

**FALKIRK COUNCIL**

**Subject:** CLASS 6 DEVELOPMENT COMPRISING A DISTRIBUTION WAREHOUSE, PARKING, SUDS, ACCESS ROADS, INTERNAL ACCESS ROAD, LANDSCAPE WORKS AND ASSOCIATED FACILITIES AT LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR BERICOTE PROPERTIES LTD – P/11/0511/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 2 November 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Grangemouth  
Depute Provost Allyson Black  
Councillor Angus MacDonald  
Councillor Alistair McNeill  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** John Angell (Head of Planning and Transportation) Ext. 4951

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

- 1.1 This application seeks planning permission to erect a Class 6 storage and distribution warehouse (measuring 43,426 square metres in floor area and 18 metres in height), parking, sustainable drainage system, access roads, internal roadways, landscape works and associated facilities.
- 1.2 It is intended that the proposed development would be an ambient food storage and distribution warehouse employing 607 persons. The proposal outlines two possible scenarios with respect to the potential operator of the site. Firstly, an operator from outwith the Falkirk area could relocate their existing operations and staff. Secondly, and more likely, an existing operator within the Falkirk area could relocate to the site, moving their existing operations and staff. If the operator of the facility were to be a relocated business from outwith the Falkirk area, they would bring about 455 existing employees with them and create a further 152 new jobs in the Falkirk area. It is more likely, however, that an existing ambient food storage and distribution warehouse in the Falkirk/Grangemouth area would relocate to the proposed development. In such a case, 117 new jobs to the Falkirk area would be created. The existing facility of such an operator would be available for use by another operator.
- 1.3 Access for commercial vehicles would be via the existing access at Earls Road together with a further new vehicular, pedestrian and cycle access at Forth-Clyde Way to the north of the

application site providing access to the car parking area for employees and visitors. The car park would provide 500 vehicles.

- 1.4 It is intended to upgrade the footpath network adjacent to the north and west boundaries of the site to a 3 metre wide cycleway.
- 1.5 It is proposed to remove approximately 4 hectares of woodland from the site. It is also proposed to demolish the existing disused buildings and walled garden at the site. The buildings were previously used as canteen, sport and leisure facilities for the petro chemical industry workers. The walled garden remains from the previous Kerse House, demolished over 70 years ago.
- 1.6 The site extends to some 18 hectares and is located to the south of Forth-Clyde Way, east of Glenburgh Road and north east of Earls Road, in close proximity to Junction 6 of the M9 motorway.
- 1.7 Land uses in the surrounding area are mainly industrial and transport related, with the predominantly residential area of Glensburgh to the north. Land uses in the local area include:
  - Predominantly residential area of Glensburgh to the north;
  - Industrial uses on land to the east, including the existing chemical complex and Scottish Enterprise Forth Valley Grangemouth Technology Park;
  - The west boundary shared with the A905 Glensburgh Road, with motor retail and licensed premises on the west side of the road;
  - A904 Earls Road defining the southern boundary with the Earls Gate Park site comprising mixed commercial/industrial uses.
- 1.8 Much of the site was previously used for private recreational purposes, with bowling facilities, football practice area and a football pitch. The remaining areas are semi-mature planted woodland and mown amenity grassland, with a recreation/social club established in the south west corner of the site.
- 1.9 However, access to the site has been restricted by the owner, in view of health and safety considerations, and the facilities are no longer utilised.
- 1.10 The proposed development constitutes a major development under the terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The applicant has carried out the required pre-application public consultation.

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

- 2.1 The proposed development does not constitute a significant departure from the Development Plan under the terms of the Town and Country Planning (Development Management Procedure)(Scotland) Regulation 2008. The proposed development requires Committee consideration because approval would be potentially contrary to some provisions of the Development Plan and would also require referral to Scottish Minister because of an objection from the Health and Safety Executive.

## **3. SITE HISTORY**

- 3.1 F/2005/0085 – redevelopment of class 4 office, class 5 general industry and class 6 storage and distribution – outline – granted 11 January 2006.
- 3.2 P/08/0615/OUT – Mixed development comprising, offices, light industrial units and general manufacturing (Classes 4, 5, and 6) – outline – Minded to grant 21 October 2010 subject to the satisfactory completion of an Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in respect of the payment of a financial contribution of £415,000 towards the provision of a transport mitigation scheme at the M9 junction 6. It is noted that the Section 75 Obligation has, to date, not been concluded in respect of application P/08/0615/OUT.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has raised no objections. It is advised that conditions be attached to ensure that:-
- Roadways, accesses, footway and cycleway construction is carried out to a satisfactory standard.
  - The development is carried out in accordance with the approved plans.
  - The proposed 3 metre wide cycleway proposed adjacent to the north and west boundaries of the site at Forth – Clyde Way and Glensburgh Road is completed prior to the development being brought into use.
- 4.2 The Transport Planning Unit has raised no objections subject to the conclusion of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973, or a planning Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended, to ensure a financial contribution towards improvement to the M9 junction 6. The contribution would be £382,000 based on April 2011 costs. The contribution would be index linked to construction price indices. Furthermore, a Travel Plan would have to be approved in writing, and the terms of the Travel Plan subsequently adhered to, in keeping with the Travel Plan Framework submitted in support of the application.
- 4.3 Transport Scotland has no objection subject to an appropriate financial contribution being secured for upgrading road network infrastructure at M9 Junction 6, and that a Travel Plan is approved by the planning authority.

- 4.4 The Environmental Protection Unit has raised no objection.
- 4.5 Sportscotland has raised no objection.
- 4.6 Scottish Water has raised no objection.
- 4.7 Museums Services has advised that a condition be attached to ensure that no development takes place at the site until such times as a programme of archaeological work, which has the prior written approval of the planning authority, has been carried out.
- 4.8 Scottish Environmental Protection Agency has raised no objection.
- 4.9 Scottish Natural Heritage has raised no objection. It is advised however that work to remove trees from the site should be overseen by a licensed bat surveyor and that the works to remove trees are completed within 12 months of the most recent bat survey.
- 4.10 The Forestry Commission has advised on the level of detail which should be sought from the applicant and advised that steps should be taken to ensure that any tree felling at the site is mitigated by compensatory planting elsewhere.
- 4.11 The Health and Safety Executive's Planning Advice for Developments near Hazardous Installation (PADHI+) system has advised against the approval of planning permission. It is noted that the applicant has submitted a safety plan to mitigate risk at the site. The Health and Safety Executive has advised, however, that the safety plan would have no legal status and that on this basis the advice against approving planning permission stands. It is also acknowledged, however, that it is for the planning authority to consider the safety plan as a material consideration when determining the planning application. It is also advised, however, that if the planning authority was minded to grant planning permission, the application would have to be notified to Scottish Ministers.

