**FALKIRK COUNCIL LOCAL DEVLOPMENT PLAN 2 (LDP2)**

**STATEMENT OF PUBLICITY AND CONSULTATION ON SUPPLEMENTARY GUIDANCE (SG) NOTES**

**SG02, SGO3, SG04, SG08, SG10**

**OCTOBER 2020**

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**1 Statutory Requirement**

1.1 This statement has been prepared in accordance with Section 22 of the Town and Country Planning (Scotland) Act 1997, as inserted by the Planning etc. (Scotland) Act 2006, which requires planning authorities to consult on Supplementary Guidance they have drafted, and to prepare a statement setting out the publicity measures they have undertaken, the comments they received and an explanation of how these comments were taken into account.

**2 Background**

2.1 The Falkirk Local Development Plan 2 (LDP2) was adopted on 7th August 2020, and links to 14 supplementary guidance notes. It is our intention to consult the public on SGs separately from LDP2 to ensure they are given adequate publicity aside from the LDP process. This Statement of Publicity relates to the first batch of SGs and includes the following:

SG02 Neighbourhood Design

SG03 Residential Extension and Alterations

SG04 Shopfronts

SG08 Local Nature Conservation and Geodiversity Sites

SG10 Trees and Development

This first batch contains more technical and design/heritage focused SGs which are considered to have worked well in the previous Local Development Plan (LDP1) and therefore have required minimal changes to roll forward to LDP2.

**3 Publicity and Consultation Arrangements**

**Advertisements**

3.1 To fulfil the statutory obligations ensuring that adequate publicity was given to the five Draft SGs, public advertisements were placed in two local newspapers Falkirk Herald (Thursday 9th April) and the Linlithgow Gazette (Friday 10th April) at the start of the consultation period. An announcement was also made on Falkirk Development Plan Facebook page.

**Document Availability**

3.2 All Draft SGs were available to view and download from Falkirk Council’s website. A dedicated webpage for Supplementary Guidance gave details of the consultation period and how to submit comments by email (www.falkirk.gov.uk/sg).

3.3 Due to restrictions imposed by COVID-19 we were unable to make hard copies of the SGs available at the usual deposit locations.

**Letter to Interested Parties**

3.4 Almost a thousand key agencies, organisations and individuals were notified by email of the commencement of the consultation process and the availability of the five Consultative Draft SGs on the Council website.

**Consultation Period**

3.5 Comments were initially invited for 6 weeks from Tuesday 14th April – 22nd May 2020. However this was subsequently extended by a further 6 weeks to Friday 3rd July 2020, to assist those with restricted ability to respond due to COVID-19. All comments received during that period have been taken into account in finalising these SGs.

**4. Comments Received**

* 1. Over the consultation period responses were received from the following 13 organisations/individuals:

Scottish Natural Heritage (SG02, SG08, SG10)

Historic Environment Scotland (SG02, SG03, SG04, SG08, SG10)

Scottish Environmental Protection Agency (SG02, SG03, SG04, SG08, SG10)

Scottish Water (SG02, SG03)

Central Scotland Green Network Trust (SG02, SG10)

Paths for All (SG02)

National Grid (SG02, SG08)

Persimmon Homes East Scotland (SG02)

British Sign and Graphics Association (SG04)

Scottish Badgers (SG08)

Yvonne McBain (SG02, SG08)

Gerry Ogilvie (SG04)

George and Margie Stevenson (SG10)

* 1. The issues raised by representations and the Council’s response are summarised under the five SG headings in Appendix 1 which is appended to this report. The majority of responses related to SG02 Neighbourhood Design. No major concerns with the SGs were raised during the consultation.
  2. The consultation responses have been considered by officers, and the changes made mainly of a technical nature or for clarification in response to the consultation. No further referral to Committee has therefore been necessary. Authorisation was previously approved that referral back to Committee, prior to submission to Scottish Ministers, would only be required if comments received were more than a minor or technical nature.

**5. Conclusion**

5.1 The five SGs outlined in this report have been subject to publicity through mailshots to relevant consultees, local press advertisements, social media announcement and the Council’s website. The documents have been made available on a dedicated webpage on the Council’s website. All consultation comments received have been thoroughly considered by Council officers, with the response recorded in Appendix 1. Minor textual changes made in relation to some comments. Where changes have not been made, justification has been provided.

