



Agenda Item 7

**REDEVELOPMENT OF THE FORMER MANUEL
BRICKWORKS SITE - MIXED USE DEVELOPMENT
COMPRISING APPROXIMATELY 400 RESIDENTIAL
DWELLINGS, ASSOCIATED LOCAL RETAILING AND
COMMUNITY FACILITIES (CLASSES 1, 2 AND 3) AND
APPROXIMATELY 29,000M2 TOTAL GROSS AREA
OF COMMERCIAL UNITS (10% CLASS 4 : BUSINESS
& 90% CLASS 6 : STORAGE/DISTRIBUTION) AT
LAND TO THE EAST OF ALMONDHALL FARM,
FALKIRK FOR CWC GROUP - P/17/0792/PPP**

FALKIRK COUNCIL

Subject: REDEVELOPMENT OF THE FORMER MANUEL
BRICKWORKS SITE - MIXED USE DEVELOPMENT
COMPRISING APPROXIMATELY 400 RESIDENTIAL
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CLASS 6 : STORAGE/DISTRIBUTION) AT LAND TO THE
EAST OF ALMONDHALL FARM, FALKIRK FOR CWC
GROUP - P/17/0792/PPP

Meeting: PLANNING COMMITTEE

Date: 16 February 2022

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

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UPDATE REPORT

1. Members will recall that the Planning Committee decided on 21 April 2021 that it was minded to grant planning permission in principle in respect of this application subject to the completion, within 6 months, of a Section 75 Planning Obligation, and thereafter remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions. The full wording of the decision is:-

'The Committee, being satisfied on matters of access and transportation as addressed by the applicant in their proposals submitted to the Planning Authority and agreeing the benefits of the proposed development which are the potential economic and employment benefits, the reuse of a brownfield site and enhancement of Almond Castle and Haining Wood and which benefits/ material considerations are considered to outweigh the development plan AGREE that it is minded to grant planning permission in principle subject to the completion within 6 months of today's date (21 April 2021), of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services in respect of:-

1. *A proportionate contribution towards addressing future capacity issues at Whitecross Primary School;*
2. *A proportionate contribution towards addressing future capacity issues at Graeme High School*
3. *A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout);*
4. *A contribution to fund diversion of the existing local bus service into the site;*
5. *The provision of 25% of the residential units at the site as affordable housing;*
6. *An open space contribution at the rate of £1911 per dwellinghouse and £955.50 per flat which will be determined by the amount and type of on-site provision; and*
7. *A proportionate contribution towards addressing local healthcare impacts*

And thereafter, on the conclusion of the foregoing matters, remit to the Director to grant planning permission in principle subject to appropriate conditions as determined by him.

The said Director shall be authorised to determine, acting reasonably, a phasing programme for completion of the upgrading works to Myrehead Road and Haining Road (in accordance with the details submitted by the applicants, as aforesaid) in advance of commencement of defined phases of development on the site and suspensive conditions shall be imposed to that effect.

The said Director shall also be authorised to determine an appropriate and reasonable phasing programme, in consultation with the applicant, for the commencement of defined phases of the housing proposed for the site linked to completion/occupation of industrial/commercial development and a suspensive condition shall be imposed to that effect.'

2. Unfortunately, the 6-month period for completing the Section 75 Planning Obligation was not able to be met. To a large extent this was due to the scale and nature and related complexities associated with the required contributions and the need for further information to progress consideration and establish agreement on those matters. However, matters have now progressed to a point where a draft of the Section 75 Planning Obligation is largely completed. At the time of writing this report there remained some ongoing consideration and discussion in relation to open space and healthcare. A formal consultation response from NHS Forth Valley was only received on 25 January 2022 and was being considered at the time of writing this report.
3. As good progress is being made in relation to the Planning Obligation, it is considered that a further three months should be afforded to allow for the obligation to be completed.

4. RECOMMENDATION

- 1. That Committee AGREE that it is minded to grant planning permission in principle in accordance in all respect with its decision of 21 April 2021 except the timescale for completion of the Section 75 Planning Obligation is extended to 16 May 2022.**

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pp Director of Place Services

Date: 4 February 2022

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan 2.
3. Objection received from Mr Alan McMaster, Stanehadden, Linlithgow, EH49 6LQ on 6 January 2018.
4. Representation received from Mr Lindsay Mcfadzean, 72 Birkdale Park, Armadale, EH48 2NE on 23 January 2018.
5. Objections received from Mr Peter Queen, 1 Comely Park, North Craigs, Rumford, Falkirk FK2 0RU on 27 June 2020.

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

FALKIRK COUNCIL

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EAST OF ALMONDHALL FARM, FALKIRK FOR CWC
GROUP - P/17/0792/PPP

Meeting: PLANNING COMMITTEE

Date: 21 April 2021

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

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UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 28 August 2019 (copy of report appended), when it was agreed to continue the application to allow officers to consider whether there are means of overcoming infrastructure issues identified in the report in relation to access and transportation.
2. Members will also recall that the application was considered by the Planning Committee on 17 June 2020 (copy of report appended), when it was agreed to further continue the application in order to allow for further discussions to take place between officers and the applicant in relation to potential planning conditions, section 75 obligations and suspensive planning conditions in relation to provision of a two way overbridge on Myrehead Road and a 3 metre wide cycleway/footway with a 2 metre buffer area on Haining Road with officers to report back to committee on the outcome of the discussions.

3. Members will further recall that the application was considered by the Planning Committee on 17 March 2021 (copy of report appended), when it was agreed to further continue the application to a future meeting of the committee for further consideration of the masterplan submitted by the developer and for officers to have further discussions with the applicant and report back to committee.

Masterplan

4. The application is accompanied by indicative masterplan drawings. These drawings have been prepared on the basis of the development proposal as described in the application, being a mixed development comprising approximately 400 dwellings, local retail and community facilities, and approximately 29,000m² of commercial uses (90% storage/distribution and 10% business).
5. The report to Committee dated 28 August 2019 provided the following comments in respect of the submitted masterplan drawings:-
 - The masterplan drawings provide a broad picture of the land uses, layout, principal streets, green network and SUDS features. The indicative grid layout is considered to create a coherent and permeable structure, offering frontage onto streets and open spaces;
 - The submitted drawings include an extensive green network which could potentially contribute towards the active and passive open space requirements for the development. The 'green areas' includes existing and proposed new woodland, open space, new landscaped areas and a green buffer zone;
 - The masterplan drawings reflect a landscape-led approach to place-making and retains the existing woodland which provides extensive screening and a sense of containment;
 - The ecology report accompanying the application considers that the masterplan takes into account the local nature conservation designations and largely avoids direct impacts on the Union Canal (a Site of Importance for Nature Conservation) and Haining Wood (a Wildlife Site);
 - The location of the housing and business/industrial uses has been informed by the pipeline consultation zones in the area and the methodology applied by the Health and Safety Executive to mitigate risk. There is no housing proposed within any of the consultation zones and no buildings are proposed within the inner zone. There are no particular restrictions on industrial/commercial development within the middle or outer zones; and
 - The masterplan drawings are indicative at this stage but its principles would be expected to inform the detailed design proposals in order to achieve design quality and successfully integrate the development into its surroundings.
6. In summary, the submitted masterplan drawings are considered to provide a suitable framework to inform the detailed design proposals should planning permission in principle be granted.

7. The applicant has confirmed that they intend to commence the first phases of the housing and business/industrial elements in tandem, but completion of the business/industrial element would ultimately be driven by market demand. It is considered that the phasing of the housing should be linked to phased completion/occupation of the business/industrial element. This could be secured by a planning condition. This would safeguard against the possibility of the business/industrial land not actually being developed, notwithstanding the applicant's intentions, so that the site ended up solely a housing site and the economic and employment benefits highlighted by the applicant not realised.

Other Matters

8. As previously advised to Committee, the application is contrary to the Local Development Plan (LDP2) which allocates the site solely for business and industry uses. In addition, the application is considered to be deficient in transportation terms. This is because the applicant's proposals for off-site road improvement works and active travel provision are not considered to be of an appropriate standard to ensure that the development would be well connected, promote the use of active travel and walking and cycling to school, provide safe access for all, and maximise opportunities to reduce a high degree of car dependency. These deficiencies were considered in detail in the report to the March Committee.
9. The report to March Committee recognised the potential economic and employment benefits of the proposed development, but did not consider that these benefits outweighed the terms of the Local Development Plan or the identified transportation deficiencies. This remains the view of the Council's Development Management Unit. No further information has been submitted by the applicant since the March Committee meeting to alter this position.
10. Other potential benefits of the proposed development are recognised. They include reuse of a brownfield site and enhancement of Almond Castle and Haining Wood. However, such benefits could accrue as much from business/industry use, in accordance with the LDP2 designation, as from a mixed use development featuring a significant housing element which is contrary to LDP2.
11. The previous recommendation to refuse the application is therefore reiterated in paragraph 18, below. The wording of refusal reason 4 is amended slightly for clarity.
12. If Committee were however minded to support the principle of the proposed development, notwithstanding it is contrary to LDP2:-
 - Consideration would need to be given to whether to accept the applicant's off-site proposals for Myrehead Road and Haining Road, or require the standard of provision sought by the Council's Roads Development and Transport Planning Units; and
 - It would be competent to impose suspensive (negative) conditions to secure provision of off-site road improvement works and active travel provision requiring third party land.

13. The report to March Committee advised that:-

- The standard sought by the Roads Development and Transport Planning Units is the provision of a two-way railway overbridge on Myrehead Road (with an appropriate gradient and suitable cycle and pedestrian facilities), and provision of a 3 metre wide cycleway/ footway with a 2 metre buffer area on Haining Road, all in accordance with the Design Manual for Roads and Bridges (DMRB);
- The applicant's off-site proposals fall short of this standard. While the applicant's proposals for Myrehead Road, from the junction of the A803 and Myrehead Road to a location near the foot of the incline to the railway overbridge, accord with the DMRB, continuation of a DMRB compliant route further south to the site, crossing the railway line, does not form part of the applicant's proposals. In terms of Haining Road, the applicant's proposals are to provide a cycleway/ footway within the confines of the existing road boundary, ranging in width from 3 metres to 2 metres with a 300mm upstand to provide a degree of vertical separation from the carriageway; and
- The vertical separation from the carriageway proposed by the applicant would probably result in a requirement for a pedestrian safety barrier to be erected along the length of the footway, set back 600mm from the kerb line. This would reduce the available cycleway/footway width within the road boundary to 1.4 to 2.4 metres, which would not be fit for purpose.

14. It is advised that any decision to grant planning permission in principle should be subject to the conclusion of a Section 75 planning obligation, in terms satisfactory to the Director of Development Services to secure:-

- A proportionate contribution towards addressing future capacity issues at Whitecross Primary School;
- A proportionate contribution towards addressing future capacity issues at Graeme High School;
- A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout);
- A contribution to fund diversion of the existing local bus service into the site;
- The provision of 25% of the residential units at the site as affordable housing;
- An open space contribution at the rate of £1911 per dwellinghouse and £955.50 per flat, which will be determined by the amount and type of on-site provision; and
- A proportionate contribution towards addressing local healthcare impacts.

15. Thereafter, on conclusion of the Section 75 planning obligation, the grant of planning permission in principle would be subject to appropriate conditions. This matter could be delegated to the Director of Development Services. It is anticipated that the conditions would secure the phased implementation of the following matters linked to house completions, in terms to the satisfaction of the Director of Development Services (noting however the concern raised in paragraph 16 below):-

- Upgrade works to Myrehead Road to the standard agreed by Committee;
 - An active travel route along Haining Road to the standard agreed by Committee; and
 - Completion/occupation of the business/industrial element.
16. It is worth highlighting that the applicant has not agreed to suspensive conditions to secure the standard of provision sought by the Council's Roads Development and Transport Planning Units. Presumably this standard of provision, as well as presenting land ownership constraints, could raise viability issues as a result of the cost of works such as a new route across the railway line. In these circumstances the phased implementation of the off-site roadworks could run the risk of the development stalling, and the completed phases of housing being exposed to dis-amenity from derelict brownfield land for an indeterminate period.

HUMAN RIGHTS AND EQUALITY ASSESSMENT

17. Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse Planning Permission in Principle. The recommendation to refuse is not considered to impact adversely on any protected characteristic groups as identified within the Equality Act 2010.