## **5. COMMUNITY COUNCIL**

- 5.1 Grangemouth Community Council has raised the following concerns:
- Safety issues. There are no safe zones explicitly shown on the proposed layout drawings. Furthermore, the orientation of the loading bays would likely render the development at risk from any incident at the adjacent petrochemical industries. It is not clear how many people would be on site at any one time.
  - The Transport Assessment (TA) is almost three years old. The Council should consider if the TA requires to be updated.
  - The applicant draws comparison with application P/08/0615/OUT, detailed in Section 3 of this report. The applicant makes the case that the current proposal is preferable. The previous application should not be a determining factor.
  - 20% of commercial vehicles at the site would access and leave via Beancross Road. There is a 7.5 ton restriction at Beancross Road. Has consideration been given to the amenity of residents at Beancross Road?

- The placement of traffic lights at the M9 off ramp would cause traffic to backup. As a result, there would be increased traffic noise which would be detrimental to the adjacent residents.
- It is not clear whether the Earls Gate Roundabout has capacity to take the increase in traffic as a result of the development and function adequately.
- Forth – Clyde Way, Glensburgh Road, Earls Road and Beancross Road currently form part of a safe route to school. The proposal would compromise the safety of children walking to school.
- The applicant refers to National Planning Framework 2, and the need to improve traffic infrastructure. There is no evidence of any improvement to road infrastructure in the proposal.
- The Community Council is disappointed that a full Environmental Impact Assessment was not requested.
- The applicant claims that Policy ECON1 of the Falkirk Council Structure Plan "Strategic Development Opportunities" supports the proposal. Policy ECON1 refers to developments within Grangemouth Docks. It is noted that the application site is not located within the docks area.
- It is not clear what sports facilities have been relocated. The Community Council is unaware of any new facilities created to absorb the sports use of the application site.
- Would ecology related statements be assessed by an independent third party?
- Mitigation statements regarding noise and air quality should be clear and precise.
- Environmental impact scenarios have been quantified as "not significant". What does this term imply?
- The applicant is not clear if any hazardous substances would be present on site.

## **6. PUBLIC REPRESENTATION**

- 6.1 Two letters have been received. One letter neither supporting nor objecting has been received from the Grangemouth Community Council, in addition to the formal response. This letter questions whether the pre application public consultation process was adequate to meet legislative obligations.
- 6.2 In addition, a second letter of objection has been received. Concerns raised are:-
- Grangemouth Freight Hub is identified in National Planning Framework 2 as a national development. The framework sets out aspirations for the sustainable growth and consolidation of the freight hub as a development of national importance. The proposal does not meet the aspirations of NPF2.

- It is not considered that there is sufficient information to assess the proposal fully. There is insufficient information with respect to air quality, noise and vibration.

## 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 Policy ECON.1 ‘Strategic Development Opportunities’ states:

*“The Council will promote the following as strategic locations for major economic development:*

- |    |  |
|----|--|
|    | <i>Town Centres</i>                    |
| 1  | <i>Falkirk Town Centre</i>             |
| 2  | <i>Grangemouth Docks</i>               |
|    | <i>Gateways</i>                        |
| 3  | <i>Middlefield/ Westfield, Falkirk</i> |
| 4  | <i>Falkirk Canal Interchange</i>       |
| 5  | <i>North Larbert / Glenbervie</i>      |
| 6  | <i>Gilston, Polmont</i>                |
|    | <i>Urban/ rural Regeneration Areas</i> |
| 7  | <i>Langlees/ Bainsford, Falkirk</i>    |
| 7a | <i>Former Manuel Works, Whitecross</i> |
|    | <i>Specialist Sites</i>                |
| 8  | <i>Grangemouth/ Kinneil Kerse</i>      |

*Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1.”*

7a.2 It is acknowledged that the application site is not within Grangemouth Docks nor will be used for chemical or petrochemical development. However, the application site is owned by an adjoining chemical industry and existing infrastructure – such as drainage provision, power and water supply will be shared with potential tenants.

7a.3 The proposal accords with Policy ECON.1.

7a.4 Policy ECON.3 ‘Local Business Development Opportunities’ states:

*“Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites.”*

7a.5 The site is identified in the Falkirk Council Local Plan as an opportunity for class 4, 5 and 6 development (ED.GRA08). This is assessed in detail in sections 7a.34-7a.38 of this report.

7a.6 The proposal does not fully accord with proposal ED.GRA 8 in that 4 hectares of woodland would be removed which the Local Plan proposal states should be retained. The proposal does not therefore fully accord with Policy ECON 3.

7a.7 Policy COM.5 'Developer Contributions' states:

*"The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:*

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

*The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5."*

7a.8 Two aspects of the proposal are relevant to Policy COM.5. Firstly, the proposal would have a significant impact on the functioning of the M9 motorway junction 6 and, consequently connectivity to the wider road network. Secondly, approximately 4 hectares of woodland would be lost from the application site.

7a.9 The applicant has committed to contributing towards improvement works to junction 6 of the M9 by means of a developer contribution. The applicant has agreed a contribution of £382,000 to be secured by means of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973. It is noted that this figure is based on April 2011 costs and would be index linked to construction price indices. A Travel Plan Framework has been submitted in support of the application, and could be addressed by condition.

7a.10 The applicant has also committed to contributing towards the planting of compensatory off site tree planting or habitat creation and improvement by means of a developer contribution. The applicant has agreed a contribution of £48,000 to be secured by means of an Agreement under Section 69 of the Local Government (Scotland) Act 1973. This figure is based on a contribution of £12,000 per hectare to cover costs of planting and maintenance.

7a.11 Planning permission would be issued on receipt of the developer contributions.

7a.12 The proposal accords with Policy COM.5.

