wide
- Specify the buffer for BUS02 Whitecross /Manuel Works is to be reinforced with native tree planting

Habitats Regulations Appraisal

Scottish Natural Heritage (00646//3004/001)

Appendix 1 site comments to state the following proposals must be accompanied by project-specific information to inform an appropriate assessment:

- BUS15 Grangemouth Docks West
- BUS18 Wholeflats Business Park
- IN19 Dalderse
- IN20 Torwood
- IN21 Whitecross Waste Water Treatment Works
- GN01 John Muir Way
- GN03 Kinneil Kerse
- GN04 Bothkennar/Skinflats
- GN06 River Carror Corridor Improvements
- GN19 River Avon Corridor
- GN25 Outdoor Learning Sites

For each of these proposals, amend the site comments to read: “For permission to be granted, proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal. This will allow Falkirk Council to complete a Habitats Regulations Appraisal, including appropriate assessment if required, demonstrating that there will be no adverse effects on the integrity of [INSERT NAME(S) OF NATURA SITE(S)]*, either alone or in combination with other plans or projects.”

*The name(s) of Natura Site(s) corresponding to the proposal is stated within the Appendix 1 site comments.

Other Site Comments

Scottish Natural Heritage (00646/3004/002)

Amend Appendix 1 site comments for MU20 East Bonnybridge to include the following:

- Proposals to give careful consideration to frontages along the A803 Falkirk Road, and establish and enhance settlement edge to Bonnybridge.
- Potential protected species issues associated with the Bonny Water, Rowan Tree Burn and Forth & Clyde Canal. Ecological survey required.
- Pedestrian and cycle links, including as part of green networks, to the Forth & Clyde Canal towpath and via existing routes such as along the A803, Smeaton Drive and Gateside Avenue.

Scottish Natural Heritage (00646/3004/007)

Amend the development guidance for the Portdownie Major Areas of Change. In 'Key Principles', points 6 and 8 should include the following wording: "Existing trees are retained and incorporated into the public realm, as appropriate". Under 'Other Requirements' include the following wording: "Undertake species surveys and prepare any required Species Management Plan(s)". Amend the development guidance map to show the north elevation of the Union Inn as a key frontage.

Summary of responses (including reasons) by planning authority:

Forth and Clyde Canal Scheduled Monument

Historic Environment Scotland (02656/3002/003), (02656/3002/005), (02656//3002/007)

Forth and Clyde Canal Scheduled Monument lies within the allocated sites of MU05 Bonnybridge Town Centre and BUS11 Falkirk Wheel. The scheduled monument also neighbours the allocated site of BUS04 A801 Union Canal.

It is not necessary to incorporate the sought mitigation within the Proposed LDP2. The plan has sufficient policies, such as Policies PE01, PE06 and PE12, to ensure the setting, and canal frontage, are taken into account within future development. Furthermore, it is not the primary purpose of development plans to specify when and where Scheduled Monument Consent is required for development.

However, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Antonine Wall World Heritage Site Buffer Zone

Historic Environment Scotland (02656/3002/004), (02656/3002/006)

The purpose of the Antonine Wall World Heritage Site Buffer Zone is to protect the landscape setting of the Antonine Wall (CD/? paragraph 1.5.1).

The Proposals Maps already show BUS03 Beancross and BUS10 Wester Carmuir are entirely within the Antonine Wall World Heritage Site Buffer Zone and that BUS11 Falkirk Wheel is partly within this zone. Therefore, it is not strictly necessary to indicate the presence of the zone within the Appendix 1 site comments for these proposals.

Policy PE05 of the Proposed LDP2 states that the Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. The policy is sufficient to ensure that the Antonine Wall is taken into account within future development, and planning application decisions. The Council, therefore, does not believe it to be necessary to expressly reference the requirement for a formal heritage assessment, as sought by Historic Environment Scotland.

