



## **Agenda Item 5**

**DEVELOPMENT OF LAND FOR  
RESIDENTIAL PURPOSES WITH  
ASSOCIATED INFRASTRUCTURE AT  
LAND TO THE NORTH OF NORTH BANK  
FARM BO'NESS FOR MILLER HOMES  
LIMITED - P/19/0129/PPP**

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES  
WITH ASSOCIATED INFRASTRUCTURE AT LAND TO THE  
NORTH OF NORTH BANK FARM BO'NESS FOR MILLER  
HOMES LIMITED - P/19/0129/PPP

**Meeting:** Falkirk Council

**Date:** 20 September 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor David Aitchison

Councillor Lynn Munro

Councillor Ann Ritchie

**Community Council:** Bo'ness

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

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**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application is a major development and seeks planning permission in principle for the development of land for residential purposes. An indicative number of approximately 200 dwellings is shown.
- 1.2 The application site extends to approximately 11.59 hectares at the south-east edge of Bo'ness. The site is predominantly made up of agricultural land with Borrowstoun Road running through the site.
- 1.3 The site is bounded to the west by the Miller Homes development currently under construction. Kinglass Community Woodland and Drum Farm South are located to the north of the site. The south and east are bounded by open countryside including buildings at North Bank Farm.
- 1.4 The following information has been submitted in support of the application:-
  - Pre-Application Consultation (PAC) Report;
  - Design Statement;
  - Planning Statement;
  - Landscape and Visual Impact Assessment;
  - Sustainability Statement;
  - Green Belt Assessment;

- Site Effectiveness Statement;
- Housing Land Supply Assessment;
- Education Note;
- Engineering Constraints Desk Study;
- Cultural Heritage Impact Assessment;
- Ecological Impact Assessment;
- Flood Risk Assessment;
- Transport Assessment;
- Drainage Strategy;
- Arboricultural Assessment;
- Geological, Mining and Environmental Appraisal; and
- Response to Matters Raised at the Pre-determination Hearing.

1.5 The Planning Statement provides indicative details of the proposed development. It indicates:-

- Approximately 200 dwellings;
- 15% affordable homes (approximately 30 units provided on site);
- A foot and cycle path network;
- The upgrade and realignment of Borrowstoun Road;
- Open space, play provision and landscaping;
- Incorporation of core paths; and
- Two sustainable urban drainage ponds.

1.6 The Pre-Application Consultation Report records the following:-

- Two public events were carried out. The first took the form of a staffed public exhibition which was held on 6 July 2017 at Bo'ness Town Hall from 2pm to 7pm. A second staffed exhibition was held on 14 February 2019 at Bo'ness Recreation Centre from 2pm to 7pm.
- Approximately 70 members of the public visited the exhibitions.
- The proposed realignment and upgrade of Borrowstoun Road and potential connection with the Drum were considered positively by the majority of attendees. Increased traffic on Gauze Road, drainage capacity, historic mining, loss of trees and woodland were raised as concerns. Attendees were also concerned about the loss of views from neighbouring properties, an impact on privacy and a lack of amenities in Bo'ness to serve the proposed development.
- An additional consultation event was undertaken with members of the Bo'ness Community Council and Bo'ness Elected Members on 24th September 2018.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 Full Council consideration and a Pre-Determination Hearing are required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the Falkirk Local Development Plan (LDP), owing to the scale of the proposed housing development within an area designated as green belt, outwith the defined settlement limits.
- 2.2 The Pre-Determination Hearing was held at Bo'ness Academy on 28 May 2019 at 7pm. At the hearing, Council officers and the applicant were heard and members of the public/representatives of the Community Councils reiterated and expanded on the points raised in their representations (see paragraphs 6.1 of this report). In addition, Members of the Council were heard.
- 2.3 The applicant submitted a Supporting Statement on matters raised at the Pre-Determination hearing as follows:-

### **Road Safety**

- The impact of the development on the surrounding road network was raised by members of public at the hearing. Elected Members asked about the dip on Borrowstoun Road and the rationale for its realignment.
- The applicant advises that the realignment and widening of Borrowstoun Road would improve road safety and reduce traffic speeds. Natural traffic calming would be incorporated into the site and an extension to the 30mph speed limit is proposed. The dip in the road would be flattened, which would reduce localised flooding and snow accumulation. The applicant advises that they are willing to enter into a Construction Management Plan to control construction traffic routes, delivery times and waiting areas. There is a proposal to link to the Drum roundabout which is proposed by a separate planning application (P/19/0371/FUL).

### **Healthcare Capacity**

- The impact on local GP practices and practice capacity was raised at the hearing. A representative of Kinglass Medical Practice spoke in relation to the pressures of adding new patients on the workload of existing GPs and potential risks to the sustainability of GP practices.
- The applicant comments that many of the issues raised relate to staff recruitment and NHS management, which cannot be resolved through spatial planning and are not material to the assessment of the application. Capacity is a material planning consideration and there appears to be sufficient capacity to accommodate patients in the Bo'ness catchment area. It is noted that there has been no further response from the NHS, but the applicant is willing to provide financial contributions to healthcare, where physical capacity issues are demonstrated.

### **Flood Risk and Drainage**

- Concerns in relation to flood risk were raised by the public at the hearing. A Local Member noted that the proposal is on a hill and asked if flooding issues are anticipated.

- The applicant notes that there is no objection from SEPA or Scottish Water. A Flood Risk Assessment and Drainage Strategy have been submitted to support the application and are considered acceptable.

### **Impact on Greenbelt**

- The loss of greenbelt and agricultural land was raised by members of the public at the hearing.
- The applicant considers that the Council's shortfall in housing land supply justifies the development, on the basis that the proposal would be sustainable development.

### **Contamination**

- A member of the public raised concern about the site being part of a former landfill site.
- The Council's Environmental Protection Unit (Contaminated Land) advise that there is no evidence to support the claim the site was used for landfill. There is evidence of former quarrying and mining activities at the site, but not landfill.

### **Education**

- The impact on local catchment schools was raised, including a lack of room for Grange Primary School to extend.
- The applicant is willing to work with the Council to ensure that there is sufficient capacity at local schools for pupils generated from the proposed development.