7a.13 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

*“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

7a.14 There would be an identifiable loss of open space and what was formerly recreation facilities for the use of employees at the adjacent petrochemical industry. The Council's Open Space Strategy highlights the visual amenity value of the open space, and the potential to enhance biodiversity and wildlife connectivity, particularly due to existing woodland at the site. It is also noted that the application site is identified as an opportunity for Class 4, 5 and 6 development on the basis that the existing woodland at the site is retained.

7a.15 Two issues are relevant, the visual amenity of the area and the potential to enhance biodiversity and wildlife connectivity. Firstly it is considered that the identification of the site as a development opportunity in the Falkirk Council Local Plan concedes that the open space at the site is potentially to be lost to development. As compensatory measures, however, the proposal includes an area of open space at the south west corner of the site extending to approximately 1 hectare, together with the retention of existing trees and the planting of additional screen landscaping. It is considered that this would provide a reasonable standard of visual amenity open space and screening. Secondly, whilst the proposal includes the removal of 4 hectares of woodland at the site, it is intended to retain an existing area of woodland at the north west corner of the site and the applicant has committed to provide a developer contribution towards the provision of off site tree planting or habitat creation and improvement in compensation for the loss of the 4 hectares of woodland to be removed. On balance, there would be a loss of open space and woodland at the site. In light of the Local Plan proposal, however, it is considered that there would be a reasonable standard of visual amenity value open space at the proposed development, and that there would be satisfactory compensatory measures put in place to mitigate against the loss of habitat due to the removal of trees. It is considered that the impact on the community as a whole may be considered limited.



7a.16 The proposal largely accords with Policy COM 6.

7a.17 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.18 The applicant has submitted habitat surveys, breeding bird surveys and bat surveys relating to the site. It is noted that Scottish Natural Heritage has raised no objection provided that the removal of trees at the site is supervised by a licensed bat surveyor. Furthermore, it is considered that tree planting or habitat creation and improvement off site, funded by means of a developer contribution, would mitigate the loss of woodland at the application site.

7a.19 The proposal accord with Policy ENV.3.

7a.20 Policy ENV.4 ‘Coastal Planning and Flooding’ states:

*“The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”*

7a.21 It is noted that the application is supported by a Flood Risk Assessment. It is not considered that the proposed development constitutes a significant flood risk either within the application site, or at land beyond its boundaries.

7a.22 The proposal accords with Policy ENV.4.

7a.23 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.24 It is noted that the application is supported by a Design Statement. The statement highlights the character and features of the application site and the surrounding area together with details of infrastructure. The statement details the thought process behind the design of the proposal and the potential impact on amenity and infrastructure.

7a.25 It is considered that there would be no impact on the infrastructure of the area which cannot be mitigated. An existing footpath adjacent to the north and west boundaries of the site would be upgraded to a 3 metres wide cycleway.

- 7a.26 There would however be an impact on the visual amenity of the area. It is noted that approximately 4 hectares of woodland at the application site would be removed. Whilst it is proposed to mitigate the loss of the woodland with off site tree planting or habitat creation and improvement, retain trees at peripheral areas and provide new landscaping, the impact in terms of the amenity of the site would be identifiable.
- 7a.27 The proposed building would measure 43,426 square metres in area and would be 18 metres in height to the ridge. The scale of the building necessitates that ancillary activities such as vehicle wash, fuel tank and cage storage facility would be on the west side of the proposed building facing the public road. Furthermore, the proposed building and internal roadway encroaches close to the west boundary of the site leaving little room for screening.
- 7a.28 It is considered that although there is landscape screening proposed, the development would have a significant impact on the visual amenity of the area. The proposal is not considered to be sympathetic to the character of the site.
- 7a.29 The proposal does not fully accord with Policy ENV.7.
- 7a.30 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."*
- 7a.31 The application is supported by a Transport Statement and a Travel Plan Framework. It is not considered that there would be a significant impact on the road network of the area, provided that improvements to the M9 motorway junction 6 can be secured. The applicant has committed to making a developer contribution to secure appropriate improvements at the junction. Furthermore, it is considered that the approval of a Travel Plan in keeping with the Framework submitted in support of the application would secure adequate movement and connectivity of pedestrians, cyclists and public transport.
- 7a.32 The proposal accords with Policy TRANS.3.
- 7a.33 The proposal does not fully accord with the Falkirk Council Structure Plan.

## ***Falkirk Council Local Plan***

### 7a.34 Proposal ED.GRA08 Earls Gate Park Phase 2

Opportunity	Business/Industry
Site Area	14.0 hectares
Agency	Kemfine UK Ltd/SE
Comments	Site would be suitable for use classes 4, 5 and 6 with an opportunity to share spare capacity in power and effluent treatment. Development of the site should retain the woodland area and important trees. The loss of sports facilities requires to be addressed either by replacing them with new ones, or upgrading existing ones, all in line with national planning policy guidance. Other matters which potentially have to be addressed include flooding, access and European protected species. Any proposals for hazardous substances consent will require to be assessed under Policy EP19.

7a.35 It is noted that the proposed development would secure a class 6 use at the site, sharing utilities with the adjacent petro chemical industry site in accordance with the proposal.

7a.36 It is noted that the site was previously used as sport and recreation facilities for employees of the adjacent petrochemical industry, part of the facilities being available for the use of a local juvenile football team. The sports and recreation facilities have not been used since 2008. Furthermore the juvenile football team have been relocated to alternative facilities in the Grangemouth area. It is not considered that the loss of the vacant sports facilities at the site is significant. It is noted that SportsScotland has raised no objection.

7a.37 It is noted, however that the proposal ED.GRA08 specifies that there is existing woodland and important trees at the site. Whilst some trees at peripheral areas are proposed to be retained and that there would be new landscaping, and screen planting, it is intended to remove 4 hectares of woodland at the site which would have a significant impact on the character of the site.

7a.38 The proposal does not fully accord with proposal ED.GRA08.

### 7a.39 Opportunity TR.GRA05 M9 Junction 6/Glensburgh Road

Opportunity:	Junction Improvement
Agency:	Falkirk Council / Transport Scotland
Comments:	Junction identified as requiring upgrade to cope with projected traffic growth. Appraisal has identified specific mitigation measures which would resolve capacity issues over the term of this Local Plan. Signalisation likely to control staggered junction at Glensburgh. Signals and road widening at Earls Gate roundabout. Developer contributions required from major developments contributing to growth in the vicinity. All contributions will be raised in accordance with national planning policy guidance. Longer term solutions will be pursued through STPR and the National Development mechanism set out in NPF2.

