

**REPORT TO STIRLING COUNCIL**

**ON THE**

**PROPOSED STIRLING**

**LOCAL DEVELOPMENT PLAN EXAMINATION**

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## Examination of Conformity with the Participation Statement

### Introduction

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the person(s) appointed by the Scottish Ministers to examine the plan: “firstly to examine...the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).”
2. In our examination, we considered representations to the Proposed Plan of June 2016 that were not resolved.

### The Participation Statement Relating to the Proposed Plan

3. The version of Stirling Council’s participation statement which was current when the proposed plan was published formed part of the Development Plan & Participation Statement of June 2016.
4. As well as referring to the consultation undertaken for the Main Issues Report, the participation statement set out the broad timetable for preparation of the proposed plan. It also set a target date of July to December 2016 for informing, and consulting with, the public and planning stakeholders on the Proposed Plan. Six aims were listed and a target audience and actions to be undertaken were identified for each.

### The Planning Authority’s Statement of Conformity with Participation Statement Relating to the Proposed Plan

5. The statement of conformity that the planning authority submitted to the examination stated that these six were completed as follows:

<b>Aim</b>	<b>Target Audience</b>	<b>Actions</b>	<b>Date</b>
Publicise as much as possible the publication of the proposed plan and how people could comment on it.	Scottish Government key agencies, developers/landowners, industry representatives, community groups/public, adjacent planning authorities.	Letter to data base contacts informing where and when copies of proposed plan could be viewed. Government and key agencies consulted prior to publication. Public notice published in Stirling Observer and colour leaflet publicised drop in events. council web page updated and Facebook and Twitter accounts announced consultation.	w/c 11 July 2016
Ensure those most affected by proposals	Scottish Government key agencies,	Letter sent to all database contacts	w/c 11 July 2016

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were notified.	developers/landowners.  Industry representatives, community groups/public, adjacent planning authorities.	explaining process and inviting comments and attaching response form.	
Continued to raise awareness of LDP and increase engagement with proposed plan process.	As above	As above  3,165 neighbour notification letters sent to properties within 20 metres of certain proposed plan sites.	w/c 11 July 2016
Gather formal comments and identify issues that could not be resolved before examination.		Drop in information events in Dunblane (56 attendees), Stirling (35), Plean (48) and Killearn (44). 182 total.	16, 18, 23 and 25 August 2016
Publicise the planning authority's settled view of what the LDP should be.		As above  Social media sites posted regular alerts throughout 11 week consultation period.	
To publicise as much as possible the publication of the proposed plan and how people can comment on it.	Scottish Government key agencies, developers/landowners, industry representatives, community groups/public, adjacent planning authorities.	Once representations summarised and responses agreed a complete set of Schedule 4 documents were placed on the council's website. All parties could search representations by issue.	1 December 2016

The Participation Statement Relating to the Proposed Plan

6. The version of Stirling Council's participation statement which was current when the proposed plan was published formed part of the Development Plan Scheme of June 2016.

7. As well as referring comprehensively to the steps taken in preparing the plan and previous consultations undertaken, the participation statement set out the broad timetable for preparation of the proposed plan. It also set a target date of July to September 2016 for informing, and consulting with, the public and planning stakeholders on the proposed plan. Six aims and associated types of consultation were listed and a target audience identified for each.

The Planning Authority's Report on Conformity with the Participation Statement Relating to the Proposed Plan

8. The report on conformity dated January 2017 that the planning authority submitted to the examination stated that these four actions were completed as follows:

Proposed Plan Availability – The plan was available online, at all public libraries, and planning authority offices at Old Viewforth, Teith House, Port Street and Corn Exchange in Stirling. Advertisements and press releases made reference to where copies could be accessed and how comments could be made.

Notifications – All contacts on the Development Plan Database were either e-mailed or written to. Key agencies, Scottish Ministers, community groups, neighbouring authorities and community councils were notified of the consultation as noted in the relevant legislation. Notices were placed in the press and leaflets produced publicising drop in events were given wide distribution including public buildings, supermarkets and community centres. 3,165 neighbour notifications were sent out to properties within 20 metres of certain proposed plan sites.

As it was unclear why these should relate only to certain proposed sites clarity was sought about this from the planning authority. It stated that sites were excluded where there was an extant planning permission for the same use as that proposed in the plan; sites which were under construction at the time of publication; in each case where consultations had already taken place. And period two sites which are not yet formal sites and do not have defined boundaries, and will be brought forward in subsequent plans.

Social media campaign – this is developed for each consultation stage with the use of the planning authority's Twitter and Facebook accounts as well as its main website.

The Reporter's Conclusions

9. I have reviewed the information submitted by the planning authority. I find that its actions with regard to consultation and the involvement of the public at large as respects the proposed plan have been generally in conformity with, and indeed beyond, the participation statements of the authority which were current when the plans were published. I consider that the range of publicity undertaken was consistent with the planning authority's aim of involving and consulting with the public and planning stakeholders.

10. Based on the above findings, I am satisfied with the planning authority's actions and find no need to submit a report to the Scottish Ministers under subsection (1) (b) of section 19A of the Act.

<b>Issue 1</b>	<b>Vision and Spatial Strategy (including Overarching Policy)</b>	
<b>Development plan reference:</b>	Vision (page 12-13) and Spatial Strategy comprising paragraphs 5.1 through 5.6; Figures 4, & 5; Table 1; Key diagrams Core Area/Plan Area & Rural Villages; Appendix A: Schedule of Development Sites; and Overarching Policy	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Homes for Scotland (01391)                  CCG Scotland Ltd (01617)                  Hallam Land Management (01781)                  Wallace Land Investments (90048)                  East Dunbartonshire Council (90062)                  Balfron Community Council (90069)                  RSPB Scotland (90154)                  SEPA (90175)                  TACTRAN (90193)                  Stafford Trust (90256)                  Stewart Milne Homes Ltd (90272)                  University of Stirling (90324)                  Mactaggart &amp; Mickel Homes Ltd (90346)                  Gladman Developments Ltd (90350)                  The Tough Family (90715)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Vision & Spatial Strategy: Outlines the Proposed Plan’s Vision and the adopted Spatial Strategy. Overarching Policy provides the principal link between national policy aims and the LDP objectives and policies.	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Vision Statement</u></p> <p>TACTRAN (90193)</p> <p>Request changes to the text contained within the Vision Statement (page 13) relative to ‘A connected, green place’.</p> <p>Gladman Developments Ltd (90350)</p> <p>Whilst offering support to the Vision Statement, consider that a more explicit link between the delivery of new housing and the Vision’s aims could be made, specifically in relation to ‘thriving communities and a range and choice of well-located homes’, therefore making the LDP a more effective Development Management tool.</p> <p>RSPB Scotland (90154)</p> <p>Consider that the Vision could be improved by making specific mention of conserving and enhancing biodiversity.</p>		

**SEPA (90175)**

Recommend adding reference to the fact that the green network includes the blue network as well.

**Wallace Land Investments (90048)**

Make comment regarding the mention made of Durieshill. These comments, the requested modifications, and Council's response are contained within Issue 36.

**Spatial Strategy Approach & Interpretation****CCG (Scotland) Ltd (01617)**

Consider that a key focus of the Plan should be housing delivery, and in their opinion this should be achieved by promoting mixed use communities in marketable areas, where people want live, work and invest. They argue that by providing ambitious and sustainable residential allocations in several locations, including those within a strong market area with a prospect of delivery, will enhance delivery rates. In respect of the Plan's Spatial Strategy they state that they consider that there is an over-reliance of large sites in a geographically focused part of the Core Area, all within the south or east of Stirling. Moreover, they argue that a number of these large sites have not delivered development over the last 5 years.