# Appendix 1

**SUMMARY OF COMMENTS AND RESPONSES**

**SG02 Neighbourhood Design**

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| Organisation | Para / Section | Comment | Proposed Response |
| **Persimmon Homes East Scotland** | Page 4 Key Principles | Welcome commitment to front load consultation to avoid design changes and delays. | Comment noted. |
|  | General | Some design principles may conflict with Roads Guidance. E.g. Reducing clutter. | Comment noted. It is recognised that there are sometimes tensions, but in general NRDG is based on Designing Streets and has the same general principles and objectives as the SG. In practice, developments are assessed against policy and changes are agreed as required with applicants and their agents to achieve acceptable and balanced solutions which provide safe streets as well as clutter free designs. |
|  | General | Acknowledge narrow streets are good for road safety but can be difficult to locate services. | Comment accepted. Proposed modification: *Design Guidance : Street Structure – Achieving Appropriate Traffic Speed* : Delete 2nd bullet point in *Key Principles* on page 27 and insert new text to read : “*Where sufficient space is available to locate all street utility services together with other on-street physical features such as landscaping, on-street parking and staggered building lines , the resultant narrowing of street width reduces speed.“* |
|  | General | Maintenance issues are associated with monoblock road surfaces. This could be acknowledged within the SG and consideration given to more hard wearing materials. | Comment not accepted. This Guidance was originally devised and agreed in liaison with Roads Engineers who did not raise concerns in relation to the suggested maintenance issue. |
|  | Page 25 | Question the integration of green infrastructure/ SUDS into developments. | Comment not accepted. Comment does not reflect either Scottish Water’s ‘Sewers for Scotland’ or the industry standard CIRIA SUDS Manual, both of which recognise the ecological and aesthetic benefits of integrating SUDS as an attractive feature in developments. Integration of SUDS and open space is widely accepted as good practice with many examples across Scotland. |
|  | Page 30 | SG encourages a variety of parking types in new development. Suggest well-designed frontage parking and integrated garages should be the preferable means of parking. | Comment not accepted. This Guidance indicates that parking can be integrated into streets by a variety of means, and the appropriate solution will depend on the circumstances. For example rear courts which have been integrated into completed developments within the Falkirk Council Area such as The Drum and can be a successful means of reducing the visual impact of cars on streets. |
|  | Page 35 | FC’s stringent parking requirements for both resident and visitor spaces often result in large areas of hardstanding within street scenes at the expense of landscaping. | Comment noted. The Council’s parking requirements are based on the NRDG standards. Balancing parking needs with design objectives can be challenging, hence the SG attempts to suggest ways in which parking can with integrated with less visual impact.. |
|  | General | Important to recognise that some principles can conflict with others. Flexibility and trade-offs will be required on a site-by-site basis to ensure deliverable developments. | Comment noted. As part of the standard planning consultation process, the Development Management Case Officer negotiates compromises and consensus between any potentially conflicting special requirements, where proposals generally meet policy. |
| **Scottish Natural Heritage (SNH) – now NatureScot** | General | Acknowledge SG was drafted before Covid-19 pandemic, however query whether changes will be required to deliver places that are pandemic proof. Suggests two significant areas of change likely to affect neighbourhood design.  • Changes to how people work and how children attend school.  • Changes to how people move around. | Comment noted. However, it is considered premature for this Guidance to be altered to address impacts of ongoing pandemic on urban design and general life styles. Next iteration of this SG will be better placed to address resultant impacts, once the longer term and more permanent implications of the pandemic are evident. |
|  | Page 35 | Welcome measures which focus on integrating natural landscaping and biodiversity into development which would assist in addressing the pandemic issues identified. | Comment noted, but also refer to response above in relation to our concerns about the previous suggestion that this guidance attempts to address the impacts on pandemic at this time. |
| **Historic Environment Scotland (HES)** | General | Aware that SG is being rolled forward with minimal changes. While broadly content with this approach, we recommend that they should be updated to reflect the recently published Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance notes. In particular, we recommend that the role of the historic environment in place-making is explicitly linked to HEPS in this SG. | Comment accepted. Proposed modification:  Add extra heading on page 1, *Introduction*, beneath paragraph 1.6 as follows: “*How does it relate to Historic Environment Policy for Scotland 2019?*  Add paragraph 1.7 below this heading as follows: “1.7 *This Supplementary Guidance seeks to reflect the principles contained in Historic Environment Policy for Scotland (HEPS, 2019) in relation to the role* *that the historic environment plays in place making”.* |
| **Paths for All** | General | FC can build on their already exemplar approach to walking, cycling, active travel and outdoor access. | Comment noted. |
|  | General | Wholeheartedly support the use of the Place Standard as a tool for placemaking. Walking, wheeling, cycling and public transport should be key components of this. | Comment noted. |
|  | General | Welcome the intention that the principles of good placemaking will apply to all new development and all areas. | Comment noted. |
|  | General | Welcome the intention that development should address the six qualities of successful places identified in The Scottish Government’s SPP. | Comment noted. |
|  | General | Welcome that SG seeks to reflect the principles contained in ‘Designing Streets’ and shows how it relates to the Falkirk area. | Comment noted. |
|  | General | Agree that a key part of this is that the place function of streets should be considered before their movement function. | Comment noted. |
|  | General | Welcome the analysis of places and streets as a local reference point for good placemaking. | Comment noted. |
|  | General | Welcome the design guidance on site planning, street structure, street layout and street detail, to reflect the terms of reference of Designing Streets. | Comment noted. |