7a.40 The proposed development would have an impact on the functioning of the M9 junction 6 at Earls Gate. Improvements would have to be carried out to accommodate the additional traffic generated by the proposal. The applicant has committed to contributing towards the cost of the required junction improvements. It is considered that these improvements would be designed and carried out to meet a short term need and would not jeopardise any improvements which may be required long term in relation to the National Planning Framework.

7a.41 The proposal accords with Opportunity TR.GRA05.

7a.42 Opportunity TR.GRA03 A905 Glensburgh – Inchyra Road

Opportunity Strategic Pedestrian/Cycle Route

Agency Falkirk Council

Comments Opportunity to promote remote cycleway along Glensburgh and Beancross Roads, linking into proposed cycleway route to the north (see TR.RUR10). Part of cycleway under construction at Beancross Road in association with development at Earls Gate Park (ED.GRA07).

7a.43 It is noted that the pedestrian/cycle route referred to in opportunity TR.GRA03 lies partly adjacent to the west boundary of the application site. The application proposes to upgrade this section of the route to a 3 metre wide cycleway in accordance with TR.GRA03 because most employees, other than lorry drivers, would not enter the site from Earls Road. A condition can be attached to ensure the completion of this section of cycleway.

7a.44 The proposal accords with Opportunity TR.GRA03.

7a.45 Policy EQ1 ‘Sustainable Design Principles’ states:

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

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

7a.46 The proposed development is considered to be satisfactory in terms of resource use and infrastructure. It is noted however that approximately 4 hectares of woodland would be lost as a result of the proposal. This would be necessary to accommodate the size of building proposed, together with associated buildings and infrastructure. Whilst there is an intention to retain existing trees at the periphery, and plant new screen landscaping, the proposal, by reason of its scale, siting and design, would have a impact on the visual amenity of the area and would not be sympathetic to the existing surroundings at the site.

7a.47 The proposal does not fully accord with Policy EQ1.

7a.48 Policy EQ4 - 'Landscape Design' states:

*"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:*

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7a.49 It is noted that it is proposed to retain existing trees at the periphery of the site and plant new screen landscaping. However, approximately 4 hectares of woodland would be lost. It is noted that this does not accord with Opportunity ED.GRA08 detailed in sections 7a.34-38 of this report. The proposed development would not be sympathetic to the existing landscape.

7a.50 The proposal does not accord with Policy EQ4.

7a.51 Policy EQ6 'Design and Energy Use' states:

*"Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:*

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged."*

7a.52 It is noted that the proposal includes the use of sustainable energy features such as solar thermal panels, air to water reverse cycle heat technology, daylight control and presence detectors and rainwater harvesting.

7a.53 The proposal accords with Policy EQ6.

7a.54 Policy EQ16 'Sites of Archaeological Interest' states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall 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.55 The comments of Museums Services detailed in section 4 of this report are noted.

7a.56 The proposal accords with Policy EQ6.

7a.57 Policy EQ22 'Landscape and Visual Assessment' states:

*“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”*

7a.58 The development would have a significant impact on the landscape of the site and surrounding area. Approximately 4 hectares of woodland at the site would be lost. It is noted that landscape design statements have been submitted in support of the application.

7a.59 Whilst the developer is committed to contributing towards the funding of compensatory tree planting or habitat creation and improvement off site by means of a developer contribution, the proposed development would not respect the existing landscape character of the site.

7a.60 The proposal does not accord with Policy EQ22.

7a.61 Policy EQ25 'Biodiversity' states:

*"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7a.62 The comments of Scottish Natural Heritage detailed in section 4.9 of this report are noted.

7a.63 The proposal accords with Policy EQ25.

7a.64 Policy EQ26 - '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) 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 a plan and make provision for its future management; 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.65 It is noted that approximately 4 hectares of woodland would be lost at the application site and that consequently there would be a significant impact on the visual amenity of the area. It is also noted however, that the applicant is committed to providing off site compensatory tree planting or habitat creation and improvement by means of a developer contribution.



7a.66 It is considered that the proposal substantially accords with Policy EQ26.

7a.67 Policy EQ30A “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). Air Quality Assessments may be required for developments within AQMAs.*

7a.68 The application is supported by an air quality assessment. It is considered that the proposal is satisfactory in terms of air quality management

7a.69 The proposal accords with Policy EQ30A.

7a.70 Policy SC11 - ‘Developer Contributions To Community Infrastructure’ states:

*“Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996.”*

7a.71 The aspects of the proposal that are relevant to Policy SC11 are, firstly, the proposal would have a significant impact on the functioning of the M9 junction 6 and consequently connectivity to the wider road network and, secondly, it is noted that the proposal would result in the loss of approximately 4 hectares of woodland at the site which would have a significant impact on the visual amenity of the area.

7a.72 This issue is addressed in sections 7a.7-7a.12 of this report.

7a.73 The proposal accords with Policy SC11.

7a.74 Policy SC12 - ‘Urban Open Space’ states:

*“The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:*

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*

- (2) *In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7a.75 Sections 7a.13 - 7a.16 of this report in respect of Policy COM 6 of the Falkirk Council Structure Plan “Open Space and Recreation Facilities” are relevant.

7a.76 The proposal largely accords with Policy SC.12.

7a.77 Policy EP1 - ‘Strategic Development Opportunities’ states:

*“The Council will give priority to the sites detailed in Table 5.1 as the site-specific parts of the Strategic Development Opportunities identified within Policy ECON.1 and Schedule ECON.1 of the Structure Plan. These should be developed in accordance with the principles set out in Structure Plan Policy ECON.2.”*

7a.78 Policy EP1 reflects the strategic development opportunities identified in Policy ECON.1 of the Falkirk Council Structure Plan, detailed in section 7a.1-7a.3 of this report. The principle of development in Grangemouth is supported by Policy EP1.

7a.79 The proposal accords with Policy EP1.

