



Agenda Item 10

**DEVELOPMENT OF LAND FOR
RESIDENTIAL USE WITH
ASSOCIATED LANDSCAPING,
ACCESS AND INFRASTRUCTURE AT
LAND TO THE SOUTH OF INNER
LODGE CARRIDEN, CARRIDEN
BRAE, BO'NESS FOR STEWART
MILNE HOMES & JOHN PAUL,
MALCOLM PAUL & GRAEME PAUL -
P/19/0566/PPP**

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED LANDSCAPING, ACCESS AND INFRASTRUCTURE AT LAND TO THE SOUTH OF INNER LODGE CARRIDEN, CARRIDEN BRAE, BO'NESS FOR STEWART MILNE HOMES & JOHN PAUL, MALCOLM PAUL & GRAEME PAUL - P/19/0566/PPP

Meeting: FALKIRK COUNCIL

Date: 9 March 2020

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Depute Provost Ann Ritchie
Councillor David Aitchison
Councillor Lynn Munro

Community Council: Bo'ness

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

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- 1. DESCRIPTION OF PROPOSAL / SITE LOCATION AND APPEAL AGAINST NON-DETERMINATION**
- 1.1 The application is a major development and seeks planning permission in principle for the development of land for residential use and associated landscaping, access and infrastructure. The indicative number of units is 120.
- 1.2 Council will recall that a pre-determination hearing for this application took place on 25 November 2019 (see paragraphs 2.2 and 2.3). At the meeting Elected Members were advised that the application would be considered at a future meeting of the full Council. In the intervening period the applicant has appealed to the Scottish Government Planning and Environmental Appeals Division (DPEA) on the grounds that the application was not determined within the statutory time period (by 9 January 2020). The application is therefore deemed to have been refused planning permission in principle.
- 1.3 In December 2019 the Council's Development Management Unit requested the applicant's agreement to a formal extension of time until 28th February 2020 in order to provide additional time for the applicant to submit further information and thereafter for review of this information and preparation of a report for a meeting of the Council. No response either agreeing or disagreeing to this request was received. The submission of further information by the applicant continued up until 21 January 2020. The appeal against non-determination was made on 23 January 2020.

- 1.4 The purpose of this report is therefore to provide a comprehensive assessment of the application following the pre-determination hearing and seek the agreement of Council on the response of the planning authority to the DPEA in respect of the appeal against non-determination. The report takes into account further information submitted by the applicant since the pre-determination hearing.
- 1.5 The application site extends to approximately 11.1 hectares and adjoins Muirhouses village to the east and north. The core of Muirhouses village is a conservation area historically linked to Carriden Estate. The application site lies within the former Carriden designed landscape.
- 1.6 The site consists predominantly of agricultural land. The eastern edge of the site consists of a woodland corridor. There are also belts of mature trees along the western and northern edges of the site. The northern boundary of the site is defined by the private access to Carriden House.
- 1.7 The following information has been submitted in support of the application:-
- Design Statement;
 - Constraints and Considerations Plan;
 - Indicative Framework Plan;
 - Concept Masterplan;
 - Pre-Application Consultation Report;
 - Planning Statement;
 - Housing Land Supply Statement;
 - Landscape and Visual Appraisal;
 - Tree Survey and Arboricultural Constraints Report;
 - Preliminary Ecological Appraisal;
 - Cultural Heritage Assessment;
 - Phase 1 Geo-Environmental Study;
 - Flood Risk Assessment and Drainage Strategy;
 - Land Drainage Catchment Plan;
 - Transport Assessment;
 - Utilities Appraisal;
 - Renewable Energy Assessment;
 - Education Impact Assessment;
 - Addendum to Design Statement;
 - Schematic Visuals;
 - Greenfield Peak Flow Run-off Analysis;
 - Air Quality Assessment;
 - Archaeological Evaluation Report;
 - Letter from CFA Archaeology Limited;
 - Transport Measures Plan; and
 - Vehicle Tracking through Traffic Calming Plan.

1.8 The submitted design statement sets out the following vision for the proposed development:-

- A sustainable extension to the village of Muirhouses, which sits in the wider context of the town of Bo'ness on the Firth of Forth;
- An edge of settlement location developed through a landscape led approach, which sits comfortably within the mature woodland of the former Carriden Estate;
- Strengthening of the connectivity to the surrounding core path network and enhancement of the network for the community, including links to the John Muir Way; and
- A scale and character of development which is drawn from the surrounding built and natural environment and is carefully integrated into the special character of the village.

1.9 The submitted indicative framework plan is informed by an assessment of the constraints and opportunities and indicates the following:-

- Retention of existing woodland and boundary trees;
- New tree planting;
- The creation of a central green corridor running north-south, maintaining views to Fife and the Firth of Forth;
- Open space areas adjacent to all site boundaries;
- Enhanced open space overlooking Gledhill Avenue, including a new equipped play area;
- A new path network;
- Site access utilising the first section of the existing access track off Carriden Brae which serves Carriden House (this section to be upgraded);
- A potential emergency vehicular and pedestrian link to Gledhill Avenue;
- A gateway feature at the site entrance and a square with sculptural features;
- A potential 'steading' or mews cluster development at a central focal point; and
- A SUDS feature utilising natural low lying ground.

1.10 The submitted pre-application consultation report records the following:-

- The public event took the form of two staffed exhibitions which were held on 20 June 2019 and 21 August 2019 at Cowdenhill Community Centre;
- The first public event had approximately 150 attendees while the second event had 66 attendees. Both events were attended by members of the Bo'ness Community Council;
- Following the first event, 62 completed feedback forms were received, recording a number of concerns with the proposed development;
- The comments informed a number of design changes which were presented in revised proposals at the second event; and
- The comments revealed a significant amount of concern with the site access and existing traffic levels on Carriden Brae.

2. REASON FOR COUNCIL CONSIDERATION

- 2.1 Council consideration and a pre-determination hearing are required for a major development that is significantly contrary to the Local Development Plan (LDP). The proposed development is considered to be potentially significantly contrary to the LDP as it involves a large scale housing development outwith the defined settlement limits, within the countryside.
- 2.2 The Pre-Determination Hearing was held at Bo'ness Academy on 25 November 2019 at 7pm. At the hearing, Council officers and the applicant were heard and members of the public / community council representatives reiterated and expanded on the points raised in their representations (see paragraphs 5.1 through to 6.2).
- 2.3 In addition, Elected Members asked questions and sought clarification on certain matters. Members asked for the following matters to be addressed in the final report:-
- The provision of drawings for traffic calming and junction upgrade works;
 - Clarification of the Council's Roads Development Unit's requirements for access;
 - Further information on education capacity constraints, including the situation at St Mary's RC Primary School and St Mungo's RC High School;
 - Further information on potential impacts on the burn through the woods and the reservoirs; and
 - A fuller explanation of rainfall pluvial flows through the site and the drainage proposals.

These matters are addressed in this report.

3. SITE HISTORY

- 3.1 While the application site has not been the subject of any previous planning applications for housing, it was previously promoted during the preparation of the current adopted LDP but was not supported by the Council. In that case, the Reporters appointed to assess the unresolved objections concluded, in March 2015, that there were insufficient reasons at that time to allocate the site in the LDP. This was based on site specific considerations and taking into account their separate finding that there was no need for additional site allocations across the area as a whole to meet the strategic housing needs for the plan period.
- 3.2 The site specific considerations identified by the Reporter were:-
- A significant loss of mature trees in order to form a satisfactory access to serve the site;
 - Additional loading on the local road network, which was already under pressure from existing residential traffic together with HGV and other commercial vehicles using some of these local roads to access the nearby Carriden Industrial Estate; and
 - An overall effect of diminishing the character of Muirhouses and its attractive landscape setting enhanced over a long period by the Carriden Estate policies immediately to the east.

- 3.3 Proposal of Application Notice PRE/2019/0010/PAN for residential development and associated landscaping, access and infrastructure was received on 27 May 2019. The notice sets out the proposals for community consultation and a pre-application consultation report accompanies this application (see paragraph 1.10 above).
- 3.4 Environmental Impact Assessment (EIA) Screening Request PRE/2019/0011/SCREEN was received on 29 May 2019. The screening opinion of the Council's Development Management Unit was that an environmental impact assessment is not required and the potential impacts of the proposed development could be the subject of targeted assessments as required.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection in principle to the proposed development. Carriden Brae is a 30mph two way carriageway with restricted width in the road and footpaths, and substandard street lighting on wooden poles with overhead power supplies. The road carries a large number of heavy vehicles which will inevitably increase the visibility splay requirement at any new junction in line with large vehicle stopping distances. It has been agreed in principle that the site could be accessed off Carriden Brae at the Carriden House access, provided proper road geometry can be achieved. The restricted width of existing footpaths and roads within Muirhouses, which are confined by existing development, make it difficult to provide suitable pedestrian and cycle links to the surrounding area, particularly a safe route to schools. The proposed development would need to be designed in accordance with the National Roads Development Guide (NRDG) and 'Designing Streets'. Compliance with this guidance would require a second vehicular access to the site. It is expected that the secondary vehicular access would be from Gledhill Avenue. Preliminary proposals for traffic management design to filter traffic and provide safe walking areas for pedestrians have been submitted to address present difficulties experienced by pedestrians. These difficulties are partly attributable to large vehicles travelling through the village and having to mount the pavements due to the restrictions of the road. It will be essential for a detailed assessment of the traffic management proposals for the village to be carried out in consultation with the local community. The submitted drainage assessment and flood risk assessment are considered to be satisfactory for the purposes of this planning application in principle. Confirmation would be required at detailed planning stage as to the serviceability of existing culverted infrastructure as part of the proposed SUDs scheme and potential impacts taking into account the existing hydrological regime.
- 4.2 The Council's Environmental Protection Unit have reviewed the submitted phase 1 geo-environmental report and advised that an adequate preliminary risk assessment would appear to have been undertaken to satisfy current legislation and statutory guidance in relation to contaminated land. A phase 2 intrusive site investigation and revised conceptual site model would be required. Noise need not be a determining factor in considering the application. The submitted air quality assessment is considered to be satisfactory.

- 4.3 The Council's Transport Planning Unit are satisfied with the vehicle trip generation and trip distribution figures used in the transport assessment given that the applicant has applied a more onerous approach than normally required by the Council. They are also satisfied that the A993/A904 Carriden Brae/A904 Grahamsdyke Road junction and the access road/A904 Carriden Brae junction would operate within capacity. The details for traffic calming measures and signage on Carriden Brae would need to be agreed. The proposed development would nearly double the number of dwellings within Muirhouses, which in turn would significantly increase the number of pedestrians using the existing footways within the village. The existing footways on Carriden Brae are less than 2 metres in width and therefore may not be suitable for an increase in pedestrian numbers, particularly for those in wheelchairs or pushing buggies. The applicant should upgrade the existing footway on the east site of the A904 Carriden Brae, along the full frontage of the application site, to 2 metres in width. In addition, a 3 metre wide cycle/ footway should be provided from the site to Gledhill Avenue, as well as a 2 metres wide footpath from the site to Little Carriden. For those pupils within the permitted walking distance of their school it would be necessary to identify safe walking routes, particularly given the lack of footways in some locations and other sections where the existing footways are narrower than 2 metres. Once these routes are identified, it would probably be necessary for the applicant to provide some mitigation measures to ensure the routes are safe. This might include sections of new footway, street lighting, traffic calming measures and crossing facilities on the A904 Carriden Brae. It is likely that a considerable number of children from the proposed development would have to be transported by bus to their various schools, given the distances involved. The existing bus services in the area are sufficient to serve the proposed development therefore no contributions would be required to enhance these services. While there is some car-parking at Linlithgow Station, it is understood that there is severe pressure on the car-park which would make it less attractive for residents to use in order to catch a train. A residential travel pack would be required for each new dwellinghouse. The drawing submitted on 21 January 2020 shows some traffic measures on Carriden Brae along with some pedestrian connections into the site. While this addresses some concerns, there are still issues to resolve including pedestrian access to Little Carriden from the site and safe walking routes to school, which may necessitate further measures on Carriden Brae and other footway improvements.
- 4.4 Scottish Water have no objection to the application. There is currently sufficient capacity at the Balmore Water Treatment Works and the Bo'ness Waste Water Treatment Works. A study has been carried out by Scottish Water which has identified an impact at Carriden Sewage Pumping Station and Combined Storm Overflow. A solution to mitigate these impacts has been identified and the applicant would be responsible for carrying out and funding this mitigation work to enable the proposed development to proceed. A flow and pressure test would be required to determine what, if any, impact the proposed development would have on the existing water network. The availability of capacity would be reviewed at the time of a formal connection application. According to their records, the development proposals impact on existing Scottish Water assets. Any identified conflict with Scottish Water assets may be subject to restrictions on proximity of construction.