Nevertheless, if the reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Flood risk assessments

SEPA (East Region) (00532/3003/001)

Policy PE24 of the Proposed LDP2 relates to management of flood risk and embeds a precautionary approach to flood risk from all sources. Criterion 3 of the policy includes criteria for when flood risk assessments are required. The criteria are based on SPP's flood risk framework and paragraph 236.

For the following allocated sites, Chapter 5 Settlement Statements or Appendix 1 specify that a flood risk assessment may be required to accompany proposals:

- H01 Drum Farm North (page 64, Other Requirements)
- M01 Drum Farm South (page 64, Other Requirements)
- H33 Carrongrove Mill (page a05, site comments)
- H35 Rosebank, Dunipace (page a05, site comments)
- H43 Westburn Avenue (page a06, site comments)
- MU13 Callendar Riggs (page a10, sites comments)
- BUS07 Caledon Business Park (page a13, site comments)
- BUS11 Falkirk Wheel (page a13, site comments)
- BUS12 Earlsgate Park (page a14, site comments)
- BUS14 South Bridge Street (page a14, site comments)
- BUS18 Wholeflats Business Park (page a15, site comments)
- BUS23 Grandsable Road (page a16, site comments)
- IN13-14 Bonnybridge/Grangemouth Rail Station Site Safeguarding (page a18, site comments)

SEPA requests a modification to state a flood risk assessment is, rather than may be, required for these allocated sites. The Council accept that this would be

consistent with the precautionary approach as stated in Policy PE24. The modification would also better reflect the flood risk management duties of the Council as stated within the Flood Risk Management (Scotland) Act 2009. These duties include “exercise their flood risk related functions with a view to reducing overall flood risk” and “promote sustainable flood risk management”.

The Proposed LDP2 does not specifically state a flood risk assessment is required for the following allocated sites:

- BUS01 Kinneil Walled Garden (page a12, site comments)
- H03 Kinglass Farm 2 (page a01, site comments)
- MU03 Crawfield Lane (page a09, site comments)
- H09 Dennyloanhead (page 70, Other Requirements)
- MU05 Bonnybridge Town Centre (page a09, site comments)
- BUS05 Falkirk Stadium (page 88, Key Principles)
- BUS06 Abbotsford Business Park (page a13, site comments)
- BUS10 Wester Carmuir (page a13, site comments)
- H36 Gowan Avenue (page a06, site comments)
- MU11 Portdownie (page 92, Other Requirements)
- MU16 Falkirk Gateway (page 88, Key Principles)
- H47 Pretoria Road (page a07, site comments)
- BUS04 A801 Union Canal (page a12, site comments)
- BUS22 Maddiston Fire Station (page a16, site comments)
- H13 Parkhall Farm 1 (page 76, Other Requirements)
- H15 Parkhall Farm 3 (page 76, Other Requirements)
- H16 Parkhall Farm 4 (page 76, Other Requirements)
- H17 Toravon Farm (page 76, Other Requirements)
- H18 Parkhall Farm 5 (page 76, Other Requirements)
- H20 Redding Park (page a03, site comments)
- H48 Castlevue (page a07, site comments)
- H49 Airth Castle South (page a07, site comments)
- H51 Former Torwood School (page a08, site comments)
- H21 Hillcrest (page a03, site comments)
- H28 Standburn West (page a03, site comments)

SEPA seeks a modification to state a flood risk assessment is required for these sites, stating they have potential flood risk issues requiring assessment. The Council accepts that this would make prospective developers aware of potential flood risk issues at an early stage. The modification would also better reflect the Council’s flood risk management duties.

If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Protection and enhancement of the water environment

SEPA (East Region) (00532/3003/002)

In Table 5 of its representation, SEPA has provided comments for 18 allocated sites in relation to the protection and enhancement of the water environment.

SEPA recommends the comments are incorporated, where relevant, within the Major Areas of Change: Development Guidance or Appendix 1 site comments of the Proposed LDP2. The Council has responded individually to these comments within CD/?, stating which comments it would or would not accept as a modification to be incorporated within the Proposed LDP2.

