Agenda Item 1

DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT LAND TO THE NORTH OF 41 KING SEAT PLACE, GLENDEVON DRIVE, MADDISTON FOR MANOR FORREST LIMITED - P/21/0717/PPP

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FALKIRK COUNCIL

Subject:	**DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT LAND TO THE NORTH OF 41 KING SEAT PLACE, GLENDEVON DRIVE, MADDISTON FOR MANOR FORREST LIMITED - P/21/0717/PPP**
Meeting:	**PRE DETERMINATION HEARING**
Date:	**9 OCTOBER 2024**
Author:	**DIRECTOR OF DEVELOPMENT SERVICES**
Local Members:	**Ward - Upper Braes** **Councillor Claire Brown** **Councillor Siobhan Paterson** **Councillor Jim Robertson**
Community Council:	**Maddiston**
Case Officer:	Kevin Brown (Planning Officer), Ext. 4701

1. UPDATE

1.1 This application was previously considered at a pre-determination hearing on 17 January 2023. Given the passage of time that has occurred since the original hearing, consultations have been rerun and it is considered appropriate that this second pre-determination hearing is held.

1.2 The application was held in abeyance pending the outcome of the Miller Homes v Scottish Ministers appeal at the Court of Session. This has become more commonly known as the 'Mossend' appeal. The appeal related to a called-in application for approximately 250 homes on an unallocated greenfield site in West Lothian. The court case specifically considered issues around policy 16(f) of National Planning Framework 4 (NPF4). The Court found in favour of the Scottish Ministers and dismissed the appeal. The time period for Miller Homes to seek permission to appeal to the Supreme Court has now expired. On this basis, it is now considered appropriate to progress the this application.

2. DESCRIPTION OF PROPOSAL / SITE LOCATION

2.1 The application is a major development and seeks planning permission in principle for the development of land for residential use.

2.2 The application site lies to the east of Maddiston on land to the immediate north of Cleuch Place, Gannel Drive and Kings Seat Place. The site is bounded by Nicolton Road to the north and by open agricultural land to the east. The site comprises open grassland.

2.3 The site is proposed to be accessed via the existing road spur and roundabout adjacent to the south eastern corner of the site.

2.4 The following information accompanies the application: -

- Pre-Application Consultation Report
- Location Plan
- Planning Statement
- Drainage and Flood Risk Assessment dated December 2014
- Habitat and Protected Species survey dated October 2014
- Noise Assessment dated October 2014
- Transport Assessment dated September 2014
- Tree Survey and Arboricultural Constraints report dated February 2014
- Utilities and Infrastructure Report dated March 2014
- Water Impact Assessment dated November 2014

3. REASON FOR COMMITTEE CONSIDERATION

3.1 A pre-determination hearing is required for an application for a major development that is significantly contrary to the Development Plan. Thereafter consideration of the application by the Council's Planning Committee is required. The proposed development is considered to be significantly contrary to National Planning Framework 4 and Falkirk Local Development Plan 2 owing to the scale of the proposed housing outside of the village limits and within the countryside.

3.2 This report provides factual and background information in relation to the proposed development. No planning assessment of the proposal is included or implied (this would be prepared after the pre-determination hearing).

4. SITE HISTORY

4.1 Planning application P/18/0151/PPP for the Development of land for Residential Use with Associated Access was refused planning permission on 16 May 2018 and subsequently then refused permission by the Planning Review Committee on 30 April 2019.

4.2 A Proposal of Application Notice PRE/2021/0008/PAN was submitted for this development on 19 May 2021. A public consultation event was held on 24 August 2021. In line with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as amended by the Town and Country Planning (Miscellaneous Temporary Modifications) (Scotland) Regulations 2020, this event took the form of a web based public meeting (webinar) which ran from 3pm until 7pm. This public consultation event was subject to a press advertisement, this press notice appearing in the 5 August 2021 issue of The Falkirk Herald. During the course of the consultation event, one interested party joined the online event and thirty nine written submissions were made through the applicants dedicated consultation website.

5. CONSULTATIONS

5.1 Falkirk Council's Engineering Design Unit have referred to national policy and guidance documents 'Designing Streets' and the 'National Roads Development Guide' as indicators for the standards expected to be provided in a development site of this nature. Reference is also made to the content of the 'Maddiston East Development Framework (November 2016)' which sets out a requirement for an access to be formed to the A801 prior to further development at this location. The Engineering Design Unit has noted that the application submissions do not contain any outline plans indicating any layout or proposed access points for the site and note that for a development of this scale, the roads infrastructure and any necessary access points/connections will be determined via the Transport Assessment process. It is not therefore possible to carry out even a basic assessment against current road safety policy and guidance. It is the opinion of the Council's Engineering Design Unit that planning permission in principle should be withheld until such time as the applicant supplies sufficient information to assess the application. This information should include a draft roads layout, housing layout with an indication of the number of dwellings proposed, and traffic assessment.