## **3. SITE HISTORY**

- 3.1 Proposal of Application Notice PRE/2017/0011/PAN was received on 6 June 2017 for the proposed development of land for residential use. The notice set out the proposals for community consultation. A Pre Application Consultation Report has been submitted with the application (see paragraph 1.6).
- 3.2 Environmental Impact Assessment (EIA) Screening Request PRE/2017/0018/SCREEN was received on 6 July 2017. The screening opinion of the Council's Development Management Unit was that an environmental impact assessment was not required and that the potential impacts of the proposed development could be the subject of targeted assessments as required.
- 3.3 A planning application (P/19/0371/FUL) for a proposed road connecting the application site to Drum Farm South and Borrowstoun Road is currently being considered. This application is a resubmission of planning application P/19/0131/FUL, which was withdrawn by the applicant.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection in principle, but raise concerns about connectivity and the number of potential retaining walls across the site which would be supporting roads and footpaths.
- 4.2 The Unit advise that an access from the A993, through Drum Farm South, to the site would be required for a development which exceeds 200 units. An access from the A993 would take pressure off Gauze Road where there are two schools, a community centre, doctors practice and social centre all of which generate large numbers of pedestrian journeys by children. It would also take the pressure off the rural road from Borrowstoun Road to the Champany. In addition, there is no evidence that the developer has agreement with the adjoining developer, at Drum Farm South, for a link road.
- 4.3 The Roads Development Unit advise that the developer would be required to adhere to traffic time restrictions on Gauze Road and Borrowstoun Road at peak times and construction traffic restrictions on the rural road to the east.
- 4.4 The Council's Transport Planning Unit are satisfied that the existing road network has capacity to accommodate the proposed development. They advise that the proposed development does not meet the requirements of Scottish Planning Policy (2014), as there would not be a continuous footway on the north side of Borrowstoun Road between the site and Gauze Road to allow a safe route to school and other community facilities. This could lead to pressure in the future for the Council to fund such a link which would potentially involve the compulsory purchase of third party land.
- 4.5 The Council's Environmental Protection Unit advise of a planning condition in relation to ground contamination. An Air Quality Assessment has been requested from the applicant.
- 4.6 The Council's Children's Services (Education) advise that the application site would fall within the catchments for Grange Primary School, St. Mary's RC Primary, Bo'ness Academy and St Mungo's RC High School. The proposed development would require additional investment in Grange Primary School and local nursery provision. Contributions would be sought at a rate of £4,398 per unit for Grange Primary School and £1,566 per unit for nursery provision.
- 4.7 The Coal Authority agree with the recommendations of the Geological, Mining and Environmental Appraisal report. Coal mining legacy poses a potential risk to the proposed development. As such, intrusive site investigation works are required to establish the exact situation regarding coal mining legacy and to inform appropriate remedial measures where appropriate. The Coal Authority have no objection to the application subject to a planning condition to secure intrusive site investigation.
- 4.8 Scottish Natural Heritage (SNH) advise that the application site is close to (less than 2km) the Firth Of Forth Special Protection Area (SPA). SNH advise that it is unlikely there would be a significant effect on the SPA and do not object to the application. SNH comment that the site is not allocated for development in the Proposed Falkirk Local Development Plan 2 (LDP2) and would be located on visually prominent, prime agricultural land in the green belt and a local landscape area. SNH comment that the proposed development would extend Bo'ness into countryside landscape which currently forms part of its backdrop and wider rural setting.

- 4.9 The Scottish Environmental Protection Agency (SEPA) do not object to the application in terms of flood risk, drainage, waste management, air quality or mine workings.
- 4.10 Scottish Water advise that there is currently sufficient capacity in the Balmore Water Treatment Works and Bo'ness Waste Water Treatment Works to serve the proposed development. Scottish Water cannot reserve capacity and further investigations may be required once a formal application is submitted to them.
- 4.11 The Scottish Rights of Way and Access Society advise that there are two rights of way affected by development to the west of the site. The Society requests that the rights of way remain open and free from obstruction during and after development.
- 4.12 The NHS Forth Valley advise that the proposed development would be within the catchment area of the Richmond Practice, Forthview Practice and Kinglass Medical Practice. NHS are in current discussion with the medical practices to determine patient numbers and capacity to support the proposed development. At the time of writing this report, no further response had been received from the NHS. A verbal update will be provided at the meeting.
- 4.13 West Lothian Council request the development be subject to a financial contribution to address cross-boundary travel patterns in relation to the M9 (particularly Junction 3).
- 4.14 Consultation is outstanding from the National Architectural Liaison Support (Police).

## **5. COMMUNITY COUNCIL**

- 5.1 The Bo'ness Community Council have not made comment on the application at this time.

## **6. PUBLIC REPRESENTATION**

- 6.1 A total of 15 public representations have been received in response to the application at the time of writing this report. They consist of 10 objections, one letter of support and 4 neutral representations. The matters raised in the representations can be summarised as follows:

### Local Development Plan (LDP) policy

- The proposed development would result in the loss of green belt and woodland.
- There is no requirement for housing in the Bo'ness area. Housing allocation H01 Drum Farm South and H02 Miller Homes provide enough housing for the area.
- There are many gap sites which should be developed before the green belt, including at Gauze Road, Cadzow Avenue and around Kinglass Health Centre.
- The shore development should be a higher priority in the Action Programme (September 2017).

### Roads / Traffic / Access

- The road infrastructure is unsuitable to serve an additional 200 dwellings.
- The proposed development would create a significant increase in vehicular traffic using the surrounding road network.
- The rural road linking the application site to Linlithgow, from Borrowstoun Road to the A803 Blackness Road, is identified as an informal cycle route in the Transport Assessment. The additional traffic generated by development would result in the route not being safe for cyclists.
- Borrowstoun Road is a very busy road and the level of traffic is causing significant wear and tear on the road and verges.
- The entire stretch from Borrowstoun Road to the A904 would be impacted by development and should be upgraded.
- The right of way should be maintained.
- The right of way extends to Linlithgow. The West Lothian section is not in a good condition and there should be collaboration between the planners of Falkirk and West Lothian to secure a planning obligation to improve the quality of the path and access from the development to Linlithgow.
- The development should include the creation of a pavement directly south of Gauze Road and on both sides of Borrowstoun Road.
- There should be a link from the south-east corner of the application site to the current Miller Homes site.