RECOMMENDATION

18. **For the reason detailed in paragraphs 8 and 9 above, it is recommended that the Planning Committee refuse planning permission for the following reason(s):-**
1. **The application is contrary to Proposal and Opportunity BUS02 of Falkirk Local Development Plan 2 which allocates the application site for business/industry, while the proposal includes a substantial housing element of approximately 400 dwellinghouses.**
 2. **The application is contrary to Policy IR06 'Active Travel Routes' of the Falkirk Local Development Plan 2 as the proposed development does not include appropriate links to existing active travel routes in the surrounding area, in particular to facilitate school journeys and provide connections to the wider public transport network.**
 3. **The application is contrary to Policy IR05 'Travel Hierarchy and Transport Assessment' of Falkirk Local Development Plan 2 as suitable mitigation measures to address transport network impacts have not been identified and agreed.**
 4. **The application is contrary to Policy PE01 'Placemaking' of Falkirk Local Development Plan 2 as the proposal brings with it the prospect of housing which is physically isolated, poorly connected, and exposed to dis-amenity from derelict brownfield land (if the development stalls), and it has not been demonstrated that the development proposal would encourage the use of active travel and provide safe access for all.**

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08A, 09, 10, 11A, 12, 13, 14 and 15.

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pp Director of Development Services

Date: 9 March 2021

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Objection received from Mr Alan McMaster, Stanehadden, Linlithgow, EH49 6LQ on 6 January 2018.
4. Representation received from Mr Lindsay Mcfadzean, 72 Birkdale Park, Armadale, EH48 2NE on 23 January 2018.
5. Objections received from Mr Peter Queen, 1 Comely Park, North Craigs, Rumford, Falkirk FK2 0RU on 27 June 2020.

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GROUP - P/17/0792/PPP

Meeting: PLANNING COMMITTEE

Date: 28 August 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is for a major development and seeks planning permission in principle for a mix of residential and commercial uses. The indicative breakdown is:-
- 400 dwellinghouses;
 - 29,000m² total gross area of business/employment (10% Class 3 and 90% Class 6): and
 - Local retailing and community facilities.
- 1.2 The application site extends to 30.24 hectares and consists of the former Steins Brickworks site to the west of Whitecross Village.

1.3 The following information has been submitted in support of the application:

- Design and Access Statement;
- Pre-Application Consultation Report;
- Indicative Masterplan drawings;
- Planning Supporting Statement;
- Landscape and Visual Impact Assessment;
- Ecology and Biodiversity Report;
- Tree Survey and Arboricultural Report;
- Transport Assessment;
- Flood Risk Assessment;
- Drainage Assessment Report;
- Geotechnical and Geo-Environmental Report;
- Coal Mining Risk Assessment;
- Archaeological Desk Based assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- PADHI Appraisal Report;
- Potential Improvements to Haining Road Plan; and
- Myrehead Road Design Option Plan.

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

- The public event took the form of an exhibition which was held between 1pm and 8pm at the Power Station, Station Road, Whitecross on 8 July 2017;
- The event was attended by 41 members of the public;
- A total of 20 written comments were received;
- The proposals overall were well received. The main concerns were access and the suitability of the existing roads and nearby bridge over the railway, as well as capacity at the existing primary school;
- Positives mentioned were the provision of new housing and employment opportunities, which would provide long needed regeneration of the area. The proposals could also be the stimulus for further future investment such as local facilities within the area.

1.5 In addition, the applicant has proposed the following conditions to attach to any grant of planning permission in principle: -

- *Prior to occupation of the first house an active travel route to Whitecross Primary School is to be provided along Haining Road. The details of the active route to be submitted to and approved by Falkirk Council; and*
- *Prior to the construction of the 200th house, a detailed design of improvements to the carriageway and footway at Myrehead Road to be agreed with Falkirk Council and implemented.*

- 1.6 These proposed conditions relate to major infrastructure works which are considered necessary to make the development acceptable in planning terms. In these circumstances it is considered that a 'reasonable prospect of fulfilment' is an important factor to consider. Due to physical restrictions on Haining and Myrehead Roads, and the nature of the required works, third party land would be required. However, the necessary land has not been included within the application site, a detailed scheme for the works has not been submitted, and it is not known whether the applicant would be able to secure the land to implement the works (see also paragraphs 4.1, 4.2, 7a.23 and 7a.28 of this report).
- 1.7 As things stand at present, it is considered that there is a reasonable prospect that any grant of planning permission contingent upon these conditions would not, in effect, be able to be implemented or the development would stall before the 200th unit and without the provision of a suitable primary access to serve the proposed development.
- 1.8 More recently, the applicant has submitted drawings showing improvement works to Haining Road and Myrehead Road. However, the Council's Transport Planning and Roads Development Units have advised that these drawings do not meet their requirements for use of Myrehead Road as the main access to the site and for the provision of a suitable pedestrian and cycle route between the site and the existing village, including the primary school.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor James Kerr and Provost William Buchanan for the following reasons: -
- To allow the Planning Committee to consider matters relating to the development plan allocation, masterplanning and impacts on infrastructure.
 - To allow the Planning Committee to give consideration and scrutiny in relation to the development plan allocation, policies and planning history.

3. SITE HISTORY

- 3.1 Planning application P/10/0188/PPP for residential and mixed use phased development for the Whitecross SIRR, including up to 1,500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space was approved as a minded to grant decision on 26 April 2011, subject to the satisfactory conclusion of a Section 75 Planning Obligation. The application was refused on 2 November 2015 owing to the Section 75 Planning Obligation not have been satisfactorily concluded within a reasonable timescale.
- 3.2 Planning application P/14/0360/FUL for erection of 200 residential units and associated roads, parking, open spaces, footpaths and SUDS was withdrawn on 13 July 2016.

- 3.3 Proposal of Application Notice PRE/2017/0007/PAN was received on 12 April 2017 for residential, commercial and industrial development. The Notice set out the proposals for community consultation and a Pre-Application Consultation Report accompanies this application (see paragraph 1.4).
- 3.4 Environmental Impact Assessment (EIA) Screening Request PRE/2017/0028/SCREEN was received on 29 November 2017. The screening opinion 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.
- 3.5 Planning application P/17/0797/PPP for development of land to the north of Crownerland Farm, Whitecross, for residential use and associated infrastructure was approved on 21 November 2018 as a Minded to Grant decision subject to the satisfactory conclusion of a Section 75 Planning Obligation. The planning obligation has not yet been concluded.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have noted that current Scottish Government policy in terms of housing development is 'Designing Streets'. The Council complies with this policy and have adopted the 'National Roads Development Guide' (NRDG) with the 'Falkirk Council Addendum' as the standards they would expect to see in all new roads for housing and industrial/commercial development. Overarching this are the Design Manual for Roads and Bridges (DMRB), the Roads (Scotland) Act, 1984, the Security for Private Roadworks (Scotland) Regulations 1985 which all impact on all new roads and mitigation works on access roads to housing and industrial areas. These guidelines and legislation require the Council as the local roads authority to ensure that roads are safe for all road users.
- 4.2 The Roads Development Unit have advised that the scale and nature of the proposed development would raise road safety and connectivity issues if the existing rural road infrastructure was to be relied upon. It is understood that the applicant is unable to provide a new access to the A801 and, to date, nothing has been provided in design terms to give any comfort that a suitable access to the A803 via Myrehead Road is attainable. Access via Myrehead Road would require an upgrade to DMRB standards with direct access to the development, over a new full width railway crossing with an appropriate junction at the A803. In addition, the provision of an active travel route to link the site to the existing village is required but is constrained by physical restrictions on Haining Road and a need to acquire adjoining land to construct the necessary footpaths. No issues in principle have been identified with the internal street road design and layout as shown on the indicative masterplan.
- 4.3 The Roads Development Unit have noted that the applicant has considered two options for dealing with surface water discharge for the proposed development. While both options have the potential to increase flood risk, the option of continuing to use an existing off-site culvert in its current dilapidated condition to convey water to the Manuel Burn brings with it a number of potential issues that would not arise under the option of removing connection to the existing culvert and relying on new infrastructure to convey the surface water to the burn.

- 4.4 The Environmental Protection Unit are satisfied that an adequate preliminary contaminated land risk assessment has been carried out. Additional information, for example, a Phase 2 intrusive site investigation, including gas monitoring and a revised Conceptual Site Model, would be required. The methodology used in the noise impact assessment is broadly acceptable. A more detailed noise impact assessment would be required at detailed planning stage. The submitted air quality assessment is acceptable. The proposed mitigation measures include a Dust Management Plan and Construction Method Statement.
- 4.5 The Transport Planning Unit have reviewed the submitted transport assessment and supporting information. The traffic flows, trip generation and trip distribution applied in the traffic modelling are considered to be acceptable and it is noted that the base flows produced by the Council have been used to assess the operation of the relevant junctions. It is noted that the modelling of the traffic signals on Myrehead Road at the railway bridge does not take account of the two private accesses on either side of Myrehead Road which are both signal controlled as part of the junction. These accesses would result in additional phases which could cause the signals to operate over capacity. In addition, the modelling of the Myrehead Road/A803 junction indicates that this junction would not operate at capacity all of the time. As a result, some improvements at the junction would be required. The concerns regarding access and connectivity highlighted above by the Roads Development Unit are supported. The applicant's modelling does not take into account concerns that Myrehead Road in its present form is not suitable as a primary access to the proposed development. A financial contribution would be required to fund diversion of the existing local bus service into the site. The upgrade works to Myrehead Road should include suitable pedestrian/ cycle facilities. A travel plan framework would be required for the whole site, as well as a travel pack for the residential element. However, it is likely that new residents wishing to use Polmont and Linlithgow train stations would be more inclined to drive to the stations to catch a train. There is severe pressure on car-parking at Polmont Station.
- 4.6 Scottish Water have no objection to the application, but highlight that this does not confirm that the proposed development can be serviced by their infrastructure. There is currently sufficient capacity at the Balmore Water Treatment Works to service the proposed development. However, further studies would be required to determine if the existing water network could adequately service the demands of the development, or if any mitigation/enhancement work is necessary. There is currently insufficient capacity at the Whitecross Waste Water Treatment Plant to service the proposed development. A Network Assessment would therefore be required. They have funding to invest in treatment works where certain criteria are met. According to their records, there are existing Scottish Water assets which run through the site.

- 4.7 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on flood grounds. There should be no built development including land raising over the existing culvert or within the flow pathway of any surcharging manhole, and an appropriate buffer should be provided for maintenance. The Planning Authority should satisfy itself that the development would not lead to future declaration of an Air Quality Management Area (AQMA) due to breaches of air quality objectives. West Lothian Council's Environmental Health Department should be consulted regarding possible impacts on the Linlithgow AQMA and any potential conflicts with their Air Quality Action Plan which may require mitigation. The Planning Authority should also satisfy itself that the proposed development is well linked to local amenities and public transport options are available for commuters, in order to support a pattern of development that reduces the need to travel and, as a consequence, reduces emissions from transport sources. The applicant is advised to explore opportunities to re-open the existing culverted watercourse through the site and possibly incorporate it into the site design. The Sustainable Urban Drainage (SUDS) proposals are indicative at the moment, but would need to be designed in accordance with Sewers for Scotland (3rd edition) for eventual adoption by Scottish Water. The discharge from the SUDS would be authorised by General Binding Rule 10 of The Water Environment (Controlled Activities) (Scotland) Regulations 2001 (CAR). A Construction Site licence under CAR may be required for water management given the size of the development site. There are a number of SEPA licensed sites within 2 kilometres of the proposed development. Avondale Landfill is the most likely of these sites to have impacts on the residents of the proposed development. The Planning Authority and the applicant should consider the impact that odour nuisance could have on the quality of life of those working and (especially) living at this site.
- 4.8 Children's Services have advised that a development at a scale of 400 dwellinghouses would contribute to capacity issues at Whitecross Primary School and Graeme High School and in respect of nursery provision. The proposed development would result in the need to extend Whitecross Primary School from the current 100 pupil capacity to a single stream school, and the need to significantly increase nursery provision. The pro-rata contribution rates set out in Supplementary Guidance SG10 'Education and New Development' would not be sufficient to meet the estimated costs of the required extension. A bespoke contribution is therefore required, which has been calculated at a rate of £4,800 per dwellinghouse and £1,850 per flat. The contribution for Graeme High School would be £2,100 per dwellinghouse and £1,050 per flat, in accordance with SG10. The total contribution required is therefore £6,900 per dwellinghouse and £2,900 per flat. The bespoke contribution for Whitecross Primary School would be acceptable under the scenario of one or both of the Whitecross applications being granted planning permission (references P/17/0792/PPP and P/17/0797/PPP). St Mary's RC Primary School and St Mungo's RC Primary School have sufficient capacity to serve the proposed development.
- 4.9 Historic Environment Scotland have advised that the proposed development affects the setting of two scheduled monuments: Almond Castle; and Union Canal, River Avon to Greenbank.