5.2 Falkirk Council's Transport Planning Unit has highlighted the out of date nature of the supporting information provided with this application and highlights that LDP2 Policy IR05 (Travel Hierarchy and Transport Assessment) states that the Council will only support development proposals where the transport assessment (TA) and travel plan have been appropriately scoped, the network impacts properly defined, and suitable mitigation measures identified. The Council's Transport Planning Unit do not consider the supporting documents submitted to have been produced in line with the above TA Scoping Note. It is also noted that some of the previous base traffic data is now around 10 years old, which raises the question whether the base data is still fit for purpose. The current TA Guidance requires an assessment to be based on current traffic flows on links and junctions within the study area. Therefore, the supporting documents submitted are not considered to be suitable to support the current planning application in line with current TA guidance or the requirements of Policy IR05. It is not therefore possible for a full assessment of the transport impact of this development on the surrounding road network to be carried out. The Transport Planning Unit has also made reference to the content of the 'Maddiston East Development Framework (November 2016)' which sets out a requirement for an access to be formed to the A801 prior to further development at this location. The Transport Planning Unit has also highlighted that actual walking distances from existing bus stops on the B805 Main Street to be well in excess of the 400m threshold. Existing bus accessibility is therefore likely to be poor, which in turn could increase the reliance on the private car. This is at odds with current transport policy which is trying to promote more sustainable patterns of travel to/from new development.

5.3 The Council's Environmental Protection Unit comment that the submitted noise impact assessment predicts noise will have no impact on the proposed development. It is noted that this assessment was carried out in 2013, however, it is unlikely that there will be any significant changes with noise from transportation in this area within this time period. A contaminated land assessment is required which covers the entire planning application site due to the historical agricultural land use and probable workings on site, quarrying, infilled ground and potentially other contaminative activities within 250m of the site. An Air Quality Impact Assessment (AQIA) has also been requested to be provided.

5.4 The Coal Authority mapping records indicate that part of the site is located within a Development High Risk Area for coal mining legacy features. A Coal Mining Risk Assessment is therefore required to be provided. Further consultation with the Coal Authority would be carried out upon submission of this information.

5.5 Scottish Water have no objection to the application but advise that this does not confirm that the proposed development can currently be serviced. It is suggested that the applicant complete and submit a Pre-Development Enquiry (PDE) Form. Their records indicate that the development proposals impact on existing Scottish Water infrastructure. Any identified conflicts with assets may be subject to restrictions on proximity of construction.

5.6 The Scottish Environmental Protection Agency (SEPA) has reviewed the supporting information provided and have no objection to the principle of development at the site provided that a planning condition is attached to the consent to require a detailed flood risk assessment to be undertaken which in turn should inform any future development of the site to ensure development is kept outside of flood risk areas. SEPA comment that, in general, SEPA does not support addressing flood risk by means of a condition: flood risk is an in principle issue and should be established before planning permission in principle is determined. This avoids, for instance, a situation where an FRA results in the site being shown to be undevelopable. In this instance, however, SEPA consider that an FRA (consistent with the requirements of NPF4), would indicate how much of a buffer from flood risk areas is required along the Gardrum Burn, while also showing that the majority of the site is developable in relation to flood risk.

5.7 Falkirk Council's Children's Services have advised that the site falls within the catchments for Maddiston Primary School, Braes High School, St Andrews RC Primary School and St. Mungo's High School. St Andrews RC Primary School and St Mungo's High School are anticipated to be able to accommodate the pupils from this proposed development. The development would, however, contribute to rising schools rolls and capacity pressures at Maddiston Primary School and Brae's High School. There are also insufficient nursery places within the area to meet the demands from this development. A developer contribution is therefore requested, in accordance with Supplementary Guidance SG13 'Developer Contributions'. The requested contributions can be broken down as follows:

Nursery School - £2009.48 per dwellinghouse
Primary School - £5643.48 per dwellinghouse
High School - £2994.97 per dwellinghouse.

These figures are up to date as of 30 July 2024.

5.8 NHS Forth Valley have not yet responded to consultation.

5.9 Falkirk Council's Flooding Team have indicated that a Flood Risk Assessment and Drainage Impact Assessment is required and note the submission of reports prepared in 2014. The flooding team highlight a number of deficiencies in the information provided and have requested further work to be undertaken to include consideration of climate change allowances, flood modelling work, overland flow paths and detailed drainage calculations. Further information in the form of flood modelling work. Part of the site is shown on the SEPA flood hazard mapping as being at risk of flooding from the Gardrum Burn.

5.10 NatureScot have indicated that they have no comments to offer on this proposal.

6. COMMUNITY COUNCIL

6.1 The Maddiston Community Council have not commented on this application.

7. PUBLIC REPRESENTATION

7.1 A total of 65 public representations have been received in relation to the application. These consist of 2 neutral representations and 63 objections.

7.2 The matters raised in the representations can be summarised as follows:-

- School capacity.
- Pressure on local amenities and community facilities.
- Loss of recreation space.
- Loss of greenspace.
- Impact on trees.
- Impact on ecology and wildlife.
- Lack of need for additional housing.
- Increase in congestion and road safety impact.
- Pollution.
- Loss of a view.
- Reduction in property value.
- Disturbance during construction.
- Loss of semi-rural character of the area.
- Lack of detail submitted with application.
- Drainage in the area is currently poor.
- Site is not effective given third party land ownership to the north of the site which would prevent a drainage connection to the burn.