7a.80 Policy EP4 ‘Business and Industrial Development within the Urban and Village Limits’ states:

- “(1) New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre’s retail function.*
- (2) Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation.”*

7a.81 It is noted that the site is identified on an opportunity for Class 4, 5 and 6 development in the Falkirk Council Local Plan. Sections 7a.34 – 7a.38 of this report are relevant. It is considered that the proposal would be compatible with the surrounding area, given the industrial/commercial uses on adjoining land, and is satisfactory in terms of traffic generation. It is noted that improvements to the M9 junction 6 and compensatory off site tree planting and habitat creation and improvement, would be secured by means of a developer contribution.

7a.82 The proposal accords with Policy EP4.

7a.83 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."*

7a.84 It is noted that the Health and Safety Executive, Planning Advice for Development near Hazardous Installations, (PADHI+) system has advised against the grant of planning permission. The applicant has submitted a Safety Plan in support of the application. The HSE has advised that the Safety Plan would have no legal status and that the 'advise against' status would stand. However, the Safety Plan may be considered by the planning authority as a material consideration. HSE has confirmed that if the Council are minded to grant planning permission, the application would need to be referred to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

7a.85 The proposal does not accord with Policy EP18.

7a.86 Policy ST3 - 'Bus Travel And New Development' states:

*"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. 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.*

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) New developments may require bus links to rail stations or other public transport infrastructure."*

7a.87 It is noted that a Travel Plan Framework has been submitted in support of the application. The Travel Plan Framework is considered to be satisfactory in terms of addressing issues of connectivity to the proposed development in terms of walking, cycling and public transport links. The terms of a Travel Plan could be covered by condition.

7a.88 The proposal accords with Policy ST3.

7a.89 Policy ST7 - 'Transport Assessments' states:

- “(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (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.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission 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.90 The application is supported by a Transport Assessment.

7a.91 It is considered that the proposed development would not generally have a significant impact on the road network. Two issues, however have emerged:

- Firstly, there would be a significant impact on the functioning of junction 6 of the M9 motorway. Junction improvements would be required to accommodate the traffic which would be generated by the proposed development. The junction improvements can be secured by means of a developer contribution.
- Secondly, the impact of the proposal would mean that in order to achieve a satisfactory standard of an access and movement in respect of pedestrians and cyclists, the footpath adjacent to the west and north boundaries of the site should be upgraded to a 3 metres wide cycleway. This can be addressed by condition.

7a.92 The proposal accords with ST7.

7a.93 Policy ST10 - 'Parking' states:

*“The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.*

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation.”*

7a.94 It is considered that the proposed development would afford adequate on-site parking. There would be no impact on parking outwith the application site.

7a.95 The proposal accords with Policy ST10.

7a.96 Policy ST11 - 'Sustainable Urban Drainage' states:

*"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. A drainage strategy, as set out in PAN 61, 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.97 The application is supported by a drainage strategy. It is considered that there would be adequate drainage in accordance with sustainable drainage principles.

7a.98 The proposal accords with Policy ST11.

7a.99 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

7a.100 The application is supported by a Flood Risk Assessment. It is not considered that the proposed development constitutes a significant flood risk either within the site or beyond the site boundaries.

7a.101 The proposal accords with Policy ST12.

7a.102 Policy ST12A - 'Sewerage Infrastructure' states:

*"New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA."*

7a.103 It is proposed to discharge waste water by means of connection to the existing public sewer. Scottish Water has raised no objection.

7a.104 The proposal accords with Policy ST12A.

7a.105 Policy ST19 - 'Waste Reduction In New Development' states:

*"Proposals for new housing and commercial developments must demonstrate that they have maximised the use of recycled or reused materials and minimised the generation of waste during construction and that appropriate recycling facilities are accommodated in the completed development."*

7a.106 The application is supported by a Waste Statement. It is considered that disposal of waste would be adequately minimised. The Environmental Protection Unit has raised no objections.

7a.107 The application is supported by a Design Statement. It is considered that the applicant has addressed sustainability satisfactorily.

7a.108 The proposal accords with Policy ST19.

7a.109 The proposal does not fully accord with the Falkirk Council Local Plan.

7a.110 Accordingly, the proposed development does not fully accord with the Development Plan.

## **7b Material Considerations**

7b.1 Material considerations to be considered are consultation responses, letters of representation/objection, Scottish Planning Policy, Supplementary Planning Guidance Note “Local Employment Agreements”, Section 69 Agreement, Falkirk Council Economic Downturn - Action Plan and the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

### ***Consultation Responses***

7b.2 It is noted that the Health and Safety Executive has advised against the granting of planning permission. If the committee were to be minded to grant planning permission, the application would be referred to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009. Scottish Ministers would then decide whether to call in the application for their determination, or to accept the recommendation of the Council to grant planning permission.

7b.3 The consultation response from Grangemouth Community Council is noted. Response to comments raised are:-

- With regard to safety, it is noted that the applicant has submitted a Safety Plan in response to the Health and Safety Executive (HSE) PADHI+ system advising against planning permission being approved. The HSE has advised however, that whilst the Safety Plan has no legal status, the Safety Plan may be considered by the planning authority as a material consideration. If the Council is minded to grant planning permission, the application would be notified to Scottish Ministers.
- The Transport Planning Unit has advised that the Transport Assessment was carried out less than 3 years ago and, consequently, is still relevant and can be considered.
- Planning application P/08/0615/OUT, detailed in section 3 of this report, is a material consideration in terms of planning history of the site. The current application has been fully assessed on its own merits.
- It is noted that a weight restriction has been placed upon vehicles using Beancross Road between specified times for a temporary period. The applicant has submitted a Transport Assessment and Travel Plan Framework in support of the application. The supporting documents detail the applicant’s commitment to comply with the terms of the restriction. The control of the restriction would, however, be monitored and enforced by the appropriate body. It is not considered that the temporary restriction compromises the operation of the proposed development. This issue can be addressed by means of an informative.