Whilst offering support to the strategic allocations at Durieshill and South Stirling Gateway they consider that relying on these sites to meet growth ambitions is a risk and will fail to deliver required housing numbers, arguing that allocating their site at South Kildean will assist in the security of supply by providing homes in a different, marketable and sustainable area.

**Mactaggart & Mickel Homes Ltd (90346)**

State that they consider the Spatial Strategy to be deficient, and will fail to deliver the required housing numbers. Furthermore, by omitting to allocate development at Airthey Kerse they consider that the Spatial Strategy fails to consider the full requirements associated with its Urban Consolidation, and Strategic Development approach.

**Stewart Milne Homes Ltd (90272)**

Consider that the Proposed Plan does not provide a clear, concise, unambiguous statement as to the Spatial Strategy. Nor do they consider that adequate explanation is provided relative to Table 1: Spatial Strategy Development Approach, and Figure 4: Spatial Strategy Development Approach and Figure 5: Settlement Hierarchy, or justification is given as to why the Spatial Strategy is adopted. They criticise the lack of analysis or consideration of policy options within the Proposed Plan.

Furthermore, highlighting that Figure 4 (page 15) and Table 1 (page 16-17) identify Deanston and Doune as forming part of the 'Sustainable Expansion' within the Rural Villages Area, they argue that the Plan's limited allocations within these settlements is at odds with the stated approach. Whilst accepting that it may be reasonable for the Council to adopt a strategy that seeks to focus development within the Core Area, they state that this should not be at the expense of appropriate types and levels of development

elsewhere. They consider that this is particularly the case where there are acknowledged issues and requirements outwith the Core Area for issues such as affordable housing.

In relation to the Settlement Hierarchy illustrated in Figure 5 (page 18), they consider that it fails to demonstrate between reasonable sized settlements such as Deanston and Doune and smaller settlements such as 'Fintry, Buchlyvie and Gargunnoch'. They argue that the consequence of this is that the Spatial Strategy does not adequately reflect the sustainability benefits of encouraging development that will support existing facilities and public transport services within the rural area.

They point to previous Development Plans, stating that they identified some settlements, such as Deanston and Doune as rural service centres which were considered the most appropriate parts of the rural area for development and growth. In relation to Figure 5, they consider the fact it terms the rural area as 'rural villages' is confusing, given that the term is applied specifically to settlements within Table 1.

Wallace Land Investments (90048)

Object to the scale of development proposed for the eastern villages. They state that this has the potential to adversely impact upon their established characters and amenity; question whether this scale of development, and proposed timeframe can be justified; and confirm that in their opinion the Spatial Strategy will fail to deliver the numbers required. Make specific comments in relation to Durieshill (H057) and South Stirling Gateway (H055) which are addressed in Issues 36 and 54 respectively.

Hallam Land Management (01781)

Whilst supporting the broad concept of the Spatial Strategy, and the direction of development to its Core Area, object to the inclusion of the eastern villages (Durieshill, Fallin, Throsk, Cowie, and Plean) within the Core Area.

Stafford Trust (90256) and The Tough Family (90715)

Both offer support for the Spatial Strategy, and specifically the allocation of land at 'South Stirling Gateway' (H055, B10, R05).

East Dunbartonshire Council (90062)

Support the Spatial Strategy, specifically the Core Area being the focus for development supported by modest development within rural villages.

#### Spatial Strategy Table 1 & Key Diagram

Balfron Community Council (90069)

Note that Table 1: Spatial Strategy Development Approach (page 17) identifies Balfron as one of a number of settlements to fall within the 'Sustainable Expansion' development approach, and whilst supporting this, request the inclusion of additional text. Make comments regarding the need for support for economic development, and the communications infrastructure to support this.

Gladman Developments Ltd (90350)

Whilst broadly supporting the Spatial Strategy express concern that some of the supporting text outlining the development approach could be used to inappropriately restrict development in otherwise suitable and sustainable settlements.

University of Stirling (90324)

Consider that Table 1 (page 16) should make reference to the University's Masterplan and its successors as a basis for guiding future development.

Wallace Land Investments (90048)

Object to the Key Diagram – Core Area (page 20) insofar as it fails to identify land at Back O'Muir Farm for future residential development.

Overarching Policy

Wallace Land Investments (90048)

Make comment on the Overarching Policy (page 28) and consider that additional wording is required in order to make it suitably clear that the policy requirements cover all potential developments.

SEPA (90175) - Offer support for the Overarching Policy.

Homes for Scotland (01391)

Note that paragraph 3.4 of the Proposed Plan (page 11) states the Overarching Policy and the Spatial Strategy are intended to be as much a part of the consideration leading to development decisions as the detailed Policies and Supplementary Guidance. Given this they state that they strongly require Supplementary Guidance to be prepared and consulted upon alongside the Proposed Plan in advance of the LDP examination.

**Modifications sought by those submitting representations:**

Vision Statement

TACTRAN (90193)

Request that the associated text relative to 'A connected, green place' start with the text 'fewer people need to travel and where...'

Gladman Developments Ltd (90350)

Request that a more explicit link be made within 4.1. between delivering the aims set out within the Vision and the delivery of housing.

RSPB Scotland (90154)

Request that the vision be revised to make specific mention of 'conserving and enhancing biodiversity'.

SEPA (90175)

Request that the 4<sup>th</sup> Statement of Section 4 – Vision (page 13) adds reference that the Green Network includes the blue network as well.

Spatial Strategy Approach & Interpretation

CCG (Scotland) Ltd (01617)

Request the Plan allocate a residential led mixed use development at South Kildean, and require a masterplanned approach allowing a minimum of 450 new homes, and the provision of a 40 hectare City/Heritage Park with the potential to accommodate major artworks.

Mactaggart & Mickel Homes Ltd (90346)

Request the Plan allocate 'Airthrey Kerse' as a 'Strategic Expansion' to the north of Stirling, and that consequential changes to Table 1: Spatial Strategy Development Approach (pages 16-17) and Figure 4: Spatial Strategy Development Approach (page 15) are made accordingly.

Stewart Milne Homes Ltd (90272)

Request that:

- Chapter 5 Spatial Strategy contain a clear and unambiguous statement outlining and explaining the Spatial Strategy, and which includes appropriate development in the rural settlements;
- Figure 5 be amended to include an additional tier of settlement – 'Key Rural Service Centres'. These should be identified as the preferred location for new development and growth, and should include Deanston and Doune.

Wallace Land Investments (90048)

Request that the Plan allocate their site at Back O'Muir Farm for 795 residential units.

Hallam Land Management (01781)

Request that the Core Area be revised to focus on Stirling and its immediate environs, removing the eastern villages.

Stafford Trust (90256) - No modifications requested.

The Tough Family (90715) - No modifications requested.

East Dunbartonshire Council (90062) - No modifications requested.

Spatial Strategy Table 1 & Key Diagram

Balfron Community Council (90069)

Request that in relation to Table 1 (page 17) the following additional text is added to the

'What and Why' column relative to Rural Village Area: Sustainable Expansion:

What:

- Redevelopment of key areas of the village/s to improve transport, safety and access to amenities and the wider countryside.

Why:

- To make better use of the limited space available in the village/s to ensure that all residents and visitors can safely and efficiently make full use of the village and access to the wider countryside.