Open Watercourse Retention

SEPA (East Region) (00532/3003/003)

The provision of a maintenance buffer strip is not an exceptional form of mitigation. The requirements for the maintenance buffer strip can be addressed by Policy PE22, criterion 3, which states: “Development proposals adjacent to a waterbody should provide for an appropriate undeveloped and suitably landscape riparian corridor to avoid such impacts”.

SEPA supports the wording of Policy PE22, and the term “undeveloped and suitably landscaped riparian corridor” can include a maintenance buffer strip. The policy will ensure maintenance buffer strips are given appropriate consideration through the planning application process.

Based on the foregoing, the Council believes no changes to the plan are necessary in respect of this representation.

De-culverting

SEPA (East Region) (00532//3003/004)

The requirements for de-culverting can be addressed by Policies PE22 and PE24. The Proposed LDP2, therefore, does not need to expressly state these requirements for all relevant allocated sites.

Policy PE22, criterion 2, states “opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water, engineering installations; and restoring the natural course of watercourses should be exploited where possible”. Policy PE24 requires flood risk assessments to follow SEPA’s Technical Flood Risk Guidance for Stakeholders (CD/*). This guidance states a flood risk assessment should consider flood risk from all sources, including culverts, and identify acceptable mitigation measures for flood risk. The measures may include watercourse restoration depending on the findings of the flood risk assessment. It would be a matter for the planning application process to determine the appropriateness of the measures.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Cemetery allocations

SEPA (East Region) (00532/3003/005)

Appendix 1 site comments, page a19, sets out guidance for the development of all allocated cemetery extension sites. These include:

- IN37 Camelon
- IN38 Muiravonside
- IN39 Hills of Dunipace
- IN40 Weedingshall

The site comments clearly state that the cemetery development of these sites is dependent on detailed site investigations, and meeting SEPA's Guidance on Assessing the Impacts of Cemeteries on Groundwater. SEPA's guidance contains detailed criteria to enable the planning application process to ascertain whether or not a cemetery proposal would have acceptable impacts on groundwater. In addition, Policy PE22 protects the ecological status and quality of water bodies.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Co-location with waste management facilities

SEPA (East Region) (00532//3003/006)

It is not necessary to indicate potential co-location issues for particular allocated sites as these issues would be identified and considered through the planning application process. The Council's planners take expert advice from the Council's Environmental Health Officers and SEPA, if necessary, on co-location issues. In addition, the Proposed LDP2 has sufficient policy safeguards to protect sensitive developments.

Nevertheless, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Contaminated land

SEPA (East Region) (00532/3003/007)

The Revised Environmental Report does acknowledge that the development of several allocated sites would achieve potentially positive effects on the environment through land remediation.

However, the requirements for land remediation can be addressed by a single policy. Through Policy PE27, the Council supports proposals that would address contaminated land within allocated sites. Furthermore, the Council has established procedures for identifying contamination and appropriate means of mitigation through the planning process. These procedures are consistent with PAN33, and described within the Council's supplementary planning guidance note on contaminated land.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Air quality

SEPA (East Region) (00532/3003/008)

Paragraph 4.29 of the Proposed LDP2 acknowledges Air Quality Management Areas have been established at Banknock, Grangemouth, Falkirk Town Centre and Haggs.

The requirements for an air quality assessment can be addressed by Policy PE26. Therefore, they do not need to be expressly stated for allocated sites within or close to existing Air Quality Management Areas.