- 4.10 Falkirk Community Trust, Museum Services, have advised that the industrial site of the brickworks is of some historic interest, being one of the first brick manufactories to use tunnel kilns. It was also served by a branch line railway. However, these features are no longer a significant part of the landscape within the development area. Almond or Haining Castle is a nationally important monument and its setting, as well as the associated stratigraphy need to be retained. The proposal shows the castle standing in an open park setting which would preserve the archaeologically sensitive areas. The landscaping here must be undertaken in a sensitive manner that respects the early levels and should be monitored by an archaeologist. There is also an urgent need to stabilise the remains, and a conservation plan is required.
- 4.11 Scottish Natural Heritage consider that the most effective approach to good place-making is to produce an overarching development framework for an area, based on consultation with all relevant stakeholders. The current proposal does not fully accord with this approach, or fully with the landscape strategy of the earlier masterplan. The proposal is effectively a piecemeal rather than joined up approach to development. Any proposal for the Whitecross Strategic Growth Area should be part of a wider development framework. A revised Badger Protection Plan is required, in order to avoid offences under the Protection of Badgers Act 1991. Further consideration of bats and their roosts would be required if any works could impact on trees that have been identified as potentially harbouring bats or bat roosts. Further pre-construction protected species surveys would be required, as recommended in the ecological appraisals carried out to date.
- 4.12 The Scottish Rights of Way and Access Society (Scotsway) have advised that the National Catalogue of Rights of Way (CROW) shows routes CF23, CF25 and CF184 as being affected by the proposed development. In addition, CF118 appears to lie immediately outside of the application boundary. It is understood that all of the identified rights of way are also designated as Core Paths. It is expected that any detailed planning application would address all of the identified rights of way affected by the development proposal.
- 4.13 The Health and Safety Executive do not advise, on safety grounds, against the granting of planning permission.
- 4.14 Shell UK have no comment to make on the application. The developer should contact Shell UK prior to any excavations in order to preserve the integrity of the Shell North Western Ethylene Pipeline (NWeP).
- 4.15 Transport Scotland have advised of conditions to attach to any grant of planning permission. They include the carrying out of improvement works to M9 Junction 4 (Lathallan Roundabout) in accordance with approved details, or the payment of a financial contribution in lieu of physical works.

- 4.16 West Lothian Council note that the village of Whitecross is within easy reach of Linlithgow via the local road network. They consider that this raises legitimate concerns about the potential impacts of the proposed development for the town of Linlithgow, despite it being located within the administrative area of Falkirk Council. It is not unreasonable to assume that there will be additional pressure on leisure and retail facilities in Linlithgow Bridge and Linlithgow town centre, which will have the potential to exacerbate the volume of local traffic and pressure for parking. Furthermore, the 29,000 sq.m. of commercial development proposed primarily for Class 6 Storage and Distribution usage suggests that there could also be an increase in various forms of commercial and freight vehicular movements. In addition, potential impacts on educational infrastructure in Linlithgow continue to be a concern, and it is therefore important that sufficient educational infrastructure provision has been identified by Falkirk Council to accommodate the proposal. Transportation and education concerns were raised by West Lothian Council in connection with the previous planning applications for the larger Manuel Brickworks site and in response to the consultative development plan of Falkirk Council. West Lothian Council is satisfied that it has been afforded an opportunity to comment on the proposals and is content for due process to take its course. West Lothian Council's Environmental Health Officer has no comment to make on the submitted air quality assessment.
- 4.17 Police Scotland have advised that appropriate security measures must be considered during the construction phase. There continues to be a high risk of metal thefts throughout Scotland. It is recommended that consideration be given at the earliest possible stages to the principles of Crime Prevention Through Environmental Design (CPTED).
- 4.18 NHS Forth Valley have advised that the Council's Supplementary Guidance for healthcare and new housing development (SG11), dated 2 November 2015, is outdated and cannot be relied upon. The SG indicates that there is a surplus capacity of 1,032 spaces at the local health centre (Polmont Park), whereas NHS Forth Valley have advised that the latest information from the Practices concerned shows that there are capacity issues at this location. The Health Centre at Meadowbank also brings its own challenges, in that expansion of the site would not be possible given tight site constraints. The additional space required to facilitate a greater number of patients would therefore potentially require a new site.
- 4.19 The Coal Authority concur with the recommendations of the coal mining risk assessment; that coal mining legacy poses a risk to the proposed development and intrusive site investigations should be undertaken prior to development. They have no objection to the application subject to conditions to secure identification of the precise location of the mine entry (adit) and its zone of influence, definition of suitable 'no build' zones, and suitable treatment of the mine entry.

5. COMMUNITY COUNCIL

- 5.1 There is no community council for the Whitecross area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 2 representations were received consisting of one objection and one neutral representation. The salient issues are summarised below:-

Traffic / Road Safety

- The narrow streets of Whitecross village or past Campbell's and over the railway bridge cannot carry the proposed additional traffic;
- It proves difficult to pass certain vehicles and pedestrians going to / from Campbell's have to walk on the carriageway;
- The current C-road infrastructure is not suitable or capable for the vehicles associated with 400 dwellinghouses, with there being little scope for adding street lighting and footpaths, far less for widening the road itself;

Ecology

- The Manuel Burn is one of the principle spawning_tributaries on the Avon for salmon;
- How will the developer ensure that water quality is not damaged by silt during construction and that adequate measures are in place to prevent both hydrocarbons and other pollutants entering the burn, to the detriment of the fish population?;
- Would the applicant be prepared to contribute to the River Avon Federation's sponsoring of a 'Trout in the Classroom' programme at Whitecross Primary School? Trout fly are released by the school children in the Manuel Burn near the school and the burn is subsequently electro-fished to show the pupils how the fish have thrived;
- The ecology report makes no mention of fish or the returning migratory species; and
- There are inaccuracies in the ecology report as the River Avon Federation have detailed records of otter holts and locations of signs in the area. They also have records of Japanese Knotweed along the Avon and its tributaries, and Himalayan Balsam is extensive along the canal.

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 following policy or policies:

Local Plan Policies

7a.2 The application site lies within the village limits for Whitecross as defined in the LDP. It forms part of a site allocated for mixed use (M14). M14 is one of the Council's Strategic Growth Areas. The eastern portion of the application site lies within a Pipeline Consultation Zone.

7a.3 Whitecross village lies within the Rural South area of the Falkirk district. This area comprises the countryside and 12 villages to the south of the Forth and Clyde Canal. The settlement statement for Rural South indicates:-

'A new settlement at Whitecross (M14), based on the former Manual Works, will continue to be promoted. This will comprise 1500 houses, a new access off the A801 and upgrade of Myrehead Road, new employment land and community facilities, including a new school.'

7a.4 The LDP sets out strategic growth area guidance for M14. This guidance includes the following:-

- Overall aim is to create a vibrant, mixed use new community, which integrates well with the existing village and surrounding countryside and regenerates the former Manual Works site;
- Overall scale of 1500 houses, including a full range of housing types and tenures;
- At least 12 hectares of employment land, phased appropriately in conjunction with residential development;
- New primary access required via a roundabout on the A801. Upgraded Myrehead Road to provide secondary access, with various other improvements and traffic management measures as required;
- Sustainable transport measures, including a comprehensive network of pedestrian and cycle routes and enhancement of bus services;
- Consideration to be given to transport impacts within West Lothian Council area and appropriate mitigation, in consultation with West Lothian Council;
- Appropriate range of community facilities, including a new two stream primary school and new local centre;
- Clear urban design strategy required;
- Sustainable energy use to be embedded in the development;
- Full landscape and greenspace strategy required encompassing the provision/upgrading of open space, a comprehensive landscape framework to integrate the new development into its surroundings and exploitation of green network opportunities in and adjacent to the site;
- Existing woodland, hedgerows and other locally important habitats to be retained where possible, especially Haining Wood, which requires a Management Plan;
- Protection and enhancement of Almond Castle and its setting required;
- The setting and amenity of the Union Canal to be safeguarded;
- Land to be safeguarded for an extension to Muiravonside cemetery;
- Whitecross Waste Water Treatment Works will require upgrading;
- Provision of two stream Primary School, phased appropriately, together with contributions to denominational high school provision;
- Transport contributions, including a contribution for the upgrading of Junction 4 of the M9 and public transport contributions;
- Contributions to village enhancements, notably upgrading of the main central road junction and the existing recreational ground; and

- 15% affordable housing requirement, including an appropriate range of affordable housing types/mechanisms.

7a.5 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.6 Mixed use site M14 (Whitecross) is specifically promoted in the LDP as a site to contribute towards the target level of housing growth of 675 dwellings per year over the Plan period (2014 to 2024).

7a.7 M14 is identified as a strategic growth area in the LDP. Under part 5 of the policy an overall masterplan is required for M14, as well as a co-ordinated approach to social and physical infrastructure provision. The application is not supported by an overall masterplan for M14, and there is no information on the total content and layout of M14, the infrastructure required to support the overall scale of development, and how this would be delivered. As detailed above, the vision under the LDP is to create a vibrant new mixed use community, including up to 1,500 houses. While the application provides for significant new housing and business/employment land, it cannot achieve the overall vision or deliver many of the key requirements set out in the LDP, such as the scale of new residential development, a new access to the A801, a new primary school, new community and recreational facilities, and a new local centre. Within this context, the application represents piecemeal and unco-ordinated development within M14 and is not a sustainable approach to achieving the M14 vision. The application is therefore contrary to this policy.

7a.8 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.9 The affordable housing requirement for the site is 25%. This equates to 100 units based on an indicative number of 400 units. The details of the affordable housing provision could be secured in a Section 75 Planning Obligation attached to any grant of planning permission, having regard to the Council's Supplementary Planning Guidance SG12 'Affordable Housing'.

7a.10 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.11 The submitted masterplan drawings provide a broad picture of the land uses, layout, principal streets, green network and SUDS features. The masterplan is indicative at this stage but the more detailed proposals would be expected to comply with the broad principles of the masterplan. The detailed design, layout and density would be considered at detailed planning stage, having regard to the Council's Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'.

7a.12 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.13 The vision for a new large-scale mixed use community at Whitecross requires the provision of new or upgraded strategic infrastructure in the Whitecross area. These strategic items are upgrade of the M9 Junction 4 Lathallan Interchange, a new primary school, and upgrade of the Waste Water Treatment Works.

7a.14 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.15 The specific infrastructure requirements for M14 are detailed in the LDP. They include provision of a new primary access to the A801, upgrade of Myrehead Road (to provide a secondary access), sustainable transport measures, a new two stream primary school, a new local centre, protection and enhancement of Almond Castle, an extension to Muiravonside Cemetery, upgrade of the Waste Water Treatment Works, upgrade of Junction 4 of the M9, and enhancement works to the existing village. As explained above, the current approach is unable to deliver many of the key requirements set out in the LDP.

7a.16 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.17 The submitted masterplan includes a green network which could potentially contribute towards the active and passive open space requirements for the proposed development. The 'green areas' includes existing and proposed new woodland, open space, landscaped areas and a green buffer zone. The requirements for open space are set out in the Council's Supplementary Guidance SG13 'Open Space and New Development'. Open space provision would be considered further at detailed planning stage. It is anticipated that a proportion of the overall requirement would be met by the payment of a financial contribution towards improving local open space facilities, such as the existing recreational ground at Vellore Road, but this would be confirmed at detailed planning stage.