### Utilities / Infrastructure

- The development would have a significant impact on infrastructure around the site.
- Local Health Centres and dental practices cannot accommodate the proposed development.
- Concerns in relation to a lack of additional accommodation at Forth Valley Hospital.
- The proposal would not result in any additional shops or supermarkets.
- There is no employment to sustain the extra population.

### Character / Setting / Village Form

- The steep slopes of the site would not make it a good housing site. The levels may prove difficult for development.
- The development would remove established woodland to the west of the site and leave it as a sterile strip of open grassland with a SUDS pond. The woodland supports a vast amount of biodiversity and should be retained.



### Construction

- What would the decibel level be for the proposed station to the north of Borrowstoun Road adjacent to Bonhard Way. Would it be sound proofed?
- Noise from the current Miller Homes site disturbs residents.
- Safety concerns in relation to construction traffic on Borrowstoun Road and Gauze Road.

### Technical Comments

- The land to the west of the application site was a landfill site. As such, there will be a significant risk to the ecosystem and population and requires to be addressed.
- At the south-west of the site there is a culvert under Borrowstoun Road. The proposed development could cause flooding.
- The sewage and surface water pipe capacity requires to be checked to ensure they can take additional capacity.
- Sustainable urban drainage ponds are a danger to children.
- There are a number of historic mines in and around the application site.

### Comments in Support of the Application

- The proposed development would make the area prosper, noting recent improvements to the retail units on Linlithgow Road and the proposed 'Scotmid' expansion.
- The redevelopment of Newtown Park would provide further recreational opportunities for new residents and increase footfall to all facilities in the area.
- The right of way from the development would only be a 2.08 mile walk to Linlithgow Rail Station, which is a good opportunity for active travel. The right of way could reduce the number of car trips to the station and new residents should be encouraged to take the route.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

## 7a The Development Plan

7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development should be assessed against the policies set out below.

7a.2 The application site lies outwith the urban limit of Bo'ness in the green belt, as defined in the LDP. The existing urban boundary is defined by the eastern boundary of the Miller Homes development (currently under construction), properties at Bonhard Way and the Kinglass Community Woodland.

7a.3 The LDP sets out the Council's vision for the Falkirk area. It is:-

*'A dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest'.*

7a.4 The key strategic objectives, to achieve the vision, are set out in the LDP. They are:-

### Thriving Communities

- To facilitate continued population and household growth and the delivery of housing to meet the full range of housing needs;
- To build sustainable attractive communities which retain a strong identity and sense of place;
- To ensure that infrastructure is provided to meet the transport, education, recreation and healthcare needs of the growing population, and to support the growth of the economy.

### Growing Economy

- To develop the area's economic potential and establish it as a major component in the Scottish economy;
- To strengthen the area's transport connections to the rest of Scotland and global markets;
- To make our town centres vibrant and economically viable focal points within our communities.

### Sustainable Place

- To contribute to climate change mitigation and adaptation;
- To extend and improve the green network and protect the area's national heritage;
- To improve the sense of place in our towns and villages and to protect, enhance and promote our historic environments; and

- To manage natural resources and waste sustainably.

7a.5 The key strategic objectives inform the spatial strategy of the LDP. The spatial strategy indicates how the area is intended to grow and develop over the plan period in terms of housing, infrastructure, countryside and green belt, business development, town centres and the green network. The overall strategy will continue to be one of sustainable growth, and the key elements will be:-

- 675 new homes each year on average, distributed around the area, but with a focus on 12 Strategic Growth Areas;
- A diverse portfolio of business sites at 4 Strategic Business Locations, focused on the M9/M876/A801 corridor;
- A range of strategic transport, education, drainage, flood management and healthcare infrastructure to support growth;
- A continuing green belt to maintain the identity of settlements and manage growth;
- A network of Principal, District and Local Centres as the focus for retailing, commercial leisure and services; and
- A multi-functional Falkirk Green Network comprising a number of interconnected components and corridors.

7a.6 In response to the Spatial Strategy, the LDP contains a range of strategic policies and supporting policies. The strategic policies of relevance to this application are:-

- Policy HSG01 'Housing Growth';
- Policy CG01 'Countryside';
- Policy CG02 'Green Belt';
- Policy GN01 'Falkirk Green Network'; and
- Policy D01 'Placemaking'.

The relevant strategic policies and supporting policies are set out in paragraphs 7a.8 onwards.

7a.7 The Settlement Statement for Bo'ness includes the following:-

*'The focus of new housing development is a Strategic Growth Area to the south-east of Bo'ness delivering approximately 490 new homes. This includes Drum Farm North (H01), Drum Farm South (M02) and Kinglass Farm (H02). Elsewhere the green belt will provide restraint to growth and protect the countryside setting of the town. The Green Network around Bo'ness is well-developed, particularly along the Forth Estuary (Kinneil Nature Reserve) and South Bo'ness (Kinneil and Carriden Estates). Bo'ness has a strong sense of place, with some exceptional historic environment assets.'*

7a.8 Policy HSG01 - Housing Growth states:-

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
  - Urban Capacity sites
  - Additional brownfield sites
  - Sustainable greenfield sites*In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*
3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

7a.9 The Council's 2018/2019 Housing Land Audit (August 2019) was agreed with Homes for Scotland at the time of writing this report. The up-to-date audit shows that the Council has an effective land supply equating to 4.1 years which is a shortfall of 599 units. The comments in the applicants updated Housing Land Supply Assessment are noted. The applicant considers that a five year supply of housing is not being maintained at all times and further land releases are therefore required through the development management process.

7a.10 In circumstances where there is a shortfall, part 2 of policy HSG01 states that the Council will consider supporting sustainable development proposals which are effective, in the following order of preference: urban capacity sites, additional brownfield sites and sustainable greenfield sites.

7a.11 The site is greenfield in the Green Belt and therefore is least favoured in terms of the order of preference. Scottish Planning Policy contains principles which development should be guided by to ensure that the planning system supports economically, environmentally and socially sustainable places. In this instance the location raises sustainability issues in relation to the efficient use of land and protecting the landscape / natural heritage. The site is prime quality agricultural land in the Green Belt and there are concerns in relation to landscape and visual impact and accessibility issues. As such, the proposed development does not meet the requirements set out in Scottish Planning Policy (SPP) in this regard.