Gladman Developments Ltd (90350)

Request that the supporting text and definitions be re-examined to ensure they are not overly restrictive and allow for the delivery of the housing identified in the Plan and maintenance of 5-year effective land supply.

University of Stirling (90324)

Request that the text of Table 1 (page 16) makes reference and supports their Masterplan and any successors.

Wallace Land Investments (90048)

Request that the Plan allocate their site at Back O'Muir Farm for 795 residential units.

Overarching Policy

Wallace Land Investments (90048)

Request that following additional text be inserted into the second sentence after 'All development':

- "...including those related to the development of both allocated and windfall sites,..."

SEPA (90175) - No modifications sought.

Homes for Scotland (01391) - No modifications specified.

**Summary of responses (including reasons) by planning authority:**

Vision Statement

TACTRAN (90193)

The text relative to 'A connected, green place' (page 13) is intended to articulate the Council's aim to increase and encourage connectivity across the Plan area in a number of respects – including active travel. It is considered that the additional text suggested would confuse this message. Consequently the Council does not agree to modify the Plan in response to this representation.

**Gladman Developments Ltd (90350)**

The Vision expressed within the Proposed Plan touches upon a wide variety of both dispersed and interlinked issues, which come together to shape and create Stirling the 'place' envisioned in 2037. The fact that the provision of appropriate new houses forms an important part of this is not disputed, and as such takes its place alongside a number of other issues within the Vision. However, it is considered inappropriate and inaccurate for the introductory text of the Vision to suggest that housebuilding will be the key driver in delivering all the aspects outlined within the Vision. Consequently the Council does not agree to modify the Plan in response to this representation.

**RSPB Scotland (90154)**

The nature of the Vision is intended to articulate broad aspirations and aims for the Plan area in a short, and accessible manner. A number of the statements within the Vision mention issues relative to habitats and natural landscapes. It is not necessarily intended to describe how every aspect of the Vision will be achieved – that is the role of the remainder of the Plan, specifically the Spatial Strategy and Policies. Here, prominence regarding the importance of conserving and enhancing biodiversity is given within Part C: Conservation of Historic and Natural Heritage. It is therefore considered that the issue of biodiversity is given sufficient coverage within the Proposed Plan, without specific reference of it required within the Vision. Consequently the Council does not agree to modify the Plan in response to this representation.

**SEPA (90175)**

The suggested text changes relative to the Green Network within the Vision statement are intended to provide additional clarity over the term Green Network. Whilst the Council do not take issue with these aims per se, it is considered that these aims would be best, and most neatly, addressed through an alteration to the Plan's Glossary definition of Green Network (page 91) to include reference to blue infrastructure should the Reporter be so minded. This should read 'Green Network: Connected areas of green and blue infrastructure, such as rivers and watercourses, that together form an integrated and multi – functional network. See also Central Scotland Green Network'. This response is consistent to the response given within Issue 2 relative to the same comments made in relation to the Placemaking section and Policy 1.3 by SEPA.

**Spatial Strategy Approach & Interpretation**

Several comments query the ability of the Spatial Strategy, which includes the housing sites outlined within Appendix A: Schedule of Development Sites, to deliver the housing numbers required by the Plan, and maintain an effective 5 year housing land supply. These comments, and the Council's response as outlined in detail within Issue 3, demonstrates that the Proposed Plan allows for a generous housing land supply.

**CCG (Scotland) Ltd (01617)**

In essence the main contention relative to the Spatial Strategy is in respect of the geographical concentration of sites to the south of the Plan area, and an apparent reliance on a number of large strategic sites, which to date have not delivered numbers. In this respect specific mention is made of both Durieshill and South Stirling Gateway. It is argued that the apparent deficiencies and 'risk' of the Spatial Strategy can be rectified by

the allocation of an additional site at South Kildean, which it is argued offer an alternative location to the ones to the south east of the Proposed Plan area.

As set out in paragraph 5.2 of the Proposed Plan the Spatial Strategy focusses on the specific main proposals for the period up to 10 years from the adoption of the Plan, as well as providing a broad indication of the scale and location of growth up to year 20. The Strategy aim over this period, as set out in Table 1 is to deliver the majority of new development, including housing, within the Core Area, with a more modest approach to the Rural Villages Area. It sets out a multi-faceted approach, involving Urban Consolidation; Strategic Development; Urban Regeneration; Rural Development and Sustainable Expansion.

In the short to medium term Urban Consolidation will play a significant part, but it is recognised that strategic greenfield expansion of Stirling City, and the new settlement at Durieshill is also required in the longer term. The Council would therefore contend that the Spatial Strategy offers an adequate range and location of sites, appropriate to the Proposed Plan's wider Placemaking aims, located where demand for additional infrastructure can be limited, whilst responding to the area's landscape and historic environment sensitivities. This is considered a sensible and sustainable approach towards the direction of new development within the Plan area.

Whilst it is accepted that there is to an extent a geographic focus in strategic allocations at Durieshill and South Stirling Gateway within the Core Area is considered in part a reflection of the suitability of sites, and the Plan aim to strengthen the City edges; provide a strategic gateway to the south of the City; and regeneration of the Eastern Villages. It should also be noted that the Proposed Plan allocates a number of residential sites in the immediate vicinity of the promoted site at South Kildean.

The fact that the sites at Durieshill and South Stirling Gateway have not produced 'numbers' to date is not in dispute. However, both sites appear within the agreed 2016 Housing Land Audit as being effective within the Plan Period (CD20). Both sites are subject to Proposal of Application Notice(s) by recognised house builders. Springfield Properties Ltd in the case of Durieshill (PAN-2016-004) (CD95), and Bellway (PAN-2016-02) (CD94) and Tulloch Homes in respect of South Stirling Gateway (PAN-2015-007) (CD96). As outlined within the draft Action Programme (CD17, page 5) an Infrastructure Working Group has been established to assist in the delivery of South Stirling Gateway, with meetings held individually and collectively with land owners and house builders. Although in its infancy it is anticipated that this will continue, with a similar approach adopted with the developer at Durieshill.

The suitability, or otherwise, of the site at South Kildean are considered in detail within Issue 48, and are not repeated here, suffice to say the allocation of the site is not supported by the Council. Consequently the Council do not agree to modify the Plan in response to these representation.

Mactaggart and Mickel Homes (90346)

Table 1 of the Proposed Plan (page 16-17) is considered to clearly outline that 'Urban Consolidation' relates to the reuse of vacant and brownfield land within the existing settlements of Stirling, Cambusbarron, Bridge of Allan and Dunblane. The expansion of the city into Green Belt land to the north of Stirling as promoted by MacTaggart and Mikel could not reasonably be said to fall within this description. Furthermore, as highlighted

above it is considered that the development approach outlined in Table 1, including that under 'Strategic Development' is sufficient to deliver the housing numbers required by the Plan, and maintain an effective 5 year housing land supply. Consequently, the argument put forward that the Spatial Strategy is therefore deficient in omitting their promoted site at Airthrey Kerse under 'Urban Consolidation and Strategic Development' is not accepted. The site promoted at 'Airthrey Kerse' is assessed under Issue 27. The Council therefore do not agree to modify the Plan in respect of this representation.

Stewart Milne Homes Ltd (90272)

Paragraph 78 of Circular 6/2013: Development Planning (CD18) makes clear that the purpose of the Proposed Plan is to set out the 'settled view' of the Planning Authority in respect of the final adopted content of the Plan. The contention that the Plan should offer or discuss alternative Spatial Strategy development or policy options is therefore not accepted.