7.a.18 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.19 A financial contribution of £6,900 per dwellinghouse and £2900 per flat would be required towards improving capacity at Whitecross Primary School, Graeme High School, and the school nursery. The contribution for the primary school reflects a bespoke approach, as the contribution rates set out set out in the Council's Supplementary Guidance SG10 ' Education and New Development' would not be sufficient to meet the estimated cost of the new extension. The contribution would be secured in a Section 75 Planning Obligation attached to any grant of planning permission.

7a.20 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.21 The catchment health centre (Polmont Park) is identified in SG11 'Healthcare and New Housing Development' as having a surplus capacity of 1,032 spaces, after factoring in the estimated 661 patients generated by the additional housing allocations in the area. However, Whitecross was not factored into these figures. This may have been because of an assumption that the original Whitecross Masterplan would include its own health clinic to meet the needs of the new settlement. The advice from NHS Forth Valley is that SG11 is out of date as there is currently a capacity issue at Polmont Park.

7a.22 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.23 The development would be required to provide an appropriate standard of pedestrian and cycle facilities within the site. Appropriate links to existing networks in the area would also be required, as well as safeguarding of the existing rights of way/ Core Paths which lie within the site. A management plan would be required for Haining Wood, which would need to consider the upgrade and maintenance of the existing path network within the woodland area.

7a.24 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.25 The existing local bus service provides access to Polmont/Falkirk and Linlithgow and is routed along the B825, Manuel Terrace and Vellore Road. The nearest bus stops for this service are more than 400 metres walking distance from a large part of the site and a financial contribution would be required to fund an extension to the service so it diverts into the application site. Appropriate bus infrastructure within the site to support the service would also be required. In addition, suitable pedestrian facilities along Myrehead Road to the A803 should be provided so there is an opportunity for the new residents/ employees to access the Edinburgh express service.

7a.26 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.27 The Transport Planning Unit have reviewed the submitted transport assessment and supporting information and are satisfied with the traffic flows, trip rates and trip distribution applied in the traffic modelling. However, there are identified or potential capacity issues at the traffic signals on Myrehead Road at the railway bridge and at the Myrehead Road/A803 junction. In addition, the traffic modelling does not take into account concerns that Myrehead Road in its present form is not suitable as a primary access to serve the proposed development.

7a.28 In addition, the transport assessment is deficient in its consideration of walking and cycling as statutory design proposals have not been submitted for the provision of suitable pedestrian/ cycle connections including to the existing village and to the A803 express bus service.

7a.29 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.30 The foul water from the site is proposed to drain to the existing foul drainage system. Scottish Water have advised that there is currently insufficient capacity at the Whitecross Waste Water Treatment Plant to service the proposed development. A Network Assessment would therefore be required and funding is available to invest in treatment works where certain criteria are met.

7a.31 Surface water management for the proposed development would reflect sustainable urban drainage (SUDS) principles and include attenuation by means of filter drains/ swales and conveyance to basins/ ponds. Discharge of surface water would be to the Manuel Burn and two options have been considered in terms of conveyance of the water to the outfall. One option is to continue to use an existing off-site culvert in its current dilapidated condition to convey water to the Manuel Burn (with use of a new overflow culvert in the event of blockage of the culvert downstream), while the other option is to remove the connection to the existing culvert and rely entirely on new infrastructure to convey the surface water to the burn. While both options have the potential to increase flood risk downstream, the former option carries a number of other risks including the potential to exacerbate the integrity of the existing structures, sewer adoptability issues, and the potential for disruption to the new development and increase in flood risk (due to a reduction in capacity at the site) if remedial works to the structures were required. The options for discharge would need to be considered further at detailed planning stage.

7a.32 Policy BUS01 - Business and Tourism states:-

1. *The Council will promote the Strategic Business Locations (SBLs) and National Developments identified on Map 3.3 as the priority areas for economic development. Development of the site specific elements of the SBLs, as listed in the Settlement Statements and detailed in the Site Schedule in Appendix 1, will be to high standards of design in accordance with a development brief or masterplan for each location approved by the Council, to ensure a comprehensive and sensitive approach to site planning.*
2. *Other local sites for new local business and industrial development listed in the Settlement Statements and detailed in the Site Schedule will be safeguarded for the employment use specified for each site.*
3. *The Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified in Figure 3.2 and Map 3.4. Proposals will be supported which:*
 - *complement the existing pattern of development;*
 - *are of a quality which enhances the image and tourism profile of the area;*
 - *comply with other LDP supporting policies.*

7a.33 The application site lies with mixed use allocation M14 which forms part of the Eastern Gateway Strategic Business Location under the LDP. Strategic Business Locations are the priority areas in the Falkirk Council area for economic development. The site requirements for M14 specifically include employment land which the application provides for (10% Class 4 and 90% Class 6). The proposed land uses have been subject to a comprehensive master-planning exercise and the location of the uses, to address the constraints imposed by pipelines in the area, is understood (see below).

7a.34 Policy BUS05 - Major Hazards and Pipelines states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
 - *The increase in the number of people exposed to risk in the area;*
 - *The existing permitted use of the site or buildings;*
 - *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
 - *The potential impact on existing chemical and petrochemical sites and pipelines.*

2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.35 The eastern portion of the site lies within the consultation zones for a high pressure gas pipeline and an ethylene pipeline. The affected part of the site is mainly within the outer zones of the consultation distances. The Health and Safety Executive (HSE) does not advise against the granting of planning permission, based on the indicative masterplan. The masterplan has been designed to ensure that the level of risk is acceptable with respect to the methodology applied by the HSE. There is no housing proposed within any of the consultation zones and no buildings are proposed within the inner zone. There are no particular restrictions on industrial/commercial development within the middle or outer zones. Any subsequent detailed applications would be subject to consultation with HSE.

7a.36 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.37 The site lies within a strategic growth area. New development within strategic growth area is expected to contribute to the green network. The submitted masterplan includes extensive 'green' areas, focused on retention of existing woodland, augmented by new landscaping and open space.

7a.38 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.39 The site is located within the Manuel Farmlands Local Landscape Character Area as defined in the Council's Supplementary Guidance SG9 'Landscape Character Assessment and Landscape Designations'. This landscape type is sensitive to any development that is poorly screened or designed, particularly over the higher ground, due to the potential for visibility over the wider area.

7a.40 The submitted landscape and visual impact assessment concludes that the potential for extensive adverse landscape and visual effects is very limited, due to the existing character and enclosed/well screened nature of the site. Furthermore, the effects would be further reduced by the design of the proposals and the landscape mitigation integral to the masterplan. There would also be localised benefits arising from redevelopment of the cleared post-industrial site. The content and conclusions of the landscape and visual impact assessment are considered to be reasonable.

7a.41 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.42 A number of ecological surveys were carried out in late 2017. The survey area was found to comprise a mix of habitats, the majority of which are typically associated with a disturbed former industrial site. In addition, there is a mix of woodland types, ranging from newly established semi-natural areas to plantations and areas of long established ancient woodland. Haining Wood is an ancient semi-natural woodland of regional importance.

7a.43 There was evidence of the presence of badger within the survey area, as well as a number of trees and structures with features that could provide suitable roost sites for bats, the most important of which is Almond Castle. The site comprises a mix of habitats that are suitable for great-crested newts, reptiles and nesting birds. However, there is currently no evidence to suggest that the proposed development area provides important habitat for great-crested newts. Water vole and otter may be present on the section of the Union Canal adjoining the site and otter may also occasionally make use of the Manuel Burn as a foraging site. Updated species surveys would be required prior to construction.

7a.44 The ecology report recognises the potential for enhancement of the nature conservation value adjacent to the proposed development, along with some limited scope for habitat creation within the development. In addition, the report considers that the masterplan takes into account the nature conservation designations and largely avoids direct impacts on the Union Canal (a Site of Importance for Nature Conservation) and Haining Wood (a Wildlife Site).

7a.45 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.46 The submitted tree survey and arboricultural report identifies extensive tree cover in the northern part of the site, comprising an area of mixed plantation woodland, developing scrub and occasional individual trees. In addition, there is an area of well developed natural woodland along the eastern boundary (a former railway line). Immediately to the north-east of the site is Haining Wood, an area of ancient semi-natural woodland. This woodland contains some good specimens of coppiced oak. The application site, itself, has no individual specimens of any significance. The majority of the existing woodland areas would be retained. This is shown on the Tree Protection Plan accompanying the application. Developing scrub along the western boundary adjacent to Haining Wood would be affected by the proposed development. Enhancement of the existing woodland area and creation of new habitat, as well as the provision of an effective management regime, would more than compensate for the affected areas.

7a.47 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.48 The proposed development affects a number of rights of way/Core Paths which would need to be safeguarded and satisfactorily incorporated into the development. This would include satisfactory arrangements during the construction period. The proposal also provides an opportunity for improvements to the existing outdoor access network, including Haining Wood.

7a.49 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.50 The proposed development lies within a strategic growth area. As such, the proposal provides a key opportunity for place-making within the local area. The submitted masterplan reflects a landscape-led approach to place-making as it retains the existing woodland which provides extensive screening and a sense of containment. The masterplan principles would be expected to inform the detailed design proposals in order to achieve design quality and successfully integrate the development into its surroundings. However, there are concerns at the prospect of housing which is physically isolated, poorly connected and exposed to dis-amenity from a derelict neighbouring brownfield site if an initial phase of housing was taken forward and given the likelihood of a slow take-up of the business land. This concern is reinforced by the applicant's suggested planning condition to allow up to 200 dwellinghouses prior to implementation of improvement works to Myrehead Road and our concern that a reasonable prospect of implementation of the infrastructure works has not been demonstrated.

7a.51 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.52 The submitted masterplan provides a broad picture of land use, layout, principal streets, green network and SUDS features. The indicative grid layout is considered to create a coherent and permeable structure, offering frontages onto streets and open spaces. The rationale for splitting the site into separate residential and commercial/employment areas, and the location of these uses, to address the pipeline hazard constraints, is understood. The provision of public art and public realm aspects could be considered at detailed planning stage.

7a.53 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.54 The use of low and zero carbon technologies would need to be addressed at the detailed planning stage, in accordance with the Council's Supplementary Guidance SG15 'Low and Zero Carbon Development'.

7a.55 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.56 The Union Canal (River Avon to Greenbank) scheduled monument adjoins part of the application site to the south. The Almond Castle scheduled monument lies within the site. Historic Environment Scotland (HES) have withdrawn their objection to the application

7a.57 Policy D14 - Canals states:-

The Council, in conjunction with Scottish Canals and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

1. *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the LDP;*
2. *The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of moorings and other infrastructure for a wide range of canal users;*
3. *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) and to the Firth of Forth SPA for nature conservation reasons;*
4. *Residential moorings where an appropriate level of natural surveillance, amenity and access to community facilities can be achieved; and*
5. *Appropriate canal-side development which complies with other LDP policies*
 - *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance;*
 - *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
 - *incorporates measures to ensure that there is no detriment to the canal water environment; and*
 - *ensures there is no detriment to the structural stability of the canal.*

7a.58 The proposed development is unlikely to have any direct impacts on the Union Canal. It provides an opportunity to improve and enhance the relationship of the site to the canal, including an opportunity for appropriate canal-side development. This could be considered further at detailed design stage.

7a.59 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.60 There are a number of watercourses and water features within and in the vicinity of the site. They include an unnamed burn which is culverted through the site on an east-west alignment, which outfalls to the Manuel Burn at Manuel Terrace. SEPA have advised the applicant to explore opportunities to re-open the culverted watercourse, possibly incorporating it into the design. Potential construction related impacts on the water environment would be considered as part of a Construction Environmental Management Plan (CEMP). There may be a requirement for a construction site licence from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

7a.61 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.62 The submitted flood risk assessment considers the sources of potential flood risk to the site. It is accepted that the Manuel Burn does not pose a flood risk to the site. Flooding was found to occur in a valley within the site, which should be maintained as part the proposed development or compensated for by flood storage elsewhere on the site. The main flood risk issue relates to the potential for a collapse/ blockage of the existing culvert downstream of the site, leading to manhole surcharge and flooding within the site if this culvert is used to convey surface water from the site to Manuel Burn. In order to address this issue, the applicant has considered two options for surface water discharge (see the assessment above under Policy INF12). In terms of these options, while the provision of a new location for discharge into the Manuel Burn could introduce flood risk to new receptors, it is anticipated that it may be possible to mitigate this risk where it relates to a sensitive land use.