7a.12 In terms of effectiveness, the tests for assessing effective housing land supply are set out in paragraph 55 of Scottish Government Planning Advice Note 2/2010 'Affordable Housing and Housing Land Audits'. With respect to these tests, the applicant has submitted the following:-

*The proposed development is an effective site. Based on a two year lead-in period from the grant of Planning Permission in Principle in 2019/20, to allow for detailed consent and other approvals to be secured, completions on site would begin in 2021/22. The site would be developed over a four year period and would contribute completions within a five year period. Miller Homes are committed to delivering residential development on the site.*

7a.13 Taking into account the developer's commitment to take the site forward and the physical constraints to be overcome it is considered that only part of the site is likely to be completed in the five year period. However prior to any completions, LDP2 will have set a new housing supply target and addressed the issue of the housing land supply. The LDP2 is expected to be fully adopted by 2020 with its weight as a material planning consideration increasing in the intervening period. In addition, there are windfall sites that have been granted by the Council and by Scottish Ministers that are not yet accounted for in the current Housing Land Audit. These sites have the potential to reduce the current shortfall figure.

7a.14 Policy HSG02 - Affordable Housing states:-

*New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".*

*Figure 5.1      Affordable Housing Requirements in Settlement Areas*

*Proportion of total site units required to be affordable*

*Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%*

*Bo'ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%*

7a.15 The affordable housing requirement for the proposed development is 15%. This equates to 30 units based in an indicative number of 200 units. The details of the affordable housing provision would be assessed against SG12 'Affordable Housing' and secured in a Section 75 Planning Obligation attached to any grant of planning permission in principle.

7a.16 Policy HSG04 - Housing Design states:-

*The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.*

7a.17 The submitted illustrative masterplan provides an indication of the general layout, open space network and landscaping opportunities. The detailed layout, design and density of the proposed development would be considered at detailed planning stage, having regard to SG2 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'.

7a.18 Policy INF02 - Developer Contributions to Community Infrastructure states:-

*Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.*

7a.19 The application site is not identified in the LDP as a housing allocation and so the LDP does not set out any specific requirements for the site as far as developer contributions are concerned. The general requirements of policies INF04, INF05 and INF06 will apply as appropriate.

7a.20 Policy INF04 - Open Space and New Residential Development states:-

*Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:*

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*

2. *Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
3. *Arrangements must be made for the appropriate management and maintenance of new open space.*

7a.21 The submitted illustrative masterplan indicates areas of landscaping and green space including a centrally located open space area and strategic open space to the south of the site with a play area. The masterplan also shows structure planting, a green corridor and enhancement of core paths running through the site. The requirements for open space are set out in SG13 'Open space and New Development'. The provision of open space, to satisfy the SG, would be considered further at detailed planning stage, but compliance with the general principles of the masterplan would be expected.

7a.22 Falkirk Council's Open Space Strategy identifies Bo'ness as being well provided for in terms of open space, scoring above the Council average in every measure. It is considered that the passive and active open space requirements, generated by development, should be located on the site. However, open space requirements would be secured in a Section 75 Planning Obligation attached to any grant of planning permission in principle, to ensure that contributions could be sought if a detailed proposal did not achieve all of the open space requirements generated by development, on site.

7a.23 Policy INF05 - Education and New Housing Development states:-

*Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.*

*In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted.*

7a.24 A financial contribution would be required towards improving capacity at Grange Primary School and local nursery provision (see paragraph 4.6). A revision to Falkirk Council Supplementary Guidance SG10 'Education and New Housing Development' is due to be considered by the Falkirk Council Executive in October, with adoption expected in December. The Council's transitional arrangements would see contributions for this application being calculated in relation to the revised SG10. In addition, nursery contributions are sought in light of the Government's proposal to double the number of nursery hours on offer to 3 and 4 year olds from August 2020.

7a.25 As detailed in paragraph 4.6, it is projected that St. Mary's RC Primary School, Bo'ness Academy and St. Mungo's RC High School would be able to accommodate the estimated pupil yield from the proposed development.

7a.26 Policy INF06 - Healthcare and New Housing Development states:-

*In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'.*

7a.27 Bo'ness is not identified in Table 1 of SG11 'Healthcare and New Housing Development' as having capacity issues. The NHS advised that they are in consultation with Richmond Practice, Forthview Practice and Kinglass Medical Practice to see if they could accommodate the potential additional patients generated by development. It is noted that Table 1 of SG11 is somewhat out of date and the SG does provide guidance on how developer contributions should be calculated, should capacity problems arise in any particular settlement which would be exacerbated by new development, however the NHS have not provided any information to suggest there are capacity issues in Bo'ness and therefore there is no current basis for requiring financial contributions towards healthcare provision are not required. A verbal update will be provided at the meeting to confirm whether the NHS are seeking a financial contribution to address capacity issues as a result of the proposed development.

7a.28 Policy INF07 - Walking and Cycling states:-

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



7a.29 The development would be required to provide an appropriate standard of pedestrian and cycle facilities within the site and to existing networks in the area. This would include improvements to the core paths to the west of the site and footpaths on the realigned Borrowstoun Road.

7a.30 The Council's Transport Planning Unit raise concerns that there would not be a continuous footpath on the north side of Borrowstoun Road and pedestrians would have to cross the road twice to get to Gauze Road. A continuous pedestrian link is required on the north side of Borrowstoun Road to allow pedestrians, particularly children, a safe route to the facilities in the Gauze Road area, including schools, without having to cross Borrowstoun Road. An acceptable pedestrian link could be provided in either of two ways:-

- A 2 metre wide footway along the full length of Borrowstoun Road; or
- An adopted cycle / footpath link from the proposed footway on the north side of Borrowstoun Road through to the existing footway on Bonhard Way in the land between numbers 7 and 9 Bonhard Way.

Both of these options would require land to be bought from third parties before they could be constructed. The applicant would have to secure the land and construct the footway link, which would need to be in place prior to the development being occupied, to ensure that there is a safe walking route to schools. The applicant has indicated that they are prepared to make a financial contribution to enable Falkirk Council to provide such a link. However, this option is not favoured as it would require Falkirk Council to compulsorily purchase the necessary land before they could be constructed. Any contribution would have to include the purchase price of the land as well as the actual construction cost for the adoptable footways/paths.