- 4.5 The Scottish Environment Protection Agency (SEPA) have withdrawn their objection on the grounds of flood risk following review of further submissions by the applicant on a number of points, including the methods used to estimate the design flow, the calculations used in the assessment, the sensitivity analysis and the sources of the tributaries. The applicant should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals are in compliance with The Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended (CAR), General Binding Rules 10 and 11. An application for a construction site licence under CAR for water management across the whole construction site may be required. There is a Waste Water Treatment Works (WWTW) and a wood processing yard to the north of the proposed development site. The wood processing plant is regulated by SEPA under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) and the WWTW is controlled under CAR.
- 4.6 Scottish Natural Heritage welcome the comprehensive nature of the submitted ecological impact assessment and the recommendations it contains. The recommendations and opportunities outlined in the report should be secured through appropriately worded planning conditions. Their licensing team should be contacted directly at Licensing@nature.scot for further advice regarding licensing requirements, for example, for badgers and bats.
- 4.7 The Council's Children's Services have advised that the proposed development, assuming 120 dwellinghouses, would contribute to future capacity issues in respect of Grange Primary School and nursery provision. A pro-rata contribution in accordance with Supplementary Guidance SG10 'Education and New Housing Development' is therefore requested. A revision of SG10 was recently adopted by the Council following its approval by Scottish Ministers on 6 November 2019. The contributions under revised SG10 are £4,398 per dwellinghouse for Grange Primary School and £1,566 per dwellinghouse for nursery provision. It is anticipated that St Mary's RC Primary School, Bo'ness Academy and St Mungo's RC High School would have the capacity to accommodate the proposed development.
- 4.8 The Council's Corporate and Housing Services, Housing Strategy, have advised that the applicant has been in contact regarding the affordable housing provision and further information is awaited with respect to the applicant's affordable housing proposals.
- 4.9 Historic Environment Scotland have advised that the proposed development has the potential to affect the Antonine Wall World Heritage Site boundary, the buffer zone for the Antonine Wall World Heritage Site, a Roman temporary camp associated with the Antonine Wall (scheduled monument), two scheduled monuments at Carriden House (a mound and a Roman fort, annex and settlement), and Carriden House Category A listed building, including boundary walls. The proposed development would not have a direct impact on any of these heritage assets. While it would have an impact on the setting of these assets, those impacts are not considered to raise issues of national significance. They do not, therefore, object to the application.

- 4.10 Falkirk Community Trust, Museum Services, have advised that the area of the proposed development is intimately associated with the designed landscape of Carriden House, and forms a link between the House and the wider village/conservation area at Muirhouses. Although peripheral to the main house, the landscape in this area was carefully prepared to provide a suitable entrance to it. The large field to the south of the drive from the west lodge had a sinuous burial road running through it until this was closed to the public in the early 19th century and its course landscaped so that it was no longer visible. There were two tree-lined drives to Carriden House, with lodges at appropriate entry points. These drives were engineered into the topography to provide a dramatic impact for visitors to the House. The visual impact of the proposed development on this designed landscape will be severe and greater consideration should be given to it. The large glacial erratic boulder known as the "Witches Stone" is a feature of this designed landscape. It lay in an open area beside the west drive where of late tree regeneration has been allowed to take place. Not only was this historic feature seen by visitors to the House, but the presence of a public right of way meant that local people were able to walk along beside it to view it as part of their heritage. Within the designed landscape were the appurtenances of a working estate - a water mill with a leat and mill pond created by a dam, supplemented by a later reservoir. These water features were centered on the Muirhouse Burn. The stream also fed a Roman aqueduct into the fort. This began upstream in the area under consideration. The designed landscape dates to the late 18th century, with alterations and refinements in the early 19th century and its clean lines can be clearly seen on the 1st edition of the ordnance survey maps. Prior to that, there was a medieval village to the south of the House and the area of the proposed development was part of the infield. The village and House were at the centre of the local road network. It was only last year that a 10th century High Christian Cross was unearthed at the old graveyard next to the House. The applicant's advice that the dams and the area around the Witches Stone are not part of the proposed development is noted.
- 4.11 Earlier still, the Roman road running along the Antonine Wall passed through this area on its way to the fort at Carriden. It was partly excavated in 2009 near to the south gate of the fort and made its way through a western annexe to pass through the large field south of the west drive. Near the fort the road was more substantial than normal and there is a possibility that remnants of it may be found in the development area. The road, known as the Military Way, normally follows close to the back of the Roman frontier and it is problematic that it is not known where the eastern terminus of the Antonine Wall lay. Recent archaeological work has shown conclusively that the Antonine Wall did not go to Bridgeness. There is therefore the possibility that it went through the area of the proposed development and that the reason why early antiquarians were not able to observe it in the area was due to the alterations to the topography and landscape reaped by the villagers and then by the owners of Carriden House. The Antonine Wall is part of a World Heritage Site of huge significance. A socketed Bronze Age axehead was discovered by a metal detectorist in 1999 just to the east of the development site and a possible tumulus occurs in the same area, so there is also potential for occupation of that period. It is noted that the archaeological investigation carried out by the applicant in December 2019 found no trace of the Antonine Wall or any significant archaeology in the area of the proposed development. The only significant feature found was the medieval burial road which extends from the end of Acre Road south of the football pitch diagonally across the field towards Carriden House. This is of historic interest and though it is not worth preserving in-situ it would be beneficial for its line to be preserved in the future layout.

- 4.12 The Coal Authority have advised that the application site is located in an area where recorded and probable historic unrecorded shallow coal mining has/is likely to have taken place. While non-coal related, the recorded position of an ironstone mine shaft is within the band of woodland situated along the western site boundary, adjacent to Carriden Brae. The submitted Phase 1 geo-environmental study concludes that the site is potentially unstable due to past shallow coal and ironstone mining activity and the presence of unrecorded coal mining entries within the site cannot be discounted. Accordingly, it is recommended that a rotary borehole investigation should be undertaken to further investigate these matters. They concur with the recommendation that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development. As such, they have no objection to the proposed development subject to the imposition of planning conditions to secure the carrying out of intrusive site investigation works, a report on the findings of these works, and the submission and implementation of a scheme of remedial works.
- 4.13 NHS Forth Valley have advised that the proposed development is located within the catchment of the Richmond Practice, Forthview Practice and Kinglass Medical Practice. These practices are currently at capacity and the proposed development would result in an increase in demand for Primary Care Services in the Bo'ness area. In view of the capacity issue a financial contribution at the rate of £1989 per residential unit is sought. The contribution level has been calculated on the basis of the methodology set out in SG11 'Healthcare and New Housing Development' (this is considered further in paragraphs 7a.26 to 7a.28).
- 4.14 The Scottish Rights of Way and Access Society (Scotsway) have advised that a number of rights of way fall within the application site boundary and may be affected by the proposed development. Perhaps most significantly, it would appear that part of right of way C46 would be used as site access from Carriden Brae (A904). It is considered that the Core Path network is similarly affected by the proposed development. The Council's outdoor access team should be consulted regarding the potential impact of the proposed development on access, whether the impact is acceptable and any associated opportunities for improvement.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council have objected to the application on the following grounds:-
- The land is not included in the Local Development Plan; and
 - There are concerns about the additional traffic, vehicular access and the implication of that on access to and from Carriden Brae.

6. PUBLIC REPRESENTATION

- 6.1 A total of 140 public representations had been received at the time of writing the report for the Pre-Determination Hearing. These consisted of 138 objections and 2 neutral representations. A further two objections have been received since the Pre-Determination Hearing.
- 6.2 The concerns raised in the representations can be summarised as follows:-

Local Development Plan (LDP) / Settlement Strategy

- The proposed development area is not in the Council development plan;
- The proposed development contravenes the Settlement Statement for Bo'ness;
- Muirhouses village is protected by the urban village limit;
- Unplanned and unrestrained development of this size within inappropriate areas should be rejected;
- The site is part of the Council's Green Network which promotes wellbeing;
- The proposal is contrary to the policies to protect, enhance and manage the historic environment;
- The field is classed as part of a special landscape area;
- The officer's report on Proposed LDP2 did not support a new housing allocation at this location;
- The Green Belt is extended in Proposed LDP2 to include this site;
- The Council's preferred sites for housing in this area are Drum Farm and Crawfield Road;

Planning History

- A previous planning application for conversion of Carriden Steading into 7 dwellinghouses (P/16/0032/FUL) was approved utilising the existing track onto Carriden Brae, but the applicant was advised that no further properties utilising this track would be permitted. How, therefore, can use of the existing track to serve 120 dwellinghouses now be justified?;
- Previous request to extend the preferred development areas to include this site was rejected by the Council;

Drainage / Flooding

- The outflow from the proposed SUDS pond appears to feed into existing reservoirs and burn that flow through Carriden Woods – it is highly unlikely that the burn would sustain a large increase in additional flow without significant erosion and impact on the environment;
- The submitted plans fail to show two historic reservoirs and sluice to the east of the proposed development;
- The submitted plans show the burn as a 'drainage ditch'. This is not correct as it is part of an historic reservoir system and sluice with overflow tunnels that powered the water wheel at Carriden Steading;
- Drainage from the existing reservoirs does not exit directly into Carriden Burn via a direct culvert (as suggested in the application). Currently this water flow exits via a sluice culvert directed through Carriden Steadings and, ultimately, drains onto a publicly accessible foot path from a 4 inch drainage pipe;
- There is already considerable erosion where the drainage water exits the pipe to the path and significant permanent water-logging (in an upstream section of the path) which suggests that part of the sluice outflow culvert/ tunnel has collapsed and is leaking into the surrounding area;
- The sluice tunnel outflow/ culvert and 4 inch drainage pipe would not sustain an increased volume of water from the proposed development;
- Drainage impact to existing historic reservoirs and water flow into the existing burn should not be permitted;
- Drainage from the site would impact on the natural drainage and cause additional flooding;

Traffic / Site Access / Road Safety

- Carriden Brae is unsuitable for the heavy traffic it already carries;
- Carriden Brae is under considerable stress due to heavy use by large lorries servicing Carriden Industrial Estate, as well as supermarkets and sawmills in the area;
- Existing concerns on Carriden Brae would be exacerbated by increasing traffic flow associated with the proposed development;
- The roads off Carriden Brae (Little Carriden, Gledhill Avenue and Acre Road) are all quite narrow in places;
- Residents have reported many near collisions and vehicles often having to mount the pavement;
- There is a particular problem with HGV's and buses at the top and middle of Carriden Brae due to constrictions in the road;
- At the top of Carriden Brae, there is restricted visibility because of an 'S' bend in the road;
- Additional concentrations of traffic and roadside parking will create a traffic safety hazard;
- New 'school run' traffic will have to compete with existing local and commuter traffic at peak congestion times;
- The Carriden Brae/ Linlithgow Road junction is a black spot with local traffic joining fast moving traffic;
- The proposed site access onto Carriden Brae is dangerous due to restricted visibility;
- Concerns with proposed emergency access onto Gledhill Avenue as this street has restricted width and is used by residents for parking and a higher volume of traffic would be a safety hazard;
- How would the proposed emergency access be controlled to ensure it does not function as a permanent second access to the site?;
- Gledhill Avenue would be used as a short cut to Carriden Brae;
- Proposing a new access road next to a children's play park is not ideal in terms of safety;
- Consider the increase in traffic on the safety of residents of Acre Road and Glenard View;
- The junctions to Little Carriden, Acre Road and the Hope Cottages are dangerous as visibility is poor;
- Increased risks to pedestrian and cyclists using Carriden Brae;
- Safety issues for drivers and pedestrians if use of the existing access track increases;
- Existing footpaths are not safe as they are too narrow;
- The footway on Carriden Brae travelling northwards is not wide enough for pushchairs and wheelchairs;
- Encroachment of trees and bushes over the footway on Carriden Brae forces pedestrians to walk on the road;
- Encroachment of trees and bushes over Carriden Brae forces HGV's to move further out into the road which is a safety hazard for vehicles travelling the other way, and also pedestrians if the vehicles are forced close to the footway or have to mount it;
- Existing congestion problems and risk to pedestrians at the church at the bottom of Carriden Brae when funerals are held;
- The existing speed limit of 30 mph is ignored;
- The speed limit should be reduced to 20 mph;