7a.63 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.64 The submitted air quality assessment predicts that overall the proposed development would have a negligible air quality impact on existing and new receptors. The Council's Environmental Protection Unit is satisfied with the methodology and the conclusions of the assessment. The site does not lie within an Air Quality Management Area (AQMA). The effects of dust during the construction phase could be mitigated through the implementation of a dust management plan.

7a.65 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.66 The proposed development utilises brownfield land and offers the prospect of developing and remediating a substantial derelict, former industrial site. The proposal is therefore supported by this policy, subject to compliance with the other relevant LDP policies.

Falkirk Council Supplementary Guidance Forming Part of LDP

7a.67 The following Falkirk Council Supplementary Guidance is relevant to the application:-

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

7a.68 This guidance is referred to in the policy assessment as appropriate (see paragraphs 7a.5 to 7a.66 above).

7a.69 In view of the above assessment, the application is considered to be contrary to the LDP.

7b Material Considerations

7b.1 The material considerations to be assessed are in respect of the application are the Falkirk Local Development Plan 2 (Proposed Plan), the consultation responses and the representations received.

Falkirk Council Local Development Plan 2 (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan 2 (LDP2) was approved by the Council for consultation in September 2018. The consultation period ran from 27 September 2018 to 23 November 2018. The representations to Proposed LDP2 were considered by Council on 26 June 2019. Following consideration by Scottish Ministers of representations received, it is expected that LDP2 will be adopted in 2020, at which point, it will replace the current Falkirk Local Development Plan. 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.3 Proposed LDP2 indicates that infrastructure constraints, land assembly issues and market considerations have led to a re-evaluation of the previous vision for a major new settlement at Whitecross. Essentially, the opportunity now comprises two separate sites. One of these sites (BUS02) is the subject of this planning application. Proposed LDP2 indicates that re-use of BUS02 (former Manual Works) remains a priority, but it is considered best suited to business and industrial development. The other site (H29) has a minded to grant decision subject to the satisfactory conclusion of a Section 75 planning obligation (application reference P/17/0797/PPP).

7b.4 The land uses, key principles and other requirements for BUS02, as outlined in Proposed LDP2, include:-

- Use for business and industry;
- Vehicular access to be taken from Haining Road as present, or an alternative point further north;
- Core path running east-west through the site should be retained;
- Existing woodland encompassing the site is to be retained and reinforced; Haining Wood is a Wildlife Site for which a management plan should be prepared;
- Almond Castle to be protected and consolidated within a landscaped setting;
- Sensitive treatment of development in the vicinity of the Union Canal, with quality frontage development/public realm, or screen planting as appropriate;
- Ground conditions and contamination issues to be addressed and appropriate remediation undertaken;
- Upgrade of Myrehead Road and contribution to upgrading of M9 Junction 4 likely to be required, depending on scale and nature of uses;
- Pipelines between Whitecross and Manuel Works may impose constraints and should be taken into account in masterplans; and
- Scottish Water growth project required for Whitecross Waste Water Treatment Works, growth will be wholly funded by Scottish Water.

7b.5 The proposed development is mixed use and includes a significant housing element (400 units). This is contrary to BUS02, which allocates the site as solely for business/employment uses. In other respects, the proposal largely complies with the site requirements or compliance could be secured at detailed planning stage. However, a fundamental unresolved issue is the absence of suitable proposals for the upgrade of Myrehead Road to serve the scale and nature of the development proposed in the application.

7b.6 The applicant has objected to Proposed LDP2 as they seek an allocation for the site that reflects the current planning application.

Consultation Responses

7b.7 The consultation responses are summarised in section 4 of this report. The main issues identified in these responses relate to access, road network impacts and road safety matters. Other matters raised could be the subject of a Section 75 planning obligation or conditions attached to any grant of planning permission. The concerns of Scottish Natural Heritage in relation to placemaking and of West Lothian Council in relation to potential impacts on the West Lothian Council area are noted.

Assessment of Public Representations

7b.8 The public representations are summarised in section 6 of this report. The following comments are made in response to the concerns raised in the representations:-

- Concerns in relation to traffic impact and road safety are considered in this report;
- Potential construction related impacts on the water environment would be considered as part of a Construction Environmental Management Plan (CEMP) in consultation with SEPA;

- The potential for indirect effects on fish e.g. as a result of drainage and pollution during construction would be addressed through implementation of an approved CEMP;
- The submitted ecology report indicates that an otter survey of the Manuel Burn was not considered necessary as the proposed development would be unlikely to present a significant disturbance to otter populations. The report does acknowledge that otters are likely to use this burn;
- Updated protected species survey would be required prior to construction as appropriate; and
- The report states that no invasive species were recorded within the site boundaries. An invasive species survey would be carried out prior to works commencing to confirm whether the findings of the reports remain valid.

7c Conclusion

7c.1 The application is considered to be contrary to the LDP for the reasons detailed in this report. A planning application is to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

7c.2 The material planning considerations include the following benefits of the proposed development:-

- The proposal uses brownfield land and offers the prospect of developing and remediating a very substantial derelict site;
- There is a substantial business element which could promote job creation, albeit that demand in this location may be limited;
- The proposal offers the potential to enhance Almond Castle, Haining Wood, and the Union Canal, and access to them, which were aspirations of the wider proposals; and
- The proposal would result in new greenspace within the site.

7c.3 A further material consideration is Proposed LDP2. While significant weight cannot at this stage be given to the proposed business/ industrial allocation (BUS02), it is considered that significant weight can be afforded to the proposed re-evaluation of the previous vision for the village. The 'direction of travel' is clear in that that the development opportunities are now far more modest and centred on two separate sites, rather than a cohesive masterplan area and the concept of a new settlement. The concerns with the proposal under part 5 of Policy HSG01 of the LDP can therefore be set aside.

7c.4 On balance, however, it is considered that the primacy of the Development Plan should be retained and the application refused. In terms of this balance, significant weight is afforded to the access and connectivity deficiencies of the proposed development which are a significant factor undermining the sustainability of the proposal. As detailed in the report, the application does not include any proposals for suitable pedestrian and cycle links to the village including to the primary school, or suitable road infrastructure to connect the proposed development to either the A801 or A803. The applicant's submissions that these matters could be addressed by suitably worded planning conditions are not supported, for the reasons detailed in this report. (See paragraphs 1.6 and 1.7). In addition, the road improvement drawings more recently submitted by the applicant do not satisfy the requirements of the Council's Transport Planning and Roads Development Units.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-

- 1. The application is contrary to Policy INF07 'Walking and Cycling' of the Falkirk Local Development Plan as the proposed development does not include appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provided connections to public transport. It would not be appropriate for the provision of these links to be the subject of planning conditions as it has not been demonstrated that there would be a reasonable prospect of fulfilment of these important infrastructure works.**
- 2. The application is contrary to Policy INF10 'Transport Assessments' of the Falkirk Local Development Plan as suitable mitigation measures to address transport network impacts have not been identified and agreed.**
- 3. The application is potentially contrary to Policy D01 'Place-making' of the Falkirk Local Development Plan as there is a prospect of housing which is physically isolated, poorly connected and exposed to dis-amenity from a derelict neighbouring brownfield site if an initial phase of housing was taken forward and given the likelihood of a slow take-up of the business land. This concern is reinforced by the applicant's suggested planning condition to allow up to 199 dwellinghouses prior to implementation of improvement works to Myrehead Road and that a reasonable prospect of fulfilment of the infrastructure works has not been demonstrated. This raises the prospect of the development stalling before the 200th unit and without provision of a suitable primary access to serve the proposed development.**
- 4. The application is contrary to Policy D02 'Sustainable Design Principles' of the Falkirk Local Development Plan as the proposed development is not considered to comply with all of the principles of sustainable development set out in the policy. In particular, it has not been demonstrated that the proposed development would encourage the use of sustainable modes of transport, provide safe access for all users, and address infrastructure needs and their impacts with particular regard to traffic and road safety.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08A, 09, 10, 11A, 12, 13, 14 and 15.**

.....
pp Director of Development Services

Date: 16 August 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Objection received from Mr Alan McMaster, Stanehadden, Linlithgow, EH49 6LQ on 6 January 2018.
4. Representation received from Mr Lindsay Mcfadzean, 72 Birkdale Park, Armadale, EH48 2NE on 23 January 2018.

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

FALKIRK COUNCIL

Subject: REDEVELOPMENT OF THE FORMER MANUEL
BRICKWORKS SITE - MIXED USE DEVELOPMENT
COMPRISING APPROXIMATELY 400 RESIDENTIAL
DWELLINGS, ASSOCIATED LOCAL RETAILING AND
COMMUNITY FACILITIES (CLASSES 1, 2 AND 3) AND
APPROXIMATELY 29,000M2 TOTAL GROSS AREA OF
COMMERCIAL UNITS (10% CLASS 4 : BUSINESS & 90%
CLASS 6 : STORAGE/DISTRIBUTION) AT LAND TO THE
EAST OF ALMONDHALL FARM, FALKIRK FOR CWC
GROUP - P/17/0792/PPP

Meeting: PLANNING COMMITTEE

Date: 17 June 2020

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

[View this Application on Public Access](#)

UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 28 August 2019 (copy of report appended), when it was agreed to continue the application to allow officers to consider whether there are means of overcoming infrastructure issues identified in the report in relation to access and transportation.
2. The report considered by Committee on 28 August 2019 advised that the proposed development was deficient in terms of access and connectivity as it did not include suitable proposals for pedestrian and cycle links from the site to Whitecross village, or suitable road infrastructure proposals to connect the site to the A801 or A803. The applicant's submissions that these matters could be addressed by suitably worded planning conditions were not supported as it was considered that there was a reasonable prospect that the terms of such conditions would not be able to be fulfilled due, for example, to uncertainty over whether third party land could be secured to implement the works.

3. Since the previous Committee consideration, there have been ongoing discussions with the applicant, including several meetings, and the submission of further information by the applicant. This has included:-
 - Haining Road Upgrade Drawing;
 - Haining Road Speed Survey;
 - Myrehead Road Re-alignment Overview Plan;
 - Myrehead Road Re-alignment Plan - Horizontal Geometry;
 - Myrehead Road Re-alignment Plan - Longitudinal Section; and
 - Revised Masterplan.
4. Members will recall that the Committee considered another application in the Whitecross area on 23 October 2019. This application, for development of land for residential use and associated infrastructure at land to the north of Crounerland Farm (P17/0797/PPP), was refused as the applicant was unwilling to negotiate any further in respect of the Section 75 Planning Obligation. This followed an earlier 'Minded to Grant' decision by the Committee. An appeal to Scottish Ministers against the Council's decision to refuse the application is currently in progress.

Haining Road

5. The submitted Haining Road drawing shows a 6 metre wide carriageway and a shared footway/ cycleway along the southern side of the road within the available land inside the fence line. The footway/ cycleway ranges in width from 3 metres to 2 metres, tapering to 2 metres in an eastwards direction to tie into the existing 1.2 metre wide footpath within the village. There would be no horizontal separation from the carriageway but a 300mm upstand would provide a degree of vertical separation. Some cut into the existing slope and provision of a retaining wall would be required.
6. The submitted Speed Survey was carried out over the period Friday 13 to Thursday 19 December 2019 and showed that the eastbound 85th percentile recorded speed during the week long survey was 28.5 mph while westbound the recorded speed was 29.7 mph. The applicant states that these results are unsurprising given that the length of Haining Road in question (150 metres) is 'bookended' by the existing 30 mph limit at the east end and by a 90 degree bend at the west end. This means that the ability for traffic to speed up before it has to slow down again is limited. The applicant therefore contends that the proposed footpath design provides a safe route to the village given the existing traffic speed.
7. The Council's Roads Development and Transport Planning Units retain their position that a 3 metre wide remote cycle/ footway is required along the south side of Haining Road from the existing village to the start of the access into the site. This is due to the rural setting and for the safety of users. According to Children's Services, the proposed development could generate circa 130 primary school pupils and 40 nursery children who would not qualify for transportation to the school by bus and would be encouraged to walk along the proposed shared footway/ cycleway. Without the provision of a direct and safe route, it is likely that residents of the proposed development would simply drive their children to school.