The modification sought by SEPA implies proposals for allocated sites within or close to Air Quality Management Areas will always need to be accompanied by an air quality assessment. This is not always the case. The actual need for an air quality assessment will be determined on a case-by-case basis, using professional judgement and taking into account the expert views of the Council's Environmental Health Services, the characteristics and scale of development, potential changes in traffic flows and the air quality sensitivity of the location.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Infrastructure Proposals

SEPA (East Region) (00532/3003/009)

Requirements for watercourse restoration and future proofing of low carbon resources can be addressed respectively by Policies PE22 and IR14. Therefore, they do not need to be expressly stated within the Appendix 1 site comments for infrastructure proposals (page a17-a19). Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Historic Environment Scotland (02656/3002/002)

Requirements for the historic environment can be addressed by Policies PE05 - PE12. Therefore, they, do not need to be expressly stated within the Appendix 1 site comments for infrastructure proposals (page a17-a19). Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

District Heating

SEPA (East Region) (00532/3003/010)

The Revised Environment Report does indicate district heating opportunities for several allocated sites. However, the requirements for district heating can be addressed by Policy IR13 and IR14. Therefore, they do not need to be expressly

stated within the Proposed LDP2. The Council also has concerns that the extent of changes sought would be inconsistent with the Scottish Government's wish for development plans to be concise.

Based on the foregoing, the Council believes no changes to the Proposed LDP2 are needed in respect of this unresolved issue.

Major Hazard Pipelines

National Grid (00583/3002/001),(00583/3002/002)

The Proposed LDP2, and development management process, provides an adequate framework for identification and consideration of pipeline hazards. Policy JE06 of Proposed LDP2 does not support development where there is a risk that it may cause an unacceptable danger to the public or prejudice the development or use of land. To help identify risks, consultation zones were created around major gas pipelines. Proposals Map 1 already shows IN39 is entirely within the pipeline consultation zone and that IN16 transects this zone.

IN39 and IN16 are Council projects. When preparing proposals for IN39 and IN16, the Council will seek the advice of its planning officers and the Health and Safety Executive regarding potential pipeline hazards.

The mitigation sought is not strictly necessary for the reasons stated. However, the Council would have no objection if the reporter sees merit in amending the plan as follows:

Amend Appendix 1 site comments for IN16 Falkirk - Denny/Bonnybridge Path to state: "Part of the path route falls within the pipeline consultation zone (refer to Policy JE06)."

Amend Appendix 1 sites comments for IN39 Hills of Dunipace Cemetery to state: "Proposal IN39 Hills of Dunipace is within the pipeline consultation zone (refer to Policy JE06)."

Ancient Woodland

Woodland Trust Scotland (00549/3002/001)

Each of the following sites includes or is adjacent to land within the Scottish Ancient Woodland Inventory:

- H01 Drum Farm North
- H15 Parkhall Farm 3
- H18 Parkhall Farm 5
- H30 Former Denny High School
- H52 McLaren Park
- H42 Woodend Farm
- H46 Hill of Kinnaird 1
- H54 The Haining
- MU11 Portdownie

- MU19 Hill of Kinnaird 2
- BUS02 Whitecross /Manuel Works

The Proposed LDP2 has a robust framework for the protection of woodland. Specifically, Policy PE20 Trees, Woodland and Hedgerows, criterion 1, has a presumption against the removal of safe and healthy trees, where such removal would be detrimental to landscape, local amenity, nature conservation, recreation or historic environment interests or erosion and flooding control. Criterion 2 offers specific protection to ancient woodland, stating sites within the Scottish Ancient Woodland Inventory will be protected as a resource of irreplaceable value. As this policy provides safeguards for ancient woodland, it is not strictly necessary to indicate in the Proposed LDP2 the presence of ancient woodland within or adjacent to the stated sites. However, if the Reporter thinks it would be helpful and appropriate to do so, the Council would not take issue with the amended wording.

Through its Strategic Housing Investment Plan, the Council is committed to delivering new Council housing at H42 Woodend Farm. The provision of a 50m buffer would unreasonably constrain the development of the site for affordable housing, and inhibit its contribution to the housing land requirement. Appropriate requirements for structural tree planting, and buffers, can be addressed by Policy PE20 and future Supplementary Guidance SG06 'Trees and Development', which will update the Council's current guidance. It is, therefore, not necessary for the Proposed LDP2 to state these requirements for specific allocated sites.