| **Central Scotland Green Network Trust (CSGNT)** | Section 4 | A brief introduction to the purpose of Section 4 is provided in the contents page. For clarity, it may be worth providing an expanded explanation at the beginning of Section 4 itself. | Comment noted. However, the format and content of this guidance was originally developed in partnership with the Planning and Architecture Unit of the Scottish Government, with intention of maximising graphic content and minimising extraneous text It is considered that the analysis of successful local places in Section 4 is self – explanatory and clear and that is does not need an introductory explanation. |
|  | Section 5 | Principles outlined in this section are good. | Comment noted. |
|  | Section 5 | Encourage more express mention of greening, particularly under the Structure and Movement sections. Potential to encourage creative design of active travel routes to include green infrastructure therefore multiplying the benefits of the GI. | Comment accepted. Proposed modification:  Add extra bullet point to *Key Principles* on page 23 after first two bullet points to read :   * “Exploit *the potential to integrate active travel routes into the green infrastructure.* “ |
|  | Section 5 | Welcome encouragement of more surface water management schemes - keeping water on the surface rather than directing into pipes, as well as separating surface water from waste water. There is the opportunity to do more, for example through the use swales, which are planted with trees (cross ref with SG10), and under planted with wildflowers (cross ref with SG07). | Comment noted. However, there is not the scope to go into detail on the different SUDS management techniques within this SG. This will be dealt with more fully in SG05 on Green Infrastructure and New Development |
|  | Section 5 | The above also applies to the Drainage section – this section refers to ‘meeting current legislation’, but it is likely current legislation will be changing. Is there an opportunity to encourage innovation? E.g. raingarden networks and surface water management and/or build active travel routes with permeable paving and underdrains/filter strips. | Comment noted. However, there is not the scope to go into detail on the different SUDS management techniques within this SG. This will be dealt with more fully in SG05 on Green Infrastructure and New Development. |
| **National Grid** | General | We have reviewed the SG and can confirm no comments. | Comment noted. |
| **Scottish Water** | Page 33 | In the key principles section, suggest the following is included:  SW should be consulted as early as possible on proposed design and layout plans for drainage strategies / All assets intended to vest into SW must be constructed in compliance with latest Sewers for Scotland guidance / All drainage proposals for developments must consider Surface Water Management options early on as connection to the combined sewer network will not be accepted. | Comment accepted. Proposed modification :  On page 33, within section on *Design Guidance : Street Structure-Drainage* , add the following extra bullet points to *Key Principles:*   * *Scottish Water should be consulted as early as possible on proposed design and layout plans for drainage strategies* * *All assets intended to vest into Scottish Water must be constructed in compliance with latest Sewers for Scotland guidance* * *All drainage proposals for developments must consider Surface Water Management options early on as connection to the combined sewer network will not be* *accepted.”* |
| **Scottish Environmental Protection Agency (SEPA)** | Section 5 | Recommend wording is amended to include both green and blue infrastructure (including SuDs, watercourse corridors and natural flood management measures), as this will help to promote improvements to the water environment and would assist in contributing to sustainable flood risk management. | Comment accepted. Proposed modifications:  Amend *Contents* Page, *Section 5 Design Guidance, Street Structure* to read “Green *and Blue Infrastructure*.”  Amend Page 25 heading to read: *Design Guidance: Street Structure - Green and Blue Infrastructure”.*  Amend sub-heading to read:   * “*Well integrated green and blue infrastructure is fundamental to quality of place and our response to climate change as well as well as helping to deliver Falkirk Greenspace.”*   Add extra bullet point to *Key Principles* as follows*:*   * *“The incorporation of sustainable drainage systems, watercourse corridors and natural flood management measures promotes improvements to the water environment and assists in contributing to sustainable flood risk management.”* |
|  | Section 5 | Recommend wording is expanded to highlight that opportunities to restore the water environment should also be considered, where appropriate, through the development process. | Comment accepted. Proposed modification:  Add extra bullet point to *Key Principles* on page 25 to read   * “*Explore opportunities to restore the existing water environment*.“ |
|  | General | Suggest SG should incorporate the relevant objectives of the Scottish Government’s national strategy ‘[Cleaner Air for Scotland – The Road to a Healthier Future](http://www.gov.scot/Resource/0048/00488493.pdf)’ (CAFS) and AQMA’s. | Comment noted. Future iterations of this Guidance will address this matter, as suggested in this comment. |
|  | General | We would recommend that the role of SUDS in managing surface water flooding should be highlighted | Comment accepted. Add extra bullet point (after first 4 bullet points) to *Key Principles* on page 25 to read:   * “*Scottish Water is actively seeking to remove surface waters from combined sewerage systems, as set out in their* [*surface water policy*](https://www.scottishwater.co.uk/business-and-developers/connecting-to-our-network/pre-development-information/surface-water-policy)*. On this basis, developments should include space for appropriate SUDS solutions wherever possible. “* |
|  | Design Principles Checklist | Recommendthat air quality/air pollution be included as a design consideration within Design Principles checklist. | Comment not accepted. In accordance with our previous response above, to the suggested incorporation of the objectives of the Scottish Government’s National Strategy “ *Cleaner Air for Scotland* “it is considered that future iterations of this Guidance will address this matter, as suggested. In the meantime, LDP Policy PE26 clearly identifies impact of development on air quality as a wider consideration in the planning process. |
| **Yvonne McBlain** | General | Offers congratulations on content and format. SG is lengthy and complex, but comprehensive and carefully considered.  Suggests considering a summary version or accessible format - perhaps a suite of companion videos to the documents which could be accessed online? | Comment noted. The *Design Principles Checklist* in Section 6 is considered to provide a user – friendly, clear and concise summary of key design principles contained within the document. Resources to provide companion videos, as suggested, are not available currently. |