8. The results of the speed survey indicate that traffic speed alongside pedestrians and cyclists would be likely to be less than the speed limit which applies within the Whitecross village limits. It could therefore be argued that the safety risk would not be significantly different from that currently experienced within the village. Balanced against this, the proposed development would introduce a significant increase in pedestrians/cyclists, and the existing footpath provision along Haining Road is historical and does not reflect current standards. It is also considered that all options should be explored before considering a sub-standard option. In that respect, the applicant has to date failed to demonstrate that all reasonable efforts have been made to meet the standards by acquiring third party land.
9. The applicant has also suggested that the speed limit could be reduced along the relevant section of Haining Road. However, the Roads Development Unit have advised that this suggestion would not accord with guidance produced by Scottish Government on setting local speed limits.
10. The applicant has also considered an alternative route, utilising Core Paths, which would take pedestrians south across Vellore Road and then east passing through the recreation ground. However, this is a circuitous route, relies on the outdoor access network, which is not constructed to footway standard or lit, and requires walking on Vellore Road for a short section where visibility is restricted.

Myrehead Road

11. The submitted information for Myrehead Road indicates the following:-
 - A new at-grade roundabout at the junction of Myrehead Road and the A803;
 - Widening of the carriageway to 7.3 metres;
 - Provision of a 3 metre wide footway/ cycleway and 2 metre wide verge on the east side of the road extending from the A803 to the southern most farm access before the railway overbridge;
 - New highway drainage in the form of basins connecting to an existing ditch; and
 - Vertical re-alignment of the carriageway.
12. The proposals rely on use of the existing signalised railway overbridge. This overbridge provides one way vehicular access at a time, and incorporates a pedestrian facility. The proposed footway/ cycleway does not connect to the pedestrian facility on the overbridge.
13. The applicant was requested to consider the implications of the four approved house plots on the south side of the signalised railway crossing in their analysis of capacity. They have advised that the signal head at the access to these house plots operates on-demand and its usage (in the order of 3 movements per hour) would be unnoticeable to other road users.

14. The applicant has also considered the gradient of the southbound approach to the railway overbridge (stated by the applicant as being 10.33%). The current crossing arrangement and approach gradient followed works to electrify the railway line in 2015. The applicant considers that the Council could have explored alternative arrangements at the time if it considered the proposed works to be unsuitable. The applicant also refers to road guidelines from another part of the U.K. which anticipates industrial roads of 10% gradient. The Mound in Edinburgh is referenced as an example of a road with a steep section of more than 10% which is used by heavy traffic of all types. The applicant considers the approach gradient to the overbridge on Myrehead Road as suitable for commercial vehicles.
15. The Roads Development and Transport Planning Units have reiterated that a suitable primary access must be provided to the site, consisting of a 7.3 metre wide carriageway along its full length, either from the A801 or the A803, and a suitable remote pedestrian/cycle facility. Even if the majority of Myrehead Road could be suitably upgraded, it is unlikely that the existing railway bridge and route through the small settlement to the south of the railway bridge could be improved to include a 7.3 metre wide carriageway with suitable remote pedestrian / cycle facilities. It is therefore concluded that the upgrade of Myrehead Road would need to include a new two way bridge over the Glasgow to Edinburgh railway line.
16. The Roads Development Unit have advised that the issue of the gradient of the southbound approach to the railway overbridge was raised at the time of the electrification project. It was anticipated that further works would be done to reduce the gradient of the approach as part of the original masterplan development, which proposed a new primary access to the A801 and upgrade of Myrehead Road to provide a secondary access. However, the original masterplan development never progressed.
17. The applicant's references to variations in standard practice in road design by an authority in another part of the U.K. and the historical situation of the Mound in Edinburgh are not relevant to consideration of this planning application.
18. In terms of capacity at the railway overbridge, the Transport Planning Unit refer to their previous advice that the traffic modelling carried out by the applicant shows that this junction will operate within capacity but the practical reserved capacity will be reduced to only 7%, which is a considerable reduction from what is available without the proposed development. However, their modelling does not take account of the two private accesses on either side of Myrehead Road on the south side of the railway bridge, which are both signal controlled as part of this junction. While these accesses will not generate much traffic and may not be called on every cycle, they are most likely to be called during the peak periods, resulting in additional phases during that cycle which could cause the signals to operate over capacity. The Transport Planning Unit is not aware of revised modelling files having been submitted for their review.

National Roads Development Guide

19. Falkirk Council has adopted the National Roads Development Guide (NRDG), produced by the Society for Chief Planners of Transport in Scotland, and supported by Transport Scotland and Scottish Government Planning and Architectural Division. The above comments by the Roads Development and Transport Planning Units are informed by this guide.

20. The NRDG indicates that:-

- It is useful to identify different types of roads as either primary, secondary or tertiary;
- Primary accesses will include strategic roads and main roads or primary streets;
- The standards of the Design Manual for Roads and Bridges (DMRB) will be relevant to arterial (primary) routes outwith the urban limits and connecting to the strategic road network (this is illustrated in Figure 2 of the NRDG);
- Developments need to be well connected to their surroundings;
- The existing road network must be capable of coping with the existing as well as levels of all types of traffic generated by the development;
- On strategic and arterial routes generally subject to national speed limits, a standard lane width of 3.65 metres should be used and the layout should generally meet the standards in DMRB;
- The maximum gradient for a strategic road is 6% and 5% for an industrial road (8% under a DMRB permitted relaxation);
- The pedestrian network should reflect natural desire lines and be more attractive for pedestrians to use than the vehicular route;
- Where pedestrian routes of necessity run beside arterial roads, separation from the carriageway by either a hard or soft landscape strip, at least 2 metres wide, may be advisable in the interests of road safety and to improve the environment of the road;
- Gradients on footways and footpaths should not exceed 5%, with a notional maximum of 8%. Steeper gradients may occasionally be permitted, subject to the provision of a handrail on at least one side and rest platforms at 10 metre intervals; and
- Generally, cycle route gradients should not exceed 3%, but a gradient of 5% is allowable over a maximum length of 100 metres and 7% over a maximum length of 30 metres. Gradients of 7% or more are not recommended except over very short lengths.

21. In order to meet the NRDG, Myrehead Road from the A803 to the application site should be upgraded to DMRB standards, including the provision of a new railway overbridge which is compliant in terms of gradient for use by vehicles, pedestrians and cyclists. In addition, in order to meet the NRDG, the new pedestrian/cyclist facility along Haining Road should be separated from the carriageway by a 2 metre wide landscape strip.

Proposed LDP2

22. The previous report assessed the application as contrary to the Local Development Plan (LDP) as it did not represent a co-ordinated approach to master planning the Whitecross Strategic Growth Area (M14) and could not deliver many of the key requirements to achieve the vision for the new settlement. However, it was noted that Proposed Falkirk Local Development Plan 2 (LDP2) was a material consideration in determining the application. While significant weight could not at that time be given to the proposed business/ industrial allocation (BUS02) in LDP2, it was considered that significant weight could be afforded to the proposed re-evaluation of the previous vision for the village. The 'direction of travel' was clear in that the development opportunities are now far more modest and centred on two separate sites, rather than a cohesive masterplan area and the concept of a new settlement. This factor, along with the benefits of the proposal (see paragraph 7c.2 of the previous report), was seen to lend a degree of support to the principle of the proposed development.

23. The applicant objected to LDP2 as they sought an allocation for the site that reflected the current planning application. The Examination by the Scottish Government into the unresolved objections to LDP2 has now concluded and the Examination Report with recommendations was issued on 27th March 2020.
24. The reporter conducting the Examination into Whitecross recommended that LDP2 is not modified in the manner sought by the applicant, and should remain allocated as a business site. In coming to this conclusion, she considered that:-

'Site H29 [land to the north of Crownerland Farm], considered above, is allocated for 200 homes, and this already represents a substantial expansion in the number of new homes relative to the existing size of Whitecross. H29 does however relate well to the established village. The same is not the case for the Manuel Works site, which is physically separate from the village. This separation would, in my opinion, result in any new residential development on the site being more characteristic of a new settlement, or at least a cluster of development in the countryside. This sense of separation from Whitecross would be likely to be compounded if development was to proceed along the lines proposed in the masterplan, with residential property located in the west of the site and commercial/business uses in the eastern portion.'

'The separation from the village may however work in the site's favour as a strategic business site, as this would increase the flexibility over the types of business and industrial uses which could be satisfactorily accommodated, without giving rise to conflict with residential uses. In my opinion, the site is generally well suited to its proposed allocation as a business site for this reason, but its separation from Whitecross and limited local services would not provide the same level of suitability for a residential development, particularly if of the scale suggested in the representation'.

'There are some constraints to vehicular access due to the standard of the local road network, and the proposed plan already identifies that Myrehead Road is likely to require upgrading. The representee's transport assessment has concluded that the junctions surrounding the proposed development are predicted to continue to function satisfactorily, which they consider demonstrates that a new access or significant alterations to the existing road network would not be required. Whether or not this is the case, I see no reason why Myrehead Road could not be upgraded to accommodate traffic associated with a mixed use rather than solely a business development on the Manuel Works site, if deemed to be necessary. The site offers excellent accessibility to the M9 motorway, which lends itself well to business uses, but I am concerned that this ease of access to the strategic road network combined with relatively poor access to services, amenities, public transport and active travel opportunities would result in a residential development on this site generating a high degree of car dependency'.

'I note the potential benefits of redevelopment at this location, including re-use of a brownfield site and the potential for enhancement of the existing features of Almond Castle, Haining Wood and the Union Canal. However, in my view such benefits could accrue as much from business/industry use as from residential/commercial use'.

'In issue 2, we have concluded that the allocation of additional, appropriate sites across the Falkirk Council area is justified in order to meet the revised housing land requirement. However, on the basis of the foregoing assessment, I consider the site is better suited as a business site as set out in the proposed plan, and I do not consider the site would provide a sustainable, appropriate residential opportunity. I do not consider a mixed use allocation would be appropriate, and no modification is required.'

25. In the context of the current housing land shortfall, it is also significant to note the reporters' overall recommendations on the future housing land target for the Council area and the allocation of further housing sites across the Council area to meet the housing land requirement. An annual housing land target of 530 houses has been recommended, which is a significant reduction from the current LDP1 figure of 675 houses. Sites for a further 1550 houses have been recommended for allocation, in addition to the sites proposed by the Council in the Proposed Plan. The net result of these two changes is expected to be that, on adoption of LDP2, an effective 5 year land supply can be provided.
26. The next step is for the Council to make the requisite modifications to the Proposed LDP2, publish notification of its intention to adopt the plan as modified, and submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for the end of July 2020. The reporters' recommendations are more or less binding on the Council and there are only limited clauses that allow for a departure. Pending adoption of the new plan, the Proposed LDP2, read in conjunction with the Examination Report, constitutes a material consideration and should be given significant weight in the determination of planning applications.

Conclusion

27. The previous report considered by Committee on 28 August 2019 concluded that a degree of support could be offered to the principle of the proposed development, but it was essential that the development was supported by suitable infrastructure. The proposal represents a major development consisting of some 400 residential units and a significant element of new business land, mainly Class 6 Storage and Distribution, which can involve high levels of heavy vehicular traffic. The Council's Roads Development and Transport Planning Units retained major concerns that the applicant's proposals for improvement works to Haining Road and Myrehead Road were not appropriate to ensure the provision of a suitable primary access to the site, or a suitable walking and cycling route from the site to the existing village. The basis of their concerns was derived from the NRDG which includes design principles and detailed guidance as referenced in this report.
28. On balance, it was concluded that the primacy of the Development Plan should be retained and the application refused. In terms of this balance, significant weight was afforded to access and connectivity issues. These deficiencies were considered to undermine the sustainability of the proposed development.
29. This report has considered further roads and transportation information submitted by the applicant including detailed proposals for improvement to Myrehead Road and Haining Road. However, major road infrastructure concerns are retained as detailed in this report.
30. Since the previous Committee consideration, the Examination Report for Proposed LDP2 has been issued. The recommendation in the report for this site is not to modify the BUS02 business/ industrial allocation for the reasons set out in paragraph 24 above. The Proposed LDP2 business/ industrial allocation, and the reporter's rejection of the principle of residential development as part of the allocation, are now a significant material consideration in determining this planning application. The application is significantly contrary to Proposed LDP2 as it includes a major housing allocation of approximately 400 dwellinghouses.