8. 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,

8a The Development Plan

8a.1 The National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023. The statutory Development Plan now consists of NPF4 and the Falkirk Local Development Plan (LDP2). The proposed development will be assessed against the following policies:

National Planning Framework 4

8a.2 Policy 1 - Tackling the Climate and Nature Crises states:-

When considering all development proposals significant weight will be given to the global climate and nature crises.

8a.3 Policy 2 - Climate Mitigation and Adaptation states:-

a) *Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.*

b) *Development proposals will be sited and designed to adapt to current and future risks from climate change.*

c) *Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.*

8a.4 Policy 3 - Biodiversity states:-

a) *Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.*

b) *Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:*

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their longterm retention and monitoring should be included, wherever appropriate; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) *Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.*

d) *Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.*

8a.5 Policy 4 - Natural Places states:-

a) *Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.*

b) *Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.*

c) *Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.*

d) *Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:*

   i. *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*

   ii. *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*

e) *The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.*

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

8a.6 Policy 5 - Soils states:-

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbonrich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:

i. the extracted peat is supporting the Scottish whisky industry;

ii. there is no reasonable substitute;

iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;

iv. the time period for extraction is the minimum necessary; and

v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

8a.7 Policy 6 - Forestry, Woodland and Trees states:-

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

8a.8 Policy 7 - Historic Assets and Places states:-

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

i. building is no longer of special interest;

ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;

iii. *repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or*

iv. *demolition of the building is essential to delivering significant benefits to economic growth or the wider community.*

c) *Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.*

d) *Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:*

i. *architectural and historic character of the area;*

ii. *existing density, built form and layout; and*

iii. *context and siting, quality of design and suitable materials.*

e) *Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.*

f) *Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:*

i. *reasonable efforts have been made to retain, repair and reuse the building;*

ii. *the building is of little townscape value;*

iii. *the structural condition of the building prevents its retention at a reasonable cost; or*

iv. *the form or location of the building makes its reuse extremely difficult.*

g) *Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.*

h) *Development proposals affecting scheduled monuments will only be supported where:*

i. *direct impacts on the scheduled monument are avoided;*

ii. *significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or*

iii. *exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.*

i) *Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.*

j) *Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.*

k) *Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.*

l) *Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.*

m) *Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.*

n) *Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:*

i. *essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and*

ii. *the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.*

o) *Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.*

8a.9 Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings states:-

a) *Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.*

b) *Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.*

c) *Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.*

d) *Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option*

8a.10 Policy 12 - Zero Waste states:-

a) *Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.*

b) *Development proposals will be supported where they: i. reuse existing buildings and infrastructure; ii. minimise demolition and salvage materials for reuse; iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life; iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; v. use materials that are suitable for reuse with minimal reprocessing.*

c) *Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including: i. provision to maximise waste reduction and waste separation at source, and ii. measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.*

d) *Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where: i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets; ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable; iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised; iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise; v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored; vi. consideration has been given to co-location with end users of outputs.*

e) *Development proposals for new or extended landfill sites will only be supported if: i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.*

f) *Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.*

g) *Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:*

i *is consistent with climate change mitigation targets and in line with circular economy principles;*

ii. *can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;*

iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)

iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

8a.11 Policy 13 - Sustainable Transport states:-

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) *Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; ii. Will be accessible by public transport, ideally supporting the use of existing services; iii. Integrate transport modes; iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and viii. Adequately mitigate any impact on local public access routes.*

c) *Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.*

d) *Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.*

e) *Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.*

f) *Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.*

g) *Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.*

8a.12 Policy 14 - Liveable Places states:-

a) *Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.*

b) *Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy: Supporting the prioritisation of women's safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.*

c) *Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.*

8a.13 Policy 15 - Local Living and 20 Minute Neighbourhood states:-

a) *Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:*

- *sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;*
- *employment;*
- *shopping;*
- *health and social care facilities;*
- *childcare, schools and lifelong learning opportunities;*
- *playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;*
- *publicly accessible toilets;*
- *affordable and accessible housing options, ability to age in place and housing diversity.*

8a.14 Policy 16 - Quality Homes states:-

a) *Development proposals for new homes on land allocated for housing in LDPs will be supported.*

b) *Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:*

i. *meeting local housing requirements, including affordable homes;*

ii. *providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area.*

c) *Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:*

   i. *self-provided homes;*

   ii. *accessible, adaptable and wheelchair accessible homes;*

   iii. *build to rent;*

   iv. *affordable homes;*

   v. *a range of size of homes such as those for larger families;*

   vi. *homes for older people, including supported accommodation, care homes and sheltered housing;*

   vii. *homes for people undertaking further and higher education; and*

   viii. *homes for other specialist groups such as service personnel.*

d) *Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.*

e) *Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:*

   i. *a higher contribution is justified by evidence of need, or*

ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where: i. the proposal is supported by an agreed timescale for build-out; and ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; iii. and either:

. delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or

· the proposal is consistent with policy on rural homes; or

· the proposal is for smaller scale opportunities within an existing settlement boundary; or