7a.31 Policy INF08 - Bus Travel and New Development states:-

1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. This provision will be delivered through direct funding of infrastructure and/ or the provision of sums to support the delivery of bus services serving the development.*
2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*
3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.32 It is intended that the current bus service would loop into the application site to provide the appropriate level of bus infrastructure to serve the proposed development. It will be necessary for further discussions to take place between the applicant, public transport operators and Falkirk Council to consider the possibility of services being diverted into the site. The location of bus stances required to service the site would also have to be agreed with Falkirk Council.

7a.33 Policy INF10 - Transport Assessments states:-

1. *The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

7a.34 The applicant has submitted a Transport Assessment which demonstrates that there is sufficient capacity on the road network to accommodate the level of expected traffic movements from the site. The Council's Transport Planning Unit raise concerns that there would not be acceptable pedestrian access to the site, in the form of a continuous footpath on both sides of Borrowstoun Road.

7a.35 Policy INF12 - Water and Drainage Infrastructure states:-

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

7a.36 Scottish Water advise that there is sufficient capacity in the Balmore Water Treatment Works and Bo'ness Waste Water Treatment Works to serve the development. A detailed strategy and design for the surface water drainage would be required at detailed planning stage. It would require to comply with Sustainable Urban Drainage principals.

7a.37 Policy CG01 - Countryside states:-

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

7a.38 The site lies outwith the Bo'ness urban limits, as defined in the LDP. The proposal therefore requires to be assessed against the housing in the countryside policy CG03.

7a.39 Policy CG02 - Green Belt states:-

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

7a.40 The function of the green belt at the application site is principally the protection of the landscape setting of Bo'ness, its character and identify. The proposal for a large scale housing development would adversely affect the elevated open countryside at the eastern entrance to Bo'ness and would erode the visual countryside setting and defined boundary.

7a.41 Policy CG03 - Housing in the Countryside states:-

*Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
2. *Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*

4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.42 The proposal for a large scale housing development, does not comply with any of the circumstances of the policy to support new housing development in the countryside.

7a.43 Policy GN01 - Falkirk Green Network states:-

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

7a.44 The site lies within the area of the Central Scotland Green Network. While the proposal, for a major housing development, would, by definition, significantly reduce the open space character of the site, the proposed development affords an opportunity to contribute to the green network through the provision of public open space, new woodland planting, access routes and potential improvements to core paths.

7a.45 Policy GN02 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*

3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

- 7a.46 The site is located in the Bo'ness South Special Landscape Area as defined in SG09 'Landscape Character Assessment and Landscape Designations'. Key characteristics of this landscape type include sensitivities to change due to its elevated position causing certain development and land management features being highly visible at close range from settlements. The loss of the varied land cover, enclosure pattern, trees and other landscape features in the area would be very prominent from settlements. The character of the area has a particularly high sensitivity to tall or large structures, and there is also sensitivity to loss of existing defining landscape elements such as woodland cover, shelterbelts, hedgerows and stone walls.
- 7a.47 The photomontages in the applicant's Landscape and Visual Assessment demonstrate the visual impact the proposed development would have. The landscape assessment relies almost entirely on structure planting enveloping the housing to provide screening. The effectiveness of the screening on the northern edge is likely to be reduced by the fact that it is located on the embankment slope. Account must also be taken of the length of time that the planting would take to reach maturity and the reduced effect of screening when the trees are not in leaf. The visual assessment also shows Drum Farm South, which would soften the visual impact of development, but may never be developed.
- 7a.48 Scottish Natural Heritage comment that the development would result in the loss of greenbelt and prime agricultural quality land which would be visually prominent in the wider area. They note that the site is steep with no obvious link to surrounding countryside and the development would extend Bo'ness into landscape that currently forms part of it's rural setting.
- 7a.49 Policy GN03 - Biodiversity and Geodiversity states:-

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

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*

2. *Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
3. *Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.50 An Ecological Impact Assessment was submitted which advises that an Extended Phase 1 Habitat Survey was undertaken in September 2017, with an updated survey undertaken in October 2018. No significant impacts were identified for statutory designated sites within the study area. Scottish Natural Heritage advise that the proposal is unlikely to have any significant effect on the qualifying interest of the Firth of Forth Special Protection Area (SPA).

7a.51 Policy GN04 - Trees, Woodland and Hedgerows states: -

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

1. *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
2. *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*

3. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
4. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
5. *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.52 A tree survey and arboriculture constraints report accompanies the application. The survey identifies the site as being predominantly agricultural with an area of scrub, from the adjoining community woodland, over the north facing sloping ground. This area includes mature hawthorn, elder, ash and wild cherry. Established hedgerows are present elsewhere in the site. Tree retention and compensatory new planting would be considered further at detailed planning stage.

7a.53 Policy GN05 - Outdoor Access states:-

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

1. *Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed;*
2. *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
3. *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.*

7a.54 Core paths CF12 and CF13 pass through the west of the application site, running north to south. The Scottish Rights of Way and Access Society (Scotsway) have requested that the paths remain open and free from obstruction during and after any proposed works.

7a.55 Policy D01 - Placemaking states: -

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

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

7a.56 The site lies within the area of the Central Scotland Green Network and therefore provides a key opportunity for place-making within the area. The principles of the masterplan, including the green space provision, would be expected to inform the detailed design proposals in order to successfully integrate the development into its surroundings. The design statement provides a coherent basis for further design development.

7a.57 Policy D02 - Sustainable Design Principles states:-

*New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- 1. Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- 2. Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
- 3. Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- 4. Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- 5. Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- 6. Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*



*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

7a.58 It is considered that a detailed proposal could be designed to achieve buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use. The supporting information, including the indicative masterplan provide a basis for further design development needed for a detailed development proposal.

7a.59 Policy D03 - Urban Design states:-

*New development should create attractive and safe places for people to live, work and visit. Accordingly:*

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
- 3. Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
- 4. Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
- 5. Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
- 6. Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
- 7. Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.60 The site is in the green belt and is not an allocated site for housing development, as such there is no development framework, brief or masterplan of relevance. The detailed design proposals would have to conform with SG02 'Neighbourhood Design' and the Scottish Government's policy document 'Designing Streets'. Provision for public art in the development could be secured by planning condition.