31. The reporters' recommendations will also result in a reduction in the housing land target and the allocation of significant additional housing land in LDP2. This will result in the housing land shortfall effectively being addressed.
32. The previous recommendation to refuse the application is therefore reiterated and the reasons for refusal are updated accordingly. This includes an additional reason to reflect that Proposed LDP2 is now a significant material consideration.

33. RECOMMENDATION

33.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-

- 1. The application is contrary to Policy INF07 'Walking and Cycling' of the Falkirk Local Development Plan as the proposed development does not include appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to the wider public transport network.**
- 2. The application is contrary to Policy INF10 'Transport Assessments' of the Falkirk Local Development Plan as suitable mitigation measures to address transport network impacts have not been identified and agreed.**
- 3. The application is contrary to Policy D01 'Place-making' of the Falkirk Local Development Plan as the proposal brings with it the prospect of housing which is physically isolated, poorly connected, and exposed to dis-amenity from derelict brownfield land if housing is taken forward in advance of the business land.**
- 4. The application is contrary to Policy D02 'Sustainable Design Principles' of the Falkirk Local Development Plan as the proposed development is not considered to comply with all of the principles of sustainable development set out in the policy. In particular, it has not been demonstrated that the proposed development would encourage the use of sustainable modes of transport, provide safe access for all users, and satisfactorily address infrastructure needs and their impacts with particular regard to traffic and road safety.**
- 5. The application is significantly contrary to Proposed Falkirk Local Development Plan 2 as the application site is allocated for business/ industrial use (BUS02) under this plan, while the proposal includes a major housing allocation of approximately 400 dwellinghouses. Proposed LDP2 is a significant material planning consideration in determining this application as the Examination Report into the unresolved objections has now been released and adoption is scheduled for the end of July 2020.**

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08A, 09, 10, 11A, 12, 13, 14 and 15.

.....
pp Director of Development Services

Date:

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Objection received from Mr Alan McMaster, Stanehadden, Linlithgow, EH49 6LQ on 6 January 2018.
4. Representation received from Mr Lindsay Mcfadzean, 72 Birkdale Park, Armadale, EH48 2NE on 23 January 2018.

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

FALKIRK COUNCIL

Subject: REDEVELOPMENT OF THE FORMER MANUEL
BRICKWORKS SITE - MIXED USE DEVELOPMENT
COMPRISING APPROXIMATELY 400 RESIDENTIAL
DWELLINGS, ASSOCIATED LOCAL RETAILING AND
COMMUNITY FACILITIES (CLASSES 1, 2 AND 3) AND
APPROXIMATELY 29,000M2 TOTAL GROSS AREA OF
COMMERCIAL UNITS (10% CLASS 4 : BUSINESS & 90%
CLASS 6 : STORAGE/DISTRIBUTION) AT LAND TO THE
EAST OF ALMONDHALL FARM, FALKIRK FOR CWC
GROUP - P/17/0792/PPP

Meeting: PLANNING COMMITTEE

Date: 17 March 2021

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

[View this Application on Public Access](#)

UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 28 August 2019 (copy of report appended), when it was agreed to continue the application to allow officers to consider whether there are means of overcoming infrastructure issues identified in the report in relation to access and transportation.
2. Members will also recall that the application was considered by the Planning Committee on 17 June 2020 (copy of report appended), when it was agreed to further continue the application in order to allow for further discussions to take place between officers and the applicant in relation to potential planning conditions, section 75 obligations and suspensive planning conditions in relation to provision of a two way overbridge on Myrehead Road and a 3 metre wide cycleway/ footway with a 2 metre buffer area on Haining Road with officers to report back to committee on the outcome of the discussions.

Local Development Plan 2

3. Since the application was last reported to Committee, Local Development Plan 2 (LDP2) was adopted in August 2020. Under LDP2 the application site is allocated as a business/ industrial site (BUS2). As the application includes a substantial housing element (approximately 400 units), it is contrary to LDP2. The findings of the reporter conducting the LDP2 Examination into Whitecross were detailed in the report to Committee dated 17 June 2020.
4. Under the previous local development plan (LDP1), the site formed part of a large scale mixed use allocation (M14). The report to Committee dated 28 August 2019 recognised that the application reflected a mixed use approach but concluded that it was contrary to LDP1 as it represented piecemeal and un-coordinated development within M14 and could not achieve the overall vision for M14 or deliver the key requirements for the new settlement. The situation has changed under LDP2 as the development opportunity is significantly reduced to two sites (H29 Crownerland and BUS2 Manuel Brickworks).

Applicant's Position

5. In response to the Committee's further continuation of the application, the applicant has confirmed their position that there is no technical justification for the need for a two-way overbridge on Myrehead Road as a result of the proposed development. They contend that a planning condition requiring this would fail the tests of Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.
6. Planning Circular 3/2012 states that planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:-
 - Necessary to make the proposed development acceptable in planning terms.
 - Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans.
 - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.
 - Fairly and reasonably relate in scale and kind to the proposed development.
 - Be reasonable in all other respects.
7. In relation to the provision of a cycleway and footway at Haining Road, the applicant contends that they have previously provided a technical drawing and speed survey to demonstrate that a safe walking and cycling route to the village can be provided, at a standard accepted by the Council at other locations.
8. The applicant's proposals for Myrehead Road and Haining Road therefore stand as detailed in paragraphs 5 and 11 of the Committee report dated 17 June 2020. The applicant's proposals for Myrehead Road satisfy the Roads Development Unit insofar as they show road improvements works in accordance with the Design Manual for Roads and Bridges (DMRB) from the junction of Myrehead Road and the A803 to a location near the foot of the incline to the railway overbridge. The deficiency is that a continuation of a DMRB compliant route further south to the site, crossing the railway line, does not form part of the applicant's proposals.

9. Given the position of the applicant, it has not, unfortunately, been possible to discuss matters further within the terms of the Committee's further continuation of the application as detailed in paragraph 2 above.
10. The applicant has also reiterated that the proposal presents an opportunity to redevelop and regenerate a long-term vacant brownfield site, create employment opportunities and deliver houses on a site allocated for development. The applicant highlights that the economic benefits and regeneration opportunity are particularly pertinent given the present impact of Covid-19.
11. Since the application was last considered by Committee, submissions have been received from a party stating they are in the process of purchasing the site. They have similarly highlighted the economic and employment benefits that redevelopment of the site would bring to the area. In addition, they have submitted letters of intent from companies declaring an interest in setting up businesses and housing on the site. The applicant has confirmed that these submissions should be considered as part of their formal application submissions.
12. The letters of intent relate to the following uses: housing, a data centre, small start-up units, a training school and a waste to energy plant. In addition, reference is made to interest in a manufacturing and distribution plant, a paper and distribution plant, and a bottling and distribution plant. Some of these uses are not covered by this planning application and the applicant has intimated that such uses would be dealt with by separate planning applications, supported by relevant technical information.
13. As detailed in paragraph 3 above, the site is allocated for business and industry use in LDP2. Some of the above referred to uses fit with the new designation, while others do not, notably the housing. No information, for example, a viability appraisal, has been submitted to demonstrate the need for housing in order to enable business use of the site.

Consultation with Falkirk Council Growth and Investment Unit

14. The applicant's submissions in relation to interest in the site have been reviewed by the Council's Growth and Investment Unit. Their comments can be summarised as follows:-
 - On the very face of it, the outline proposals/ intentions present diverse and mixed use and employment opportunities for what is a longstanding vacant former industrial site.
 - Further additional economic analysis and a business case would be needed to understand the market context, their relationship in terms of overall site use and phasing for delivery.
 - The uses accord with broad economic growth objectives for the Falkirk area as set out in the Council's Economic Strategy 2015-2025, focusing on growth, investment and inclusion, and do not directly impinge on any significant sites we are seeking to promote or develop in the context of the IZ or Tax Incremental Financing (TIF).
 - They are not aware of having received enquiries from any of the listed intended uses (which would be welcomed on any of the Council's sites), but are aware of expressions of interest in data management facilities and energy from waste plants more generally in the Falkirk area and across Scotland.

- While the correspondence appears to indicate and demonstrate outline expressions of interest, there is no appraisal and no or very little market demand evidence or plans that can allow meaningful economic development comment. An expression of interest is a long way from there being a concept appraisal supporting final design, costed propositions and an agreement or commitment. The grant of planning permission on the basis of these expressions of interest alone would therefore represent a significant risk at this time.

Crownerland Farm Planning Application

15. The report prepared for 17 June Committee advised that an appeal to Scottish Ministers against the Council's refusal of planning application P/17/0797/PPP was currently in progress. This application was for development of land for residential purposes (approximately 225 units) and associated infrastructure at land to the north of Crownerland Farm, Whitecross.
16. The appeal is now the subject of a notice of intention issued on 9 October 2020 in which the appointed reporter advised that he is minded to allow the appeal subject to conditions and following the signing and registering of a Section 75 planning obligation or some suitable alternative arrangement. A draft Section 75 planning obligation is currently being prepared.
17. One of the matters considered in the appeal was upgrade of Myrehead Road. While the upgrade was considered solely in the context of the scale and nature of the development proposal subject to the appeal, the following findings of the reporter are worth noting:-
 - He did not find the descriptions of different road types in the National Roads Development Guide (NRDG) particularly applicable to Myrehead Road, nor was it entirely clear to him that the DMRB provides the relevant standard
 - He did not agree that Myrehead Road post-development could be described as 'a primary strategic road to provide for major traffic movement between centres of population and economic activity on a national and regional level'. To his mind it would remain one of several local roads serving the village of Whitecross, albeit the village would perhaps be about 50% larger than presently, and with a much greater proportion of its traffic using Myrehead Road
 - He found the standards and design parameters in the DMRB nonetheless helpful in considering the effects of the proposal on Myrehead Road and the degree to which, as a result, it may require to be upgraded. However, he kept in mind the appellant's consultants point that there is a difference between designing a new road from scratch and making improvements to an existing road in response to its use by additional traffic from a new development
 - He agreed that the constraints of the existing physical characteristics of the road including what is reasonably deliverable within the confines of the highway land should be recognised when considering how to improve it in association with this development
 - He considered it reasonable to allow some development to proceed before the upgrade works to Myrehead Road are required and suggested phasing of the works tied to occupation of the 100th and 150th dwellings

Transportation Issues – Discussion

18. It is important to highlight that the reporter's findings were in the context of a housing application for up to 225 dwellings on the south side of Whitecross, some distance from Myrehead Road. The current application is for a much larger scale mixed use development comprising approximately 400 dwellings and a substantial component of business land in closer proximity to Myrehead Road. The scale, nature and location of the proposed development therefore means that a different standard applies and a more significant scheme of works is required.
19. It is acknowledged that the NRDG could be clearer in identifying the relevant standards applying to rural roads. What is clear, however, is that Myrehead Road would be the primary access to serve the proposed development and its importance in strategic terms increases relative to the scale and nature of the settlement it serves. Myrehead Road has been modelled in the transport assessment as taking 98% of the traffic from the development site including significant amounts of commercial traffic. The Council's adopted Roads Hierarchy assists to clarify the relevant standard, as Myrehead Road would, as a result of the development proposal, be classified as a Category 2 Strategic Route under this hierarchy. This is due to its nature as a derestricted road where speed limits are usually in excess of 40 mph, where there is little frontage access or pedestrian traffic, and due to increased traffic associated with the development proposal.
20. Both the Council's Roads Development and Transport Planning Units have therefore confirmed that the relevant standard to apply to Myrehead Road is the DMRB and provision of a two way route with pedestrian and cycle facilities is required. Relevant standards of the NRDG and DMRB were set out in paragraph 20 of the report to Committee dated 17 June 2020.
21. As stated in paragraph 15 above, the reporter recognised that in making improvements to an existing road it is reasonable to consider the existing physical constraints including what can be delivered within the confines of the highway land. In relation to the current application the issue is more fundamental as it relates not only to the carriageway width of the approach gradient to the railway overbridge but to the steepness of the gradient. The development proposal would lead to a considerable increase in the number of heavy and light goods vehicle using Myrehead Road and therefore suitable provision of an access road and crossing of the railway line is necessary. Reliance upon the existing approach gradient would raise road safety issues including the lack of a suitable dwell area for large vehicles waiting at the traffic lights controlling one way traffic flow on the bridge.
22. In terms of sustainable transport, the applicant's proposals for Myrehead Road are also deficient as no provision is made for a continuous pedestrian and cycle facility from the site to the A803. The steep approach gradient to the railway overbridge is also an issue in terms of pedestrian and cyclist accessibility.
23. The application was also continued to allow for further discussion on the provision of an active travel route along Haining Road. The applicant's proposals are to provide a footway/cycleway ranging in width from 3 metres to 2 metres, tapering to 2 metres in an eastwards direction to tie into the existing 1.2 metre wide footpath within the village. There would be no horizontal separation from the carriageway but a 300mm upstand would provide a degree of vertical separation.

