

FALKIRK COUNCIL

Subject: CENTRAL PARK PROPOSAL CONSISTING OF: A WATERBODY, AN EVENT SPACE, A SQUARE (PUBLIC REALM SPACE), PATHWAYS/ BOARDWALKS, SUDS, PLAY AREAS, VISITOR FACILITIES AND LANDSCAPE WORKS. AT LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST – P/10/0326/PPP

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Ward - Lower Braes (southern edge of site only)

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Grangemouth
Lower Braes
Grahamston, Middlefield and Westfield

Case Officer: Allan Finlayson (Senior Planning Officer), ext. 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application under assessment is a major application for planning permission in principle (PPP) for the proposed development of a 'Central Park' event and amenity focal space for the Helix environmental improvement project.
- 1.2 The Helix is an urban fringe environmental improvement project funded, in part, by BIG Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives.
- 1.3 The proposed 'Central Park' is located between the A9 northern distributor road and West Mains industrial area, and to the north of the Falkirk Community Stadium at Westfield, Falkirk.

- 1.4 The provision of an amenity area, being the focal space of the Helix project, of 42 hectares is proposed. It is envisaged that this would include provision of an area for the holding of public events, a boating loch and a designed public meeting place.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is potentially contrary to the Development Plan and involves land under the ownership of Falkirk Council, and Falkirk Council is a partner of the Helix Trust, who is the applicant.

3. SITE HISTORY

- 3.1 Planning permission reference P/10/0293/FUL was granted on 18 June 2010 for the formation of an access road for Helix related Forth and Clyde Canal improvements.
- 3.2 There are no relevant planning application in the immediately surrounding area. Previous approvals have been granted for the of the Falkirk Stadium and associated developments. In addition an outstanding PPP (formerly outline) application exists for mixed use development at the Falkirk Gateway proposed development, agreement has yet to be reached in relation to the required Section 75 Agreement.
- 3.3 Proposal of Application Notice (PAN) reference P/09/0732/PAN was submitted by the applicant in fulfillment of obligations to notify Falkirk Council of this major application.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit has reviewed the Transport Assessment submitted with this application and has expressed concerns in relation to:
- The specification and construction of the access road,
 - Car parking provision,
 - Lack of detail in relation to footpaths/cycleways/service access,
 - Pedestrian crossing points and their impact on existing roads,
 - Potentially poor public transport links
 - Event management
- 4.2 Evidence is provided in relation to road directional signage and the requirement for alternative paths during construction.

- 4.3 The Roads Development Unit has commented on the lack of supporting information submitted with the application. Concern is raised in relation to:
- Access road construction and specification,
 - Integration of Helix traffic with the existing road network,
 - Lack of footpath linkages to bus stops and crossing points on the A904 (Falkirk Road),
 - Inadequate parking provision,
 - Absence of information relating to Sustainable Urban Drainage (SUDs) and Flood Risk Assessment (FRA).
- 4.4 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required.
- 4.5 The Emergency Planning Unit has no objections.
- 4.6 The Health and Safety Executive, through the use of PADHI+ assessment, “advises against” the proposal. This assessment is based on the considered view that more than 1000 visitors to the site may occur at any one time. It should be noted that the advise against consultation response from a statutory consultee requires that the application must be referred to Scottish Minister prior to the issue of any grant of planning permission.
- 4.7 Shell UK has no comment in relation to pipeline interests in the vicinity of the site.
- 4.8 BP (Grangemouth) has no comment and has confirmed that the Forties Pipeline would not be affected by the proposed development.
- 4.9 Scottish Natural Heritage has no objections to the proposed development.
- 4.10 Historic Scotland has no objections, and has confirmed that the proposed development would not impact upon the Forth and Clyde Canal Scheduled Ancient Monument.
- 4.11 Scottish Water has no objections.
- 4.12 SEPA has no objections and has provided advice in relation to surface water, flooding and waste management obligations. These have been forwarded to the applicant’s agent for consideration.
- 4.13 Transport Scotland, at the time of writing this report, has not responded to consultation. Reminders have been issued and any necessary update shall be given at Committee.
- 4.14 Central Scotland Police has raised no objections.
- 4.15 The Scottish Rights of Way Society has no objections to the proposed development but has requested more detailed information on proposed path networks for the Helix project.