The Council consider that paragraphs 5.1 through 5.6 of the Proposed Plan clearly sets out the overall Spatial Strategy approach. The various strands are described and explained within Table One, supported by spatially illustrative and map based representations within Figures 4 & 5. Combined with the allocated sites contained within Appendix A, the Proposed Plan is considered to adequately articulate the Spatial Strategy approach, and the criticisms made in respect of clarity are not accepted.

Furthermore, contrary to the comments made, it is considered that Figure 5 (page 18) is consistent with the content of Table 1 with respect to the Rural Villages Area. Table 1 (pages 16-17) makes clear that within the Rural Villages area, there are two development approaches. Firstly, the sustainable expansion of some villages, and secondly rural development – which includes mention of development within the countryside. This is then spatially represented within Figure 5. The contention that the Figure 5 is confusing as Rural Villages Area within Table 1 refers solely to settlements is not accepted, and consequently the Council do not agree to modify the Plan in respect of this representation.

In line with paragraph 68 of Circular 6/2013: Development Planning (CD18) discussion relative to the Spatial Strategy was contained within the MIR August 2015 (CD07). This concluded that, due to the quick review of the LDP, (required to address a modest shortfall in the housing land supply in the short-term) the overall Spatial Strategy approach was considered fit for purpose, appropriate, consistent with SPP aims and was continued into the Proposed Plan.

Compliant with paragraph 60 of Circular 6/2013 The current LDP Spatial Strategy, including the Settlement Hierarchy, was developed and refined over a number of stages of the current adopted Plan, and was evidenced and explained in detail at the time within the Vision and Spatial Strategy Background Report (CD21). This provides a clear rationale for both the Spatial Strategy itself and the Settlement hierarchy developed, and as outlined within the MIR, remains the appropriate approach to be adopted within the Proposed Plan.

The issue of the Settlement Hierarchy relative to Deanston and Doune and the suggestion that these be identified as 'Rural Centres' to which development was directed, formed part of the Examination of the current adopted LDP (CD03). It is contended that the arguments and conclusions contained therein remain valid. Specifically it is contended

that it is reasonable for the Council to adopt a Spatial Strategy which directs most development to its Core Area, and adopts a more modest approach to development within its rural villages, intended to help sustain local facilities and services. Furthermore in this respect, as Doune and Deanston have both been subject to a number of recent allocations (which are either carried forward in the Proposed Plan, under construction or recently completed) it is considered reasonable and appropriate for the Plan to focus attention on other villages also in need of housing, including affordable, but not previously considered.

The fact that there are limited housing allocations within Deanston and Doune is not in itself considered to conflict with the development approach outlined within Table 1 in respect of Rural Villages Area: Sustainable Expansion. The Council therefore do not agree to modify the Plan in respect of this representation.

Wallace Land Investments (90048)

Table 1 of the Proposed Plan outline that the Strategy approach relative to the eastern villages is one of regeneration. The respective Settlement Statement, allocations and relevant Key Site Requirements all make clear that this will involve a place specific and combined physical, social, and economic approach, all involving the participation of the business community, landowners, developer, community planning partners and local communities. The Council would contend that the Spatial Strategy approach relative to the eastern villages is appropriate and responsive to the issues faced.

The suitability, or otherwise, of the site at Back O'Muir are considered in detail within Issue 45, and are not repeated here, suffice to say the allocation of the site is not supported by the Council. The Council therefore do not agree to modify the Plan in response to this representation.

Hallam Land Management (01781)

Given the size and scale of the eastern villages, their proximity to Stirling and location relative to strategic transport networks, the issues they face and the contribution they can make in delivering the Plan's Vision and aims, it is considered entirely reasonable for the eastern villages to form part of the Plan's Core Area. The suggestion that these are remote rural settlements is not accepted. Furthermore, it is considered that the modification sought by Hallam Land Management would result in the Spatial Strategy approach putting undue, and unnecessary, pressure on the release of land around the city of Stirling to deliver the required housing numbers. Consequently the Council do not agree to modify the Plan in response to this representation. The site promoted by Hallam Land Management is considered within Issue 52.

Stafford Trust (90256), The Tough Family (90715), East Dunbartonshire Council (90062)

The comments of support are noted. No modification to the Plan is considered necessary in response to these representations.

#### Spatial Strategy Table 1 & Key Diagram

Balfron Community Council (90069)

Table 1 makes clear the intention to concentrate development with settlements in order to

sustain local services and facilities, and make them most accessible to people. The Vision statement relative to 'A connected, green place' articulates the Plan's aim to increase accessibility, particularly through active travel, through and between settlements, and thereby into the countryside. The Proposed Plan, through allocation B43 (Depot Site) makes provision for, and safeguards, land for economic development, and supports telecommunication infrastructure through Policy 3.4: Installation of Communications Infrastructure. It is therefore considered that Plan already adequately reflects the issues raised by the proposed text, and addresses the wider issues raised, and the Council does not agree to modify the Plan in response to this representation.

Gladman Developments Ltd (90350)

The Council considers that the content of Table 1 as worded is appropriate to articulate and provide clarity as to the development approach adopted by the Spatial Strategy. The Council therefore considers that no modification to the Plan is considered necessary in response to this Representation.

University of Stirling (90324)

Table 1 of the Spatial Strategy does not specifically cross-reference Development Frameworks/Masterplans etc, of which there are a number. As such it is not considered appropriate to refer to either the University's existing Masterplan, or as yet unknown future ones within Table 1. It is considered that the Proposed Plan provides sufficient support to the aspirations of the University (see also Issue 63). The Council therefore do not agree to modify the Plan in response to this representation.

Wallace Land Investments (90048)

The Key Diagram – Core Area is considered to accurately reflect the Spatial Strategy relative to the Core Area. The suitability, or otherwise, of the site promoted – Back O'Muir is addressed in Issue 45. The Council do not agree to modify the Plan in respect of this representation.

### Overarching Policy

Wallace Land Investments (90048)

The Council considers that the existing wording is sufficiently robust as to make clear that the policy and the criteria contained therein apply to all development proposals, including those involving allocated or windfall sites. The additional wording proposed is therefore not considered necessary, and consequently the Council do not agree to modify the Plan in respect of this representation.

Homes for Scotland (01391)

The Council will be embarking upon a review and update of Supplementary Guidance to support the LDP in due course. This will be carried out in line with the procedures set out within Circular 6/2013: Development Planning (CD18). Paragraph 140 (page 36) of this Circular makes clear the provision for Planning Authorities to prepare and adopt Supplementary Guidance alongside, or subsequent, to the LDP.

Consequently, the contention that such guidance should be published alongside the Proposed Plan is disputed. Consequently, the Council do not consider any modification

to the Plan is required in response to this representation.

**Reporter's conclusions:**

Vision Statement

TACTRAN (90193)

1. The vision statement includes a reference to active travel routes and encouragement to use walking, cycling and public transport as means of getting around. I am not convinced that effectively encouraging people not to travel sits comfortably with the overall plan policies. I accept the council's view that this could be confusing. No modification is justified.

Gladman Developments Ltd (90350)

2. The vision already makes reference on page 13 to a range and choice of well-located homes in sustainable locations. The representation makes specific reference to thriving rural communities and well located homes. I consider this to be adequately reflected within the vision statements, which do not refer to individual policies. Primary policy 2.1, referred to in the representation, is comprehensive regarding the effective land supply and this is further considered under Issue 3 to which reference should be made. No modification is required to the vision.

