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

**STATEMENT OF PUBLICITY AND CONSULTATION**

**SG05 – Green Infrastructure and New Development**

**MAY 2021**

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

**STATEMENT OF PUBLICITY AND CONSULTATION ON SG05**

**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 (SGs). 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 SG05 – Green Infrastructure and New Development.

2.2 SG05 provides new supplementary guidance. It has been prepared to help applicants incorporate well designed green infrastructure into new developments and achieve wider sustainability benefits in the process. In summary, the guidance covers:

* how green infrastructure can be integrated into the design process, including some evaluation tools that could be used to review and improve the design and layout of a development;
* the key principles and good practice for specific types of green infrastructure which are grouped under the themes of ‘Well Being, Water and Wildlife’. Various projects in the Council area have been used to showcase good practice, and inspire applicants to formulate quality proposals for green infrastructure. The Helix, Forth Valley Hospital and Larbert Woods, Zetland Park, and Carron Dams Heritage Trail are just some of the local projects featured in SG05;
* requirements for the provision of recreational open space in new development;
* how compensation for the loss of recreational open space associated with a development proposal will be calculated; and
* particular requirements for the management and maintenance of green infrastructure.

2.3 One of the most important roles of SG05 will be to determine how provision is to be made for recreational open space in new development. The guidance supplements Policy PE17 ‘Open Space and New Development’ of LDP2 by setting out a three step process.

**3 Publicity and Consultation Arrangements**

**Workshop**

3.1 Officers held a workshop in Autumn 2019 with representatives from across the Council, the development industry, and key agencies in attendance. The workshop was beneficial, helping to achieve buy-in for the eventual scope, structure and content of the guidance.

**Advertisements**

3.2 To fulfil the statutory obligations ensuring that adequate publicity was given to Draft SG05, public advertisements were placed in two local newspapers Falkirk Herald (Thursday 21st January 2021) and the Linlithgow Gazette (Friday 22nd January 2021) at the start of the consultation period. An announcement was also made on Falkirk Development Plan Facebook page.

**Document Availability**

3.3 SG05 was 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/sg2).

3.4 Due to restrictions imposed by COVID-19 we were unable to make hard copies of SG05 available at the usual deposit locations (Abbotsford House, Council Libraries and Advice and Support Hubs).

**Letter to Interested Parties**

3.5 Over 900 key agencies, organisations and individuals were notified by email of the commencement of the consultation process and the availability of SG05 on the Council website.

**Consultation Period**

3.6 Comments were invited for 6 weeks from Thursday 21st January and Thursday 4th March 2021.

**4. Comments Received**

4.1 Over the 6 week period, responses were received from the following five individuals/organisations:

* Helen Scott
* Historic Environment Scotland
* NatureScot
* Paths for All
* Scottish Water

4.2 Detailed summaries of the comments received and the Council’s response are contained in Appendix 1. No substantive issues were raised. Four of the five responses welcomed the guidance. One response objected to the Council’s preference for open space to be maintained by an appointed property factor, citing homeowners have little control over increases in factor fees. Officers responded by outlining that the Council already maintains a large estate of open space, and generally does not wish to take on responsibility for maintaining new areas of open space in private housing developments due to the complexity, resource issues and long term burdens associated with Council adoption.

4.2 SG05 was presented to Falkirk Council’s Executive Committee for approval on 11th May 2021. All representations received to SG05 and the Council’s proposed responses were included in the Report for consideration. The Committee agreed that SG05 should be submitted to Scottish Ministers for final clearance to adopt.

**5. Conclusion**

5.1 SG05 outlined in this report has been subject to publicity through mailshots to relevant consultees, local press advertisements, social media announcement and the Council’s website. The document has been made available on a dedicated webpage on the Council’s website. SG05 has been well received and no changes have been required following public consultation.

**Appendix 1**

**SUMMARY OF COMMENTS AND RESPONSES – SG05 - Green Infrastructure and New Development**

|  |  |  |  |
| --- | --- | --- | --- |
| **Organisation** | **Para / Section** | **Comment** | **Response** |
| Helen M Scott | 11.  Management and maintenance | Takes issue with the Council’s preference for open space in  residential developments to be maintained by an appointed  factor. Residents have little control over increases in factor  fees, and it is unfair neighbouring residents can use facilities  without contributing to the maintenance costs. Residents  should get a reduction in Council Tax if they are paying factoring fees. | Comment noted. The Council  already maintains a large estate  of open space throughout the  Council area. Unless costs for  maintenance are met in full,  the Council generally does not  take on responsibility for  maintaining new areas in open  spaces in private developments  due to the complexities,  resource issues and long term  burdens involved with Council  adoption. The Property Factors  (Scotland) Act 2011 has  improved standards in property  factoring, requiring factors to  follow a code of conduct when  communicating charges to  homeowners. Paying factor fees  does not qualify for a reduction  in Council Tax. |
| NatureScot | General | Support and welcome the content of SG05. Good use of illustrations and clear definitions/explanations. Welcome the use of local examples rather than stock photos or commonly used examples. Inclusion of marine planning policy is a welcome addition and one that is often overlooked.  Strongly support the key principle that water management should be used positively and creatively. Also support the key principles for Wildlife and the principle that existing habitats should be treated as important assets. | Comments noted and welcomed. |
| Paths for All | General | Welcome SG05.  FC can build on their already exemplar approach to green infrastructure –demonstrated by The Helix. Support the use of the Place Standard as a tool for placemaking; the key principles for developments on open space and active travel; and the inclusion of maintenance in SG05. | Comments noted and welcomed. |
| Historic Environment Scotland | General | Welcome SG05 and the recognition of the strong role that local heritage can play in creating a sense of place. Strategic green infrastructure assets and active travel routes are of cultural significance (Canal network and the Antonine Wall) and we welcome that this has been identified as an important contributor to great places. | Comments noted and welcomed. |
| Scottish Water | General | No additional comments. Offers thanks for considering previous suggestions and implementing the changes. | Comments noted and welcomed. |