· the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

8a.15 Policy 17 - Rural Homes states:-

a) *Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:*

   i. *is on a site allocated for housing within the LDP;*

   ii. *reuses brownfield land where a return to a natural state has not or will not happen without intervention;*

   iii. *reuses a redundant or unused building;*

   iv. *is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*

   v. *is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;*

   vi. *is for a single home for the retirement succession of a viable farm holding;*

   vii. *is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or*

   viii. *reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.*

b) *Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.*

c) *Development proposals for new homes in remote rural areas will be supported where the proposal: i. supports and sustains existing fragile communities; ii. supports identified local housing outcomes; and iii. is suitable in terms of location, access, and environmental impact.*

d) *Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to its rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.*

8a.16 Policy 18 - Infrastructure First states:-

a) *Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.*

b) *The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply. Where planning obligations are entered into, they should meet the following tests: – be necessary to make the proposed development acceptable in planning terms – serve a planning purpose – relate to the impacts of the proposed development – fairly and reasonably relate in scale and kind to the proposed development – be reasonable in all other respects Planning conditions should only be imposed where they meet all of the following tests. They should be: – necessary – relevant to planning – relevant to the development to be permitted – enforceable – precise – reasonable in all other respects*

8a.17 Policy 19 - Heat and Cooling states:-

a) *Development proposals within or adjacent to a Heat Network Zone identified in a LDP will only be supported where they are designed and constructed to connect to the existing heat network.*

b) *Proposals for retrofitting a connection to a heat network will be supported.*

c) *Where a heat network is planned but not yet in place, development proposals will only be supported where they are designed and constructed to allow for cost-effective connection at a later date.*

d) National and major developments that will generate waste or surplus heat and which are located in areas of heat demand, will be supported providing wider considerations, including residential amenity, are not adversely impacted. A Heat and Power Plan should demonstrate how energy recovered from the development will be used to produce electricity and heat.

e) Development proposals for energy infrastructure will be supported where they:

i. repurpose former fossil fuel infrastructure for the production or handling of low carbon energy;

ii. are within or adjacent to a Heat Network Zone; and

iii. can be cost-effectively linked to an existing or planned heat network.

f) Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

8a.18 Policy 20 - Blue and Green Infrastructure states:-

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multifunctional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) *Development proposals for temporary open space or green space on unused or underused land will be supported.*

e) *Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.*

8a.19 Policy 21 - Play, Recreation and Sport states:-

a) *Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:*

   i. *is ancillary to the principal use of the site as an outdoor sports facility; or*

   ii. *involves only a minor part of the facility and would not affect its use; or*

   iii. *meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or*

   iv. *can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision. This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.*

b) *Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate. This should be informed by the planning authority's Play Sufficiency Assessment.*

c) *Development proposals for temporary or informal play space on unused or underused land will be supported.*

d) Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.

e) Development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

f) New, replacement or improved play provision will, as far as possible and as appropriate: i. provide stimulating environments; ii. provide a range of play experiences including opportunities to connect with nature; iii. be inclusive; iv. be suitable for different ages of children and young people; v. be easily and safely accessible by children and young people independently, including those with a disability; vi. incorporate trees and/or other forms of greenery; vii. form an integral part of the surrounding neighbourhood; viii. be well overlooked for passive surveillance; ix. be linked directly to other open spaces and play areas.

g) Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

8a.20 Policy 22 - Flood Risk and Water Management states:-

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. *redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that longterm safety and resilience can be secured in accordance with relevant SEPA advice. The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that:*

- *all risks of flooding are understood and addressed;*
- *there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;*
- *the development remains safe and operational during floods;*
- *flood resistant and resilient materials and construction methods are used; and*
- *future adaptations can be made to accommodate the effects of climate change. Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:*
- *the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and*
- *that the proposal does not create an island of development and that safe access/ egress can be achieved.*

b) *Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.*

c) *Development proposals will:*

i. *not increase the risk of surface water flooding to others, or itself be at risk.*

ii. *manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer;*

iii. *seek to minimise the area of impermeable surface.*

d) *Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.*

e) *Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.*

8a.21 Policy 23 - Health and Safety states:-

a) *Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.*

b) *Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.*

c) *Development proposals for health and social care facilities and infrastructure will be supported.*

d) *Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.*

e) *Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.*

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Falkirk Local Development Plan 2

8a.22 The application site lies outside of the Maddiston limits, within the countryside, as defined in LDP2.

8a.23 The spatial strategy as set out in LDP2 sees a continuity with previous plans, with the bulk of new housing being on sites which have previously been allocated. Most communities will have a level of housing growth, while the focus will be on 12 Strategic Growth Areas.