24. The NRDG indicates that where pedestrian routes are beside arterial roads, separation from the carriageway by either a hard or soft landscaped strip, at least 2 metres wide, may be advisable, in the interests of road safety and improving the environment of the road. The Council's adopted Road Hierarchy classifies this part of Haining Road as a link road, however, the Council's Roads Development Unit has advised that its classification may change to a distributor road as a result of increased traffic associated with the new development sites in the area.
25. The report to Committee dated 17 June 2020 referred to a speed survey carried out by the applicant. The results of the survey indicated that traffic speed on Haining Road between the existing village and the access road to the development site would be likely to be less than the speed limit which applies within the Whitecross village limits. It could therefore be argued that the risk to pedestrian safety would not be significantly different from that currently experienced within the village.
26. While a future increase in traffic on Haining Road is noted, there may be a case here to review matters and consider what can be achieved within the confines of the highway land, taking in account the reporter's findings as detailed in paragraph 15 above, coupled with the results of the applicant's speed survey, although this would not be supported by the Council's Roads Development and Transport Planning Units.
27. The Council's Transport Planning Unit has advised that the applicant's proposal for vertical separation of the footway 300mm above the adjacent carriageway would probably result in a requirement for a pedestrian safety barrier to be erected along the length of the footway, set back 600mm from the kerb line. This would result in the cycleway/ footway width being reduced to 2.4 metres at its widest point, down to only 1.4 metres at its narrowest point. An alternative option would be to adopt a normal 100 to 125mm kerb height, in which case a horizontal separation of the cycleway/ footway from the carriageway should be provided, particularly given that the route would serve as the route to the primary school. There may be a case to reduce the buffer width to less than 2 metres given the results of the applicant's speed survey. However, under either option (vertical or horizontal separation), attempting to work within the confines of the highway land is not considered to be appropriate in this case in terms of provision of a safe and suitable active travel route.

Use of Suspensive Conditions

28. The report prepared for 28 August 2019 Committee advised that the applicant had suggested suspensive conditions to secure upgrade works to Myrehead Road and provision of an active travel route between the site and existing village. The report noted that the required works would involve third party land and it was relevant in such circumstances to consider whether there was a 'reasonable prospect of fulfilment'.
29. It is clarified that a 'reasonable prospect of fulfilment' can be an important factor, albeit not a determining factor, particularly in relation to important matters such as infrastructure works. However, Scottish Government guidance indicates that there is no longer a legal requirement to satisfy a reasonable prospects test as a result of a House of Lords ruling. Suspensive conditions are therefore not invalid where there may be questions over 'reasonable prospect' because they require actions which might take place on land beyond the control of the applicant or depend on decisions taken by someone other than the planning authority. It would therefore be in the gift of Committee to impose suspensive conditions in respect of the works referred to in paragraph 2 above.

30. Suspensive conditions can also be used to phase the provision of infrastructure works. The reporter for the Crounland appeal has accepted a phased approach to the upgrade of Myrehead Road as detailed in paragraph 15 above. The Council's Transport Planning Unit would not wish to see the industrial/ commercial development being brought into use prior to full completion of the upgrade works to Myrehead Road including a two way rail crossing. The Council's Road Development Unit would have road safety concerns if Myrehead Road was used for construction traffic prior to full completion of the upgrade works. The use of the B825 as an alternative would not be suitable as it would mean construction delivery vehicles travelling through the existing village to access the site.

Consultation with Network Rail

31. Following the Committee meeting on 17 June 2020, a Member requested further information from the Council's Development Management Unit in relation to the requirement for a two way crossing of the railway and any discussions with Network Rail regarding this matter.
32. In response to this request, Network Rail were contacted and they have provided the following comments:-
- Further discussions would have to take place with their Property and Asset Protection Teams in relation to such matters as method statements and risk assessments
 - In terms of costs, a recent upgrade in 2018 to a single lane overbridge at Muirhead Road, Baillieston cost £4 million. The bridge was reconstructed to allow for two-way traffic, cycle routes and pedestrian footpaths on both sides
 - Closure of the railway would be kept to a minimum. Works that would require closure of the railway would normally take place over weekends
 - Replacement bus services are normally paid for by the train operator
 - There may be a requirement for the local authority to enter into a bridge agreement and adopt the new bridge including the obligation to repair, maintain and renew it
33. Further details would be required at a later stage to facilitate further discussions with Network Rail. As the development proposal is only at planning in principle stage, there has been no detailed consideration by Network Rail of a new two way route further to the west of the existing crossing.

Human Rights Assessment

34. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. The Human Rights Act 1998 adds a new test of proportionality to local authorities' decision making and in its assessment of development proposals the planning authority should be satisfied that it had acted proportionately, whether the action is proportionate to its aim. The Human Rights Act 1998 has been considered in reaching a recommendation to Planning Committee.

Conclusion

35. The application is contrary to LDP2 which allocates the site solely for business and industry. The application was continued by Committee on 17 June 2020 to allow for further discussions in relation to upgrade of Myrehead Road and provision of an active travel route along Haining Road. However, the applicant's proposals in respect of these matters have not changed from those previously presented to Committee and are considered to be deficient in terms of both the relevant standards and road safety. Relevant findings of the reporter in relation to the Crounerland appeal have been considered in this report but no matters have been identified which would alter the previous conclusions in respect of the applicant's proposals as they currently stand.
36. While the potential economic and employment benefits of the proposed development are noted, they are not considered to outweigh the terms of the local development plan or the transportation deficiencies as identified in the report. The Council's Growth and Investment Unit have been consulted on the applicant's submissions on expression of interest in the site for business/ employment uses and highlighted the significant risk if planning permission was granted on this basis alone, as expressions of interest do not demonstrate an agreement or commitment. In relation to the proposed housing, it can be noted that the new local development plan has reduced the housing land target and is expected to address the effective housing land supply shortfall under the previous local development plan.
37. The previous recommendation to refuse the application is therefore reiterated.
38. However, should Committee be minded to support the principle of the proposed development, notwithstanding that it is contrary to the local development plan, it would be competent to impose suspensive conditions to secure provision of a two way crossing of the railway line with an appropriate gradient and suitable cycle and pedestrian facilities, and provision of a suitable cycleway/ footway along Haining Road. It would also be competent to use suspensive conditions to phase the provision of the works.

RECOMMENDATION

39. **It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-**
 1. **The application is contrary to Proposal and Opportunity BUS02 of Falkirk Local Development Plan 2 which allocates the application site for business/ industry, while the proposal includes a substantial housing element of approximately 400 dwellinghouses.**
 2. **The application is contrary to Policy IR06 'Active Travel Routes' of the Falkirk Local Development Plan 2 as the proposed development does not include appropriate links to existing active travel routes in the surrounding area, in particular to facilitate school journeys and provide connections to the wider public transport network.**
 3. **The application is contrary to Policy IR05 'Travel Hierarchy and Transport Assessment' of Falkirk Local Development Plan 2 as suitable mitigation measures to address transport network impacts have not been identified and agreed.**

4. The application is contrary to Policy PE01 'Placemaking' of Falkirk Local Development Plan 2 as the proposal brings with it the prospect of housing which is physically isolated, poorly connected, and exposed to dis-amenity from derelict brownfield land, and it has not been demonstrated that the development proposal would encourage the use of active travel and provide safe access for all.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08A, 09, 10, 11A, 12, 13, 14 and 15.

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pp Director of Development Services

Date: 9 March 2021

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Objection received from Mr Alan McMaster, Stanehadden, Linlithgow, EH49 6LQ on 6 January 2018.
4. Representation received from Mr Lindsay Mcfadzean, 72 Birkdale Park, Armadale, EH48 2NE on 23 January 2018.
5. Objections received from Mr Peter Queen, 1 Comely Park, North Craigs, Rumford, Falkirk FK2 0RU on 27 June 2020.

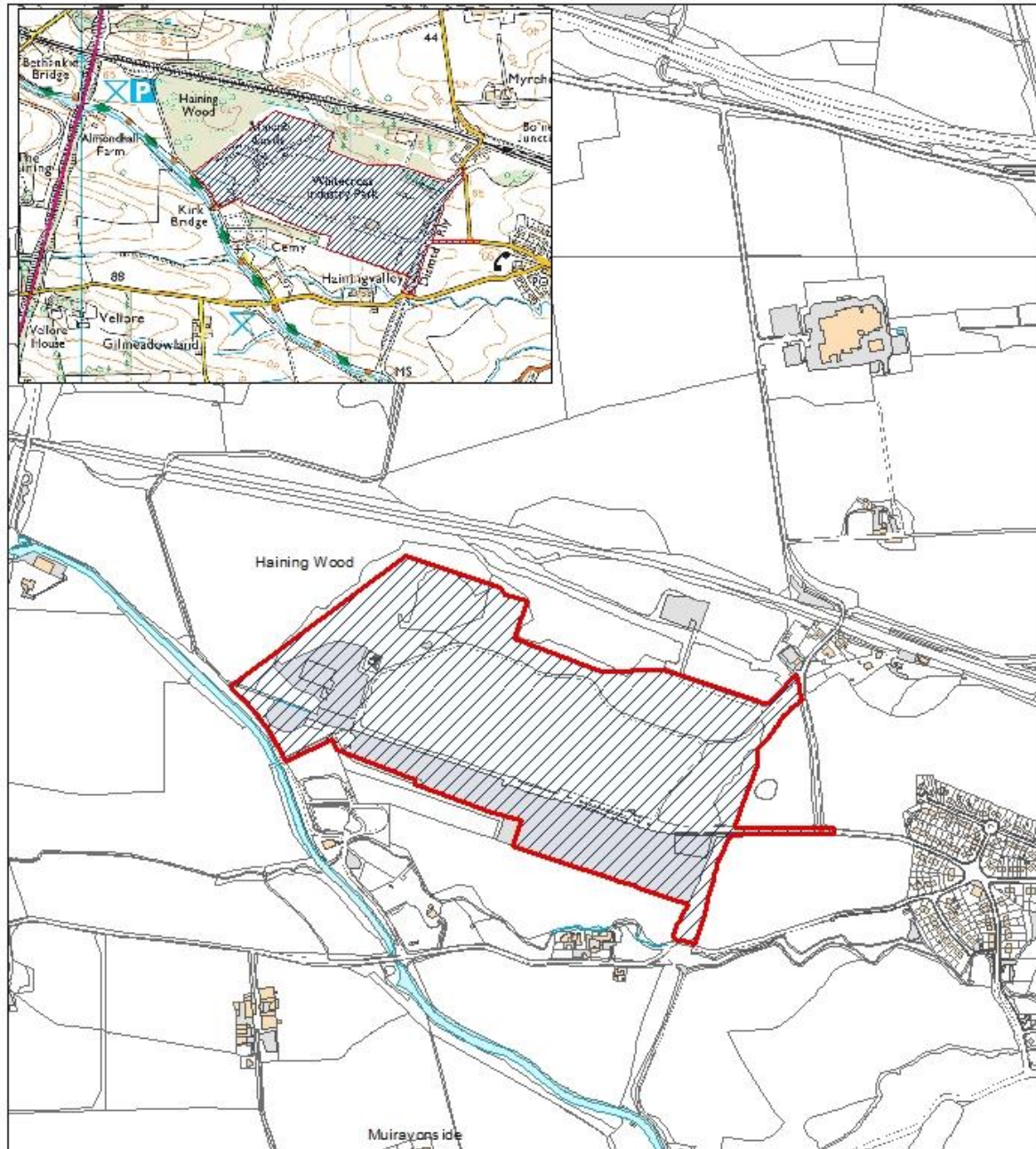
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0792/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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