**SG03 Residential Extension and Alterations**

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| **Organisation** | **Para / Section** | **Comment** | **Proposed Response** |
| **Historic Environment Scotland (HES)** | General | Aware that SG is being rolled forward with minimal changes. While broadly content with this approach, we recommend that they should be updated where relevant to reflect the recently published Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance notes. | Comment noted. In relation to SG03 we are satisfied that no changes are required to the SG, and all the current references to historic environment policy (mainly the possible requirement for listed building consent in paragraph 1.6) are correct and sufficient for the purposes of the document.  More detailed guidance will be available in SG12 Listed Buildings and Unlisted Properties in Conservation Areas and this will address the more specific historic environment aspect of dealing with Residential Extensions and Alterations. |
| **Scottish Water** | Page 4 | Suggest the inclusion of further guidance. For all extensions that increase the hard standing area within the property boundary, existing discharge rate and volume should be limited. Recommended that alternative rainwater options are considered. No new connections will be permitted to public infrastructure, additional surface water will discharge to existing private network. | Insert additional wording after Paragraph 2.2, under a new heading *“Surface Water and Drainage”*:  *“New extensions and all associated hard surfacing should minimise the degree of impermeable surfaces to reduce surface run-off. Permeable paving, green roofs, rain water harvesting systems and other types of sustainable urban drainage systems drain surface water sustainably and help reduce pressure on the public drainage network. It is recommended SUDS are explored as an alternative to a new connection to the network. At the outset, applicants should be mindful of Scottish Water’s Surface Water Policy which sets out Scottish Water’s sequential preference for surface water drainage options. Further information is available in SG05 Green Infrastructure and New Development.”* |
| **Scottish Environmental Protection Agency (SEPA)** | General | We confirm that SEPA has no comment to make. | Acknowledged. |