- Previous proposal in the 1970's to construct a road to the east of the tree line to take traffic from Carriden and by-pass Muirhouses should be reconsidered in a Council development plan;

Infrastructure / Facilities

- The need for a new sewage pumping station indicates that existing infrastructure is not sufficient and problems will arise;
- The waste water treatment plant would have to be upgraded first;
- Existing school, recreational and medical facilities struggle at present and the proposed development will cause more problems;
- The proposed development provides no additional facilities or provision for schools, doctors, dentists;
- Existing road infrastructure problems cannot be solved as this is a conservation area and the road cannot be widened;
- There are no local shops or schools nearby;
- Grange Primary School is currently projected to exceed capacity in the very near future;
- The schools in Bo'ness are already at full capacity;
- Will existing utilities, particularly water and electricity supply, be able to meet the increase in demand?;

Character / Setting

- Entirely inappropriate to a conservation village;
- Development of the scale proposed would destroy the character of the village;
- Doubling of size of the village/out of proportion to the existing village size;
- The proposed development would detrimentally affect the special character/ semi-rural ambience of the village which has an open aspect onto agricultural fields and green spaces;
- Individual identity of Muirhouses will be destroyed as it simply becomes part of the urban sprawl/a suburb of Bo'ness;
- Carriden Estate has served to limit the growth of the industrial town;
- Character of the designed landscape and relationship to the village would be severely compromised;
- The proposed development would impact on a tree preservation area and require the removal of a number of mature trees to allow the access road to be altered;
- The newly formed site access would cut through an existing hedgerow which should not be permitted;
- The properties are inappropriately designed for this village, which mainly has small cottage style houses and single storey bungalows;
- The density of the proposed development would not be in keeping with the density of other houses in the area;
- The local football pitches would be surrounded by houses;

Amenity

- Loss of privacy/overlooking;
- Impact on peaceful enjoyment of home and garden;
- Noise pollution associated with increased traffic and construction;

Landscape / Visual

- The development area is situated on high ground in a special landscape area;
- The landscape would be irrevocably altered;
- Special landscape areas should be preserved and safeguarded;
- The Muirhouses/Carriden landscape is unique and includes mature woodland, open fields, walled gardens, tree-lined driveways, etc;
- The existing views onto the River Forth and Fife would be diminished;
- Outlook across the Firth of Forth from the football field (at one time a cricket pitch) would be destroyed;

Heritage Assets

- The development area is known to contain roman archaeology and part of a roman road;
- A development of this scale would likely destroy all archaeology in the area;
- A full archaeological investigation of the entire site should be undertaken;
- Potential impacts on the Antonine Wall World Heritage Site;
- The Council has a duty to protect this world heritage site and its setting;
- The line of the Antonine Wall in this area is still unclear and there is some likelihood that it, or the associated Military Way, may have run in the vicinity of the proposed development;
- Carriden was the location of a Dark Age and medieval village and the development site would have been part of the infield;
- The large 'Witches Stone' is at the corner of the development and is itself significant to local history;
- The old coffin road from Muirhouses to the parish church crossed these fields and was only removed as part of the landscaping of the estate;
- The former Carriden Estate gives identity, significance and a valued setting to Muirhouses Conservation Area;
- Loss of this farmland to a substantial housing development would have a very high adverse impact on this historic landscape;
- The designed landscape area is extremely important to understanding the heritage of the area;

Environmental / Ecological

- Carriden Woodland is designated as a wildlife site and is one of very few such areas in Bo'ness and remains reasonably isolated from any major adjoining development;
- The wildlife site is currently home to protected species such as badgers, barn/ brown owls and pipistrelle bats (to name a few);
- An increased population in such close proximity to these woodlands and loss of the buffer created by the field would have an extremely detrimental impact on the woods and associated wildlife;
- The development would have a major impact to the natural feeding ground (the development site) of a colony of pipistrelle bats;
- Impacts of construction activity on wildlife;
- Pruning or removal of trees will affect wildlife including bats, squirrels and birds;
- Has an environmental impact assessment been carried out?;
- The development would destroy the natural spring at the head of the burn;
- Unsustainable location with a reliance on car travel;

Outdoor Access / Recreation

- The site is used extensively by villagers for recreation and walking dogs;
- The proposed development would affect paths and lanes used for recreation;
- Walking experience will be spoilt and restricted by the new development;
- The build period would cause major disruption to resident's leisure activities in the area;
- The rural peace and historic landscape of Carriden Estate is enjoyed by people in the Bo'ness area as a whole;
- The proposed emergency access road would take valuable recreational space away;

Health and Wellbeing

- The loss of the current setting of the village would have a significant negative impact on the physical and mental health of the residents (including a number of elderly residents who live in close proximity to the proposed development);
- Good quality natural landscapes in urban areas are known to enhance wellbeing;
- Increase in exhaust fumes in the area;

Housing Need

- The existing development areas already designated provide sufficient opportunities for housing development within Bo'ness;
- Housing need should be met by building on brownfield sites, not greenfield land;

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 was assessed against the policies set out below.
- 7a.2 The application site lies outwith the urban/ village limits, within the countryside, as defined in the LDP. The site also lies within a Special Landscape Area and adjoins the buffer zone for the Antonine Wall World Heritage Site. A small portion of the site extends into this buffer zone and also into a Wildlife Site at the north-east corner. The eastern edge of the application site and part of the site frontage to Carriden Brae are identified in the LDP as being the subject of a Tree Preservation Order (TPO), although as indicated in paragraph 7a.55 below, the TPO has never been formally confirmed. The site also contributes to the Central Scotland Green Network.

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 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 the Bo'ness area indicates the following:-

'The focus of new housing development over the first 10 year period of the LDP will be a Strategic Growth Area to the south-east of the town, comprising committed and new sites, and delivering about 490 homes in total. The completion of the masterplanned Drum Farm development will be a priority, including housing and open space at Drum Farm North (H01), and housing, business, neighbourhood retail and leisure/tourism uses at Drum Farm South (M02). This is augmented by a further housing site at Kinglass Farm (H02) which has been removed from the green belt. Elsewhere the green belt will provide restraint to growth and protect the attractive countryside setting of the town. Other smaller brownfield opportunities are identified within the urban limit, particularly in and around the Town Centre. Generally speaking, infrastructure capacity is available to cope with growth, although upgrading of the Bo'ness WWTW at Carriden is likely to be required (INF19).

Major housing led regeneration at Bo'ness Foreshore (M01), aimed at revitalising and reconnecting the dock, harbour and Town Centre, remains a key component of the plan. However, there is uncertainty about the timescale of delivery, and the expectation is that the site will not deliver housing until the second 10 year period of the plan (after 2024).'

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 2018/19 Housing Land Audit published in August 2019 identified that there is a 4.1 year housing land supply which equates to a shortfall of 599 units. The applicant has submitted that the shortfall is significantly greater if account is taken of the shortfall in completions during the LDP period i.e. if a 'compound method' is used. This methodology is not favoured or used by the Council as it is based on adding on shortfalls in delivery from previous years. The Council has adopted the approach used in the Planning Performance Framework agreed with Heads of Planning Scotland (HOPS) and the Scottish Government. However, it should be noted that provisions for supporting additional sites under part 2 of the above policy are applied in the event of any identified shortfall, regardless of the amount of the shortfall.

7a.10 In circumstances where there is a shortfall, part 2 of the policy states that the Council will consider supporting sustainable and effective development proposals in the following order of preference: urban capacity sites; additional brownfield sites; and sustainable greenfield sites. There are a number of potential windfall sites coming through the system which are not yet in the Housing Land Audit, but which may reduce the shortfall in the future. These include a number of urban capacity, brownfield and sustainable greenfield sites which now have planning permission, amounting to around 251 units, and a large number of further sites identified in the urban capacity study recently submitted as part of the Council's evidence to the LDP2 Examination. The effectiveness and programming of these sites has still to be determined, and while they may not meet the shortfall in its entirety, they will make a substantial contribution to it. The applicant has not applied the sequential approach correctly in that they only consider potential urban capacity and brownfield sites in the Bo'ness area, as opposed to opportunities across the whole Council area.

7a.11 The proposed development is considered, in itself, to display some of the principles of sustainable development. In other respects, there are concerns that the proposed development would be out of scale with the existing conservation village of Muirhouses and adversely impact on environmental assets of the area, including impacts on the setting of the village, the loss of trees and woodland, impacts on the designed landscape of Carriden House and the South Bo'ness Special Landscape Area, and the loss of prime agricultural land. In addition, while there are bus services on Carriden Brae, there are no other services or facilities in the village, and accessibility on foot to catchment schools and retail and other services in Bo'ness is relatively low. Moreover the restricted width of existing footpaths and roads within Muirhouses raises road and pedestrian safety concerns and questions the suitability of this infrastructure to support major new housing. There are also broader considerations relating to urban form, settlement growth, landscape setting and infrastructure provision. A sustainable approach to considering the impacts and opportunities for urban expansion in this area is in a co-ordinated way through the local plan review process.

7a.12 Under part 2 of the policy, the Council will consider supporting sustainable development proposals that are effective. The tests for assessing effective housing land supply are set out in paragraph 55 of Scottish Government Planning Advice 2/2010 'Affordable Housing and Housing Land Audits'. With respect to these tests, the applicant has submitted that: -

- Ownership – the site is under the ownership of a major national housebuilder with a proven track record of delivering residential developments. Subject to the required permissions being granted, the site is immediately available for development;
- Physical – the site is free from adverse physical constraints which would preclude its development, as established by the submitted site investigations and technical inputs;
- Deficit funding – no public funding is required to make the site viable and enable it to be brought forward for residential development;
- Marketability – the site is being taken forward by a major national housebuilder in an area where there has been significant levels of housing development in the last 10 to 15 years due to its accessible location;
- Infrastructure – the site is free from known infrastructure constraints and any required infrastructure can be provided by the developer or through developer contributions; and
- Land use – the applicant is committed to delivering residential development on this site as the sole preferred use.

7a.13 The applicant's submissions on effectiveness are noted and not disputed. However, it is unlikely that the proposed development would be able to contribute to meeting the current shortfall prior to the adoption of LDP2, at which point a new housing land target and additional allocations will become operative, and the calculation on the 5 year effective land supply will have fundamentally changed. LDP2 is programmed for adoption in July 2020.

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% of the total number of units. This equates to 18 units based on an indicative number of 120 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 site is not subject to any site specific design guidance or indicative site capacity given that it is not identified for housing in the LDP. The submitted Design and Access Statement and accompanying masterplan drawings provide a broad framework for the potential site layout, principal streets, open space network and access opportunities. The layout, design and density would be considered further at detailed planning stage, having regard to SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets.' SG02 states that understanding the site and its surroundings is essential to good site planning and design. There is concern that insufficient consideration has been given to the size and setting of the Muirhouses conservation village and the Carriden House designed landscape. This is discussed further in this report.

7a.18 Policy INF01 - Strategic Infrastructure states:-

The Council will promote or support the provision of strategic infrastructure as identified on Map 3.2, listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1. The delivery of these projects will be through a range of agencies, in partnership with Falkirk Council. The Council and other partner organisations will explore traditional and innovative funding mechanisms to deliver infrastructure improvements, notwithstanding the continuing role of developer contributions as set out in supporting policies and supplementary guidance.