5. COMMUNITY COUNCIL

- 5.1 Comment has not been received from the Community Councils which cover the area of the application site.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received from Friends of the Earth Falkirk. The letter expresses support in principle for the Helix project but objects on the grounds of loss of biodiversity through tree felling, and impact of development on wildlife, the potential for inadequate parking provision for visiting public and tourists, the lack of detail in relation to new path provision, and the longer term management of the site.

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

Falkirk Council Structure Plan

- 7a.1 The following policies of the Falkirk Structure Plan apply:

- 7a.2 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/ Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

- 7a.3 Policy ENV.1 'Countryside and Protected Areas' states:

"(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.4 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.5 Policy ENV.3 ‘Nature Conservation’ states:

“The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) *Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
 - (a) *it will not adversely affect the integrity of the site, or;*
 - (b) *there are no alternative solutions and there are imperative reasons of overriding national public interest.**
- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of ‘wildlife corridors’ and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats.”*

7a.6 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.7 Policy ENV.6 'Enhancement Action' states:

"Priority will be attached to the programme of enhancement measures (including wildlife habitat enhancement) identified in Schedule ENV.6 below. Local Plans and other programmes will include detailed proposals for the enhancement of such areas or features, including mechanisms for implementation."

7a.8 Policy ENV.7 'Quality of Development' states:

- "(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements."*

7a.9 Policy TRANS.1 'Core Path Networks' states:

"The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network.”

7a.10 Policy TRANS.3 ‘Transport Assessment’ states:

“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”

Falkirk Local Plan

7a.11 The Falkirk Local Plan is the current adopted Local Plan covering the site. The following policies are relevant:

7a.12 Policy FAL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Falkirk for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit.”

7a.13 Policy FAL 3.2 ‘Design and Landscaping’ states:

“Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

7a.14 Policy FAL 3.3 ‘Design and Accessibility’ states:

“Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) the provision and protection of pedestrian/cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) the provision, as far as possible, of a barrier-free environment for those with access difficulties such as disabled persons and the elderly.”*

7a.15 Policy FAL 3.9 ‘Environmental Improvements’ states:

“The Council will seek to promote programmes of environmental improvement in the following priority areas, as resources permit:

- (i) Falkirk Town Centre and the local shopping centres;*
- (ii) major transport routes;*
- (iii) the Green Belt and other urban fringe areas;*
- (iv) the canal network in association with the Millennium Link;*
- (v) public parks and open spaces;*
- (vi) areas of need under the Community Urban Regeneration Programme; and*
- (vii) existing industrial areas.”*

7a.16 Policy FAL 3.14 ‘Sites of Archaeological Interest’ states:

“In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;*
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland’s policy to seek developer funding for any necessary excavation, recording and publication works; and*
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.”*

7a.17 Policy FAL 4.1 ‘Green Belt’ states:

“There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:

- (i) a Green Belt location is essential; and*
- (ii) there is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of S.D.D Circular 25/1985 “Development in the Countryside and Green Belts”, the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-share and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services.”*

7a.18 Policy FAL 4.2 ‘Falkirk Greenspace Initiative’ states:

“The Council will support and assist the Falkirk Greenspace Initiative, and will oppose development which would prejudice its implementation. Accordingly:

- (i) priority will be given to proposals for woodland planting and management, countryside recreation and access improvements, and the development of areas for nature conservation within the areas identified as Opportunities ENV 1 - 6 on the Policies, Proposals, and Opportunities Map;*
- (ii) priority will be given the creation of a circular route through the Greenspace for pedestrians and cyclists, complemented by secondary routes where appropriate (see Opportunity TRA 5);*
- (iii) developers will be expected to contribute to the Greenspace Initiative by providing tree planting and/or access improvements and creating wildlife habitats in association with new development in urban fringe locations; and*
- (iv) initiatives to encourage community participation in the implementation of Greenspace projects will be supported.”*