- The Transport Planning Unit has advised that improvements would be required to M9 Junction 6 in order to accommodate the traffic generated by the proposed development. The junction improvements would ensure that there would be no adverse impact on the road network.
- There would be no adverse impact on the safety of pedestrians. The Transport Planning Unit has, however, advised that a 3 metre wide cycleway be formed adjacent to the north and west boundaries of the site. This can be addressed by condition.
- Reference to Natural Planning Framework 2 (NPF 2) is noted. The provisions of NPF2 in regard to Grangemouth Freight Hub are not at all intended to restrict or supersede any other type of development in Grangemouth. Indeed the element entitled 'expand freight storage and handling facilities and other port related development' could be interpreted as applying more widely e.g. to this proposal, than just to Forth Ports. Irrespective of the provisions of NPF2 in regard to 'better connection to the M9 motorway' the Falkirk Council Local Plan makes provision for junction improvements at junction 6, which the Earls Gate proposal should contribute to. These improvements are to deal with shorter term issues and are independent of any longer term NPF2 related ones. There is a wide range of business sites in Grangemouth which the Falkirk Council Local Plan promotes and the National Development elements should not be seen as taking precedence.
- Comment concerning the possible need for an Environmental Impact Assessment (EIA) is noted. The proposal was subject to an Environmental Impact Screening Opinion prior to the submission of the application. The proposal is deemed to constitute a Schedule 2, class 10 development, infrastructure project, (a), industrial estate development. It was not considered that the assessed impact of the proposal necessitated the submission of an EIA.
- Policy ECON.1 of the Falkirk Council Structure Plan is detailed in section 7a.1-7a.3 of this report. The issue of National Planning Framework 2 is addressed above.
- The issue of sports facilities is detailed in sections 7a.13-7a.15 of this report.
- An Air Quality Assessment has been submitted in support of the application. The findings are considered to be satisfactory. It is noted that the Environmental Protection Unit has raised no objections.
- Environmental Impact scenarios considered to be 'not significant' were part of the EIA screening opinion.
- No hazardous substances would be stored on site which would require hazardous substance consent.
- A Noise Impact Assessment has been submitted in support of the application. Findings are considered to be satisfactory. It is noted that the Environmental Protection Unit has raised no objections.

### ***Letters of Representation/Objection***

- 7b.4 One letter of representation has been received from Grangemouth Community Council neither objecting or supporting the proposal. The letter is an addition to the consultation response submitted. The letter however raises concern that the pre-application public consultation procedure was minimal. The application is supported by a pre consultation report. It is considered that consultation carried out meets statutory obligations.
- 7b.5 One letter of objection has been received. Comments concerning National Planning Framework 2 are noted. National Planning Framework 2 is addressed in section 7b.3 of this report.
- 7b.6 It is noted that an Air Quality Assessment and Noise Impact Assessment have been submitted in support of the application. The reports are addressed in section 7b.3 of this report.

### ***Scottish Planning Policy***

- 7b.7 This highlights that in respect of Economic Development, authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:-
- Taking account of the economic benefits of proposed development in development plans and development management decisions,
  - Promoting development in sustainable locations, particularly in terms of accessibility,
  - Promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
  - Supporting development which will provide new employment opportunities and enhance local competitiveness,
  - Promoting the integration of employment generation opportunities with supporting infrastructure and housing development, and
  - The planning system should also be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.
- 7b.8 In terms of the economic development issue, Scottish Planning Policy supports the proposal.
- 7b.9 However, Scottish Planning Policy also supports a broad approach to landscape and recognises its value in terms of biodiversity, connectivity and eco-systems, as well as amenity, in both countryside and urban settings. Trees and woodland are recognised as an irreplaceable natural measure which should be preserved and enhanced. Woodland removal should only be allowed where it would achieve significant and clearly defined public benefits. In appropriate cases, compensatory planting may form part of the balance.



- 7b.10 Whilst it is noted that the applicant is committed to the provision of compensatory off site planting through a developer contribution, there is no clearly defined public benefit to the removal of woodland from the application site. Scottish Planning Policy does not support the removal of the existing woodland at the site.

***Supplementary Planning Guidance Note “Local Employment Agreements”***

- 7b.11 The advice note provides guidance to developers on how they can help provide employment and training opportunities for disadvantaged groups in Falkirk. Those people likely to be targeted would include long-term unemployed, single parent, welfare benefit claimants, young people and minority groups. A primary economic objective of the Council is to promote a stronger and more diverse local economy, building on the area’s locational and other strategic assets. The local labour force is viewed as one of these strategic assets.
- 7b.12 The applicant has stated that in commitment to the SPG, support apprenticeships and training will be provided during the construction and operational phases.
- 7b.13 The SPG supports the proposal.

***Section 69 Agreement***

- 7b.14 It is noted that as a result of the proposal the following would have to be secured:-
- Improvements to the M9 motorway junction 6.
  - Off site tree planting and habitat creation and improvement to compensate for the loss of approximately 4 hectares of woodland at the application site.
- 7b.15 Sections 7a.7-7a.12 of this report are relevant to the improvements to the M9 junction 6 and to off site planting and habitat creation and improvement.

***Falkirk Council Economic Downturn – Action Plan***

- 7b.16 The Council’s Economic Downturn Action Plan was approved in December 2008. The action plan was developed in anticipation of an economic recession in 2009. The action plan set out to mitigate impacts of the economic downturn in the Falkirk area, assess the economic strengths of the area which will aid its response and identify key actions planned by the Council to respond. Since the action plan was approved, the recession and downturn in the economy has bitten deeper and longer than anticipated. The aspirations of the Council’s economic downturn action plan remain relevant and material.
- 7b.17 The action plan sets out a range of measures which the Council could implement or influence to encourage investment, promote business support and safeguard employment. As part of the package of measures, the Council committed to extend the flexibility of the Council’s approach to planning and review it’s approach to attaching planning obligations to planning permissions. Additionally, the Council is committed to re-evaluating the impact of the economic recession as a material consideration in determining planning applications to help attract investment and maintain and create jobs in the Falkirk area.

- 7b.18 It is noted that the proposed development could help to secure substantial investment from a current major employer in the Falkirk area and help prevent investment being redirected outwith the Falkirk area. The proposal could help secure existing jobs in the area as well as creating between 117 and 152 new jobs in the Falkirk area. Additionally, the applicant has stated that there would be regard to the Council's Local Employment Agreements Supplementary Planning Guidance Note in that there would be support apprenticeships and training during the construction and operational phases of the development.
- 7b.19 The Falkirk Council Economic Downturn – Action Plan supports the proposed development.