7a.19 The LDP identifies Junction 3 of the M9 as a strategic infrastructure project. In terms of the Falkirk Council area, this involves the safeguarding of land for a new slip road. The upgrade works to the junction are linked to new developments in the West Lothian Council area and at present there is no requirement for any site within the Falkirk Council area to contribute towards the cost of the works.

7a.20 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.21 The application site is not identified in the LDP as a housing opportunity and so the LDP does not set out any specific requirements for the site with regard to developer contributions. The general requirements of Policies INF04, INF05 and INF06 will apply as appropriate.

7a.22 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.23 The submitted concept masterplan indicates extensive areas of open space including retention of an existing woodland corridor along the eastern site boundary and new areas of linear parkland. A play/amenity area is identified in the southern area of the site, next to the existing equipped play area on Gledhill Avenue. An addendum to the Design and Access Statement has been submitted which indicates that the passive and active open space provision would meet the requirements of SG13 'Open Space and New Development'. The provision of open space would be considered further at detailed planning stage. The expectation is that the open space requirement would be met fully on-site.

7a.24 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.25 A financial contribution would be required towards local nursery provision, and towards improving future capacity at Grange Primary School. The contributions would be calculated in accordance with Revised SG10 'Education and New Developments', October 2019. The other relevant catchment schools (St. Mary's RC Primary, Bo'ness Academy and St. Mungo's RC High) would have the capacity to accommodate the proposed development, as advised by Falkirk Council Children's Services. The applicant has advised that they are happy to commit to the principle of education contributions.

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 SG11 'Healthcare and New Housing Development' does not identify any healthcare capacity issues in the Bo'ness area. However SG11 is considered to be out of date as NHS Forth Valley has advised that the catchment medical practices (Richmond, Forthview and Kinglass) are currently at capacity. As the proposed development would result in an increase in demand for Primary Care Services, NHS Forth Valley have requested a financial contribution. The contribution was calculated at £1989 per residential unit, on the basis of the methodology set out in SG11.

7a.28 Since this request it has become evident that healthcare contributions have been over-estimated. This is because the Scottish Futures Trust metrics have been misapplied, resulting in an overestimate of the amount of space required per house. The Council is in discussion with NHS Forth Valley to agree a new basis for calculating contribution rates which will be included in the new SG11 coming forward in conjunction with LDP2. In the meantime, a revised calculation of the rate to be applied to this proposed development, based on properly applied and verified parameters, is awaited from NHS Forth Valley.

7a.29 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.30 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 including connections to the local bus stops. In addition, the proposed development provides an opportunity to improve the width of the footpath along the site frontage to Carriden Brae and implement a traffic management scheme within Muirhouses village to address existing access and safety issues for pedestrians. The proposed development also provides an opportunity for additional access opportunities and links to the Core Path Network. There remain issues to resolve around the provision of safe walking routes from the site to local schools.

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 The existing bus services on Carriden Brae are considered to be suitable to serve the proposed development. The existing bus stops are within an acceptable walking distance of the site and suitable links to the bus stops would need to be provided as part of the new development.

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 Council's Transport Planning Unit have reviewed the submitted Transport Assessment and are satisfied that the A993/A904 Carriden Brae / A904 Grahamsdyke Road priority junction and the proposed access road / A904 Carriden Brae priority junction would operate within capacity.

7a.35 The Transport Assessment considers sustainable transport modes i.e. walking, cycling and bus services. It indicates that walking distances to most local facilities are in line with the maximum threshold of 1600 metres to local facilities recommended in PAN 75 (Annex B). However the distance to the closest convenience store is beyond this distance, at 1800 metres. In addition, the distance to the two catchment primary schools (approximately 1600 metres to Grange Primary School and approximately 2100 metres to St. Mary's Primary School) means that pupils under the age of 8 years would qualify for free school transport. Walking/ cycling and bus travel are considered in further detail in paragraphs 7a.30 and 7a.32 above. A residential travel pack would be required to encourage sustainable travel choices for new residents.

7a.36 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.37 Scottish Water have advised that the Bo'ness Waste Water Treatment Works currently has sufficient capacity to service the proposed development, but that further investigations may be required once a formal connection application is made. The developer would be responsible for carrying out and funding mitigation works to Carriden Sewage Pumping Station and Combined Storm Overflow.

7a.38 The submitted drainage strategy indicates that surface water from the proposed development would be stored and treated by a range of methods, including SUDS source control, prior to controlled discharge to the existing drainage ditch / tributary of Carriden Burn in the east of the site. As the development proposals advance, the drainage proposals would be developed to a more detailed level. This should include confirmation of the serviceability of existing culverts and reservoirs which form part of the drainage infrastructure upstream of the Carriden Burn.

7a.39 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.40 The application site lies outwith the urban limits for the Bo'ness / Muirhouses area, within the countryside, as defined in the LDP. The proposed development therefore requires assessment against the 'Housing in the Countryside' policy.

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 major housing development, does not comply with any of the circumstances to support new housing development in the countryside. The application is therefore contrary to this policy.

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 application site lies within Carriden Estate which is part of the Bo'ness South component of the Central Scotland Green Network, comprising belts of long established policy woodland, the corridor of the Carriden Glen and a network of core paths which connect to the John Muir Way along the Bo'ness foreshore. While the proposed development provides an opportunity to enhance some aspects of the green network, such as core paths, it is considered that the overall effect of the proposed development would be to detract from the character and enjoyment of this important recreational resource.

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 application site lies within the South Bo'ness Special Landscape Area. Policy GN02 states that 'priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas'. The submitted Landscape and Visual Appraisal assesses that the proposed development would have landscape effects ranging from moderate adverse to minor beneficial. While the site has a degree of containment which restricts wider views, and the proposed north-south linear park would maintain a degree of open aspect to the north, the proposed development would not safeguard the distinctive landscape quality of this part of the Special Landscape Area. SG09 'Landscape Character Assessment and Landscape Designations' indicates that an overriding distinctive quality of this Special Landscape Area is extensive outward views into adjacent areas and towards Fife, due to the elevated character. The proposed development would to a large degree result in the loss of localised outward views towards Fife and sever the close relationship between the existing Muirhouses village and this Special Landscape Area.

7a.47 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.48 A preliminary ecological appraisal was carried out in April 2017 which was supplemented more recently by a desk study, and a Phase 1 habitat survey conducted in August 2019. The survey identified seven habitat types within the site boundaries, including semi-natural broadleaved woodland and improved grassland. In addition the survey identified two outlier badger setts, one within the east of the site and the other to the north of the site, and multiple trees offering suitability to host roosting bats. In accordance with the recommendations of the appraisal, the broadleaved woodland in the east and north-west of the site, and the line of trees and defunct hedgerow in the north of the site, would be retained and protected where possible.

7a.49 The proposed development provides an opportunity to enhance biodiversity within the site. This includes enhancing the woodland for both wildlife and the local community by removing waste and invasive species, implement a woodland management plan to increase diversity and plant more native species, and increase provision for wildlife, for example, by erecting bird and bat boxes and designing the SUDS basin for wildlife.

7a.50 It is accepted that the proposed development is unlikely to affect any statutory or non-statutory designated site such as Firth of Forth Special Protection Area (SPA) or Carriden Wood.

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 The application is accompanied by a tree survey and arboricultural constraints report. Overall the site is recorded as a mixture of policy woodlands and field margins. The survey was limited to: -

- The woodland belt running south of the Carriden House access road, along the eastern site boundary. This is a strong landscape feature dominated by mature oaks, with some mature lime and ash;
- Avenue trees along the south side of the access road. These are mainly ash and sycamore, and include some very large and good specimens; and
- Trees fringing the field to the north, some of which are in neighbouring properties.

7a.53 The submitted Road Access drawing showing arboricultural implications illustrates that upgrade works to the existing access at its junction with Carriden Brae would result in the loss of 14 mature trees. This would include 6 Category B trees of either good or fair condition. In addition, relocation of the boundary wall to improve visibility to the south and north of the access and widening of the existing footpath would introduce wider impacts, including potential risk to four Category A trees. The avoidance of impacts on the Category A trees would be reliant upon careful implementation of site-specific methods to protect the root systems. It is noted that the survey did not include the curtilage of West Lodge so potential impacts within this area have not been identified.

7a.54 It is considered that the proposed tree loss at the location would have a detrimental effect on local amenity and the designed landscape. The woodland belt is a strong feature along Carriden Brae and is a component of the historic character of the Muirhouses Conservation Area and the designed landscape. While the proposed development would provide an opportunity for new replacement planting, it is not considered that this would adequately compensate for the loss of mature woodland that contributes to the historic character and setting of the area.

7a.55 This woodland belt is identified in the LDP as being covered by a Tree Preservation Order (TPO). However, recent investigations indicate that it was never formally confirmed. Nonetheless it is included in Scottish Natural Heritage's inventory of ancient and semi-natural woodland which, in accordance with the above policy, will be protected as a habitat resource of irreplaceable value.

7a.56 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.57 The application site includes the following Core Paths or sections of these paths: 008/1521 'Muirhouses to Carriden'; 008/1476 'Carriden'; and 008/1611 'Muirhouses to Carriden Wood'. The proposed development would directly affect Core Path 008/1611 as this is the existing access lane to Carriden House. The first section of this lane would provide the main vehicular access to the proposed development. As part of the upgrade works a new footway would be provided to maintain access for pedestrians. Any disruption to the route during the construction phase would require provision of an alternative route.

7a.58 The other core paths within the site are within the woodland area along the eastern boundary proposed for retention. These routes would similarly be retained and the proposed development provides an opportunity to improve the surfacing of these routes and provide new connections to them.

7a.59 The submitted Design Statement indicates a commitment to strengthen the connectivity to the surrounding core path network and enhance the network for the community, including links to the John Muir Way. Since the appeal against non-determination, the opportunity to improve the outdoor access network beyond the application site has been considered. The Council's Outdoor Access Officer has advised that the paths to the north of Carriden House, including the path to Carriden Beach, are in need of ongoing management, maintenance and upgrading. The scope of the required works includes removal of overgrown vegetation, a tree survey in the vicinity of the paths, surface drainage works, removal of surface vegetation, path surfacing works on short sections of the paths, along with inspection and upgrading of path infrastructure. The indicative cost of these works is in the region of £8000.

7a.60 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.61 The application site contributes to the Central Scotland Green Network and therefore represents a key opportunity for place-making. While the concept masterplan exhibits many of the key principles for successful place-making, the appropriateness of the location for the scale and nature of the proposed development has been questioned elsewhere in this report. There are concerns that the proposed development would be out of scale with the existing conservation village of Muirhouses and adversely impact on environmental assets of the area, including impacts on the setting of the village, the loss of trees and woodland, and impacts on the designed landscape of Carriden House.

7a.62 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.

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.

7a.63 While the submitted Design Statement and concept masterplan indicate aspects of design quality, it is not considered that the proposed development complies with all of the principles of sustainable development. As detailed elsewhere in this report, there are concerns that the proposal would not conserve and integrate with existing heritage features, its scale and siting would not respond sympathetically to the site's surroundings, and the site is relatively inaccessible by foot due to the distance to local services and facilities, and the substandard nature of footpaths in the area.

7a.64 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.65 While it is recognised that the proposed development could, in its own right, create an attractive and safe place for people to work, live and visit, and the concept masterplan indicates a coherent structure of streets, public spaces and buildings, the appropriateness of the site's context for the scale and nature of the proposed development has been questioned and fully detailed elsewhere in this report. In terms of the provision of public art, it is noted that the concept masterplan indicates a square with a sculptural feature. This matter could be considered further at detailed planning stage.

7a.66 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 CO₂ 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.67 The application is accompanied by an Energy Assessment which considers a range of potential options to meet the requirements of the policy. This includes a solar PV system and installation of air source heat pumps. Further consideration of this matter, in accordance with SG15 'Low and Zero Carbon Development,' would be required at detailed planning stage.