8a.24 Policy PE01 - Placemaking states:-

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

1. Distinctive

- *Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;*

- *The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';*
- *Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.*

2. *Safe and pleasant*

- *Development should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces and provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.*

3. *Easy to move around and beyond*

- *Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;*
- *Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.*

4. *Welcoming*

- *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.*

5. *Adaptable*

- *Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;*
- *Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.*

6. *Resource efficient*

- *In support of climate change mitigation, development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and sourcing of materials; reduction of waste; recycling of materials and incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;*
- *In support of climate change adaptation, 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;*
- *Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

8a.25 Policy PE02 - Placemaking Tools states:-

The use of design and placemaking tools will be required to raise the standard of design and embed the six qualities of successful place in new development:

1. *Development frameworks will generally be required for large, multi phased developments, where the co-ordination of a series of sites within a growth area is necessary;*

2. *Masterplans should be prepared for all development sites where a co-ordinated approach to design is necessary. Masterplans should conform to any relevant development framework, or other planning brief, and should be accompanied, where appropriate, by a design statement which demonstrates how the six qualities of successful places and the principles in Policy PE01 have been achieved;*

3. *Where major development is proposed, developers will be expected to engage constructively with local communities and utilise local knowledge and feedback in the design of proposals. The use of the Place Standard and interactive design workshops will be encouraged.*

8a.26 Policy PE13 - Green and Blue Network states:-

1. *The Council will support the delivery of the Central Scotland Green Network in the Falkirk area, and Falkirk Greenspace: A Strategy for Our Green Network, through the development and enhancement of a multi-functional network of green and blue components and corridors as set out in the Spatial Strategy;*

2. *Within the green and blue network the key priorities of biodiversity, outdoor access, landscape character enhancement, climate change, placemaking and serving disadvantaged communities will be promoted, with particular reference to the opportunities detailed in the Proposals and Opportunities Schedule; and*

3. *New development should contribute to the green and blue network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green and blue network improvement on adjacent land, in accordance with SG05 'Green Infrastructure and New Development'.*

4. *The seven community growing sites identified at Appendix 1 (Proposal GN24) shall be safeguarded from development unless proposals can demonstrate, on a case-by-case basis, that there is no longer a proven demand for allotment space.*

8a.27 Policy PE14 - Countryside:-

1. *The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);*

2. *Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:*

   - *It can be demonstrated that they require a countryside location;*
   - *They constitute infill development; or*
   - *They utilise appropriate existing buildings.*

   Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. *Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.*

8a.28 Policy PE17 - Open Space and New Development states:-

New development should contribute positively to the provision of open space in the area and support the objectives of the Open Space Strategy. Accordingly:

1. *Where appropriate, proposals for new development should include public open space to create a sense of place, integrate the site with the wider green network, promote physical activity, sport and active travel, enhance biodiversity, and manage water within the site; and*

2. *Where the quantity, quality or accessibility of recreational and sport open space and play facilities in the locality is insufficient to meet the recreational needs of proposed new residential development, as informed by the standards in the Open Space Strategy, the proposal should address the identified deficiencies through either the provision of new on-site recreational and sport open space, or contributions to the improvement of off-site open space.*

The detailed planning and design of new open space within new developments, including the methodology for determining and addressing recreational open space deficiencies, should accord with SG05 'Green Infrastructure and New Development'.

8a.29 Policy PE18 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and enhance landscape quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations';*

2. *Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated ; and*

3. *Development proposals which are likely to have significant landscape and visual effects must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

8a.30 Policy PE19 - Biodiversity and Geodiversity states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. Where the site has been designated for a European priority habitat or species, consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or for other reasons subject to the opinion of the European Commission (via Scottish Ministers);*

2. *Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance;*

3. *Development likely to have an adverse effect on European protected species; a species listed in Schedules 5, 5A, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted;*

4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified on the Proposals Map and in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, local habitat or local species population will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance;*

5. *Where development is to be approved which could adversely affect any site, habitat or species of significant local nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and*

6. *All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.*

8a.31 Policy PE20 - Trees, Woodland and Hedgerows states:-

1. *There will be a presumption against the removal of safe and healthy trees, non-commercial woodlands or hedgerows, where such removal would be detrimental to landscape, local amenity, nature conservation, recreation or historic environment interests, or erosion and natural flood management. Criteria in the Scottish Government's policy on Control of Woodland Removal will be used to determine the acceptability of woodland removal;*

2. *Ancient, long-established and semi-natural woodland, including sites identified in the Scottish Ancient Woodland Inventory, will be protected as a resource of irreplaceable value;*

3. *In areas covered by a Tree Preservation Order (TPO) or Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, health or stability of trees, or their landscape, biodiversity or historic value. Where appropriate, other endangered trees or woodlands which have amenity, cultural or historic importance will be protected through the designation of further TPOs;*

4. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development'. A Tree Survey and Tree Constraints Plan will be required to inform the design, together with a Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting on site comprising similar species and numbers to the trees and hedgerows removed;*

5. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a tree group or woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan;*

6. *The provision of new trees and woodland in association with new development will be encouraged in accordance with Supplementary Guidance SG05 'Green Infrastructure and New Development'; and*

7. *There will be a preference for the use of locally native species in new and replacement planting schemes, or other species where these are integral to an historic landscape.*

8a.32 Policy PE24 - Flood Management states:-

1. *The Council will support the delivery of the objectives and actions set out in the Local Flood Risk Management Strategies and Local Flood Risk Management Plans covering the area. There will be a presumption against development which would prejudice the implementation of the relevant actions.*

2. *Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy, with development being avoided in locations at medium to high flood risk, unless it accords with the criteria set out in the Framework. There will be a presumption against new development which would:*

    - *Be likely to be at risk of flooding;*
    - *Increase the level of risk of flooding for existing development;*
    - *Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site; or*
    - *Lead to an increase in the probability of flooding elsewhere.*