***Town and Country Planning (Notifications of Applications) (Scotland) Direction 2009***

- 7b.20 Under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, if a planning authority is minded to grant planning permission in respect of which there is an objection made by a Government Agency, the application must be notified to Scottish Ministers. Scottish Ministers will then decide whether the application should be called in for determination by Scottish Ministers.
- 7b.21 In the case of the proposed development, it is noted that the Health and Safety Executive, Planning Advice for Developments near Hazardous Installations System (PADHI+) has advised against the grant of planning permission. Whilst it is noted that a Safety Plan has been submitted in response, the Executive has advised that the 'advise against' recommendation stands.
- 7b.22 As the Health and Safety Executive is a statutory Government Agency consultee, if the Council were minded to grant permission, the application would have to be notified to Scottish Ministers.

**7c Conclusion**

- 7c.1 It is noted that the proposed development does not fully accord with the Development Plan.
- 7c.2 The application site is identified in the Falkirk Council Local Plan as an opportunity for classes 4, 5 and 6 development (opportunity ED.GRA08). Opportunity ED.GRA08 recognises the value of the existing woodland at the application site and, consequently, the terms of the identification of the site as a development opportunity require that the woodland at the site should be retained. It is noted that the proposed development would require the removal of much of the woodland. It is noted, however, that the applicant has committed to contributing towards meeting the cost of off site compensatory tree planting and habitat creation and improvement.
- 7c.3 Furthermore, the proposed development is not considered to constitute an entirely harmonious fit into the landscape in terms of scale, siting and design. The character of the site has not fully informed the design of the proposed development. It is considered there would be a significant impact on the visual amenity of the area.
- 7c.4 However, it is recognised that the proposal would provide major business investment in the Falkirk area, and create between 117 and 152 new jobs at a time of economic downturn and recession. The proposal is supported by economic development policies of the Development Plan, the Falkirk Council Economic Downturn – Action Plan and local economic development initiatives.

- 7c.5 In considering the balance between amenity and economic benefit, two material considerations are significant. Firstly, the site is identified in the Falkirk Council Local Plan as an opportunity for uses including class 6. Secondly, the applicant has committed to funding compensatory tree planting off site through a developer contribution. The planting of compensatory tree planting and habitat creation and improvement off site is considered to be an acceptable alternative to the retention of the existing woodland and is supported by the Forestry Commission.
- 7c.6 On balance, the economic benefit of job creation and potential job retention is considered to outweigh the potential impact on visual amenity. The proposed development is considered to be satisfactory provided that improvements to the M9 motorway junction 6 and adequate compensatory off site tree planting can be secured, the proposed 3 metre wide cycleway adjacent to the west and north boundaries of the site is completed and that the provisions for the Travel Plan Framework submitted in support of the application and other matters covered by the recommended planning conditions are met.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Committee indicate that it is minded to grant planning permission subject to :-
- a) The notification of the application to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009 and
  - b) The satisfactory conclusion of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973. The Agreement is to secure :-
    - (i) A financial contribution of £382,000 towards the improvement of the M9 motorway junction 6 (the figure is based on April 2011 costs and to be index linked to construction price indices), and
    - (ii) A financial contribution of £48,000 towards off side tree planting and habitat creation and improvement as a compensatory measure for the loss of woodland at the site.
- 8.2 Thereafter, on conclusion of the foregoing matters, revert 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)
    - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. 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 .
    - (ii) Where contamination (as defined by Part IIA 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.

- (iii) 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. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) The development shall not be brought into use until such time as details of a 3 metre wide cycleway to be formed adjacent to the north boundary of the site at Forth-Clyde Way and the west boundary of the site at Glensburgh Road (as shown in drawing no. 3/6B-102(02), Planning Authority reference 05A). has been submitted to and approved in writing by the Planning Authority and thereafter has been completed in accordance with the approved details.
- (4) There shall be no works on site until such times as a written scheme of archaeological investigation has been submitted to, and approved in writing by, the planning authority and that the scheme of archaeological investigation has been demonstrated to have been completed also with the written approval of the Planning Authority. For the avoidance of doubt the scheme of archaeological investigation should be carried out in respect of the existing standing structures at the site, and the site of the former Kerse House. The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of the archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.
- (5) Before the development commences, a schedule of landscaping should be submitted to and approved in writing by this planning authority. Details of the schedule should include :-
  - i) The position of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposal for their replacement.
  - ii) The location of all new trees, shrubs, hedges and grass areas
  - iii) A schedule of plant, trees, shrubs and hedges to comprise species, sizes and proposed number/species

- iv) A programme for the management and maintenance for all proposed landscaping.

Unless otherwise approved in writing by this planning authority, the approved landscaping schedule shall be implemented in the first planting season following the completion of the building or the occupation of any part of it, whichever is the earlier date. Thereafter any trees, shrubs or other plants which die, are removed, become seriously diseased or are severely damaged within 5 years of planting shall be replaced during the first available planting season with others of similar size and species, or in accordance with such other maintenance programme as agreed with this planning authority under the terms of (iv) above. For the avoidance of doubt, the planting season shall be taken to run from October to March inclusive.

- (6) All road, access, footpath and cycleway construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area as amended January 2000.
- (7) The development shall not be brought into use until such time as the vehicular access onto Forth-Clyde Way to the north of the application site is formed as a 3 metre wide carriageway with a 10.5 metre radius bellmouth on 9 metre x 70 metre visibility splays.
- (8) The development shall be implemented in accordance with the approved drainage and any other submitted details which have been approved in writing by the Planning Authority.
- (9) No part of the development shall be occupied until a Travel Plan has been submitted to, and approved in writing by, the planning authority in consultation with Transport Scotland. The Travel Plan will have particular regard to the provision for walking, cycling and public transport access to and within the site and will identify measures to be provided. The system of management monitoring, review, reporting and duration of the plan. Implementation of the Travel Plan should continue as long as the development is occupied. The records of implementation should be made available to the planning authority.
- (10) Notwithstanding any details previously submitted, there shall be no work on site with respect to the application and construction of any external finish to any buildings or ancillary plant until such time as details of the external colour and materials of any buildings and ancillary plant have been approved in writing by the planning authority. Thereafter the buildings and ancillary plant shall be finished in accordance with the approved details.