7a.19 Policy FAL 4.3 ‘Nature Conservation’ states:

“In order to protect and conserve species, habitats and other natural features of importance:

- (i) there will be an overriding presumption against development which would be likely to adversely affect Natura 2000 sites, designated or proposed under the EC Habitats and Wild Birds Directives, wetlands of international importance designated under the Ramsar Convention, existing or proposed Sites of Special Scientific Interest, or sites which support species protected by specific legislation;*
- (ii) development likely to affect Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation, wildlife corridors and other sites considered to be of regional or local nature conservation value will not be permitted unless it can be demonstrated that that there will be no damaging impact upon the habitats and species concerned;*
- (iii) where development is to be approved which could affect any site of significant nature conservation value, appropriate measures will be required to conserve, as far as possible, the site’s nature conservation interest and to provide for replacement habitats or features where damage is unavoidable;*
- (iv) in partnership with relevant interests, the Council will develop management proposals to conserve the nature conservation interest and enhance the biodiversity of sites of local value; and*
- (v) the Council will designate Local Nature Reserves as appropriate, in consultation with communities, local wildlife groups and statutory bodies.*

Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”

7a.20 Policy FAL 4.4 ‘Trees, Woodland and Hedgerows’ states:

“The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*

- (ii) *safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) *continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) *require the use of native species of trees and shrubs in all new planting proposals.”*

7a.21 Policy FAL 4.7 ‘Footpaths and Rights of Way’ states:

“The Council will seek to protect, improve and signpost rights of way and other recognised footpaths. The Council will also seek to encourage the creation of new access routes into the countryside, in co-operation with landowners and other funding agencies.”

7a.22 Policy FAL 6.7 ‘Major Hazard Consultation Zones’ states:

“Within Major Hazard Consultation Zones, as identified on the Policies, Proposals and Opportunities Map, there will be a general presumption against development where future users or occupants would significantly add to the number of people exposed to the existing risks in the area.”

7a.23 Policy FAL 8.8 ‘Pipeline Consultation Zone’ states:

“Within the Pipeline Consultation Zone identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the Council is satisfied that:

- (i) *future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*
- (ii) *the development will not in any way affect the operation of the pipeline.”*

7a.24 Policy FAL 9.2 ‘Tourism’ states:

“The Council will encourage tourism-related development in Falkirk and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions, subject to other Local Plan policies and proposals. Particular emphasis will be placed on the development of the following key themes and attractions:

- (i) *the Town Centre;*
- (ii) *Callendar House, Park and Wood;*
- (iii) *the Canal Network/Millennium Link;*
- (iv) *Roman heritage at Roughcastle/Tamfourhill; and*
- (v) *industrial heritage.”*

7a.25 The Structure Plan and Falkirk Local Plan are supportive of the proposed development. The purpose of the Helix project is to improve and enhance recreation and amenity opportunities at a prominent location in the identified Green Belt and Falkirk Greenspace.

- 7a.26 Structure Plan and Local Plan policies relating to landscape, ecological and access issues are consistent with the Helix objectives of sustainable development and improvements to landscape quality in the context of biodiversity and outdoor access and recreation.
- 7a.27 The submission of detailed information in relation to issues of landscape, ecology and access will be required in any subsequent MSC or detailed planning applications for the proposed development. At this stage a more detailed assessment against Development Plan policy will be undertaken.
- 7a.28 The proposed development complies with all policies of the Development Plan with the exception of policy FAL 6.7 'Major Hazard Consultation Zones' in respect of the potential for the attraction of visitors to site within consultation distance of a hazardous installation (Kemfne). The potential for the attraction of more than 1000 visitors at any one time resulting from the combination of proposed event space, boating location, public square, play areas and visitor facilities is considered possible. In this respect HSE PADHI+ consultation has resulted in an “advise against” response contrary to policy FAL 6.7 “Major Hazard Consultation Zones” of the Falkirk Local Plan.
- 7a.29 Accordingly, the proposal does not accord with the Development Plan for the reason that the proposed development may be considered to result in the further attraction of visitors to the site who may be exposed to an identified HSE risk.
- 7a.30 The PPP status of the application means that detailed analysis of potential impacts on landscape, ecology and access are not possible at this stage. Planning conditions requiring the submission of detailed information in relation to these matters in a subsequent Matters Specified in Conditions (MSC) application are appropriate.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), the views expressed in consultation responses and the submitted representation from Friends of the Earth.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 7b.2 The following policies are of relevance:

- EQ1 Sustainable Design Principles
- EQ4 Landscape Design
- EQ7 Area Enhancement Priorities
- EQ16 Areas of Archaeological Interest
- EQ19 Countryside
- EQ20 Green Belt
- EQ21 Falkirk Greenspace
- EQ22 Landscape and Visual Assessment
- EQ24 Ecological Sites and Features
- EQ25 Biodiversity
- EQ26 Trees, Woodland and Hedgerows

- EQ29 Outdoor Access
- EP15 Tourism Development
- EP16 Leisure and tourism Development in the Countyside
- EP17 Canals
- EP18 Major Hazards
- ST1 Core Path Network
- ST2 Pedestrian Travel and Cycling
- ST7 Transport Assessments
- ST11 Sustainable Urban Drainage

7b.3 The above listed policies affirm and advance the policy context of the extant Development Plan. With the possible exception of the Major Hazards Policy (see paras. 7b.6 to 7b.8), the proposed development is considered to accord with the above listed policies and, therefore, the terms of the emerging Falkirk Council Local Plan.

Consultation Responses

7b.4 The comments of the Transport Planning and Roads Development Units of Falkirk Council express concerns mainly in relation to the lack of information submitted with the application. Concerns relate to: the scope and content of the submitted Transport Assessment (TA), specification of access road, car parking provision, footpath/cycleway connection, crossing facilities, public transport provision, Sustainable Urban Drainage and Flood Risk Assessment provision.

7b.5 The PPP status of the application does not require the submission of additional information other than that submitted by the applicant. Nevertheless, the comments of the Transport Planning and Roads Department Unit are welcomed at an early stage in the Helix project. The comments have been provided to the applicant's agent to inform any subsequent MSC or detailed planning application. In addition, planning conditions requiring that the concerns raised are addressed in information provided by the applicant in any subsequent planning application for the development proposed.

7b.6 The proposed development has produced an "advise against" response from the HSE PADHI+ consultation process. This response is based on the assumption, from assessment of the applicant's event space client design brief, that more than 1000 visitors will be attracted to the site, the majority of which lies within the outer zone of the Kemfine HSE consultation distance.

7b.7 The applicant has provided opinion that, at no time, will more than 800 visitors will be attracted to the site. These figures would attract a "do not advise against" response from HSE PADHI+ consultation. It is considered, however, that for reasons of caution and the inability of planning controls to limit visitor numbers, assessment should address the potential for visitor attraction in excess of the level predicted by the applicant.

7b.8 The combination of proposed event space, boating lochan, public square and visitor facilities is considered to result in at least the potential for significant visitor attraction to the site.

Public Representations

- 7b.9 The submitted representation from Friends of the Earth (Falkirk) supports the principle of the Helix but objects to a lack of information in relation to detailed considerations of landscape, ecology, biodiversity and visitor attraction. As detailed in paragraph 7b.5 the PPP status of the application does not require the submission of this detail. Nevertheless, the concerns raised by Friends of the Earth have been relevant in consultation responses. As previously stated, additional detailed information on the concerns raised by Friends of the Earth will be required to be submitted in subsequent applications. At this stage detailed assessment of potential impacts can be undertaken.
- 7b.10 The requirements of the Environmental Protection Unit with regards to contaminated land assessment can be addressed by planning condition.
- 7b.11 Consultation responses from Scottish Water, SEPA, Central Scotland Police, BP and Shell have been provided to the applicant's agent for information and to inform any subsequent MSC application.
- 7b.12 The representation from Friends of the Earth in support of the Helix project principles is noted. The objections raised in relation to biodiversity and infrastructure provision are noted and considered to be in common with the objectives of the Development Plan in these subjects. The PPP status of the application does not allow detailed assessment of these issues at this stage. The use of appropriately worded planning conditions in relation to landscape, ecological, assess and maintenance issues are considered to be appropriate.
- 7b.13 The loss of existing trees on the site will occur. At this stage the applicant has not quantified the loss. The extent of loss and compensatory planting can be assessed in detail at the MSC application stage. It is considered that, whilst loss of planting may be contrary to Development Plan policy, the site area, at 42 hectares, provides adequate opportunity for compensatory planting.

