

Delivery of Denny Eastern Access Road (DEAR)

Consultative Draft
Supplementary Planning Guidance Note
February 2013



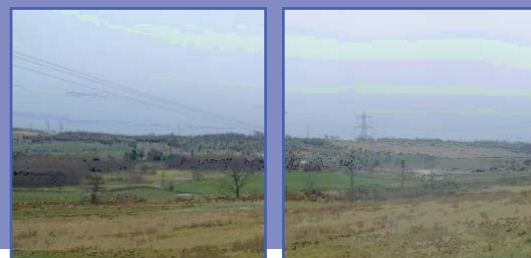
Falkirk Council





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1.0 Introduction and Local Plan Context

- 1.1 Falkirk Council Local Plan (FCLP) includes provision for Denny Eastern Access Road (DEAR) through Opportunity TR.DEN01, which states:

TR.DEN01 Denny Eastern Access Road

Opportunity: Bypass Road

Agency: Falkirk Council/Private

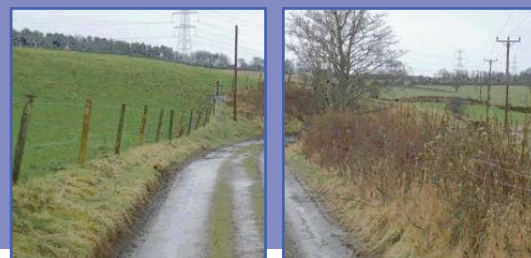
Comments:

New bypass road required to address capacity problems at Denny Cross which will be further exacerbated by new development. Phase 1 from Broad Street to the new Denny High School has been completed, funded by Falkirk Council. Remainder of route will require to be developer funded. The Council will publish supplementary planning guidance to clarify for all parties how the proposed road will be delivered. Impacts on Herbertshire Playing Fields, and on protected species in the area will have to be appropriately mitigated.

- 1.2 This draft SPG takes forward Opportunity TR.DEN01 above and seeks to establish a framework for the delivery of DEAR.
- 1.3 FCLP nominated six sites in the Denny and Dennyloanhead area that are to make a proportionate financial contribution to the delivery of DEAR. These are:
- H.DEN04 Former Denny High School
 - H.DEN08 Duke Street (West)
 - H.DEN09 Nethermain Road/Castlerankine Road
 - H.DEN11 Broad Street (east of Winchester Avenue/Springfield Road)
 - H.DEN12 Mydub, Denny
 - H.B&B07 Longcroft/Dennyloanhead
- 1.4 Other sites have been, or may in future be, taken into account as it is reasonable to include any site from which traffic would impact on Denny Cross as eligible to make a proportionate contribution. This is discussed further in section 3 below.

2.0 Rationale for Proposing DEAR

- 2.1** The decision to create a project for a relief road around the south-eastern edge of Denny has its origin in the 1970s when the then Denny and District Local Plan considered a number of options for relieving traffic congestion at Denny Cross. Even then there were considerable delays for traffic negotiating Denny Cross at peak periods. The construction of Nethermains Road provided an alternative route for north-south through traffic but no proposal directly relieving Stirling St and Denny Cross were taken forward until the mid 1990s when a route for a relief road to the east of Denny town centre was safeguarded in the Denny and District Local Plan.
- 2.2** When the first Falkirk Council Structure Plan was prepared it firmed up earlier concepts for the expansion of Denny and indicated that residential expansion should be to the east and south east of the built up area in the general Mydub Farm area. The Structure Plan also indicated that development should be controlled by careful phasing and should generate developer contributions to ensure that adequate social and physical infrastructure would be in place to address deficiencies.
- 2.3** The subsequent Consultative Draft Falkirk Council Local Plan, published in 2003, introduced a bypass road, called Denny Eastern Access Road (DEAR). This transport opportunity, designated TR.DEN1, was conceived to provide two functions:
- To provide access to the proposed Mydub housing site
 - To relieve traffic congestion at Denny Cross which would be exacerbated by the traffic generated by the housing in the large Mydub site and other smaller sites around Denny.