- (11) Notwithstanding any details previously submitted, there shall be no work on site until such time as details of boundary treatments have been approved in writing by the planning authority. Details shall include all permanent boundary treatments following completion of the development, any temporary boundary treatments during the construction phase and time scales for the erection and planting of boundary treatments. Thereafter, the erection and planting of boundary treatments shall accord with the approved details.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity.
- (3) To ensure connectivity in the footpath and cycleway network.
- (4) To safeguard the archaeological heritage of the site and ensure that the developer provides an adequate opportunity to investigate, record and rescue archaeological remains.
- (5) To ensure a high standard of landscaping and to ensure the landscaping is implemented as early as possible and has opportunity to become established.
- (6) To safeguard road users.
- (7) To safeguard the interests of highway users.
- (8) To ensure the development is carried out to the satisfaction and approval of the Planning Authority.
- (9) To be consistent with the requirements of Scottish Planning Policy.
- (10,11) To safeguard visual amenity

**Informative(s):**

- (1) For the avoidance of doubt the plans to which this consent refers bear our references 01, 02, 03, 04A, 05A, 06A/1, 06A/2, 07A, 08A, 09A, 10A, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.
- (2) Work to remove trees at the site should be overseen by a licensed bat surveyor. Any trees which cannot be assessed and cleared for bats prior to felling should be section felled and lowered to the ground by rope. Should development not commence within 12 months of the last bat survey, a further bat survey should be carried out to inform the removal of trees.
- (3) The applicant is advised that there is a temporary weight restriction of 7.5 ton Monday to Friday 6pm to 8am and Friday 6pm to Monday 8am.

**pp**

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**Director of Development Services**

**Date:** 26 October 2011

**LIST OF BACKGROUND PAPERS**

1. Scottish Planning Policy
2. Falkirk Council Structure Plan
3. Falkirk Council Local Plan
4. Supplementary Planning Guidance Note "Local Employment Agreements"
5. Falkirk Council Economic Downturn – Action Plan
6. Town and Country Planning (Notification of Applications) (Scotland) Direction 2009
7. Letter of representation from Mr Walter Inglis, 14 Lawers Place, Grangemouth FK3 0DB on 26 August 2011
8. Letter of objector from Ms Michaela Sullivan, Forth Ports Ltd, 1 Princes of Wales Dock, Edinburgh on 16 September 2011

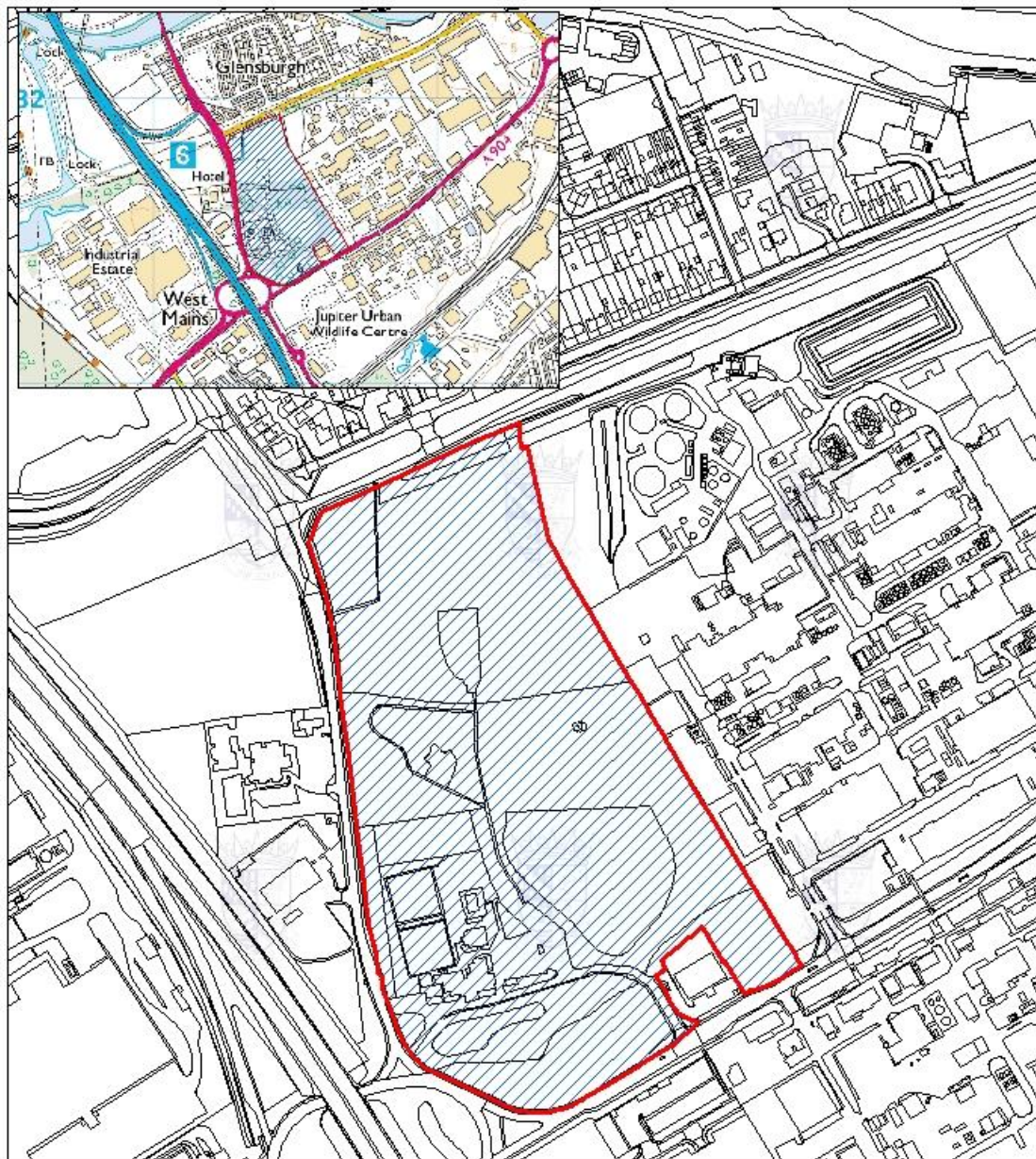
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504951 and ask for John Angell, Head of Planning and Transportation.



# Planning Committee

## Planning Application Location Plan **P/11/0511/FUL**

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



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