



Agenda Item 6

**Falkirk Local Development Plan 2
Supplementary Guidance SG05: Green
Infrastructure and New Development**

Falkirk Council

Title: Falkirk Local Development Plan 2
Supplementary Guidance SG05: Green Infrastructure
and New Development
Meeting: Executive
Date: 11 May 2021
Submitted By: Acting Director of Development Services

1. Purpose of Report

- 1.1 The purpose of this report is to seek Executive approval of SG05: Green Infrastructure and New Development.

2. Recommendation

- 2.1 It is recommended that the Executive agrees to submit SG05: Green Infrastructure and New Development, as attached at Appendix 2, to Scottish Ministers and adopt the guidance following clearance from Scottish Ministers.**

3. Background

- 3.1 The Town and Country Planning (Scotland) Act 1997 gives planning authorities the power to prepare Supplementary Guidance (SG) to provide additional detailed guidance on the implementation of policies in local development plans. Once adopted, the SGs become part of the statutory development plan.
- 3.2 At its meeting on 27 August 2019, the Executive authorised officers to prepare and undertake consultation on the fourteen SGs associated with the Falkirk Local Development Plan 2 (LDP2). The SGs were divided into two groups. Group 1 contained more technical and design/heritage focused SGs where minimal changes were anticipated from the previous versions which supported LDP1. Group 2 contained SGs where more significant changes were anticipated or which had greater policy implications. For Group 1, SGs would be progressed to adoption without reference back to the Executive, provided consultation comments on them were of a minor nature. For Group 2, finalised drafts would be reported back to the Executive following consultation, prior to submission to Scottish Ministers and adoption.
- 3.3 SG05 Green Infrastructure and New Development falls into Group 2. A draft was prepared during 2020, and consultation on the document undertaken from January through to March 2021. It now requires consideration and approval by the Executive.

4. Considerations

- 4.1 SG05 is new supplementary guidance. The topic of the guidance is 'green infrastructure' which is a general term to describe all natural or semi natural spaces including public parks, amenity greenspace within development, wildlife sites, sports pitches, play spaces, waterbodies, woodlands and the active travel links between these facilities. Green infrastructure is important to people's quality of place and wellbeing, fulfilling a range of functions including recreational, landscape, ecological, surface water management and active travel. It can also support climate change action through, for example, sequestering carbon or storing surface water to manage flood risk.
- 4.2 SG05 has been prepared to help applicants incorporate well designed green infrastructure into new developments and achieve wider sustainability benefits in the process. In summary, the guidance covers:
- how green infrastructure can be integrated into the design process, including some evaluation tools that could be used to review and improve the design and layout of a development;
 - the key principles and good practice for specific types of green infrastructure which are grouped under the themes of 'Well Being, Water and Wildlife'. Various projects in the Council area have been used to showcase good practice and inspire applicants to formulate quality proposals for green infrastructure. The Helix, Forth Valley Hospital and Larbert Woods, Zetland Park, and Carron Dams Heritage Trail are just some of the local projects featured in SG05;
 - requirements for the provision of recreational open space in new development;
 - how compensation for the loss of recreational open space associated with a development proposal will be calculated; and
 - particular requirements for the management and maintenance of green infrastructure.
- 4.3 One of the most important roles of the SG will be to determine how provision is to be made for recreational open space in new development. The guidance supplements Policy PE17 of the LDP2 by setting out a three step process. The first step involves applying exemptions, as listed on page 12. For example, proposals for 10 units or fewer will not be required to provide or contribute to recreational open space. The second step will involve officers preparing a Local Open Space Audit at the pre-application stage, giving applicants a clear and early indication of the Council's recreational open space requirements. The audit assesses the development site and wider locality to establish how the recreational needs of the development can be best met in terms of each type of open space provision stated on page 14 (Figure 7). Benchmarks are provided against which to consider the quality and accessibility of provision, based on the Open Space Strategy's standards.