3.0 Approach to Sharing of Costs

- 3.1** Transport Assessment and Implementation: A Guide published by the Scottish Executive Development Department (August 2005) highlights the need to consider cumulative impact of development. This approach is continued in Scottish Planning Policy (SPP) published by the Scottish Government in 2010.
- 3.2** In the light of this advice, Falkirk Council has applied the cumulative impact approach to new development where any significant infrastructure improvements are required as a result of development. The apportioning of the relevant costs would normally be based on the level of traffic impact of each development as a percentage of the overall traffic impact from all of the proposed development sites in the area. This level of impact would normally be quantified through a Transport Assessment at the planning application stage, and the necessary mitigation / developer contribution agreed as a result of that.
- 3.3** Following this approach, the principle for seeking contributions is based on relative degree of traffic impact. The apportioning of cost between developers reflects the extent to which traffic from each development would impact on Denny Cross and/or use the new road.
- 3.4** As indicated above it is reasonable to consider sites, other than those specifically assigned in FCLP, to make a contribution if the traffic generated were likely to make an impact on Denny Cross. Other sites which have been taken into account for consideration are those making up the SIRR proposals at Banknock on the grounds that children from these areas attend Denny High School and new pupils from the development sites would travel through Denny Cross to reach the school until DEAR is completed. The redevelopment of Denny Town Centre has also been included as a potential contributing project. An assessment of the extent of these sites' impacts has been included in the calculations in Table 1 below.

- 3.5** Other windfall sites may come forward in the period before construction begins and a small contingency assumption has been built into the calculations in Table 1. New sites which come forward through the emerging Local Development Plan will also be eligible to contribute in due course. The Council reserves the right to revise the SPG, in particular the pro-rata contributions, to take account of the changing circumstances of the Development Plan framework.

Total Cost of Project

- 3.6** An assessment of the likely costs of constructing the DEAR has been made by the Engineering Design Unit of Development Services. Taking into account the cost of ancillary works such as topographic surveys, ecology studies, building in various contingencies and allowing for continuing access to rights of way and core paths which cross the route, the total cost of the Council's preferred option at November 2012 prices has been calculated as £6,913,525. This total also makes allowance for land acquisition costs. However, as a contribution has already been agreed with one developer the outstanding cost to be distributed around contributing sites reduces to £6,363,525.
- 3.7** While the figure of £6,913,525 represents a worst case cost, which incorporates 'optimism bias', the actual costs will vary from this figure depending on when construction takes place. This figure is very much a snapshot estimate for the purposes of the SPG, and it would be prudent to build in an assumption of at least a 1.5% rise in costs annually until the actual construction time.

4.0 Calculating the Share of Costs Between Sites

- 4.1** It is not the intention of this SPG to assign an actual priced contribution to each site. For the reasons outlined in para 3.7 above the total actual cost to be divided will only be relevant at the time of construction. However, it is possible to work out a percentage share of the total cost for each site based on currently stated capacities, from which an estimated cost share, at current prices, can then be inferred. Actual share of costs will only be attributed at the time of a planning application and the completion of any associated planning obligation drawn up under S75 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning, etc (Scotland) Act 2006) and Circular 3/2012.
- 4.2** The Falkirk Council Local Plan notes, at para 9.44, that the Council funded the construction of the early phase of the road and that 'the remainder of the road will connect through to Glasgow Road and is expected to be developer funded'. Thus it is clear that the funding of DEAR will be largely drawn from developer contributions. However the Council, as roads authority, will continue to contribute to the cost of the project through scheme development, carrying out detailed design work and studies for the project, and undertaking all necessary tasks to facilitate the submission of a planning application for the whole project. This work is estimated to cost around £90,000.
- 4.3** As suggested at para 3.6 above it is, in principle, reasonable to assign part of the cost to windfall development which may occur in the Denny area in the run up to the period of construction. Of course, windfall development is inherently difficult to predict and with current constricted levels of development activity it is prudent to assign only a modest percentage of likely contributions to windfall sites. It is suggested that this percentage be around 1%.
- 4.4** Taking these considerations into account a calculation has been made of the relative impact of traffic from the sites discussed above. The percentage share of the total cost is indicated in the last column.
- 4.5** The phasing of contributions will, of course, be governed by the timing of each site's development. Detailed negotiations on phasing of payments will take place at the planning application stage. The Council is mindful of market fragility and that most sites will have contributions for other community infrastructure to bear, and obligations will be drawn up to permit moneys to be paid, if necessary, in arrears of completion at specific intervals as sites are built out.