7a.68 Policy D07 - Antonine Wall states:-

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.*

7a.69 The application site lies in close proximity to a Roman temporary camp and the Roman fort, annexe and settlement at Carriden House, both of which form part of the Antonine Wall World Heritage Site. In addition, the site encroaches slightly into the Antonine Wall World Heritage Site buffer site at the north-west corner, but this area is woodland and is not proposed for development. The location of the eastern terminus of the Antonine Wall is not known, but the archaeological investigation carried out in December 2019 by the applicant found no evidence of significant archaeology in the area of the proposed development. Falkirk Community Trust, Museum Services have accepted the results of the investigation. Historic Environment Scotland have not objected to the application. While they consider that the proposed development would have an impact on the setting of the Antonine Wall World Heritage Site, they do not consider those impacts to raise issues of national significance.

7a.70 Policy D08 - Sites of Archaeological Interest states:-

1. *Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*
2. *All other archaeological resources will be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
3. *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.*

7a. 71 The archaeological investigation carried out in December 2019 found no evidence of significant archaeology in the area of the proposed development. Falkirk Community Trust, Museum Services have accepted the results of the investigation. Evidence of a burial (coffin) road was found which is of historical interest but it is considered to be worthy of preservation in situ. Nonetheless, it would be beneficial if its line could be preserved in the future layout. The applicant had advised that they would be minded to accommodate this within the detailed layout where practicable.

7a.72 Historic Environment Scotland have advised that the proposed development would impact of the setting of several scheduled monuments. These are a Roman temporary camp, Carriden House and Carriden House Roman fort, annexe and settlement. However they do not consider these impacts to raise any issues of national significance.

7a.73 Policy D09 - Listed Buildings states:-

The Council supports the sustainable re-use and management of the historic built environment, and on that basis there is a presumption against demolition or any other works that would adversely affect the special interest or setting of a listed building. The Council recognises, however, that listed buildings will require alteration, extension and adaptation from time to time to remain in beneficial use and encourages creative and sensitive development where there are no such adverse effects. Accordingly:

1. *The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, shall be appropriate to the character and appearance of the building and its setting, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it. In particular it should be demonstrated that:*
 - *the existing building is no longer of special interest;*
 - *the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report;*
 - *the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or*
 - *the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community.*
3. *RCAHMS will be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

7a.74 This policy contains a presumption against any works that would adversely affect the special interest or setting of a listed building. The listed buildings in the immediate vicinity of the site include the West Lodge on Carriden Brae (category C), Carriden Walled Garden (category B), and the listed houses within the village (category B/C). Carriden House (category A) and Carriden Steading (C) lie further to the east and are screened from the site by woodland.

7a.75 The applicant has submitted a Cultural Heritage Assessment which concludes that the proposed development would have a low magnitude effect on the setting of the listed buildings identified within the vicinity of the site. This conclusion largely relies upon a localised screening effect provided by intervening mature trees and hedges. In the case of the Carriden House Walled Garden and Gardner's House, the assessment notes that existing mature trees and vegetation along the northern edge of the proposed development would be retained providing some screening.

7a.76 However, it is considered that the assessment gives insufficient consideration to the designed landscape which is integral to the setting of the listed buildings. In addition, the proposed junction widening works would have an urbanising effect on the western approach drive to Carriden House, which would now double as the primary vehicular access to the proposed development over its first section. Furthermore, mature trees would have to be removed to allow for improvements to the visibility and widening of the footpath along Carriden Brae. These works would adversely affect the setting of the West Lodge.

7a.77 Policy D12 - Historic Gardens and Designed Landscapes states:-

1. *There will be a presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', as identified on the Proposals Map.*
2. *The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
3. *The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.*

7a.78 This policy indicates that non-inventory designed landscapes will be given due weight in the planning process having regard to their historical significance, integrity and condition. Carriden House is identified in SG09 'Landscape Character Assessment and Landscape Designations' as a non-inventory designed landscape and is of local historic importance. The application site forms part of this designated landscape.

7a.79 The submitted Cultural Heritage Assessment recognises that the proposed development would have a direct impact on the former designed landscape by removing open farmland that once formed part of the parkland surrounding Carriden House. It also acknowledges that minor junction widening works would be carried out at the western end of the approach drive from Carriden Brae. It is highlighted, however, that neither Carriden House itself or any of the surviving formal features of the designed landscape, including the listed West Lodge, South Lodge, the Walled Garden and Gardner's Cottage, the Steading and the Ice House, would be adversely affected by the proposed development. The conclusion of the assessment is that this non-inventory landscape is of low sensitivity, the proposed development would have a low magnitude effect on the character of the designed landscape, and that it would remain possible to understand and appreciate the key layout of the designed landscape and its key components, including the relationship between Carriden House and the other structures of the designed landscape.

7a.80 In contrast, Falkirk Community Trust, Museum Services consider that the proposed development would have a severe impact on the designed landscape. This conclusion is informed by a consideration of the impact of the proposed development on the wider environment and setting of the core buildings within the designed landscape. The proposed development is a large scale, urban intervention within a former parkland area of the designated landscape. This area also forms a link between Carriden House and the model estate village/conservation area at Muirhouses, and the designed landscape plays an important role in the setting of this conservation area. In this context it is considered that the proposed development would compromise the character and clarity of the designed landscape and its relationship to its model village.

7a.81 In addition, the western approach driveway and the woodland belt along Carriden Brae are integral components of the designed landscape. The proposed works to these features as described in paragraph 7a.76 above would adversely affect the character of the designed landscape.

7a.82 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.83 The application site consists of Class 3.1 prime quality agricultural land. Development involving the significant permanent loss of prime quality agricultural land 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.

7a.84 It is the applicant's position that the loss of this prime agricultural land is necessary to meet housing need due to the Council's current effective housing land supply shortfall. However, meeting the shortfall does not necessarily imply that prime agricultural land must be lost. Rather, it is a factor to consider in assessing whether the site constitutes sustainable development. Moreover, as previously expressed in the assessment against Policy HSG01, the proposed development would be unlikely to meet the current shortfall prior to the adoption of LDP2.

7a.85 Policy RW05 - The Water Environment states:-

The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

1. *The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
2. *Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
3. *There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*

4. *There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*
5. *The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.*

7a.86 There is an existing drainage ditch/ tributary of the Carriden Burn within the woodland corridor along the eastern site boundary. This woodland corridor is proposed to be retained and forms part of the Core Path network. There is an opportunity for ecological enhancement as part of the proposed development through the implementation of a woodland management plan. A site wide construction site licence issued by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) may be required, which would consider any potential impacts on water quality. Any opportunities to open out culverted sections of the watercourse and remove redundant installations could be considered at detailed planning stage.

7a.87 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.88 A Flood Risk Assessment accompanies the application. The assessment investigated the potential flood risk within the area of the proposed development from all sources including coastal flooding, fluvial flooding, pluvial/ overland flows and ground water. The assessment concludes that the site is not at risk of flooding due to the distance to the flood risk, including vertical distance. The assessment identified the surface water flows through the site and recommends that similar flow paths are maintained post development, with any surface water flooding originating in the site being dealt with by the proposed site drainage. The results of the assessment found that the receiving channels would have sufficient capacity to convey extreme flows and the site was not at risk of flooding from the tributaries. The blockage sensitivity test also raised no flood risk issues for the development site. An unnamed watercourse on the western boundary of the site was not included in the assessment as there was no evidence of it conveying any flows.

7a.89 SEPA withdrew their objection to the applicant following the submission of further information by the applicant (see paragraph 4.5). The Council's Roads Development Unit have advised that the flood risk assessment may need to be updated if the hydrological regime presented in the assessment changes as a result of a site survey and assessment of the downstream structures including the culverts and historic reservoirs.

7a.90 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.91 An Air Quality Assessment was carried out to investigate the potential for traffic emissions to impact on future residents of the site as well as existing residents. The model predicts no significant changes in nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) concentrations at all sensitive receptors as a result of the proposed development. No significant air quality impacts are therefore predicted. The application site is not in an Air Quality Management Area (AQMA). The Council's Environmental Protection Unit are satisfied with the assessment, but note that there is no mention of a dust management plan during the construction phase. This could form part of the Construction Environmental Management Plan (CEMP).

7a.92 Policy RW09 - Waste Reduction in New Development states:-

All new development (including residential, commercial, business and industrial uses) should seek to minimise the production of construction waste and seek to recycle as much waste as possible, in accordance with the Zero Waste Plan. Proposals should:

1. *Identify the amount of construction waste to be produced and recycled;*
2. *Identify what measures are proposed to reduce the production of construction waste and to maximise the use of recycled materials on site;*
3. *Include appropriate provision for the collection and storage of waste and recyclable materials, including composting facilities.*
4. *Locate communal recycling facilities in an accessible and convenient location.*

7a.93 Proposals to minimise the production of construction waste and provide suitable waste storage, collection and recycling facilities would be considered at detailed planning stage.

Falkirk Council Supplementary Guidance Forming Part of LDP

7a.94 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';
- SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site';
- SG08 'Local Nature Conservation and Geodiversity Sites';
- SG09 Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG011 'Healthcare and New Housing Development';
- SG012 'Affordable Housing';
- SG013 'Open Space and New Development';
- SG015 'Low and Zero Carbon Development'; and
- SG016 'Listed Buildings and Unlisted Properties in Conservation Areas'.

7a.95 This guidance is referred to in the policy assessment above (paragraphs 7a.8 to 7a.93) as appropriate.

7b Material Considerations

7b.1 The material considerations to be assessed are Scottish Planning Policy, Falkirk Local Development Plan 2 (LDP2), the planning history, the consultation responses and the representations received.

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 this 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's 2018/19 Housing Land Audit, published August 2019, indicates that there is a 4.1 year effective housing land supply in the Falkirk Council area. This amounts to a shortfall of 599 units in terms of the requirement for a 5 year supply. 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 above. 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 community 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.

Sustainable Transport

7b.10 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.

7b.11 '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.

Falkirk Local Development Plan 2 (LDP2)

7b.12 LDP2 is advancing towards adoption which is programmed for 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, and the plan submitted to Scottish Ministers on 25 July 2019. The Examination into the unresolved objections commenced on 28 October 2019. A report following this examination is awaited.

7b.13 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.

7b.14 Proposed LDP2 sets out a housing land requirement of 5,130 units between 2020 and 2030 as opposed to the housing land requirement of 7,907 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 shortfalls. 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.15 Under Proposed LDP2, the application site also lies outwith the urban/ village limit, and within the countryside. The designations which apply to the site under the LDP are also carried over, although the term 'special landscape area' is changed to 'local landscape area'. In addition, the Green Belt is extended to include the application site

and other land to the east of Carriden Brae as part of the Polmont/ Grangemouth/ Bo'ness/ Linlithgow Corridor.

7b.16 The specific purposes of green belts are stated in Policy PE15 of LDP2 as being 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. SPP highlights the function of green belts as being to direct development to the most appropriate locations and to support regeneration; to protect and enhance the character, landscape setting and identity of the settlement; and to protect and provide access to open space. SPP also emphasises the importance of having sufficiently robust boundaries for green belts. The extension of the Green Belt to the east of Carriden Brae in LDP2 is considered justified because of the role which this area plays in protecting the landscape setting of Bo'ness and the village of Muirhouses, and the role which Carriden Estate plays in the green network and the provision of access to natural greenspace. The area around Carriden Estate is equally, if not more, deserving of green belt designation compared with the existing green belt areas to the south and west of the town. Its designation through LDP2 therefore addresses an inconsistency in the existing LDP1.

7b.17 The settlement statement for the Bo'ness area under Proposed LDP2 indicates:-

'The key location for new houses 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.18 The applicant has objected to Proposed LDP2 on matters including the housing target/supply and the non-allocation of the application site for housing. The applicant is promoting the site for residential development through the LDP2 process as part of a larger release for a total of 200 residential units. Their representations were considered by the Council at its meeting in June 2019, prior to submission of the plan and unresolved issues to the Scottish Ministers for Examination. The Council's position in relation to LDP2 is that the application site is not an appropriate housing site. This site was also previously identified as a non-preferred site in the MIR. The application site was also considered, and rejected, at the previous LDP1 Examination in 2015 (see paragraphs 3.1, 3.2 and 7b.19 also).