7a.61 Policy D04 - Low and Zero Carbon Development states: -

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO<sub>2</sub> emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. 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. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.62 The submission of a site-wide energy statement could be the subject of a condition attached to any grant of planning permission in principle. As part of this, the potential for decentralised energy generation should be considered including information as to whether the site could be 'future proofed' in terms of the provision of pipework to allow for future connections to a heat network.

7a.63 Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils states:-

1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
  - *The site is specifically allocated for development in the LDP; or*
  - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*

2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
  - *the areas of highest quality soil or deepest peat have been avoided;*
  - *any disturbance, degradation or erosion has been minimised through mitigation; and*
  - *any likely release of greenhouse gas emissions caused by disturbance is offset*

7a.64 The application site would result in the permanent loss of prime quality agricultural land (Class 3.1). The site is not known to contain any carbon rich soils or rare soils.

7a.65 Policy RW06 - Flooding states:-

1. *Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
  - *be likely to be at risk of flooding;*
  - *increase the level of risk of flooding for existing development; or*
  - *result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
2. *Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
  - *any flood risks can be adequately managed both within and outwith the site;*
  - *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
  - *access and egress can be provided to the site which is free of flood risk; and*
  - *water resistant materials and forms of construction will be utilised where appropriate.*
3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

7a.66 A Flood Risk Assessment (FRA) has been submitted. The assessment has been reviewed and is considered appropriate.

7a.67 Policy RW07 - Air Quality states:-

*The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMAs). An Air Quality Assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. Development proposals that result in either a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be permitted unless there are over-riding issues of national or local importance.*

7a.68 An air quality assessment has been requested from the applicant. The applicant has suggested that the submission of an Air Quality Assessment could be subject to a planning condition. The site is not within an Air Quality Management Area.

**Falkirk Council Supplementary Guidance Forming Part of the LDP**

7a.69 The following Falkirk Council Supplementary Guidance is relevant to the application:-

- SG01 'Development in the Countryside';
- SG02 'Neighbourhood Design';
- SG05 'Biodiversity and Development';
- SG06 'Trees and Development';
- SG09 'Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG11 'Healthcare and New Housing Development';
- SG12 'Affordable Housing';
- SG13 'Open Space and New Development'; and
- SG15 'Low and Zero Carbon Development'.

This guidance is referred to in the policy assessment above as appropriate.

**7b Material Considerations**

7b.1 The following material considerations are considered to be relevant to the determination of the application:-

**Scottish Planning Policy**

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contributing towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development; and
- Planning should take every opportunity to create high quality places by taking a design-led approach.

7b.3 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Reducing waste, facilitating its management and promoting resource recovery; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

#### Development Management

7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of this plan is maintained, and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

- 7b.5 Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles should be applied where a development plan is more than 5 years old.
- 7b.6 SPP advises that where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date. The Council currently has a shortfall in housing land supply (see paragraphs 7b.15 to 7b.17). The presumption in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this planning application. The principles of sustainable development are set out in paragraph 7b.3. Policy HSG01 of the LDP reflects the requirements of SPP and sets out the order of preference for sustainable development proposals as being urban capacity sites, then brownfield sites, and lastly sustainable greenfield sites.
- 7b.7 Where a plan is under review, SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

#### Rural Development

- 7b.8 SPP advises that in pressurised areas (easily accessible from Scotland's cities and main towns) where ongoing development pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. This is particularly so when there are environmental assets such as sensitive landscapes or good quality agricultural land. In such circumstances, a more restrictive approach to new housing development is appropriate, and plans and decision making 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.

#### Enabling Delivery of New Homes

- 7b.9 SPP advises that the planning system should:-
- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times;

- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders.

7b.10 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making.

#### Sustainable Transport

7b.11 Paragraph 287 of SPP indicates that planning permission should not be granted for significant travel generating uses at locations which could increase reliance on the car and where: -

- Direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- Access to local facilities via public transport would involve walking more than 400 metres; or
- The transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

#### Place-making

7b.12 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making. Scottish Government and Cosla have recently agreed a joint statement on the Place Principle, promoting place-making at locality level.

#### ***Falkirk Council Housing Land Audit***

7b.13 The Council's 2018/19 Housing Land Audit, dated August 2019, was agreed with Homes for Scotland at the time of writing this report. It indicates a 4.1 year effective housing land supply, which has reduced from the 2017/2018 audit. This amounts to a shortfall of 599 units in terms of the requirement for a 5 year effective supply. The shortfall reflects the difference between the 5 year housing land target (3375 Units) and the effective land supply (2776 units). In addition to the effective land supply, private windfall and small sites may also make a contribution to the housing land supply.

## **Falkirk Local Development Plan 2 (LDP2)**

7b.14 LDP2 is advancing towards adoption which is currently expected in July 2020. The Main Issues Report (MIR) was published in February 2017 and the MIR consultation concluded in May 2017. Proposed LDP2 was published in September 2018 and the consultation period ran from 27 September 2018 until 23 November 2018. The representations on Proposed LDP2 were considered by the Council on 26 June 2019. LDP2 will be adopted following consideration by Scottish Ministers of the unresolved representations to the Plan.

7b.15 Proposed LDP2 provides the most up to date indication of the Council's views in relation to Development Plan policy and constitutes a material consideration in determination of planning applications. The settlement statement for Bo'ness in the LDP2 states:

*The key location for new homes will be the Strategic Growth Area at Bo'ness South East, which is carried over from LDP1 and is focused on continuing development at the Drum (around 400 further houses and a neighbourhood centre). In addition to these major greenfield sites, there are several small brownfield housing opportunities within the urban area.*

7b.16 Proposed LDP2 sets out a housing land requirement of 5130 units between 2020 and 2030 as opposed to the housing land requirement of 7907 units between 2014 and 2024 in the LDP. The housing land requirement may therefore reduce from 2020, with additional allocations being added to the supply and a consequential positive impact on any shortfall. However, the situation will only be confirmed once the Proposed Plan has been through the Examination process carried out by Scottish Ministers, and adopted.

7b.17 Under the Proposed LDP2, the application site is in the green belt and in a local landscape area. Part of the current application site was submitted for consideration at MIR stage and was discounted as a non-preferred site.

## **Consultation Responses**

7b.18 The consultation responses are summarised in section 4 of this report. The main issues raised in the consultation responses relate to the suitability of the proposed development by walking, in particular providing a safe route to school and other community facilities.

