

T: 0131-244 1227  
E: [developmentplans@gov.scot](mailto:developmentplans@gov.scot)

Development Plans Team,  
Falkirk Council

By email: [ldp@falkirk.gov.uk](mailto:ldp@falkirk.gov.uk)

25 November 2020

Dear Development Plans Team,

### **Falkirk Council – Consultation on Draft Supplementary Guidance**

- **SG01 : Development in the Countryside**
- **SG06 : Affordable Housing**
- **SG07 : Biodiversity and Development**
- **SG13 : Developer Contributions**

I refer to your email dated 15 October, 2020, advising of the Council's consultation on the above draft supplementary guidance.

Please see below the following comments:

#### **SG01 : Development in the Countryside**

Transport Scotland Comments:

It is recommended that within paragraph 2.9 below reference is made that engagement with Transport Scotland is recommended for any proposals which may impact upon the trunk road network and it would be beneficial for developers to discuss proposals with Transport Scotland who can advise on any potential improvements.

Paragraph 2.9 states: *Larger developments may have an impact on the local road network through the introduction of new journeys, in which case a transport assessment may be required. Policy IR05 sets out the criteria for transport assessments and seeks to ensure that any impacts on the transport network are identified at an early stage, and appropriate mitigation measures are introduced.*

## SG06 Affordable Housing

### Comment 1

It is welcome that the Council has referenced the Scottish Government guidance for setting Local Housing Strategy targets to support the delivery of more wheelchair accessible housing and is seeking to implement it.

### Comment 2

Consider revising the wording of paragraph 2.3 so that it is clearer what the expectations of the Council is in relation to delivery. SG para 2.3 states *'The Council will consider whether the delivery of wheelchair accessible housing on an all tenure basis can make a contribution either as an alternative or as a compliment to affordable housing contributions.'*

This statement does not make clear the Council's expectations of delivery, whether the target is expected to apply on a site by site basis, and if so, over which size threshold if any. It also does not make clear whether all sites with affordable housing are expected to deliver a 5-10% share of wheelchair housing on sites 20 units or above.

The statement also implies that there could be circumstances where the Council would be willing to waive affordable homes requirements in favour of wheelchair homes in the private sector.

Therefore, it may be more helpful if the Council could set out what steps the Council will take as part of its 'consideration'. For example if there is further work to come, this should be stated.

### Comment 3

Consideration should be give as to whether the use of occupancy restrictions in paragraph 4.9 of the Supplementary Guidance is appropriate. Our interpretation of paragraph 4.9 is that it is suggesting the use of occupancy restrictions to ensure that certain properties are used as a wheelchair home in perpetuity. It is unclear whether this would relate to the occupant, or is intended to avoid adaptations that remove aspects of the designation.

It would be helpful to understand the intention here and the outcome sought. However, it should be noted that current Scottish Government policy on occupancy restrictions is that they are rarely appropriate and should generally be avoided as they can be intrusive, resource intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. This policy is set out in Circular 3/2012 Planning Obligations and Good Neighbour Agreements.

### Comment 4

Consideration should be given to revising the wording in paragraph 6.2 to better reflect the role of the Council's Housing Service.

Paragraph 6.2 notes that the Council administers the affordable housing grant on behalf of the Scottish Government. This is not the case for Falkirk Council and only happens in Edinburgh and Glasgow where the responsibility has been transferred to the local authorities.

It would be helpful for this to be replaced with wording which reflects the fact that the Housing Service has the strategic role in assessing and responding to housing requirements locally and sets out the priorities for investment, including the Affordable Housing Supply Programme.

## **SG07 : Biodiversity and Development**

### **Comment**

We would suggest removing the sentence *'It looks likely that the Scottish Government will require at least larger infrastructure developments to apply the approach in the near future too'* from paragraph 2.5 under the heading 'Biodiversity Net Gain' on page 4.

This is on the basis that national policy, through NPF 4, is not yet developed. Our current policy sets out that the planning system should seek benefits for biodiversity for new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats.

We are developing NPF4 and will shortly publish a position statement which will set out the likely direction of travel. The draft NPF4, will be subject to consultation and approval by parliament in 2021 and we anticipate a final version of NPF4 in spring/summer 2022.

The Planning (Scotland) Act 2019 sets out that securing positive effects for biodiversity will be one of six key outcomes of future iterations of the National Planning Framework (NPF).

## **SG13 : Developer Contributions**

Transport Scotland Comments:

The document details, within Figure 1 on page 10, the transport infrastructure to be delivered within the area and the funding mechanisms. Figure 1 indicates that with regard to the M9(T) Junction 4, contributions and improvements will be phased in agreement with Transport Scotland; and paragraph 7.17 states that the trigger points for contribution payments will be subject to negotiation between all the relevant parties and specified in the legal agreement. This reflects the current position with Transport Scotland, however, while the approach details that the scheme will be funded by developers, the actual costs are not detailed, nor who is responsible for delivery of the improvements.

The Guidance details within paragraph 4.7 that the Council will carry out an exercise to determine the proportion of the cost to be borne by all the committed developments which are linked to a particular project. This has not yet been undertaken and should form part of the Supplementary Guidance and not left to a later date. The Guidance should provide such detail to enable a more informed response to applications, enabling agreed suspensive conditions regarding scale of development prior to the works being undertaken. The responsibility for delivery of improvements should also be made clear.

I trust the above is of assistance.

Yours sincerely,

**Allen Hughes**  
**Planning & Architecture Division**