Calculating the Share of Costs Between Sites



Site	Total Housing Units	Trip generation (peak hour vehicles)	Percentage assignment	Hourly flows assigned to DEAR	Percentage contribution to total cost (based on flows)
H.DEN04 (former) Denny High School	200	166	30%	50	10.35%
H.DEN11 Broad Street	c.100	80	42%	34	6.97%
H.DEN09 Nethermains Road/ Castlerankine Road	25	20	30%	6	1.23%
H.DEN08 Duke Street West	15	12	30%	4	0.82%
H.DEN12 Mydub Farm	307	261	100%	261	53.48%
H.B&B07 Longcroft/Dennyloanhead *	550	77	10%	8	1.64%
H.B&B16 Banknock North SIRR*	504	71	10%	7	1.43%
H.B&B09,10,11,17 Banknock South SIRR*	270	38	10%	4	0.82%
ED.DEN02 Winchester Avenue 3 **		5	42%	2	0.41%
ED.DEN01 Denny Town Centre ***		183	58%	106	21.72%
Windfall Allowance		36	16%	6	1.23%
Total hourly flow				488	100%

Notes:

* based on proportion of school children travelling to Denny High School by car

** converted to equivalent impact from housing

*** additional new trips likely to be generated

NB. Outstanding total cost of DEAR is assumed to be £6,363,525 @ 2012 prices (£6,913,525 - £550,000). All contributions will be index linked from the date when Planning Committee is minded to grant planning permission. Indicative costs for each site can be derived using the percentage shares.

5.0 Construction Roles and Phasing of Work

- 5.1** The H.DEN12 Mydub site plays a pivotal role in how the road construction proceeds. The developer of the site is likely to build a stretch of the road primarily to provide access to their site and would be eligible for a proportionate contribution for the remainder of the road. Their share of the overall cost, whatever the eventual proportions built or paid for, should cover approximately 53% of the total.
- 5.2** In practice it may fall to the Council to carry out most, if not all, of the road's actual design and construction, given there are no other development sites requiring access to DEAR, although the majority of funding will come from developer contributions.
- 5.3** In recognition of the fragility of the current housing market, where it is difficult to make assumptions about when the various sites expected to make contributions will come forward, the Council has considered the possible need to front fund part of the road's construction. This would be particularly relevant if it were considered imperative that the road is required before all of the sites come forward for development.
- 5.4** The Council will retain the discretion to undertake Prudential Borrowing or utilise capital funding for the project cost in order to enable it to carry out the works and repay/recoup the borrowing or funding through developer contributions. This SPG will continue to apply to sites referred to above and their developers, until any such Prudential Borrowing has been repaid in full or any capital funding and costs is fully refunded to the Council. However, if funding were to be found at a later date which allowed construction to be carried out and completed prior to all contributions being secured, the costs would be recovered retrospectively until the amount of borrowing has been repaid.
- 5.5** In the short term the way forward for the road's construction is likely to be that an initial stretch of road is constructed by the potential developer of Mydub Farm at the Glasgow Road end of the route, sufficient in length to access site H.DEN12 via a roundabout. The potential developer would then provide the balance of their share of the construction cost as a developer contribution.
- 5.6** While it would be preferable for the remainder of the road to be built as a continuation of the 'Mydub scheme' in a single project this would depend on the Council's willingness and ability to front fund the scheme, as noted in paragraphs 5.3 and 5.4 above. Failing that, it is likely that construction of the road will be undertaken in phases in tandem with the rate at which the Council garners funds from other sites through S75 Planning Obligations and applies them to the construction of the remainder of the road.

Map 1: Proposed Design for DEAR





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