RSPB Scotland (90154)

3. Whilst there is a section on the conservation of historic and natural history in part C1, I consider the vision statements are not particularly strong with regard to habitats and natural landscapes, at least not explicitly. This could be remedied by minor but significant amendments to the vision text relating to special landscapes and the historic environment and natural landscapes.

SEPA (90175)

4. This is dealt with under Issue 2 where a recommendation is made to modify the glossary to take this representation into account.

Wallace Land Investments (90048)

5. This is dealt with under Issue 36.

Spatial Strategy Approach & Interpretation

CCG (Scotland) Ltd (01617)

6. The council has set out comprehensively above its justification for the spatial strategy and I accept this. Under Issue 3 housing numbers are considered and amendments proposed, including further housing allocations. These should be referred to.

7. The key aim of this representation is effectively to promote the South Kildean site. I have considered this under Issue 48 and found that a modification would not be justified.

Mactaggart & Mickel Homes Ltd (90346)

8. In my opinion, Table 1 sets out a clear and comprehensive spatial strategy development approach. The representation is effectively to promote the designation of Airthrey Kerse as a strategic expansion site to the north of Stirling.

9. This has been examined under Issue 27 and no modification has been recommended. There is also an outstanding appeal against the refusal of planning permission for the site. This is the subject of a report currently before the Scottish Ministers. At the time of writing this had not been determined.

10. Issue 3 deals with housing numbers and a number of modifications have been proposed. These include a revised table 4 and to that extent this representation has been successful. See Issue 3 for details.

11. Under these circumstances no modification is recommended under Issue 1.

Stewart Milne Homes Ltd (90272)

12. The council has explained clearly the background to the spatial strategy, its origins in the existing local development plan and further discussion in the main issues report. Although subject to detailed presentational changes, the basic strategy remains unchanged. I note also that it was considered during the examination for the existing plan when the same arguments being put forward now were reported on. I do not find any change in circumstances that justify a modification.

13. The principal aim of this representation appears to be to secure the allocation of land for housing development at Deanston. That is considered specifically under Issue 33 where I found that no modification is justified.

Wallace Land Investments (90048)

14. The representation is against the inclusion of the four eastern villages. The aim in relation to those, that is Fallin, Cowie, Plean and Throsk is one of regeneration and this is clearly designated in Table 1. The modification requested is for a large allocation of housing units at Back O'Muir Farm, which would effectively be a replacement for the eastern villages. This is considered under Issue 45 and no modification is proposed. Overall housing figures are considered under Issue 3 where a number of modifications are proposed, some affecting the eastern villages.

15. Although an argument has been put forward that the character of the villages would be changed by development, I do not consider this justifies removing the considered aim of regeneration, including a cooperative approach, that is well thought out. I accept the council's view that this approach is appropriate and responsive. Taking all these matters into account I find no need for any modification.

Hallam Land Management (01781)

16. This representation also proposes excluding the four eastern villages together with Durieshill. Comments are also made about housing land supply and these are dealt with under Issue 3 where a number of modifications are proposed. These do not include the allocation of land at Whins of Milton, which is considered under Issue 52 where no

modification is proposed. I therefore find no justification for a modification here.

Spatial Strategy Table 1 & Key Diagram

Balfron Community Council (90069)

17. The council has explained the purpose of Table 1 and I consider this to cover the points raised by the community council. Balfron is one of nine villages within the ‘sustainable expansion’ section of the rural villages area. The ‘what’ and ‘why’ clearly set out what is envisaged and the justification for this. I note that Balfron also has specific allocations for 69 houses over five different sites together with an employment allocation. This will help provide for the development within the village requested by the community council. No modification is required.

Gladman Developments Ltd (90350)

18. The approach set out in Table 1 is effectively carried over from the existing local development plan and was considered in the main issues report. I am satisfied that it provides clarity and a clear understanding of the general requirements for development, without being overly restrictive.

19. The overall question of housing provision is considered under Issue 3 where a number of modifications are proposed. No modification is required here.

University of Stirling (90324)

20. The Bridge of Allan settlement statement includes a paragraph at the top of page 123 that deals specifically with the University and has a clear reference to the Campus Masterplan and its successors. In view of this I accept the council’s view that the proposed plan provides sufficient support for the aspirations of the University. See also Issue 63 that deals specifically with the University. No modification is needed.

Overarching Policy

Wallace Land Investments (90048)

21. This is related to the comments addressed at paragraphs 14 and 15 above. These note that land at Back O’Muir Farm should be allocated for housing. This is also dealt with at Issue 45 where no modification is recommended. Similarly, no modification is required here.

Homes for Scotland (01391)

22. This representation refers to supplementary guidance that is not before this examination. No modification is therefore required.

**Reporter’s recommendations:**

I recommend the following modifications:

1. In the fifth vision statement on page 13 include a reference to biodiversity so that the latter part of the sentence reads: “the special landscape setting and its biodiversity is

celebrated and protected and their contribution.....”

2. In the seventh vision statement on page 13 include a reference to biodiversity so that the latter part of the sentence reads: “access to and celebration of historic environment, natural landscapes and biodiversity, new and improved.....”

<b>Issue 2</b>	<b>Placemaking and Green Infrastructure</b>	
<b>Development plan reference:</b>	Section A. Placemaking & Implementing the Spatial Strategy (page 30), Primary Policy 1: Placemaking (page 30) and Policy 1.3: Green Infrastructure & Open Space (page 32)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175) Tulloch Homes Ltd (90724)		
<b>Provision of the development plan to which the issue relates:</b>	Section A. Placemaking & Implementing the Spatial Strategy, Primary Policy 1: Placemaking and 1.3: Green Infrastructure which inter alia reference 'blue infrastructure', air quality and contributions towards open space provision within new development.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Section A Placemaking &amp; Primary Policy 1</u></p> <p>SEPA (90175)</p> <p>Make comment on the introductory text contained within Section A: Placemaking and Implementing the Spatial Strategy (page 30) of the Proposed Plan. Specifically, whilst supporting many of the aims contained therein, they consider that when referencing the Green Network within the 3<sup>rd</sup> paragraph, the text should make clear that this includes the blue network. This they argue would reflect the explanatory note provided under Policy 1.3: Green Infrastructure and Open Space.</p> <p>They confirm support for part (e) of Primary Policy 1: Placemaking (page 30), and in particular its coverage of air quality. They state that whilst Stirling has not currently declared an Air Quality Management Area, they consider that justification for consideration of air quality in policies is provided by the Climate Change (Scotland) Act, NPF3 and SPP. They recommend that the supporting Supplementary Guidance SG01: Placemaking considers providing siting and design options that would improve local air quality.</p> <p><u>Policy 1.3: Green Infrastructure &amp; Open Space</u></p> <p>SEPA (90175)</p> <p>Recommend that reference to the blue network is made within the text of Policy 1.3 itself, as opposed to the current approach which provides this explanation within a footnote to the policy.</p> <p>Tulloch Homes Ltd (90724)</p> <p>Highlight that part (e) of Policy 1.3 states that financial contributions may be sought. They note that SG02: Green Network currently advises that a financial contribution of £1000 per residential unit is expected. Using the example of Proposed Plan site H055 (South Stirling Gateway), in which they have an interest, they suggest that this would result in a</p>		

potential £800,000 contribution for open space alone. This they argue despite the mixed use nature of the allocation, (including golf/leisure facility), and the proximity of the site to the countryside. They state that they consider this unreasonable and likely to impact the viability of the development.