3. *Development proposals on land identified as being at medium to high risk from any source of flooding, and low to medium risk areas as identified by the Flood Risk Framework, or where other available information suggests there may be a risk, including proposals to restore the natural course of watercourses, will be required to provide a flood risk assessment in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders that demonstrates that:*

   - *Any flood risks can be adequately managed both within and outwith the site;*
   - *An adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
   - *Access and egress can be provided to the site which is free of flood risk; and*
   - *Water resistant materials and forms of construction will be utilised where appropriate (including any development permitted in medium to high risk areas (that accords with the exceptions in the Food Risk Framework) or is located in adjacent low to medium risk areas).*

4. *Development proposals on previously developed land which is at risk of flooding will be limited to uses which are of equal or less vulnerability as defined by SEPA's Land Use Vulnerability Guidance.*

5. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

8a.33 Policy PE26 - Air Quality states:-

Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMA). An Air Quality Assessment may be required for developments that are within an AQMA or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. Development proposals that result in either a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be permitted unless there are overriding issues of national or local importance.

8a.34 Policy PE27 - Vacant, Derelict and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those related to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken, and proposals are consistent with the requirements of PAN 33.

8a.35 Policy HC01 - Housing Land states:-

1. *The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.*

2. *The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.*

8a.36 Policy HC03 - Affordable Housing states:-

Housing developments of 20 units and over will provide affordable housing as set out below. The approach to provision should comply with Supplementary Guidance SG06 'Affordable Housing'.

Settlement Areas of Larbert/Stenhousemuir; Rural North; Braes; and Rural South - affordable housing on site - 25%

Settlement Areas of Bo'ness; Bonnybridge and Banknock; Denny; Falkirk; and Grangemouth - 15%

8a.37 Policy HC04 - Housing Density and Site Capacity states:-

1. *The density and overall capacity of housing sites should be determined by a site planning process, based on the placemaking principles set out in Policy PE01, and in particular prior consideration of:*
   - *The context of the site and the character of the surrounding area;*
   - *Existing natural and built features which require to be retained within an appropriate setting;*
   - *Open space, flooding and surface water management, and other green infrastructure requirements;*
   - *Landscape impacts and associated mitigation requirements;*
   - *Other site constraints; and*
   - *Residential amenity, with particular regard to privacy, daylighting and suitable provision of private garden ground.*

2. *Where housing capacity figures set out in the Proposals and Opportunities Schedule have yet to be informed by an approved detailed masterplan, they will be regarded as indicative, pending the preparation of such a masterplan. However, where a proposed site capacity exceeds that set out in the Schedule, this will need to be fully justified through a design statement, which addresses Policy PE01 and the factors listed in sub section (1) above.*

8a.38 Policy HC05 - Housing in the Countryside states:-

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*

2. *Restoration or replacement of houses which are still substantially intact, provided that the restored/ replacement house is of a suitable size and design;*

3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*

4. *Appropriate infill development;*

5. *Limited enabling development to secure the restoration of historic buildings or structures; or*

6. *Small, privately owned gypsy traveller sites which comply with Policy HC09.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

8a.39 Policy IR02 - Developer Contributions states:-

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

1. *Guidance and contribution rates set out in SG13 'Developer Contributions';*

2. *Site specific requirements set out in the LDP or relevant development brief; and*

3. *The principles contained in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.*

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. Developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

8a.40 Policy IR03 - Education and New Housing Development states:-

Where there will be insufficient capacity within catchment schools to accommodate children from proposed new housing development, or where Council nursery provision will be adversely affected, developer contributions will be sought in line with Policy IR02 to mitigate these impacts. In the rare circumstances where such mitigation cannot be achieved in a manner which is consistent with the Council's education policies, the proposed development will not be supported.

8a.41 Policy IR05 - Travel Hierarchy and Transport Assessment states:-

1. *Development proposals should support a hierarchy of travel which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.*

2. *Transport assessments will be required for development proposals where the impact of the development on the transport network is likely to result in an increase in the number of trips, such that there will be significant impact on the operation of the transport network, requiring mitigation. Assessments will focus on the hierarchy of travel and should include, where appropriate:*

    - *Travel plans;*
    - *Safety audits of proposed mitigation measures; and*
    - *Air quality impact assessments.*

3. *The Council will only support development proposals where the transport assessment and travel plan have been appropriately scoped, the network impacts properly defined, and suitable mitigation measures identified.*

8a.42 Policy IR06 - Active Travel states:-

1. *The Council will safeguard, improve and extend the network of active travel routes, with particular emphasis on the core path network. Development proposals should contribute to active travel infrastructure, either through direct provision or developer contributions, and should address the following requirements, as appropriate:*

    - *Support objectives set out in Travel Plans;*
    - *Support the Falkirk Greenspace Strategy by improving the extent and connectivity of routes within the green network;*
    - *Safeguard and improve existing active travel routes affected by the development, including the provision of temporary alternative routes where routes are disrupted by construction;*
    - *Provide linkages to the existing active travel network in the vicinity of the site and to schools, community facilities, local amenities and public transport; and*
    - *Provide appropriate additional infrastructure such as cycle parking, seating and signage.*