Habitats Regulations Appraisal

Scottish Natural Heritage (00646//3004/001)

The Council accepts the modification sought by SNH. The modification is consistent with the Habitats Regulations Appraisal process as described in SNH's own guidance. If the Reporter is minded to recommend that the plan be amended in line with this modification, the Council would not take issue with the amended wording.

Other site comments

Scottish Natural Heritage (00646/3004/002), (00646/3004/007)

The Council accepts the modifications sought by SNH. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording.

Issue 26	Miscellaneous	
Development plan reference:	<u>Chapter 3 Spatial Strategy Place</u> (pages 14-15) <u>Green and Blue Network</u> (pages 16-17) <u>Chapter 4 Policies Business</u> (pages 46-47) <u>Appendix 1 Proposals and Opportunities Schedule</u> <u>Green and Blue Network</u> (page a24)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
RSPB (00977) Scottish Government (00643) Maddiston Community Council (00323)		
Provision of the development plan to which the issue relates:	Miscellaneous matters including homeworking, energy/waste innovation in business areas, biodiversity references in the text, and green network opportunities	
Planning authority's summary of the representation(s):		
Chapter 1 – Introduction		
<u>RSPB (00977/3002/001)</u>		
The last sentence of paragraph 1.01 of the Proposed LDP2 (page 4) should be revised from: "...and how our natural and historic environment should be protected" to "...and how our natural and historic environment should be protected <i>and enhanced</i> ". The insertion of "and enhanced" is needed for completeness and to infer something positive will be delivered through LDP2.		
Policy JE04 Business Development outwith Designated Business Areas		
<u>Scottish Government (00643/3001/002)</u>		
To accord with SPP paragraph 95, the Proposed LDP2 should encourage opportunities for home-working, live-work units, micro-businesses and community hubs as this helps to support the transition to a low carbon economy and a positive and flexible approach to town centres, housing design and integrated placemaking. This policy consideration could be addressed by modifying Policy JE04 'Business Development outwith Designated Business Areas'.		
Spatial Strategy – Place		
<u>Scottish Government (00643/3001/003)</u>		
To accord with SPP paragraph 96, the Proposed LDP2 should support		

opportunities for integrating efficient energy and waste innovations within business environments. This policy consideration could be addressed by being referenced as a core principle to inform the masterplanning for any strategic sites as noted in page 14, paragraph 3.03 Major Areas of Change.

RSPB (00977/3002/003)

Paragraph 3.04 of the Proposed LDP2 should be amended to highlight the contribution of the green and blue network to health and well-being.

Green Network Opportunities

Maddiston Community Council (00323/3002/003)

Concern is expressed about the identification of California Road Playing Fields as a GN24 Community Growing Site. No suitable community growing sites have been found in Maddiston. This is why Maddiston Community Council established a growing site within Muiravonside Park.

RSPB (00977/3002/006)

RSPB requests two sites to be added to the list of outdoor learning sites on page a24, Appendix 1 - Proposals and Opportunities Schedule Green and Blue Network, site comments for GN25. The first site is Skinflats Nature Reserve where the RSPB has created a new education space, funded by the Inner Forth Landscape Initiative. The second site is Scottish Wildlife Trust's Jupiter Urban Wildlife Centre in Grangemouth, which has a long history of offering outdoor learning opportunities.

Modifications sought by those submitting representations:

Chapter 1 – Introduction

RSPB (00977/3002/001)

Amend paragraph 1.01, page 4, last sentence to read ...”and how our natural and historic environment should be protected and enhanced.”

Policy JE04 Business Development outwith Designated Business Areas

Scottish Government (00643/3001/002)

Amend Policy JE04, or make other amendments to LDP2, to encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

Spatial Strategy – Place

Scottish Government (00643/3001/003)

Amend paragraph 3.03, or make other amendments to LDP2, to support opportunities for integrating efficient energy and waste innovations within business environments.