7b.19 West Lothian Council requested that contributions are sought in relation improvements to the M9, Junction 3. They suggested a contribution of £15,000 per unit. The Council's Transport Planning Unit advise that M9 Junction 3 improvements are not required to deliver any of the proposed LDP and LDP2 sites in Bo'ness.

7b.20 The NHS submitted a consultation to the Council on 27 May 2019. They advised that they were consulting local medical practices and may request contributions after the application has been determined. The Council responded to the NHS on 28 May 2019 requesting further information and advising that contributions would have to be agreed at the application stage. At the time of writing this report, no further response has been received. A verbal update will be provided at the meeting.



- 7b.21 A number of matters were raised which could be the subject of planning condition or a Section 75 Planning Obligation attached to the grant of any planning permission in principle.

### ***Representations Received***

- 7b.22 A total of 15 public representations were received in response to the application at the time of writing this report. These consist of 10 objections, one letter of support and 4 neutral. The concerns raised in the representations are summarised in section 6 of the report.
- 7b.23 The main concerns raised in the representations that are material to the planning application are considered in the policy assessment in this report, in respect of the policies of the LDP (paragraph 7a.8 onwards) and the matters raised at the pre-determination hearing (paragraph 2.3).

### **7c Conclusion**

- 7c.1 The application is a major development and seeks planning permission in principle for residential development within the greenbelt. The indicative number of houses / flats is 200 units. Owing to the greenbelt designation of the site under the LDP, and its scale and nature, the application was assessed as potentially significantly contrary to the LDP. Accordingly a Pre-Determination Hearing was held and the application is required to be determined by full Council.
- 7c.2 A planning application is to be determined in accordance with the LDP unless material considerations indicate otherwise. The material planning considerations in this instance include Scottish Planning Policy (SPP), the proposed Falkirk Local Development Plan 2 (LDP2), the effective housing land supply, the consultation responses, the representations received and supporting information submitted by the applicant.
- 7c.3 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the Development Plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. As stated in this report, the Council has an effective housing land supply shortfall. According to the Council's Housing Land Audit 2018/2019, the shortfall is 599 units, which equates to a 4.1 year effective housing land supply. The proposed LDP2 seeks to address this shortfall and is at an advanced stage, with likely adoption in July 2020.
- 7c.4 In terms of sustainable development SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. This means that policies and decisions should be guided by the principles set out in paragraph 7b.3. SPP also indicates that decision making should take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policy of SPP.
- 7c.5 In this case the proposed development has both benefits and costs, having regard to the principles set out in SPP. The potential benefits include:-
- The economic benefits of the proposal, for example, at the construction stage;

- The contribution the development could potentially make to the effective housing land supply, noting however that LDP2 (anticipated for adoption in 2020), seeks to address the current 5 year effective housing land supply shortfall and there would be no completions on site until after its adoption (based on the applicants projections);
- The opportunity to improve the core path network running through the site; and
- The opportunity to realign Borrowstoun Road which would reduce traffic speeds on the rural road and improve road safety.

7c.6 Balanced against this:-

- The proposal is significantly contrary to the Falkirk Local Development Plan and the emerging LDP2;
- The site is greenfield land in the greenbelt, outwith the urban limits as defined in the LDP and comprises prime quality agricultural land. Concerns are raised by the Council's Roads and Design Unit in relation to accessibility. The development of urban capacity sites and additional brownfield sites are preferable, as they are more likely to be sustainable sites and make more efficient use of land. The development would not accord with good principles of sustainable land use;
- The proposal represents a large scale housing development at odds with the settlement strategy for Bo'ness. A more sustainable approach would be for the impacts of and opportunities for urban expansion in this area to be considered in a co-ordinated way through the local plan review process. In this way the broader considerations of settlement growth, landscape impacts, urban form and infrastructure provision could be assessed in the round, and the most optimal long term solutions devised;
- From a safety point of view, pedestrians walking to school and other community facilities would have to cross Borrowstoun Road twice as there would not be a continuous footpath on the north site of the road; and
- The proposed development would have a significant landscape and visual impact.

7c.7 The proposed development therefore displays some principles of sustainable development and not others. On balance, it is not considered that the presumption in favour of sustainable development justifies a departure from the development plan in this instance.

7c.8 SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan (see paragraph 7b.7). While the proposed development may not, in itself, be so significant to prejudice the LDP2 process by pre-determining decisions about strategic growth, granting the application (for a major housing development) could make it difficult to resist other applications which in combination may result in growth in the area of a strategic nature. The settlement strategy for this area should be properly considered through the local plan review process and not, de facto, by decisions on individual planning applications.

7c.9 The overall conclusion is that the application should be resisted and the primacy of the Development Plan should be maintained. The application is therefore recommended for refusal. There are not considered to be any material considerations to justify granting planning permission in principle.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Council refuse the application for the following reason(s):-**

- 1. The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. As such the principle of residential development of the application site is contrary to policies CG01 'Countryside' and CG03 'Housing in the Countryside' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.**
- 2. The application is, on balance, contrary to Policy HSG01 'Housing Growth' of the Falkirk Local Development Plan. The Council currently has a shortfall in the 5 year effective housing land supply and so will consider further releases of land for sustainable and effective development proposals in the following order of preference: urban capacity sites; additional brownfield sites; and sustainable greenfield sites. The site is an extensive greenfield site and the proposal represents a large scale housing development at odds with the settlement strategy for the area. The application, whilst being assessed as effective, may not have any on-site completions (based on the applicants projections) until after the adoption of the Falkirk Local Development Plan 2 (which will address the current housing land shortfall) and is not considered to be sustainable development. A more sustainable approach would be for the impacts of and opportunities for urban expansion in this area to be considered in a co-ordinated way through the local plan review process so the broader considerations of settlement growth, landscape impacts, urban form and infrastructure provision, including school provision, the road network and pedestrian/cycle facilities, could be assessed in the round, and the most optimal long term solutions devised.**
- 3. Granting the application (for a major housing development) could make it difficult to resist other applications which in combination may result in growth in the area of a strategic nature. The settlement strategy for this area should be properly considered through the local plan review process and not, de facto, by decisions on individual planning applications.**

**Informative(s):-**

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 09 and Supporting Documents.**

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**pp Director of Development Services**