- 4.4 Lastly, the third step will determine the nature of provision required based on the findings of the audit. Depending on the individual circumstances of the proposal, the provision may involve:
- on-site recreational provision within the proposed development;
 - contributions to off-site recreational provision in the vicinity of the proposed development e.g. through improvements to a nearby playspace or park
 - a combination of on-site and off-site provision; or
 - no requirement for recreational provision or contributions where existing recreational provision in the locality meets accessibility standards, is of a high quality and can meet all the needs of the development.
- 4.5 Figure 7 sets out rates per house/flat for calculating developer contributions in relation to off-site recreational provision. These rates, when added together, represent a similar amount to the rates stated in the previous SG13: Open Space and New Development, which will be superseded when SG05 is adopted.
- 4.6 Following approval, SG05 will be submitted to Scottish Ministers along with a statement setting out the publicity measures that have been undertaken, the comments received and an explanation of how these comments have been taken into account. After 28 days have elapsed the authority may adopt the SG unless Scottish Ministers have directed otherwise.

5. Consultation

- 5.1 Officers held a workshop in Autumn 2019 with representatives from across the Council, the development industry, and key agencies in attendance. The workshop was beneficial, helping to achieve buy-in for the eventual scope, structure and content of the guidance.
- 5.2 Over 900 key agencies, organisations and individuals were notified by email of the commencement of the consultation process and the availability of consultative draft SG05 on the Council website. Press adverts were placed in the Falkirk Herald and Bo'ness Journal and a Facebook post also advertised the start of the consultation. Due to the current circumstances regarding COVID-19, hard copies of the revised guidance could not be made available at the usual deposit locations.
- 5.3 Consultation took place over a 6 week period between 21 January 2021 and 4 March 2021. Responses were received from the following five individuals/organisations:
- Helen Scott
 - Historic Environment Scotland
 - NatureScot
 - Paths for All
 - Scottish Water

- 5.4 Detailed summaries of the comments received and the Council's draft responses are contained in Appendix 1. The consultation process, however, did not raise substantive issues, requiring major amendments to SG05. Four of the five responses welcomed the guidance. One response conveyed an objection to the Council's preference for open space to be maintained by an appointed property factor, citing homeowners have little control over increases in factor fees. Officers responded saying that the Council already maintains a large estate of open space. Unless costs for maintenance are met in full, the Council generally does not seek to take on responsibility for maintaining new areas of open space in private housing developments due to the complexity, resource issues and long term burdens associated with Council adoption.

6. Implications

Financial

- 6.1 SG05 will provide guidance on financial contributions to be secured through legal agreements where required under the terms of Policy PE13, PE16 or PE17 of LDP2.

Resources

- 6.2 None.

Legal

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

Risk

- 6.4 None.

Equalities

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

Sustainability/Environmental Impact

- 6.6 SG05 has been screened for Strategic Environmental Assessment (SEA). The screening was undertaken and submitted to the consultation authorities (Scottish Environment Protection Agency, NatureScot and Historic Environment Scotland) under the Environmental Assessment (Scotland) Act 2005. Falkirk Council has determined, in consultation with the consultation authorities, that SG05 is unlikely to have significant adverse environmental effects. A full SEA is therefore not required.

- 6.7 The adoption of SG05 will support a number of LDP2 objectives, namely supporting a low carbon, circular economy and building resilience to climate change; extending and improving the green network; and protecting and enhancing the area's natural environment and resources.

7. Conclusion

- 7.1 As part of the ongoing updating of Supplementary Guidance in association with LDP2, the consultative draft of SG05 has been published for public consultation. Responses to comments received have been drafted, and a finalised version has been prepared for approval by the Executive, prior to its submission to Scottish Ministers for clearance to adopt. SG05 will provide a helpful addition to LDP2's suite of Supplementary Guidance. By setting out more detailed guidance on green infrastructure, SG05 will provide a helpful reference point for individuals and developers in preparing development proposals.

Acting Director of Development Services

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Date: 26 April 2021

Appendices

Appendix 1 - Table of proposed Council responses to comments received on SG05:
Green Infrastructure and New Development

Appendix 2 - SG05:Green Infrastructure and New Development Finalised Version

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None.