They note that SG02: Green Network advises that on-site and off-site provision may be appropriate mechanisms for delivering open space provision as part of new development. Whilst stating their agreement to such an approach, they stress that contributions should be site specific, related to the development in question, and not 'blanket' across an area. In this respect they cite the Court of Session's decision against the 'Strategic Transport Fund' adopted by Aberdeen City Council (CD62).

In respect of SG02: Green Network, they state that Section 3 of Appendix 1, which outlines various types, definitions and criteria of open space expected as part of new development is overly complex, and could lead to unclear direction to prospective developers and agents when preparing planning applications.

They state that it is unacceptable that a suite of revised Supplementary Guidance is not yet available.

**Modifications sought by those submitting representations:**

Section A: Placemaking & Primary Policy 1

SEPA (90175)

Request that the text relative to Green Network with 3<sup>rd</sup> paragraph of Section A (page 30) be revised to note that the Green Network is inclusive of the blue network.

Policy 1.3

SEPA (90175)

Request that the wording of Policy 1.3 be revised to include specific reference to the 'blue network'.

Tulloch Homes Ltd (90724)

Request that the open space provision requirements are presented either by way of a coherent Table/Figure or within revised Supplementary Guidance. They state that this should include revising the current £1000 per unit figure, and ensure that contributions are sought in line with legislative requirements. They seek the opportunity to comment on any such revised Supplementary Guidance. They also state that all Supplementary Guidance referred to within the Proposed Plan be made available for comment during the consultation process on the Proposed Plan.

**Summary of responses (including reasons) by planning authority:**

SEPA (90175)

The suggested text changes relative to the Green Network within Section A. Placemaking and Implementing the Spatial Strategy and Policy 1.3: Green Infrastructure and Open

Space are intended to provide additional clarity over the term 'Green Network', and be reflective of the explanatory note currently provided to aid interpretation of Policy 1.3. as regards blue infrastructure.

Whilst the Council do not take issue with those aims per se, it is considered that these aims would be best, and most neatly, addressed through an alteration to the Plan's Glossary definition of Green Network (page 91) to include reference to blue infrastructure should the Reporter be so minded. This should read 'Green Network: Connected areas of green and blue infrastructure, such as rivers and watercourses, that together form an integrated and multi – functional network. See also Central Scotland Green Network'. This response is consistent to the response given within Issue 1 relative to the same comments made in relation to the Plan's Vision statement by SEPA.

The Council note the comments made by SEPA in respect of design guidance relative to air quality, and would point to paragraph 5.4.5 of current Supplementary Guidance SG01: Placemaking (CD88), which reflects some of the suggestions made within the representation. Whilst the Council will be embarking on a review of Supplementary Guidance in due course, including the scope and content of SG01: Placemaking, it will be expected to include sufficient design guidance to interpret the policy requirements of the Proposed Plan. The Council therefore do not consider that the Plan requires to be modified in response to this representation.

Tulloch Homes Ltd (90724)

Due to the complexity and variety of issues arising relative to open space, including providing clarity on the Council's approach to its protection, enhancement and additional provision as part of new development, the Council consider that dedicated supplementary guidance is the most appropriate approach. This would include an explanation of, and justification for any developer contributions sought. It is considered that the issues cannot reasonably be reflected, explained, or importantly justified through the provision of a single table within the Plan. This is considered to comply with the approach outlined in paragraph 139 of Circular 6/2013: Development Planning (CD18)

The Council will be embarking upon a review of Supplementary Guidance, including the scope and content of SG02: Green Network in due course. In line with paragraph 141 of Circular 6/2013 this will include a public consultation exercise, and any revisions considered necessary in light of them. This work is expected to include a review of the content, its clarity, interpretation, use and the methodologies for calculation of developer contributions and exact amounts. It is through this process that the comments submitted by Tulloch Homes relative to the developer contributions sought and their criticism as to the clarity provided is more appropriately directed and considered.

As confirmed by paragraph 140 of the Circular the preparation and adoption of Supplementary Guidance can be carried out subsequent to that of the LDP. As such there is no requirement for the Council to publish and consult upon Supplementary Guidance at the same time as the Proposed Plan.

Consequently the Council does not agree to modify the Plan in response to this representation.

**Reporter’s conclusions:**

SEPA (90175)

1. I note the aim of this representation is to provide additional clarity over the term ‘Green Network’. The council has suggested that this aim would be best and most neatly addressed by a modification to the glossary to indicate reference to blue infrastructure. I accept the council’s view on this and recommend that the proposed modification should be made. (See also Issue 1).

2. The references and recommendation regarding air quality refer to supplementary guidance, which does not form part of this examination. I note however that the council will be reviewing the guidance in due course and expects to include sufficient design guidance to interpret the policy requirements of the proposed plan. Accordingly I accept there is no need for any modification of the plan itself.

Tulloch Homes Ltd (90724)

3. This representation also refers to supplementary guidance which the council states will be reviewed. This is not before the examination. I note the comment that it is unacceptable that a suite of revised supplementary guidance is not yet available, but this is not a matter for reporters.

4. The matters raised are appropriate for dealing with within the guidance and therefore I accept the council’s view that no modification is needed to the plan itself.

**Reporter’s recommendations:**

I recommend the following modification:

At the bottom of page 91 delete the definition of ‘Green network’ and replace with:

“Connected areas of green and blue infrastructure, such as rivers and watercourses, that together form an integrated and multi – functional network. See also Central Scotland Green Network’.

<b>Issue 3</b>	<b>Setting the Land Requirement for Housing</b>	
<b>Development plan reference:</b>	Section 6, Setting the Land Requirement for Housing Paragraphs 6.3 – 6.15	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Ristol Consulting Ltd (91258)            CALA Homes (West) (01606)            BDW Trading Ltd (01756)            Wallace land Investments (90048)            Gladman Developments Ltd (90350)            CCG (Scotland) Ltd (01617)            Story Homes (01749)            Homes for Scotland (01391)            Stewart Milne Homes Ltd (90272)            Ogilvie Homes Ltd (90321)            Dandara Ltd &amp; Arnbathie Developments Ltd (01738)            Hallam Land Management Ltd &amp; CEG Land Promotions Ltd (01179)            Persimmon Homes East Scotland (01367)            Westpoint Homes (01396)            Mactaggart &amp; Mickel Homes Ltd (90346)            Tulloch Homes Ltd (90724)            Cowane’s Hospital Trust (01751)            Hallam Land Management (01781)            Bellway Homes &amp; Muirhead Family (01750)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This section of the Plan provides the Council’s methodology for calculating the housing land requirement for the LDP and sets out how the Council has met with this requirement.	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Approach taken and methodology used to determine scale of new housing required</u></p> <p>Ristol Consulting Ltd (91258)</p> <p>The approach taken to identifying land set out in paragraph 6.2 runs counter to the principles underpinning Scottish Planning Policy (SPP). The current adopted plan already has a significant housing shortfall. Stirling Council needs to accept that the majority of the existing allocations are constrained and additional allocations are required to protect against programme delays.</p> <p>Fundamentally disagree with the approach proposed by Stirling Council in the calculation of the Housing Supply Target (HST) and future Housing Land Requirement (HLR).</p> <p>The plan uses the 2011 Housing Needs and Demand Assessment (HNDA) as a basis for calculating its HST therefore it must carry through any shortfalls that have arisen in its first five years (i.e. 2010-2015) otherwise there will be a significant under provision. The Council’s approach to starting at 2015 and not carrying forward shortfalls against the</p>		

target would only be justified if a new HNDA was being used which would account for any previous shortfall.