**Date: 12/09/2019**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Development Plan, July 2015.
2. Draft Falkirk Local Development Plan 2.
3. Falkirk Council Housing Land Audit 2017/2018.
4. Falkirk Council Housing Land Audit 2018/2019.
5. Falkirk Council Open Space Strategy.
6. Scottish Government Planning Advice Note 2/2010 'Affordable Housing and Housing Land Audits'.
7. Scottish Planning Policy 2014.
8. Objection received from Mr Malcolm Millar, 21 Bonhard way, Boness, EH51 9RF on 18 March 2019.
9. Objection received from Ms Kerry Campbell, 29 Bonhard Way, Bo'ness, EH51 9RF on 7 April 2019.
10. Intimation of Support received from Mr Robert Snedden, 81, Grahamsdyke Road, Bo'ness, EH51 9DZ on 3 April 2019.
11. Objection received from Mr Malcolm Millar, 21 Bonhard Way, Boness, EH51 9RF on 18 March 2019.
12. Representation received from Mr Alastair Morrison, 20 Sheriffs Park, Linlithgow, EH49 7SS on 26 March 2019.
13. Objection received from Mrs Donna Gillooly, 20A Bonhard Way, Bo'ness, EH51 9RF on 14 March 2019.
14. Objection received from Mrs Isobel Chirray, 22 Bonhard Way, Bo'ness, EH51 9RF on 15 March 2019.
15. Objection received from Mrs Sharon Mcmillan, Pennelton Place, Bo'ness, EH51 0PD on 14 March 2019.
16. Representation received from Mr Tony French, 25 Bonhard Way, Bo'ness, EH51 9RF on 13 March 2019.
17. Representation received from Dr Alastair Morrison, 20 Sheriffs Park, Linlithgow, EH49 7SS on 26 March 2019.
18. Objection received from Mr Robert Boyd, Maybank, 11 Gauze Road, Bo'ness, EH51 9QB on 22 March 2019.
19. Objection received from Mr Bret Martin, 43 Muirhead Crescent, Bo'ness, EH51 9TH on 14 March 2019.
20. Representation received from Mr David F Webster, 11 Braefoot Road, Bo'ness, EH51 9TR on 13 March 2019.

21. Objection received from Mr Murray Henderson on 9 April 2019.
22. Objection received from Ms Kerry Campbell, 28 Bonhard Way, Bo'ness, EH51 9RF on 6 June 2019.

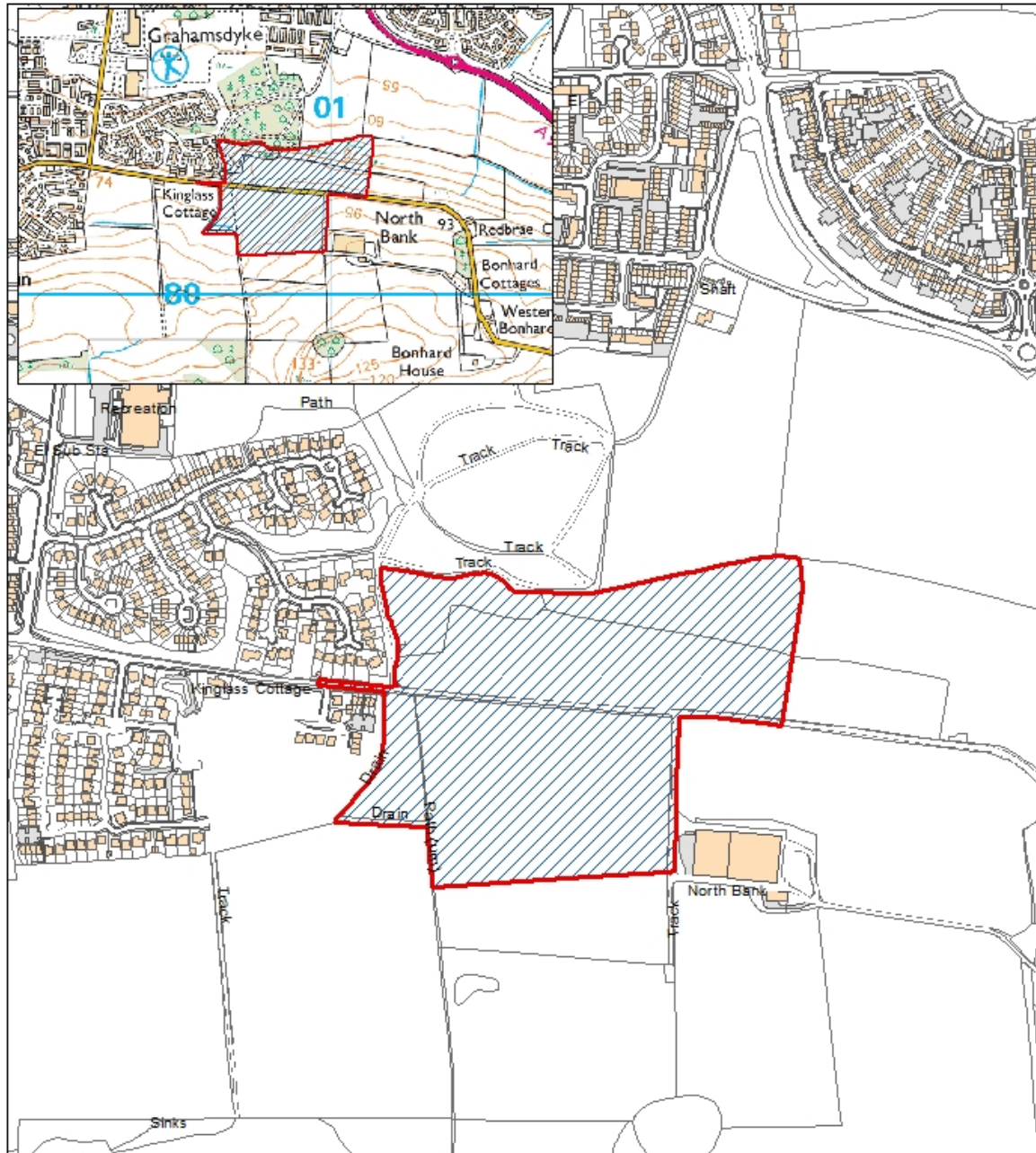
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0129/PPP**

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



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