7c Conclusion

- 7c.1 This application for Planning Permission in Principle is broadly considered to accord with the terms of the Development Plan and the emerging Falkirk Council Local Plan. Further assessment of detailed issues relating to physical development can be addressed at the required subsequent Matters Specified in Conditions application stage. The "advise against" consultation response from the HSE PADHI+ consultation process must, however, result in the conclusion that the proposed development is potentially contrary to the Development Plan.
- 7c.2 On the basis of broad compliance with the Development Plan and the merits of the proposal with regards to public access to the countryside the proposed development is considered to represent acceptable development. The "advise against" consultation response from HSE, a statutory consultee, does however require referral of the application to Scottish Ministers for consideration.

8. RECOMMENDATION

8.1 It is therefore recommended that Members indicate that they are minded to grant Planning Permission in Principle subject to referral to Scottish Ministers in view of the “advise against” consultation response from HSE and absence of comments from Transport Scotland, unless resolved in subsequent agreement to the satisfaction of the Director of Development Services.

8.2 On receipt of comments from Transport Scotland and conclusion of referral of the application to Scottish Ministers, referred to in section 8.1 above, Members remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:**
 - (a) the siting, size, height, design & external appearance of the proposed development;**
 - (b) details of the access arrangements;**
 - (c) details of landscaping of the site.**
- (3) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:**
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or**
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or**
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,**

whichever is the latest.
- (4) Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.**
- (5) Prior to or in conjunction with the first matters specified in conditions or application for planning permission related to the site, the following shall be submitted for the prior written approval of the Planning Authority:**

- (i) A revised Transport Assessment addressing the comments of Falkirk Council's Transport Planning Unit in consultation response dated 16 November 2010 in respect of: access road specification/construction, service access and crossing points, car parking provision, footpath/cycleway routes and specification, TOUCAN pedestrian crossing introduction on the A9 and A904 at indicated points, public transport improvements to the site, event management plans for identified event types.
- (ii) Sustainable Urban Drainage (SUDs) proposals.
- (iii) A Flood Risk Assessment (FRA) including design calculations for 1:200 year storm events.
- (iv) A landscape plan detailing tree felling, new planting (trees, shrubs and hedge), path and hard surfacing specification, existing and proposed levels, sectional illustration of site relationship and management and maintenance proposals.
- (v) Location design details including water inflow/outflow, potential hydrology impacts, management and maintenance, invasive aquatic plant avoidance and impacts on biodiversity.
- (vi) Site hydrology including analysis of water flow to proposed features, outflow from proposed features, waterflow throughout the site and potential impacts on the existing West Mains Road Wildlife Site.
- (vii) Habitat retention and creation including proposals for maintaining and enhancing existing woodland, assessment of potential habitat loss and mitigation of impacts, connectivity between habitat areas and an assessment of proposed potential public access and potential impacts on habitat.
- (viii) A statement on the proposed arrangement and maintenance provisions for the site including long term governance.
- (ix) A Contaminated Land Assessment in accordance with current guidance. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
 - Where contamination (as defined by Part 11a of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - Prior to the commencement of development the remediation works, shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

- (2) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (3-4) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (5) To ensure the provision of adequate detailed information to inform future application assessment.

Informative(s):-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) Due to the proximity of dwellinghouses to the proposed development, the applicant should have regard to controlling any noise produced by future use of the development to ensure that no noise nuisance is caused if noise complaints were received about the development. The Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance legislation.