Planning History

7b.19 The planning history for the site is summarised in section 3 of this report. The application site was considered for housing at the LDP1 Examination and was rejected. The Reporter's reasons for this are summarised in paragraphs 3.1 and 3.2 of this report.

Consultation Responses

7b.20 The consultation responses are summarised in section 4 of this report. The remaining substantive issues in relation to the consultation responses are the concerns of the Council's Roads Development and Transport Planning Units regarding the suitability of the existing road and footpath infrastructure in the area to serve the proposed development, the view of Falkirk Community Trust, Museum Services, that the proposed development would have a severe visual impact on the Carriden House

designed landscape, and an outstanding response from NHS Forth Valley regarding a revised healthcare contribution.

- 7b.21 A number of matters have been raised in the consultation responses which could be the subject of planning conditions or a Section 75 planning obligation attached to any grant of planning permission in principle.

Representations Received

- 7b.22 The Community Council and public representations are summarised in sections 5 and 6 of this report respectively. A total of 142 representations had been received at the time of writing this report. These consisted of 140 objections and 2 neutral representations.
- 7b.23 The main concerns raised in the representations that are material planning considerations are considered in the policy assessment of this report.

7c Conclusion

- 7c.1 The application is a major development and seeks planning permission in principle for residential development at a countryside location. The indicative number of units is 120 units. Owing to the countryside 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 to be determined by full Council.
- 7c.2 In this case, an appeal against non-determination of the application has been lodged with the DPEA on the grounds that the application was not determined within the statutory time period (see paragraphs 1.2 and 1.3). The application is therefore deemed to have been refused planning permission. The purpose of this report is therefore to provide a comprehensive assessment of the application following the pre-determination hearing and seek the agreement of Council on the response of the planning authority to the DPEA in respect of the appeal against non-determination.
- 7c.3 A planning application is to be determined in accordance with the development plan 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 the planning history for the site.
- 7c.4 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply. Development Plan policies for the supply of housing land will not be considered up to date and a presumption in favour of sustainable housing development proposals will be a significant material consideration. 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. Proposed LDP2 is programmed for adoption on July 2020, at which point a new housing land target and additional allocations will become operative, and the calculation of the 5 year effective land supply will have fundamentally changed. It is therefore expected the current shortfall will be addressed in coming months with the adaption of LDP2 and the allocation of additional housing land in the new plan. Given the advanced stage of LDP2 the proposed development is therefore not required to address the current shortfall.

7c.5 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.6 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 provision of new housing to meet housing need;
- The creation of a high quality residential environment which, based on the concept masterplan, exhibits many aspects of successful place-making;
- An opportunity to enhance the Central Scotland Green Network and biodiversity through improvements to core paths within the site, implementation of a woodland management plan, and improvement to the wider outdoor access network to the north of the site, extending to the John Muir Way and the Bo'ness foreshore; and
- An opportunity to address issues of access and safety for pedestrians in Muirhouses village through the implementation of a traffic management scheme to slow traffic and provide safe walking areas.

7c.7 Balanced against this:-

- The site is greenfield land in the countryside, outwith the urban limits, as defined in the LDP. The development of urban capacity sites and brownfield sites are preferable as they are more likely to be sustainable sites and make more efficient use of land;
- The site consists of prime quality agricultural land;
- While the proposed development provides an opportunity to enhance some aspects of the Central Scotland Green Network, it is considered that the overall effect would be to detract from the character and enjoyment of this important recreational resource;
- The proposed development would not safeguard the distinctive landscape quality of the site, which is part of the South Bo'ness Special Landscape Area. The landscape quality of this area is inextricably linked to the opportunities for extensive outward views into adjacent areas and towards Fife, due to its elevated character;
- The proposed development is out of scale with the existing Muirhouses conservation village and would have an overall effect of diminishing the character of this village and its relationship to the Special Landscape Area and Carriden House designed landscape;
- The proposal would result in the loss of mature trees, including trees within ancient and semi-natural woodland which should be protected as resource of irreplaceable value. There are also potential risks to other trees, including four Category A trees;
- The proposed development would compromise the character and clarity of the Carriden House designed landscape, the setting of listed buildings within this landscape, and its relationship to the model estate village/ conservation area as it involves a large scale, urban intervention within a former parkland area of the

designated landscape, as well as interventions at the listed West Lodge, including the loss of mature trees;

- There are few services or facilities within Muirhouses village and there is relatively low accessibility by foot to catchment schools and retail and other services in Bo'ness; and
- The distance of the site to the catchment primary schools (Grange and St Mary's RC) means that pupils under the age of 8 years would qualify for free school transport, which does not support the sustainable modes of transport of walking and cycling.

- 7c.8 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.9 Under the LDP, the settlement strategy for the Bo'ness area is to focus new housing development in the Strategic Growth Area to the south-east of the town, comprising committed and new sites, and delivering about 490 homes in total. These sites are progressing and provide a generous supply of effective housing land in Bo'ness. The application site is not within this strategic growth area, or within any other allocated housing in Bo'ness.
- 7c.10 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). 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.
- 7c.11 In this instance, the LDP2 Examination report is imminent and the Examination is considering a range of major sites in Bo'ness including the application site which is proposed as an extension to the Green Belt under LDP2. Decisions around major settlement growth and the Green Belt are strategic issues and so there is an obvious danger that granting this application would be premature and prejudicial to these issues in the LDP2 process. The appropriate procedure for testing the principle of development on the site is through the LDP2 process, where the broader considerations relating to urban form, settlement growth, landscape and infrastructure provision can be properly considered in a co-ordinated way.
- 7c.12 Furthermore, it is unlikely that the proposed development would be able to contribute to meeting the current shortfall prior to the adoption of LDP2, at which point a new housing land target and additional allocations will become operative, and the calculation on the 5 year effective land supply will have fundamentally changed. This factor, along with the issues of prematurity and prejudice to the LDP2 process, are strong material considerations against the proposed development.
- 7c.13 The overall conclusion is that the application should be resisted and the primacy of the Development Plan should be maintained, and there are no material considerations to otherwise justify approving the application. It is therefore recommended that the Council indicate to DPEA that it would have been minded to refuse planning permission in principle for the reasons detailed in this report.

7c.14 The Council's Development Management Unit has prepared a response to the appeal which is attached to this report (Appendix A). The response includes recommendations for Section 75 terms and planning conditions should the Reporter appointed to the appeal be minded to grant planning permission. In principle

8. RECOMMENDATION

8.1 It is therefore recommended that the Council:-

- a. Instruct the Director of Development Services to advise DPEA that this report, its attachments and minutes of the Council meetings held to consider the application constitute the Council's note of matters which the planning authority considers should be taken into account in determining the planning application;**
- b. Indicate to DPEA that would have been minded to refuse planning permission in principle for the reasons detailed below; and**
- c. Indicate to DPEA that, in the event of the Reporter appointed to the appeal being minded to grant planning permission in principle, any such grant of planning permission in principle be subject to the satisfactory conclusion of a Section 75 Planning Obligation and planning conditions in the terms set out in the attached appeal response.**

Reason(s):-

- 1. The application is contrary to Policies CG01 'Countryside' and CG03 'Housing in the Countryside' of the Falkirk Local Development Plan, and to Falkirk Council Supplementary Guidance SG01 'Development in the Countryside', as none of the circumstances as detailed in Policy CG03, to support new housing in the countryside, are satisfied.**
- 2. The application is not supported by the Settlement Statement for the Bo'ness area under the Falkirk Local Development Plan, which states that the focus of new housing development in Bo'ness will be a Strategic Growth Area to the south-east of the town. The application site is not within this strategic growth area or any other allocation housing site within Bo'ness. The Settlement Statement under LDP2 is similar.**

3. The application is considered to be 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 but the proposed development is not considered to be sustainable as it would be out of scale with the existing conservation village of Muirhouses, adversely impact on environmental assets of the area, including the setting of the village, Carriden House designed landscape and South Bo'ness Special Landscape Area, and result in the loss of trees and woodland and prime quality agricultural land. In addition, the site has relatively low accessibility to services and facilities, particularly for pedestrians.
4. The application is considered to be contrary to Policy GN02 'Landscape' of the Falkirk Local Development Plan as the proposed development would not safeguard the distinctive landscape quality of this part of the South Bo'ness Special Landscape Area.
5. The application is considered to be contrary to Policy GN04 'Trees, Woodland and Hedgerows' of the Falkirk Local Development Plan as the proposed development would result in the loss of ancient and semi-natural woodland which should be protected as a resource of irreplaceable value. This loss would be detrimental to local amenity and landscape interests.
6. The application is considered to be contrary to Policy D02 'Sustainable Design Principles' of the Falkirk Local Development Plan as the proposed development would not conserve and integrate sensitively with existing heritage features, its scale and siting would not respond sympathetically to the site's surroundings, and the site has relatively low accessibility by foot to local services and facilities particularly for pedestrians.
7. The application is considered to be contrary to Policies D09 'Listed Buildings' and D12 'Historic Gardens and Designed Landscapes' of the Falkirk Local Development Plan as the proposed development would adversely affect the character of the Carriden House designed landscape and the setting of listed buildings within the designed landscape.
8. The application is considered to be contrary to Policy RW04 'Agricultural Land, Carbon Rich Soils and Rare Soils' of the Falkirk Local Development Plan as the proposed development would result in the permanent loss of prime quality agricultural land in circumstances where there is no overriding need, particularly since the proposed development would be unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to the adoption of LDP2.

9. Granting the application would be premature and prejudicial to consideration of strategic issues through the LDP2 process including settlement growth in the Bo'ness area and extension of the Green Belt. The appropriate procedure for testing the principle of development on the site is through the LDP2 process where the broader considerations relating to urban form, settlement growth, landscape and infrastructure provision can be properly considered in a co-ordinated way.
10. The LDP2 Examination report is imminent and so the proposed development is unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to the adoption of LDP2, at which point a new housing land target and additional allocations will become operative, and the calculation of the 5 year effective land supply will have fundamentally changed.

.....
pp Director of Development Services

Date: 28 February 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Development Plan, July 2015.
2. SG01 'Development in the Countryside'.
3. SG02 'Neighbourhood Design'.
4. SG05 'Biodiversity and Development'.
5. SG06 'Trees and Development'.
6. SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site'.
7. SG08 'Local Nature Conservation and Geodiversity Sites'.
8. SG09 'Landscape Character Assessment and Landscape Designations'.
9. SG10 'Education and New Housing Development'.
10. SG11 'Healthcare and New Housing Development'.
11. SG12 'Affordable Housing'.
12. SG13 'Open Space and New Development'.
13. SG15 'Low and Zero Carbon Development'.
14. SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.
15. Scottish Planning Policy 2014.
16. 'Creating Places' Policy Statement.
17. 'Designing Streets' Policy Statement.
18. Proposed Falkirk Local Development Plan 2, September 2018.

19. Falkirk Council Housing Land Audit, June 2018.
20. List of Representations Received (see below).

LIST OF REPRESENTATIONS

Objection received from Mr Ian Waugh, Eden Cottage, Acre Road, Bo'ness, EH51 9SX on 26 September 2019.

Objection received from Mr Stephen Quigley, 16 Maryfield Drive, Bo'ness, EH51 9DG on 27 September 2019.

Objection received from Miss Kathryn Douglas, 11 Miller Crescent, Bo'ness, EH51 9SR on 16 September 2019.

Objection received from Mrs Janet Graham, 21 Wheatfield Road, Boness, EH51 9RU on 24 September 2019.

Objection received from Ruth H C Rose on 26 September 2019.

Objection received from Mr Ronald Hamilton, 8 Gledhill Avenue, Bo'ness, EH51 9SP on 27 September 2019.

Objection received from Mr Andy Thorburn, 22 Crawfield Avenue, Bo'ness, EH51 0LP on 28 September 2019.

Objection received from Rae Manger, 17 Miller Crescent, Bo'ness, EH51 9SR on 30 September 2019.

Objection received from Miss Sarah Barkhouse, 1 Carriden Steadings, Bo'ness, EH51 9SN on 27 September 2019.

Objection received from Rae Manger on 30 September 2019.

Objection received from Mrs Elaine Campbell, 36 Grange Terrace, Bo'ness, EH51 9DS on 25 September 2019.