2. *The design of routes, including line, construction, surfacing, and, where appropriate, lighting should be specified within proposals and should:*

    - *Be appropriate to the location and intended use of the routes;*
    - *Facilitate, where appropriate, access to a wide range of users including pedestrians, cyclists and the mobility impaired;*
    - *Promote ease of maintenance; and*
    - *Meet relevant standards where routes are to be adopted by the Council.*

8a.43 Policy IR07 - Bus Travel states:-

Development should benefit from good access to bus services, taking account of the 400 metre maximum walking distance required by Scottish Planning Policy. Measures to secure this should be assessed and agreed through Travel Plans and may include:

1. *Links to existing bus stops, or the provision of new bus stops*

2. *In the case of larger developments, inclusion of routes suitable for provision of bus services through the development; and*

3. *Provision of financial contributions to support the delivery of bus services serving the development.*

8a.44 Policy IR09 - Parking states:-

1. *The parking standards in the National Roads Development Guide will be applied to new development, subject to the local variations approved by the Council.*

2. *Parking in town and local centres will be managed to support the role of the centres whilst promoting sustainable travel. Proposed changes to parking provision in centres will be assessed against the effect on their vitality and viability.*

3. *New car parking provided as part of significant new commercial or community uses should incorporate electric vehicle charging points.*

8a.45 Policy IR10 - Drainage Infrastructure states:-

1. *Necessary sewerage infrastructure associated with new development should either be adopted by Scottish Water or have alternative maintenance arrangements which are acceptable to SEPA. Connection to the public sewer is the most sustainable option and will ensure that any pollution risk to the environment is minimised.*

2. *Surface water management for new development should comply with current best practice on Sustainable Urban Drainage Systems (SUDS), where appropriate forming an integral part of the development's landscape structure as set out within Supplementary Guidance SG05 'Green Infrastructure and New Development'. SUDS will be required to meet the specifications as detailed in the most recent version of Sewers for Scotland should the developer wish the surface water system to vest in Scottish Water.*
3. *For developments that involve a change of use and/or redevelopment, wherever possible, opportunities should be taken to retrofit SUDS.*

4. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment. The strategy should follow the latest version of the SUDS Manual.*

8a.46 Policy IR13 - Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 12% of the overall reduction in CO_2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. Exclusions from the requirements of this policy are:*

    - *Proposals for change of use or conversion of buildings;*
    - *Alterations and extensions to buildings;*
    - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
    - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
    - *Temporary buildings with consent for 2 years or less; and*
    - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.*

8a.47 Policy IR14 - Heat Networks states:-

> 1. *Decentralised energy generation with heat recovery, and district heating systems, will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the viability for such schemes. Scotland's Heat Map and applicable local Council strategies should inform this assessment.*
>
> 2. *Where the provision of a local energy centre or district heating system is not feasible, developers should futureproof their sites where possible for connection to future heat networks. The installation of pipework to the curtilage of development and safeguarding of piperuns within developments to allow future connection will be required unless the submitted Energy Statement, informed by Scotland's Heat Map and local Council strategies, demonstrates that there are financial or technical barriers to installation. SG14 'Renewable and Low-Carbon Energy', sets out guidance on heat networks and the matters Energy Statements are expected to address.*

8a.48 Policy IR18 - Waste Management in New Development states:-

> *All development should minimise waste during construction and operation, particularly through site waste management. The layout and design of development should provide for the collection and storage of waste and recyclable materials, including composting facilities and the vehicular collection of waste.*

8b Material Considerations

8b.1 The material planning considerations to be assessed in determining this planning application are the Falkirk Council Supplementary Guidance, the consultation responses, the public representations, and the planning history for the site.

Falkirk Council Supplementary Guidance

8b.2 The following adopted Falkirk Council Supplementary Guidance (SG) is relevant to the application:-

- SG01 Development in the Countryside
- SG02 Neighbourhood Design
- SG05 Green Infrastructure and New Development
- SG06 Affordable Housing
- SG07 Biodiversity and Development
- SG10 Trees and Development

- SG13 Developer Contributions
- SG14 Renewable and Low Carbon Energy

Consultation Responses

8b.3 The consultation responses are summarised in section 5 of the report. These responses are material to determination of the application and will be considered in the planning assessment.

Representations Received

8b.4 The representations are summarised in section 7 of the report. They consist of a total number of 63 representations. The representations are also material to determination of the application and will be considered in the planning assessment.

Planning History

8b.5 The relevant planning history for the site is set out in section 3 of the report. As detailed, planning application P/18/0151/PPP for the Development of land for Residential Use with Associated Access was refused planning permission on 16 May 2018 and subsequently then refused permission by the Planning Review Committee on 30 April 2019. This history is also material to determination of the application and will be considered in the planning assessment.

9. HUMAN RIGHTS AND EQUALITY ASSESSMENT

9.1 The Human Rights Act 1998 and the Equality Act 2010 (the 2010 Act) are required to be considered in determining the application.