.....
Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan.
2. Falkirk Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Friends of the Earth Falkirk, c/o 17 Anson Avenue, Falkirk FK1 5JD.

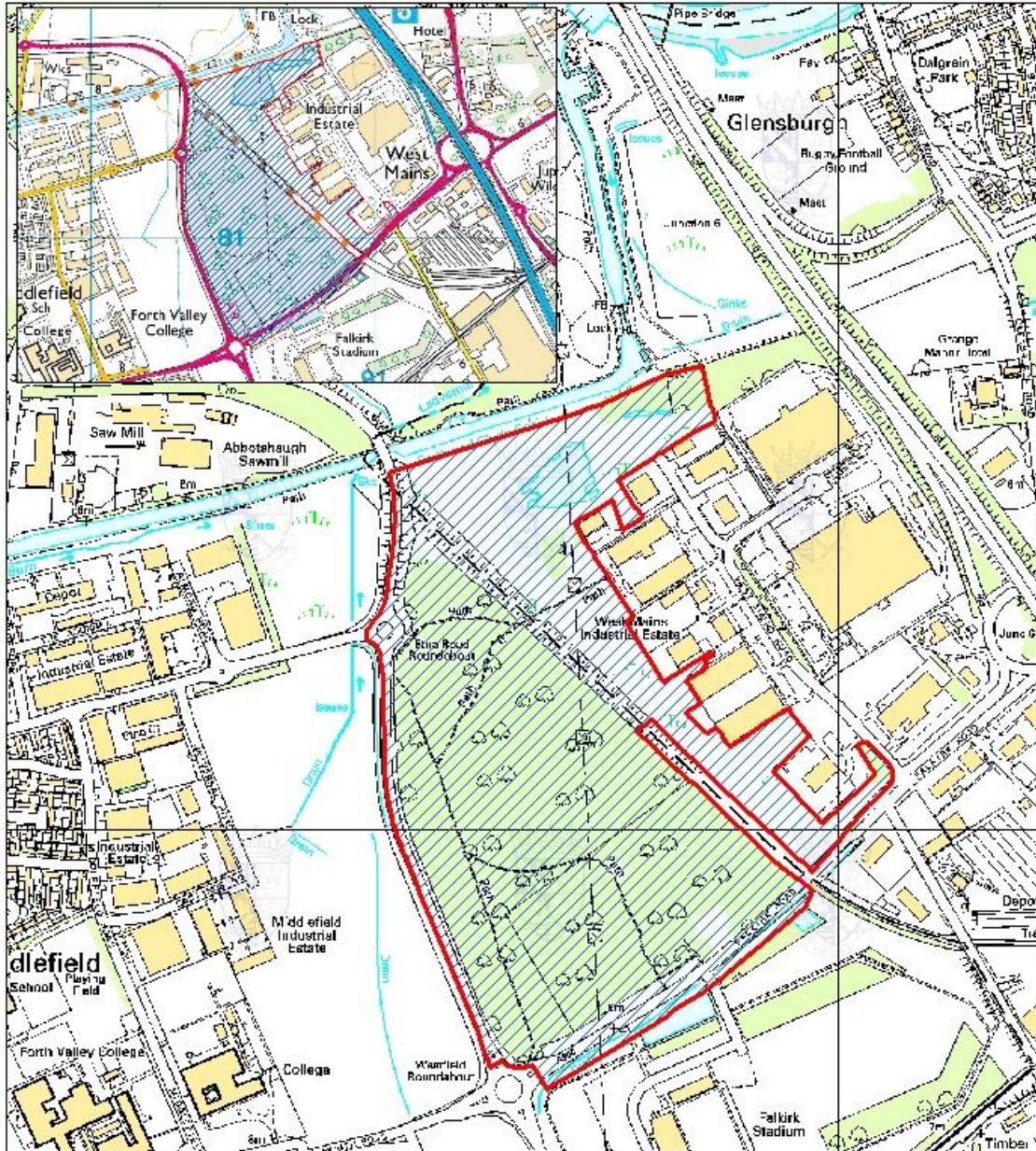
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0326/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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