Objection received from Mrs Frances Rutherford, 15 Miller Crescent, Bo'ness, EH51 9SR on 25 September 2019.

Objection received from Ms Marian Reid, 51 Hillside Grove Boness EH51 9RL on 3 December 2019.

Objection received from Muirhouses Amenities Association, FAO Brian Greenhow, (Secretary), Rognavalld, Carriden Brae, Bo'ness, EH51 9SL on 3 October 2019.

Objection received from Mr Paul Barkhouse, 1 Carriden Steadings, Bo'ness, EH51 9SN on 16 September 2019.

Objection received from Mrs Christine Gray, 5 Cuffabouts, Bo'ness, EH51 9LP on 1 October 2019.

Objection received from Miss Carly Myles, 68 Jamieson Avenue, Bo'ness, EH51 0JU on 24 September 2019.

Objection received from Mrs Irene Stirton, 5 Willow Dell, Bo'ness, EH51 0NU on 24 September 2019.

Objection received from Miss Lindsay Mills, Flat 2, 36 Mitchell Street, Edinburgh, EH6 7AR on 25 September 2019.

Objection received from Mr Ian Waugh, Eden Cottage, Acre Road, Bo'ness, EH51 9SX on 30 September 2019.

Objection received from Mr Charles Archibald, 30 Drumacre Road, Bo'ness, EH51 9QR on 30 September 2019.

Objection received from Mr David Blackwood, 9 Miller Crescent, Bo'ness, EH51 9SR on 30 September 2019.

Representation received from David & Jean Slater, Aldersyde, Carriden Brae, Bo'ness, EH51 9SL on 30 September 2019.

Objection received from Mrs Janet Manger, 17 Miller Crescent, Muirhouses, Bo'ness, EH51 9SR on 30 September 2019.

Objection received from Lorna Hamilton, 14 Miller Crescent, Bo'ness, EH51 9SR on 30 September 2019.

Objection received from Alan Pattison, 3 Maryfield Drive, Bo'ness, EH51 9DG on 30 September 2019.

Objection received from Mr Kenneth Roberts, 9 Little Carriden, Bo'ness, EH51 9SW on 30 September 2019.

Objection received from Mrs Elizabeth Roberts, 9 Little Carriden, Bo'ness, EH51 9SW on 30 September 2019.

Objection received from Kirsty Winstanley on 30 September 2019.

Objection received from Ian & Moira Shearer, 2 Glenard View, Bo'ness, EH51 9SD on 2 October 2019.

Objection received from A L Imrie on 1 October 2019.

Objection received from Mr Peter Hay, 67 Grangepans, Bo'ness, EH51 9PH on 24 September 2019.

Objection received from Mr and Mrs Martin Towers, 16 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from John McIntosh, 1 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Jean McIntosh, 1 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mr Ian Fraser, 5 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Miss Jacqueline McNeill, 5 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Mrs Elizabeth Roberts, 9 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Kenneth Roberts, 9 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from J Mulholland, Holland Cottage, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Lynda Mulholland, Holland Cottage, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Cathy Hall, West End Cottage, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Tamara Tyson, 2 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Elspeth Hastie, 5 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Peter Hastie, 5 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Agnes Kidd, 8 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Lewis Kidd, 8 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Colin Kidd, 8 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Stephen Kilgallon, 10 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Isobel Kilgallon, 10 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Lorna Hamilton, 14 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Lillian Miller, 16 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Gary, James and Clare Connelly, 21 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mrs Winifred Temperley, 3 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Margaret McMillan, 4 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Mr and Mrs Ian and Michelle Arthur, 4 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from John Smith, 6 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Connie Smith, 6 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Ronald Hamilton, 8 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Briony Sedgwick, Inner Lodge Carriden, Carriden Brae, Bo'ness, EH51 9SN on 4 October 2019.

Objection received from Jacqui Guest, Tyndrum, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Craig Johnston, 2 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Millie Johnston, 2 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Carol Cowper, 2 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Amber Johnston, 2 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Mr and Mrs Taylor on 4 October 2019.

Objection received from William Todd, 1 Glenard View, Bo'ness, EH51 9SD on 4 October 2019.

Objection received from Nancy Todd, 1 Glenard View, Bo'ness, EH51 9SD on 4 October 2019.

Objection received from Stan Mowat, 1 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Catherine Mowat, 1 Hope Cottages, Bo'ness, EH51 9SU on 4 October 2019.

Objection received from Neil and Sandra Macmillan, 4 Glenard View, Bo'ness, EH51 9SD on 4 October 2019.

Objection received from Mr and Mrs Curtis, Alystra, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Ronald Caie, Cairndhu, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Margaret J Clark on 4 October 2019.

Objection received from Gordon H Clark on 4 October 2019.

Objection received from Jim Arthur, Red Tiles, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Janet Edwards, 21 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Owner/Occupier, 1 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Harriet Dickson, 10 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Albert Dickson, 10 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Craig McArthur, 14 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Hilary McArthur, 14 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Ruth March, 18 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Katherine Manger, 22 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Stephanie Keys, 32 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from William Green, 8 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Joyce Hastie, Aviemore, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Mrs Arlene Bowmaker, 117 Stewart Avenue, Bo'ness, EH51 9NN on 27 September 2019.

Objection received from Mr Peter Brown, 22 Muirhouses Crescent, Bo'ness, EH51 9DH on 26 September 2019.

Objection received from Jean McGlashan on 26 September 2019.

Objection received from Olivia Dewar on 26 September 2019.

Objection received from Bo'ness Community Council on 11 October 2019.

Objection received from Ms Nadine Duncan, Dunluce, Carriden Brae, Bo'ness, EH51 9SL on 16 September 2019.

Objection received from Paul Barkhouse, 1 Carriden Steadings, Carriden Brae, Bo'ness, EH51 9SN on 18 September 2019.

Objection received from Mrs Joy Auld, 25A Dean Road, Bo'ness, EH51 9BQ on 25 September 2019.

Objection received from Mary A Hendry, 10 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mr D Rutherford, 15 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mr Patrick Rutherford, 15 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mrs Joyce Ross, 17 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Alan Fairley, 23 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Kathy Nikolai, 23 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mr and Mrs Auld, 24 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from David Stewart, 32 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Allannah Hay, 34 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Scott Henderson, 8 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from John Bell, Mo Aisling, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Yvonne Willis, Morar, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Derek Willis, Morar, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Aaron Willis, Morar, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Luke Willis, Morar, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Dr Justin Stover, The Old School, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Mrs A McBlain, Tramore Villa, Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from John Martin, Muirhouses South Lodge, Bo'ness, EH51 9SS on 4 October 2019.

Objection received from Laura Valley, Woodlands House, Carriden Steadings, Carriden Brae, Bo'ness, EH51 9SN on 3 October 2019.

Objection received from E S Marshall, Bruan, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Representation received from Edith Speirs, 20 Carriden Brae, Bo'ness, EH51 9SL on 3 October 2019.

Objection received from Alex and Mae Ritchie, Culbin, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from James Gibb, Library House, Acre Road, Bo'ness, EH51 9SX on 4 October 2019.

Objection received from Fiona Stewart, Inner Lodge Carriden, Carriden Brae, Bo'ness, EH51 9SN on 4 October 2019.

Objection received from Tam Manger, 22 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Brian Edwards, 21 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Mr Russell Yearsley, Ravelston, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Ronald Hastie, Aviemore, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Ian McKay, 23 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Mrs Lynda Murchison, 20 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Eunice Hannah, 19 Little Carriden, Bo'ness, EH51 9SW on 4 October 2019.

Objection received from Mr and Mrs Grant Hamilton, 14 Gledhill Avenue, Bo'ness, EH51 9SP on 4 October 2019.

Objection received from Brian Greenhow, Rognavald, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Freda Arthur, Red Tiles, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Nanette Caie, Cairndhu, Carriden Brae, Bo'ness, EH51 9SL on 4 October 2019.

Objection received from Garry & Julie MacLean, 2 Carriden Steadings, Carriden Brae, Bo'ness, EH51 9SN on 30 September 2019.

Objection received from Miss Emma Johnston, 62 Drumacre Road, Boness, EH51 9QR on 24 September 2019.

Objection received from Mr Stephen Kilgshall, 10 Gledhill Avenue, Bo'ness, EH51 9SP on 24 September 2019.

Objection received from Mr James Hamilton, 30 Deanfield Drive, Bo'ness, EH51 0HB on 25 September 2019.

Objection received from Ms Charlene Paterson, 33 Redbrae Avenue, Boness, EH51 9TN on 25 September 2019.

Objection received from Miss Allannah Hay, 34 Miller Crescent, Bo'ness, EH51 9SR on 4 October 2019.

Objection received from Mr Jim Johnston, 12 Gledhill Avenue, Bo'ness, EH51 9SP on 28 September 2019.

Objection received from Mr John Lyon, Riversdale Carriden Brae, Muirhouses, Bo'ness, EH51 9SL on 29 September 2019.

Objection received from Mrs Pauline Lyon, Riversdale Carriden Brae, Muirhouses, Bo'ness, EH51 9SL on 29 September 2019.

Objection received from Mr Ian McKay, 23 Little Carriden, Bo'ness, EH51 9SW on 14 September 2019.

Objection received from Mrs Anne Barkhouse, The Tower, Carriden Steadings, Bo'ness, EH51 9SN on 16 September 2019.

Objection received from Mrs Lorna McConachie, 10 Crosshill Drive, Bo'ness, EH51 9JB on 24 September 2019.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

STATEMENT IN RESPONSE TO APPEAL AGAINST NON-DETERMINATION BY FALKIRK COUNCIL OF PLANNING APPLICATION REFERENCE P/19/0566/PPP

APPEAL REFERENCE NUMBER PPA-240-2066

1.0 PROPOSAL SUBJECT TO APPEAL

- 1.1 The appeal relates to a planning application seeking planning permission in principle for the development of land for residential development with associated landscaping, access and infrastructure. The indicative number of dwellinghouses is up to 120.
- 1.2 The application is a major development under the Scottish Government 'Hierarchy of Developments'.
- 1.3 The application was considered by the Council's Development Management Unit to be potentially significantly contrary to the Falkirk Local Development Plan (LDP). A Pre-Determination Hearing was therefore held (on 25th November 2019).
- 1.4 The application was validated on 10th September 2019 and the four month statutory time period for determining the application expired on 9th January 2020. On 4th December 2019 the Council's Development Management Unit requested the applicant's agreement to a formal extension of time until 28th February 2020 in order to provide additional time for the applicant to submit further information and thereafter for review of this information and preparation of a report for a meeting of the Council. No response to this request was received.
- 1.5 The submission of further information by the applicant continued up until 21st January 2020. This included the submission of the following information after expiry of the 4 month statutory time period on 9th January 2020: an archaeological evaluation report on 14th January 2020; a letter from CFA Archaeology Limited on 20th January 2020; and transportation drawings on 21st January 2020.
- 1.6 At the time of the appeal against non-determination (23rd January 2020), the transport information received on 21st January 2020 was under consideration.
- 1.7 The application is scheduled for consideration at a meeting of the full Council on 9th March 2020 and a report for the meeting is currently being drafted.

2.0 MATTERS RELEVANT TO THE APPEAL

- 2.1 The matters to be taken into account in determining the appeal are whether the application accords with the Falkirk Local Development Plan and any relevant material planning considerations.
- 2.2 The relevant material planning considerations are Scottish Planning Policy (2014), Falkirk Local Development Plan 2 (Proposed Plan), the planning history for the site, the consultation responses to the application, and the public representations to the application.

