

The background of the slide features the Falkirk Council Coat of Arms. It consists of a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a stag's head facing left on a red field. The bottom-left quarter shows a three-masted sailing ship on a blue field. The bottom-right quarter shows a crowned eagle with wings spread on a red field. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A' in white capital letters on a blue background.

## **Agenda Item 8**

# **Falkirk Local Development Plan 2 – Supplementary Guidance**

**Falkirk Council**

**Title:** Falkirk Local Development Plan 2 – Supplementary Guidance

**Meeting:** Executive

**Date:** 27 August 2019

**Submitted By:** Director of Development Services

**1. Purpose of Report**

The purpose of this report is to set out the proposed approach to the preparation of Supplementary Guidance (SG) associated with Falkirk Local Development Plan 2 (LDP2).

**2. Recommendation**

**2.1 It is recommended that the Executive authorises officers to prepare and undertake consultation on the fourteen supplementary guidance notes associated with LDP2. Thereafter, it is recommended that**

- (a) for SGs contained in Group 1, as defined in paragraph 4.1 of this report, if no comments are received during the consultation or comments are considered to be sufficiently minor, the finalised SGs are to be submitted to Scottish Ministers for final approval.**
- (b) for SGs contained in Group 2, as defined in paragraph 4.1 of this report, finalised drafts will be reported back to the Executive on an ongoing basis for approval, prior to submission to Scottish Ministers.**

**3. Background**

- 3.1** The Town and Country Planning (Scotland) Act 1997 gives planning authorities the power to adopt statutory Supplementary Guidance which becomes part of the Development Plan. Supplementary Guidance provides additional detailed guidance on the implementation of policies in local development plans.
- 3.2** The Council prepared a suite of seventeen Supplementary Guidance notes in conjunction with LDP1. Only one SG committed through LDP1 is still to be adopted (SG07 on the Antonine Wall World Heritage Site jointly prepared with the other four authorities through which the wall runs). Whilst many of the SGs remain up to date and relevant, the preparation of LDP2 allows the opportunity update and revise supplementary guidance, so that it continues to be relevant and reflects any revisions in national policy.
- 3.3** LDP2 reduces the number of SGs from seventeen to fourteen, as three of the adopted SGs are being consolidated, therefore streamlining the suite of SGs. The proposed list of SGs and a brief description of their scope is contained in Appendix 1. It is hoped the combining of guidance will encourage a more

joined up and holistic approach. LDP2 contains a new combined Developer Contributions SG which will include guidance which was previously provided across two SGs on education, and healthcare in new housing developments. The new Renewable and Low Carbon Energy SG will combine guidance on low and zero carbon development and wind energy development. A new SG will also be provided on green infrastructure and new development, which will provide a more comprehensive and integrated approach to guidance on greenspace, biodiversity, access and water management.

- 3.4 The process for preparing and adopting SGs is set out in legislation. Consultation must be undertaken on an SG prior to submitting it to Scottish Ministers. The SG may be adopted 28 days after submission providing Scottish Ministers do not direct otherwise. Ministers may direct the planning authority to make modifications, or not to adopt it. Adoption cannot take place prior to the adoption of the relevant local development plan. It is anticipated that all of the SGs associated with LDP2 will be adopted at the same time as LDP2 which is currently programmed to be July 2020, or as soon as possible thereafter.

#### **4. Considerations**

- 4.1 The proposed SGs have been divided into two groups for preparation and consultation purposes, as indicated below.

<b>Group 1 – Expedited Procedure</b>	
<b>SG02</b>	<b>Neighbourhood Design</b>
<b>SG03</b>	<b>Residential Extension and Alterations</b>
<b>SG04</b>	<b>Shopfronts</b>
<b>SG07</b>	<b>Biodiversity and Development</b>
<b>SG08</b>	<b>Local Nature Conservation and Geodiversity Sites</b>
<b>SG09</b>	<b>Landscape Character Assessment and Landscape Designations.</b>
<b>SG10</b>	<b>Trees and Development</b>
<b>SG11</b>	<b>Frontiers of the Roman Empire (Antonine Wall) World Heritage Sites</b>
<b>SG12</b>	<b>Listed Buildings and Unlisted Properties in Conservation Areas</b>
<b>Group 2 – New/Combined SGs</b>	
<b>SG01</b>	<b>Development in the Countryside</b>
<b>SG05</b>	<b>Green Infrastructure and New Development</b>
<b>SG06</b>	<b>Affordable Housing</b>
<b>SG13</b>	<b>Developer Contributions</b>
<b>SG14</b>	<b>Renewable and Low Carbon Energy</b>

- 4.2 Group 1 contains the more technical and design/ heritage focused SGs. These SGs are considered to have worked well in LDP1 and minimal changes are anticipated. A streamlined process is therefore proposed with consultation being undertaken collectively in a single batch if possible to minimise staff time and advertising costs. This report seeks authority for officers to prepare and consult on these SGs without reference to the Executive (following the procedure used for the previous suite of SG). Following consultation, it is proposed that the SGs would only be referred to the Executive for approval prior to submission to Scottish Ministers, if the consultation comments received are more than of a minor or technical nature.
- 4.3 Group 2 contains the three new combined SGs and those SGs where more significant changes are anticipated or there are greater policy implications. Consultation is likely to occur in more than one batch which will allow for relevant interest groups and parties to be targeted. As for Group 1, authority is sought for officers to prepare and consult on these SGs without reference to the Executive. However, these SGs would be reported to the Executive for approval post consultation and prior to formal submission to Scottish Ministers.