RSPB (00977/3002/003)

Amend paragraph 3.04 to highlight the contribution of the green and blue network to health and well-being.

Green Network Opportunities

Maddiston Community Council (00323/3002/003)

Remove California Road Playing Fields from the list of community growing opportunities under Opportunity GN24.

RSPB (00977/3002/006)

At Appendix 1, page a24, comments for GN25, insert Skinflats Nature Reserve, Skinflats and Jupiter Reserve, Grangemouth as additional outdoor learning sites.

Summary of responses (including reasons) by planning authority:

Chapter 1 – Introduction

RSPB (00977/3002/001)

The wording “*and enhanced*” would be consistent with general thrust of the Proposed LDP2’s environmental objectives and policies. Therefore, if the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with the amended wording. This is not regarded as a notifiable modification.

Policy JE04 Business Development outwith Designated Business Areas

Scottish Government (00643/3001/002)

The Proposed LDP2 already has sufficient policies, such as policies HC07, JE04, JE05 and JE07, which would support appropriate proposals for home-working, live-work units, micro-businesses and community hubs in the right location. For example, Policy HC07 states that proposal for compatible business uses (e.g. home business) in established residential areas will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided. For this reason, the Council does not agree to modify the plan in response to this representation.

Spatial Strategy – Place

Scottish Government (00643/3001/003)

The Proposed LDP2 has sufficient policies, such as Policies PE01, IR13, IR14, IR18 and IR18, which encourage energy efficiency and waste reduction measures within the masterplanning of strategic sites. The same policies satisfy SPP, Para 96 (CD/01) by supporting opportunities for such measures. For example, Policy PE01 is an overarching design policy that expands the SPP's six qualities of successful plan into key principles which will apply to all new development. Under 6 Resource Efficient, the policy requires development to "promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and source of materials; incorporation of low and zero carbon generating technologies (LZCGT) and integration into neighbourhood and district heating networks".

The plan's policies for low and zero carbon development will be supplemented by SG 14 Renewable and Low Carbon Energy, which will consolidate and update two current supplementary guidance documents. SG14 will provide further information on how to incorporate energy efficiency measures, LZCTs and heating networks within masterplans, the layout and design of developments.

For this reason, the Council does not agree to modify the plan in response to this representation.

RSPB (00977/3002/003)

The modification sought by RSPB is a minor wording change, which will recognise the positive contribution of green and blue networks to health and well-being. If the Reporter is minded to recommend that the plan be amended in line with this representation, the Council would not take issue with this. The first sentence of paragraph 3.04, could be changed to read: "Sustained investment over a number of years has created a network of green and blue spaces around and within our communities, which contributes hugely to quality of life, health and well-being and sense of place". This is not regarded as a notifiable modification

Green Network Opportunities

Maddiston Community Council (00323/3002/003)

SPP paragraph 227 states local development plans should encourage opportunities for a range of community growing spaces. The Proposed LDP2 meets this SPP requirement by identifying seven opportunities for community growing sites under GN24 (page a23).

The Council believes that the playing fields at California Road have potential for community growing, which could provide a more accessible resource for local people in Maddiston than the current facility at Muiravonside Country Park. The Community Council has not indicated any specific reasons why it feels this site is inappropriate. Any specific project would, of course, be subject to more detailed assessment and consultation with the local community, including the Community Council. For this reason, the Council does not agree to modify the plan in

response to this representation.

RSPB (00977/3002/006)

The Proposed LDP2 lists a total of 15 sites as opportunities for outdoor learning site (page a24, GN25 comments). The list only includes new sites, which is why all established outdoor learning sites, including Jupiter Urban Wildlife Centre and Skinflats Nature Reserve (CD/?) have not been included. The Council is focusing on new sites to help achieve the Falkirk Greenspace Strategy's aspirations for a wider network of outdoor learning sites. For this reason, the Council does not agree to modify the plan in response to this representation.