3.0 DOCUMENTS

- 3.1 All of the Appellant's documents were before the planning authority at the time of the appeal against non-determination, except documents APP6.5 and APP6.6.
- 3.2 The following documents are submitted in response to the appeal statement and matters under consideration at the time of the appeal against non-determination:-
- FC1 - Core Paths for Upgrade Plan
 - FC2 - Memorandum from Falkirk Council Roads Development Unit dated 10th February 2020
 - FC3 - Memorandum from Falkirk Council Transport Planning Unit dated 10th February 2020

4.0 ADDITIONAL INFORMATION

- 4.1 The Council will rely upon the Report of Handling currently being prepared for the Council meeting on 9th March 2020 in responding to this appeal. The report will be published 5 working days before the meeting and the appointed Reporter and the appellant can be provided with a copy at that time.
- 4.2 The Report of Handling will advise the Council that an appeal against non-determination has been received, and provide a recommendation to the Council on the response of the planning authority to DPEA in respect of the appeal against non-determination. The decision of the Council on how it would have been minded to determine the application can be provided to the Reporter and the appellant following the meeting.
- 4.3 The Core Paths for Upgrade Plan (FC1) indicates the location of off-site paths in the area needing improvement works. The scope of the works includes removal of overgrown vegetation, a tree survey in the vicinity of the paths, surface drainage works, removal of surface vegetation, path surfacing works on short sections of the paths, along with inspection and upgrading of path infrastructure. This matter is referred to in item (e) of the Section 75 terms below.
- 4.4 The memorandums from the Roads Development Unit (FC2) and the Transport Planning Unit (FC3) are in response to the information submitted to the Council on 21st January 2020.

5. CONDITIONS

- 5.1 The Council will be recommended to indicate to the Reporter that the grant of planning permission be subject to the satisfactory conclusion of a Section 75 planning obligation in respect of items (a) to (e) below and the planning conditions set out in paragraph 5.2 below, in the event that the Reporter is minded to grant planning permission in principle:-
- (a) An education contribution at the rate of £4398 per dwellinghouse and £1512 per flat towards addressing future capacity issues at Grange Primary School;
 - (b) An education contribution at the rate of £1566 per dwellinghouse and £470 per flat towards local nursery provision; and

- (c) The provision of 15% of the units at the site as affordable housing;
- (d) Any necessary healthcare contribution towards addressing local healthcare capacity issues; and
- (e) An outdoor access contribution of £8000 to fund the management, maintenance and upgrading of Core Paths in the vicinity of the proposed development.

5.2 Planning conditions-

- (1) Plans and particulars of the matters specified below shall be submitted for consideration by the Planning Authority. No development within each respective development area shall commence until the written approval of this authority has been given in respect of the specified matters as they may apply to each respective development area. The specified matters are:-
 - (a) The proposed finished ground levels, relative to existing levels;
 - (b) Proposed finished floor levels;
 - (c) The siting of the buildings;
 - (d) The design of the buildings;
 - (e) The external appearance of the buildings;
 - (f) Details of the access arrangements;
 - (g) Details of landscaping and open space provision, including structure planting;
 - (h) Details of proposed boundary treatments;
 - (i) A tree protection plan, including the precise location and details of the protective fencing and site specific methods for the protection of root systems;
 - (j) A construction environmental management plan, including a construction traffic management plan and a dust management plan;
 - (k) An updated ecological assessment/ protected species survey and proposals for biodiversity enhancement;
 - (l) A woodland management plan;
 - (m) A detailed surface water drainage strategy, including design and calculations;
 - (n) An updated flood risk assessment (if required);
 - (o) Any opportunities to open out culverted sections of watercourses and remove redundant installations;
 - (p) A contaminated land assessment (a phase 2 intrusive site investigation and revised conceptual site model will be required);
 - (q) A scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risk proposed by the development to past shallow coal mining activity;
 - (r) A report of findings arising from the intrusive site investigations into past coal mining activity and a scheme of proposed remedial works;
 - (s) The provision of new/ relocated bus stance(s)/ shelter(s) (if required);
 - (t) The provision of pedestrian and cycle facilities, including suitable linkages to the wider network;
 - (u) Details of proposed improvement works to the Core Paths within the site;
 - (v) A traffic management plan for Muirhouses village;
 - (w) The precise details of the provision of on-site low and zero carbon generating technologies;
 - (x) A residential travel pack;
 - (y) The phasing/ timing of the development, including the timing of provision of green infrastructure and open space facilities within the site;
 - (z) The provision of public art;
 - (aa) Proposals to minimise the production of construction waste; and
 - (bb) Provision for the collection and storage of waste and recyclable materials;

- (2) Application for the approval of Matters Specified in Conditions shall be made in accordance with Section 59(2)(a) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (3) The planning permission shall lapse on the expiration of 3 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- (4) The detailed site layout shall preserve the line of the burial (coffin) road unless otherwise agreed.
- (5) Further to condition 1(f), the details of the access arrangements shall include the provision of a secondary vehicular access to Gledhill Avenue.
- (6) Further to condition 1(g), the scheme of landscaping shall include the following details (as appropriate):
 - (a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (b) The location of all proposed new trees, shrubs, hedges and grassed areas;
 - (c) A schedule of plants to comprise species, plant sizes and proposed numbers/ densities and nursery stock sizes;
 - (d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid establishment; and
 - (e) A programme for completion and subsequent maintenance.
- (7) Further to condition 1(m), the details of the surface water drainage strategy shall include the location/ serviceability of the culvert downstream of the sluice and the serviceability of the reservoirs;
- (8) Further to condition 1(n), fluvial flood risk may have to be reassessed if the hydrological regime presented in the flood risk assessment is updated as a result of the carrying out of a site survey and assessment of the downstream arrangements including the existing structures.
- (9) Details shall be provided to demonstrate that measures have been implemented to ensure that similar surface water flows to those existing are maintained post development and that any surface water flooding originating in the site is dealt with by the proposed site drainage.
- (10) The roads layout shall be designed and constructed in accordance with the National Roads Development Guide (NRDG).
- (11) The parking provision on the site shall accord with the National Roads Development Guide (NRDG).
- (12) No trees shall be removed until such time as (a) the tree protection fencing is in place in accordance with the details approved under condition 1(i) above and (b) the fencing as erected has been inspected by the Planning Authority and is to its satisfaction.

- (13) The temporary protective fencing shall remain in place until all works with the respective development area have been completed. No further tree removal excavation, level changes, trenching, material storage or machinery access shall take place within the fenced off areas.
- (14) There shall be no tree, scrub or grassland clearance within the bird nesting season (March to August inclusive), unless a nesting bird check is carried out by a suitably qualified ecologist prior to commencement of the clearance works. The findings of the nesting bird check shall be submitted to and approved in writing by the Planning Authority prior to the works commencing.
- (15) Any disruption to the Core Paths within the site during the construction phase will require the provision of an alternative route for the duration of the works.
- (16) The provision of open space within the site shall accord with the open space standards for active and passive open space set out in Falkirk Council's Supplementary Guidance SG13 'Open Space and New Development'.
- (17) The remedial works approved under condition 1(r) shall be implemented before the development commences.
- (18) The development shall not be occupied until the approved traffic management plan for Muirhouses village is implemented.
- (19) The development shall not be occupied until safe routes from the site to local schools are identified and agreed by this Planning Authority and any mitigation measures deemed necessary by the Planning Authority are implemented.
- (20) The existing footway on the east side of the A904/ Carriden Brae along the full frontage of the site, as shown by the application site red boundaries, shall be upgraded to 2 metres in width.
- (21) A 3 metre wide cycle/ footway shall be provided from the site to Gledhill Avenue.
- (22) A 2 metre wide footpath shall be provided from the site to Little Carriden.

Reasons

- (1) To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (2) To accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (3) To accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (4) To preserve a heritage asset of local importance and interest.
- (5) To ensure the provision of suitable vehicular access arrangements.
- (6) To safeguard the visual amenity of the area.

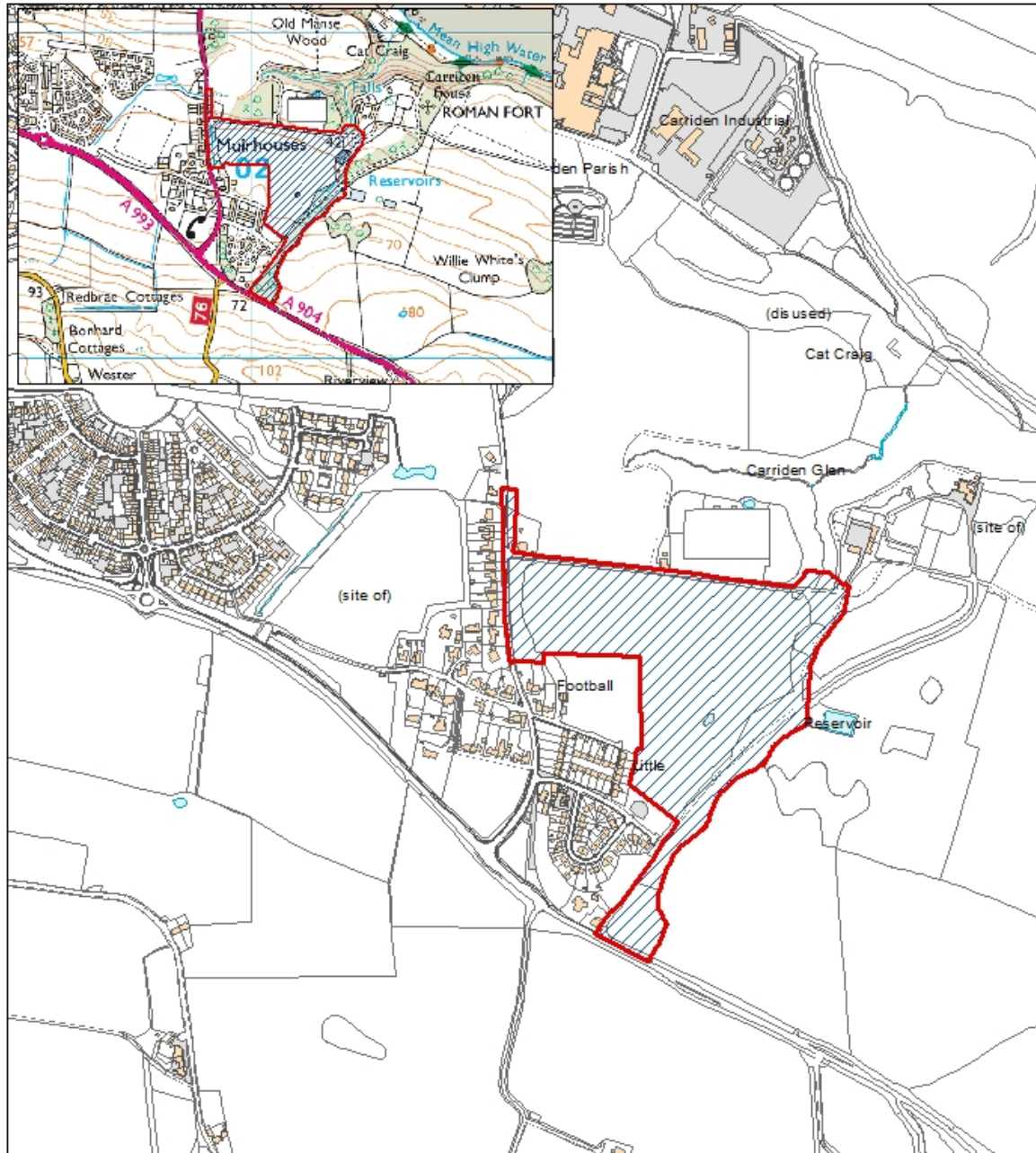
- (7) To ensure the provision of suitable drainage arrangements.
- (8) To ensure that flood risk has been properly considered.
- (9) To ensure the provision of suitable drainage arrangements.
- (10) To safeguard the interests of the users of the public highway.
- (11) To ensure that adequate parking is provided.
- (12) To safeguard the visual amenity of the area.
- (13) To safeguard the visual amenity of the area.
- (14) To safeguard the interest of bird species.
- (15) To safeguard outdoor access routes.
- (16) To ensure adequate provision of open space.
- (17) To ensure that ground conditions are suitable for the proposed development.
- (18) To safeguard the interests of pedestrians.
- (19) To safeguard the interests of pedestrians.
- (20) To safeguard the interests of pedestrians.
- (21) To safeguard the interests of pedestrians/ cyclists.
- (22) To safeguard the interests of pedestrians.

Planning Committee

Planning Application Location Plan

P/19/0566/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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