**SG04 Shopfronts**

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| **Organisation** | **Para / Section** | **Comment** | **Proposed Response** |
| **Historic Environment Scotland (HES)** | General | Aware that SG is being rolled forward with minimal changes. While broadly content with this approach, we recommend that they should be updated where relevant to reflect the recently published Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance notes. | Comment noted. This guidance references *Historic Environment Policy for Scotland (HEPS, 2019*) and associated *Managing Change Guidance Notes* in the Policy Framework diagram on page 5. |
| **Scottish Environmental Protection Agency (SEPA)** | General | We confirm that SEPA has no comment to make. | Comment noted. |
| **Gerry Ogilvie** | General | Please do not put silly full size pictures on the empty shop fronts like Paisley. It just highlights the problems even more. Encourage new businesses into empty shops at a big discount. It’s only high rent that stops new businesses starting up in premises. | Comment noted. The Council does not currently promote the installation of full size graphics in shop windows. Any such proposals would be assessed through relevant planning and advertisement legislation. |
| **British Sign and Graphics Association (BSGA)** |  | Page 282 of the Reporter’s Conclusions and Recommendations on the public inquiry into LDP2 concludes that Policy PE03 is fundamentally unsound, misleading and unlawful to suggest that a development plan policy might exercise control over advertisements independently of the Regulations. He recommended that PE03 and text be deleted.  This removes the justification for having any guidance on advertisements in draft SG04. It is clear that, with PE03 deleted, any justification for any reference to advertisements in SG has been removed. | Comment accepted. The Examination Report for the Falkirk Local Development Plan 2 was published on 31 March 2020. This follows the submission of LDP2 to Scottish Ministers on 25 July 2019.The Reporters recommended that policy PE03 and its explanatory  text should be deleted in their entirety. Proposed modifications:  Page 3, delete *Policy PE03-* heading and text*.*  Page 5, delete *Policy PE03* from planning policy diagram.  Page 23, *Design Guidance Signage* delete existing text to paragraph 5.17 and insert new text to paragraph *5.17* to read as follows : “ *It should be noted that the lawful basis for the powers of control of advertisements is found within the Town*  *and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, which are separate from the* *Planning Acts and Falkirk Council’s LDP2. As stated on page 8 of this guidance, it is recommended that any proposals for signage and advertisement consent are discussed with Development Management at the earliest pre – application stage”.* |