Based on the 2015 housing land audit, it is evident that the years 2010 to 2015 resulted in a shortfall in completions of 630 units. This is calculated as the HLR of 6,076 adjusted to take account of the variance between the HST for the 5 year period (434 x 5) and the actual completions reported in the 2015 audit. The resultant figure of 630 units (2,170-1,540) needs to be included within the new plan's HST of 5,622 units to ensure the HNDA is met.

The 2015 audit sets the existing supply at 3,418 units yet the proposed plan states in Table 3 that the supply is 4,967. No evidence has been prepared to explain this difference. In the absence of this, the generosity margin must take this over estimation into account.

CALA Homes (West) (01606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

The Proposed Plan adopts an incorrect Housing Supply Target which is contrary to the 2011 HNDA and Local Housing Strategy and the conclusions of the Reporter for the adopted LDP Examination. If the 2011 HNDA is to be used then the plan should use the same base date i.e. 2010.

Paragraph 29 of the 2014 Report of Examination (CD03) states that the HNDA used a base year of 2010 and states that 'in these circumstances it is necessary to take account of the number of houses that have been completed within the plan area during the year 2010 to 2011'. The Proposed Plan should therefore take account of houses that haven't been built in the period 2010-2015.

The housing supply for the plan period 2010-2027 should be calculated by adding together housing completions from 2010-2015, the existing land supply from the 2015 Housing Land Audit, and an annual allowance for small sites and windfall from 2010-2027. This gives a total of 6,927. The Housing Land Requirement should be calculated by multiplying the housing supply target of 416 by 17 years (2010-2027) and adding 16% generosity. This gives a total HLR of 8,204 meaning that additional allocations totalling 1,277 are required. The 322 houses identified in the proposed plan is insufficient to meet the scale of allocations required.

Gladman Developments Ltd (90350)

The approach set out in paragraph 6.2 of the plan is a reversal of the approach set out in Diagram 1 of SPP with the requirement being derived from the spatial strategy rather than the spatial strategy delivering the objectively assessed requirement.

Concerned about the Council ignoring any historic shortfall of delivery against requirements and do not consider this to be appropriate. The new plan is not based on a new HNDA so the need and demand identified in the original HNDA which is being used as a base for this plan has not gone away. This should therefore be provided for in this Plan. The level of housing allocations needs to be revisited and additional sites included.

## CCG (Scotland) Ltd (01617)

Given that a new HNDA is not being prepared for this plan, strongly disagree that the methodology adopted by the Council to use a base date of 2015 and effectively write off the years of under delivery of housing land from a 2010 base date. If a new HNDA was prepared it would factor in this unmet need. As such, the LDP does not reflect the evidence of the HNDA. Also strongly disagree with this approach suddenly being introduced at Proposed Plan stage and not the MIR stage when all sites could be considered with this methodology in mind. The Council's approach in removing all backlog demand has taken 582 units off the overall land requirement. This should be added back onto the housing requirement at a rate of 49 units per annum meaning an all tenure annual requirement of 525 units not 476. This need for housing by local people has not disappeared. Need a greater supply of new housing within strong market areas.

## Story Homes (01749) and Bellway Homes/Muirhead Family (01750)

Consider that the affordable housing element of the HST is far too low and doesn't adequately reflect the need identified in the HNDA. It therefore fails to meet the clear need for affordable housing and an approach which seeks to deliver a higher proportion of affordable housing should be considered.

The HST is further suppressed by the Council ignoring the shortfall in delivery of 540 units in the years 2010-2015. This would result in the HST being increased over the 12 year plan period from 416 units to 461 per annum. Story Homes has submitted a Table 1 which in their view shows that both the market and affordable housing requirement are not sufficient. They have suggested scenarios A and B to increase housing numbers which involve a combination of increasing generosity and making an allowance for the shortfall in housing completions 2010-2015.

## Story Homes (01749) and Bellway Homes/Muirhead Family (01750)

In relation to market housing, the interventions resulting in the HST being reduced from 380 to 328 units per annum are considered unnecessary.

## Homes for Scotland (HfS) (01391)

Fundamentally disagree with how the Council has arrived at its HST. There are significant shortfall in the scale of new housing allocations required in the LDP to meet the Housing Land Requirement in full.

The under performance against the housing supply target between the years 2010-2015 amounts to 540 units and the Council has not provided sound policy reasons for not carrying this over to the new plan. It is not appropriate to set aside recent housing delivery shortfalls in the absence of a new HNDA as a standard component of the HNDA methodology is to take account of previous shortfalls in delivery and factor that into its new need and demand figures. The need and demand as identified in the HNDA is still there and HfS do not understand why the Council would take this approach and further restrict the HST. HfS want greater clarity on this matter. The HST set out in the Proposed Plan relates to the period derived from the projections used in the Local Housing Strategy and should be 2010 to 2027. As a consequence of this the Council must take account of the houses that have been completed within the plan area during the period from 2010 to 2015. This position is set out in HfS letter to the Council dated 28 July 2016.

The Housing Supply Target over the 17 year plan period is 7,072 and not 4,992 as set by the Council. This represents a shortfall of 3,136 homes. The approach taken by the Council in arriving at its HST therefore does not accord with SPP paragraph 115.

Concerned that the Council is actively seeking to lower the HST to such an extent in relation to the assessed need and demand contained in the HNDA. There must be significant concern that this will cause a housing crisis in the Stirling area. The Proposed Plan strategy is not consistent with SPP and only seeks to respond to a shortage of affordable housing by unnecessarily constraining the overall housing land supply.

HfS do not agree with the housing calculations and are of the view that a generosity level of 20% and the completions running from 2010-2015 should be taken into account in arriving at a Housing Land Requirement for the plan period of 2010-2027. HfS have included tables in their representation to illustrate this and conclude that the new allocations the Council has identified of 322 homes is insufficient to meet the scale of allocations required. There is a case for an additional 1,237 units over the LDP period.

Stewart Milne Homes Ltd (90272)

MIR stated that the new plan would base housing land requirements on the HNDA produced in 2011 which was accepted by most parties to facilitate early review of the plan. Fundamental to the use of this HNDA must be consideration of performance against targets for the period up to 2015. This was the approach set out in the MIR but the proposed plan takes no account of the shortfall in provision of housing prior to 2015 when measured against targets. This unmet demand is ignored in the latest plan. No reasoned justification for this approach and it suppresses HSTs and HLRs.

Do not agree with paragraphs 3.2 and 3.4 of the LDP Housing Background Report which states the approach to housing in the Proposed Plan meets with SPP. Para 115 of SPP is clear that setting of HSTs is a function of the Development Plan not the Local Housing Strategy and there is no evidence that a considered policy view has been taken regarding the appropriate number of homes to be delivered.

Ignoring the 540 unit shortfall from 2010 – 2015 will mean that the HST in Table 2 and the Housing Land Supply in Table 3 have both been suppressed. The HST for affordable housing in Table 2 can also be seen to have been suppressed compared to the HNDA. More market housing can provide more affordable housing. This should be taken into account. In Table 2 the total of 1,056 units falls well short of the range identified in the HNDA which, extrapolated for a 12 year period, would total 7,248 units. The HST therefore only aims to provide around 15% of the total requirement which cannot be acceptable.