10. SUMMARY

10.1 This report provides factual and background information in relation to the proposed development and no assessment is included or implied in the report. A full assessment of the planning issues raised will be presented to a subsequent meeting of the Planning Committee, following consideration of the matters discussed at this Hearing.

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pp Director of Place Services

Date: 13 September 2024

LIST OF BACKGROUND PAPERS

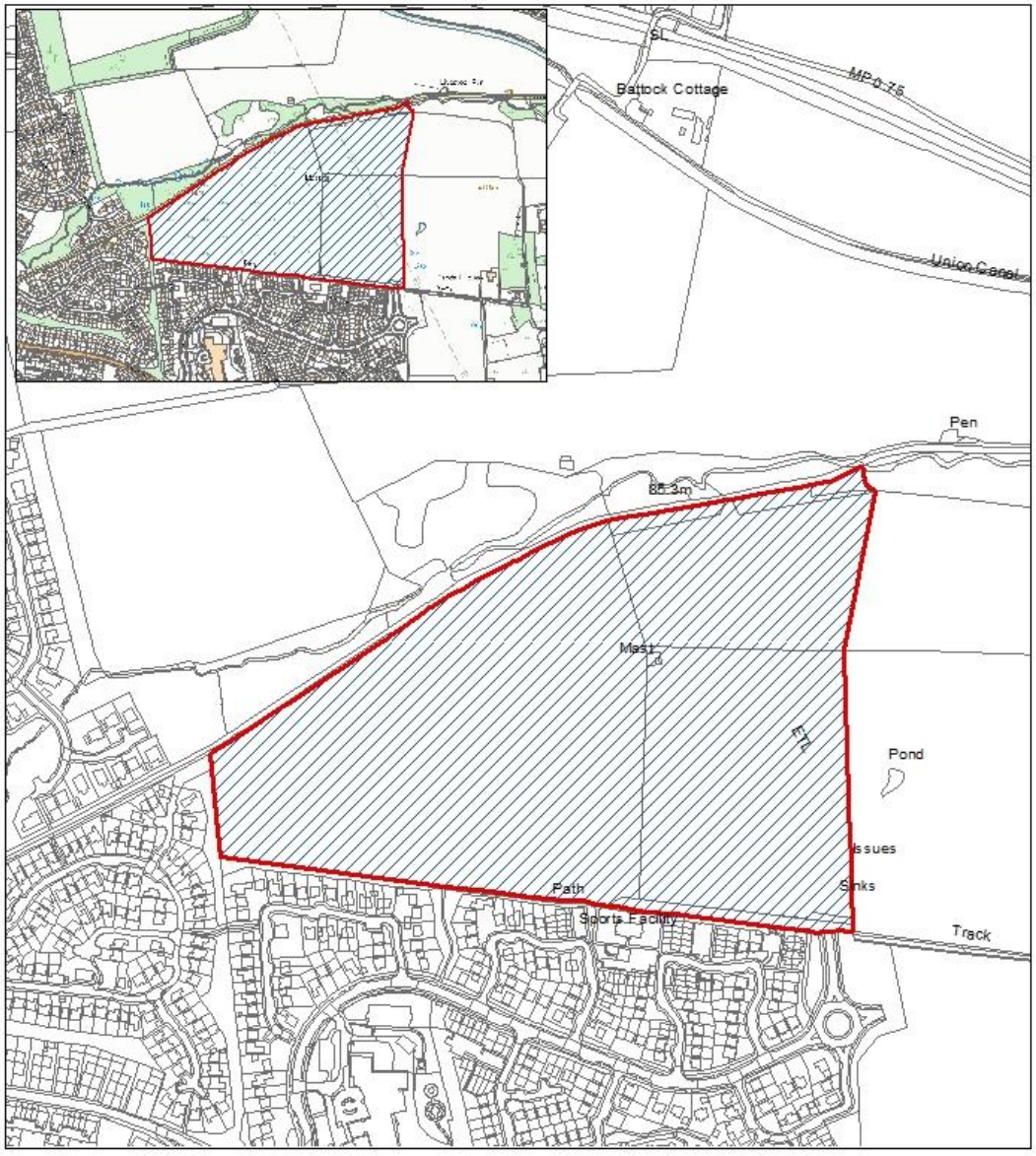
1. Falkirk Council Local Development Plan 2, August 2020.
2. SG01 ‘Development in the Countryside’.
3. SG02 ‘Neighbourhood Design’.
4. SG05 ‘Green Infrastructure and New Development’.
5. SG06 ’Affordable Housing’.
6. SG07 ‘Biodiversity and Development’.
7. SG09 ‘Landscape Character Assessment and Landscape Designations’.
8. SG10 ‘Trees and Development’.
9. SG12 ‘Listed Buildings and Unlisted Properties in Conservation Areas’.
10. SG13 ‘Developer Contributions’.
11. SG14 ‘Renewable and Low Carbon Energy’ (Draft).
12. SG15 ‘Low and Zero Carbon Development’, Adopted under LDP1.
13. Scottish Planning Policy 2014.
15. Falkirk Council Housing Land Audit, 2021/22.
16. National Planning Framework 4.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Pre-determination Hearing

Planning Application Location Plan P/21/0717/PPP

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



Falkirk Council

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