## **5. Consultation**

- 5.1 The consultation period for all SGs will be six weeks, and will be advertised as widely as possible through a public press advertisement, the Council's website, and the Falkirk Local Development Plan Facebook page. In addition direct contact will be made with those on the Development Plan mailing list. Hard copies of supplementary guidance will also be made available at the Council offices, libraries, and advice and support hubs.

## **6. Implications**

### **Financial**

- 6.1 Several of the SG notes will provide guidance on financial contributions to be secured through planning obligations.

### **Resources**

- 6.2 None.

### **Legal**

- 6.3 The requirements and procedures for the preparation of SG are set out in Section 22 of the Town & Country Planning (Scotland) Act 1997, as inserted by the Planning, etc (Scotland) Act 2006, and in the Town & Country Planning (Development Planning) (Scotland) Regulations 2008.

### **Risk**

- 6.4 None.

### **Equalities**

- 6.5 An Equality and Poverty Impact Assessment (EPIA) has been undertaken for LDP2. This has confirmed that the LDP policies which form the basis for the

SG are robust, with no potential for adverse impact on groups protected under the Equality Act 2010. Since the SG merely interprets and provides further guidance on these policies, no further EPIA is therefore necessary for the SG itself.

### **Sustainability/Environmental Impact**

- 6.6 The Council will carry out screening to ascertain which SGs require Strategic Environmental Assessment and undertake this work accordingly.

## **7. Conclusions**

- 7.1 The Council is undertaking a programme of revision and updating of its statutory SGs in association with LDP2. The Council's approach to this programme proposes an efficient consultation and approval process by dividing the SGs into two groups, with appropriate and proportionate arrangements for each. The aim is to enable all SGs to be adopted at the same time as LDP2 which is provisionally scheduled for July 2020, or as soon as possible thereafter.

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## **Appendices**

Appendix 1 - List of Proposed Supplementary Guidance

### **List of Background Papers:**

None

## Appendix 1. List of Proposed Supplementary Guidance

Ref	Title	Scope
<b>Placemaking and Design</b>		
SG01	Development in the Countryside	Guidance on the interpretation of policies on housing and business development in the countryside. Design guidance on new buildings in the countryside.
SG02	Neighbourhood Design	Guidance on the design of new neighbourhoods, interpreting the principles of 'Designing Streets' for the local area.
SG03	Residential Extension and Alterations	Guidance on the design of extensions and alterations to residential properties.
SG04	Shopfronts	Guidance on the design of shopfronts in new buildings and the repair, alteration and replacement of shopfronts in existing buildings.
SG05	Green Infrastructure and New Development	Guidance and standards on the provision of green infrastructure in new development including open space, landscaping, habitat creation, surface water management and active travel routes.
<b>Housing</b>		
SG06	Affordable Housing	Guidance on how affordable housing requirements for private sites should be addressed.
<b>Natural Environment</b>		
SG07	Biodiversity and Development	Guidance on integrating biodiversity considerations in the design process and techniques for protection and enhancement of biodiversity in new development, and mitigation and compensation of impacts.
SG08	Local Nature Conservation and Geodiversity Sites	Explanation of the process for selecting and designating local sites, and a full list of sites with supporting detailed maps and information.
SG09	Landscape Character Assessment and Landscape Designations	Guidance on landscape considerations for development in each of the local landscape character areas. Guidance on the Local Landscape Areas and National and Local Designed Landscapes.
SG10	Trees and Development	Guidance on the safeguarding of trees which may be affected by development including pre-planning procedures and surveys, protection of trees at design and construction

		phases, and design and maintenance issues.
<b>Historic Environment</b>		
SG11	Frontiers of the Roman Empire (Antonine Wall) World Heritage Sites	Guidance on the safeguarding of the Antonine Wall WHS where it may be affected by development, including direct physical impacts on archaeology and impacts on setting.
SG12	Listed Buildings and Unlisted Properties in Conservation Areas	Guidance on the repair, extension, alteration and demolition of listed buildings and unlisted properties in conservation areas.
<b>Infrastructure and Energy</b>		
SG13	Developer Contributions	Guidance on the circumstances in which contributions will be sought from development for different types of infrastructure, including, where appropriate, contribution rates.
SG14	Renewable and Low Carbon Energy	Guidance on the various renewable energy technologies and the planning issues which need to be addressed for each technology. Guidance on the incorporation of low and zero carbon generating technology (LZCGT) in new development. Information on opportunities for, and consideration of, heat networks in new development.