**SG08 Local Nature Conservation and Geodiversity Sites**

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| **Organisation** | **Para / Section** | **Comment** | **Proposed Response** |
| **Scottish Natural Heritage (SNH) now NatureScot** | General | SG uses nice clear presentation of sites and opportunities and we welcome and support the approach. | Comment noted. |
|  | General | Terms such as “Natura 2000” and “Natura” should no longer be used following the UK’s exit from the EU Sites designated under the Habitats Regulations will no longer form part of the formal Natura network of sites | Comment Accepted. An asterix has been placed next to the reference to Natura Sites in Policy PE19 and a footnote explaining the change in terminology provided. There are no other references to Natura sites in the SG. |
| **Historic Environment Scotland (HES)** | General | Aware that SG is being rolled forward with minimal changes. While broadly content with this approach, we recommend that they should be updated where relevant to reflect the recently published Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance notes. | Comment noted. There are no references to historic environment policy in this SG. |
| **National Grid** | General | We have reviewed the SG and can confirm no comments. | Comment noted. |
| **Scottish Environmental Protection Agency (SEPA)** | General | We have reviewed the proposed SG and at this time, SEPA has no comment to make. | Comment noted. |
| **Scottish Badgers** | Chapter 6: Site Statement pages | Badgers are considered a sensitive species owing to the fact they are still being persecuted. Questions whether naming badgers being present on some sites, particularly in areas where the site size is smaller, is prudent. | Comment accepted. Specific references to badgers in the site statements have been removed. On page 10 , insert at the end of paragraph 4,1: *“Note: published site statements may omit sensitive species data (for example the presence of badger setts) to protect against persecution”*. |
|  | Grid references | Grid references are provided, however the coordinates given are actually X/Y coordinates. | Comment accepted. This will be corrected. |
| Yvonne McBlain | General | Congratulations on content and format. SG is lengthy and complex, but comprehensive and carefully considered.  Suggests considering a summary version or accessible format - perhaps a suite of companion videos to the documents which could be accessed online? | Comment noted. The explanatory section (pages 1-11) is relatively short and straightforward. It would be difficult to shorten this further. We will consider introducing an interactive version when resources allow. |

**SG10 Trees and Development**

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| **Organisation** | **Para / Section** | **Comment** | **Proposed Response** |
| **Scottish Natural Heritage (SNH) – now NatureScot** | General | Generally supportive of the content of SG and have no further comments to make. | Comment noted. |
| **Historic Environment Scotland (HES)** | General | Aware that SG is being rolled forward with minimal changes. While broadly content with this approach, we recommend that they should be updated where relevant to reflect the recently published Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance notes. | Comment noted. Explicit link to HEPS is considered unnecessary.  HEPS is a non-statutory policy statement that relates to decision making which affects the historic environment. SG10 references LDP2 Policy PE01 Placemaking which reflects the principles contained in HEPS. |
| **Central Scotland Green Network Trust (CSGNT)** | Page 15 | We would encourage inclusion of the role trees can have in contributing to mitigating the effects of climate change (temperature, flooding and water management). | Comment accepted. Insert additional bullet point:   * *‘Mitigate the effects of climate change’.* |
|  | Page 15 | Including trees as part of SuDs and other surface water management options can help to deliver many of the benefits listed and should be encouraged. | Comment accepted. Insert additional bullet point:   * *‘Contribute towards surface water management’.* |
|  | Page 15 | Reference Falkirk Forest Woodland Strategy in relation to identified opportunities for types of woodland planting. | Comment noted. The Falkirk Forestry and Woodland Strategy 2015-2055 is referenced on page 16, an additional reference on page 15 is not considered necessary. |
|  | Page 15 | Highlight the need for design of new tree planting to consider potential effects of climate change and disease on tree species choice. | Comment noted and partially accepted.  The insertion of new bullet point  *‘Mitigate the effects of climate change’* recognises the contribution that new tree planting design can make to climate change. |
| **Scottish Environmental Protection Agency (SEPA)** | Section 1.1 | SEPA made comments to Policy PE20 of the LDP2 Proposed Plan. In accordance with this recommend a ref. in the SG to the role that forests woodlands and trees may have for Natural Flood Management. | Comment accepted. In the third sentence of para 1.1 insert *‘aid natural flood management’ after ‘they provide protection’*. |
|  | Section 5.1 | Recommend that the wording of this section is amended to make it clear that invasive non-native species will not be acceptable in accordance with the Scottish Governments non-native species code of practice. | Comment accepted. Insert additional sentence to 4th paragraph of 5.1 which states: *‘However, invasive non-native species will not be acceptable in accordance with the Scottish Government’s non-native species code of practice.’* |
| **George & Margie Stevenson** | General | SG10 appears to be a well thought through set of guidance for which you are to be congratulated. | Comment noted. |
|  | Site specific | We very concerned about the protection of the trees bordering the old infirmary hospital grounds adjacent to Majors Loan. | Comment noted. This is a detailed site specific comment outwith the scope of SG10. The consideration of the site specific tree issues related to the future redevelopment of the Falkirk Community Hospital site will be in accordance with the provisions of LDP2 Policy PE20 and the guidance in this SG. |