Regarding the rural area, Table 2 sets out targets for market and affordable housing which are 480 and 312 for the 2015-2027 plan period respectively. This falls well short of the supply identified in Table 3 which allocates 353 market and 83 affordable units. These rural allocations should be added to in order to meet the targets in full.

Homes for Scotland has provided an alternative calculation and has concluded that the shortfall in allocations could be even higher at around 1,559 units for the period 2015-2027. Whatever approach is adopted, the shortfall is between 1251 and 1559 units.

## Ogilvie Homes Ltd (90321)

Is of the view that an increase in capacity from 175 to 190 units at Site H058, Newpark Farm will assist in meeting the housing land requirement. This matter is covered by Issue 44.

## Dandara Ltd &amp; Arnbathie Developments Ltd (01738)

The Council has changed the base date of the plan specifically to avoid the need to allocate additional land. In the absence of a new HNDA the base date of the plan should remain at 2010. If this higher land requirement is used taking into account of shortfalls against the HST between 2010 and 2015, and no additional allocations are identified then the generosity level reduces to only 3.2% which is not in line with SPP.

The underperformance 2010-2015 cannot be ignored. The LDP housing background report highlights anticipated population and household growth between 2017 and 2027. It acknowledges that the figures are similar to those used to inform the adopted LDP and in the absence of any reduction in those figures, it is important that the underperformance in the earlier period is addressed to ensure that housing demand is fully satisfied throughout the entire plan period.

The HST is set too low. Not only does it require to be increased to address underperformance in the period 2010-2015, it requires to be increased to reflect the HNDA and should address the supply of land for all housing. The HNDA identifies a need for 660 affordable units per annum yet the HNDA makes provision for only 88 units per annum. Whilst it is acknowledged that that this exceeds the average completions of 77 units per annum over the 6 years between 2009 and 2015, it lacks ambition to address affordable housing need in the area. A more ambitious affordable housing target should be set.

It is assumed that the range of interventions used to justify lowering both the market and affordable HST are ongoing. However, it is unlikely that many of the interventions will be finite in terms of what they can deliver e.g. there are only so many empty homes that can be brought back into use and only so many existing properties that can be subdivided to provide smaller homes. Taking this into account, this would increase the overall HST from 416 units to 453 per annum. Making provision for previous year's underperformance would amount to an additional 45 units per annum. The HST should therefore be increased to 498 unit per annum resulting in a supply target for the period 2015-2027 of 5,976 units. This exceeds the HLR set out in the proposed LDP and additional allocations are required regardless of the generosity level set.

## Hallam Land Management Ltd and CEG Land Promotions Ltd (01179)

New HNDA not produced and plan has not taken account of shortfalls since the production of the one being used for this plan. This approach is wrong because if a new HNDA had been undertaken it would have taken account of previous delivery shortfalls.

The HNDA shows a need for 6,040 affordable homes over its 10 year period. Paragraph 115 of SPP states that the target should be reasonable and reflect the HNDA estimate of housing demand. The HST is neither reasonable nor is it a reflection of the HNDA. In effect the Proposed Plan is planning for a shortfall of nearly 6000 homes, more than half the numbers required to meet housing need and demand in full. The Housing

Background report implies that the LDP should reflect the HST set out on the Local Housing Strategy. This is incorrect because SPP states in paragraph 115 that plans should set the HST and that this should be reflected in the LHS.

The Councils approach to setting the HST is not consistent with SPP because it does not justify the target chosen in terms of environmental factors, capacity, resource and deliverability. Assumed that the affordable HST has only been chosen on one factor – the ability of housing providers to deliver. This does not properly take account of the ability of private developers to facilitate the delivery of affordable housing.

Suppressing the HST to such an extent will cause a housing crisis. The LDP responds to a shortage of affordable housing by further constraining the supply.

The MIR used a plan period of 2010-2027 but the proposed plan has changed this to 2015-2027 and has ignored the shortfall in delivery of the HST between the years 2010-2015.

The reason for seeking to replace the plan was to rectify the inadequacy of the adopted LDP in respect to providing a margin of generosity in addition to the HST which is compliant with SPP. However, it appears the Council is using this as an excuse to lower the HST by discounting delivery shortfalls.

Shortfalls cannot be written off in the absence of a new HNDA. This is because a standard component of the HNDA methodology is to take account of previous shortfalls in delivery and factor that into its new need and demand figures. The need and demand identified has not gone away and cannot understand why the Council would ignore it.

The background report states that the Scottish Government were consulted and agreed on the approach to housing land. It is doubted that they would have agreed to the methodology had they been made aware of all of the relevant background and not aware that the Scottish Government has signed off the full methodology. Suggested that this should be subject to proper scrutiny through the Examination process.

Persimmon Homes East Scotland (01367)

Support the stance taken by Homes for Scotland in the preparation of the Proposed Plan. Fundamentally disagree with the methodology used by the Council in arriving at HST, HLR and effective housing land supply. Disagree that the Council should disregard the shortfall in housing delivery since the HNDA base date and contend that in the absence of a new HNDA, that the shortfalls should be addressed in full. In this regard the HST should be 7,072 which represents a shortfall of some 3,136 homes.

The generosity level should be increased to 20%. This would result in an overall HLR of 8,486 for the period 2010-2027. Taking into account completions 2010-2015, existing supply from the 2015 audit, windfall/small sites allowance results in a housing land supply of 6,927. Requirement for additional allocations therefore amounts to 1,559 units. Taking into account additional 322 proposed by the Council, the shortfall is 1,237 over the plan period.

Mactaggart & Mickel Homes Ltd (90346)

The Council has fundamentally underestimated the number of new homes required over

the plan period. Of the view that there is a 600 unit shortfall arising from 2010-2015 that needs to be provided for in the LDP. The Housing requirement should make provision for these required homes and make sure allocations are in place to deliver this provision. Allocations should be in the Core Area to reflect LDP vision and Spatial Strategy. If this isn't done prior to examination an inquiry session should be held as part of the examination.

Tulloch Homes Ltd (90724)

Supports Homes for Scotland view and generally adopts their concerns. Council cannot ignore shortfall from previous plan periods when calculating new HST for future LDPs. The HST is lower than it should be. The HST should be calculated using period 2010-2027 to tie in with most recent HNDA = 7072 units. Resulting shortfall of 3,136 units and overall under allocation of 1237 units.

Key component of HNDA calculation is to factor in previous delivery shortfalls and convert these into future need and demand. Put simply, any shortfall in past housing delivery is taken on board when projecting future housing need. Stirling Council does not believe that housing backlog should be taken into account in this way. Disagree with this. Backlog should inform the underlying HST as well as scale of generosity and subsequent HLR. Where historic housing delivery backlogs exist, they are evidence that housing strategies are failing to some extent. This means that 20% generosity should be applied to help tackle shortfalls and avoid future shortfalls. Applying increased generosity to increased HST will require additional allocations.

The fact that the affordable and market HSTs are consistently not being achieved points to a land use strategy that isn't delivering. The PLDP continues this strategy and will result in ongoing under delivery of much needed housing. A more ambitious strategy is required.

The Cowane's Hospital Trust (01751)

Homes for Scotland raise significant issues about the methodology used to calculate Housing supply targets, housing land requirement and the effective land supply. Has been found that Stirling Council will not maintain a 5 year effective land supply in the new LDP. Also evidence of a current shortfall in Council's recommendation for an application for housing development at Airthrey Kerse, Bridge of Allan (14/00595/PP) which stated that the Council did not have a 5 year effective land supply. Most recent audit identifies and confirms that the authority does not have a 5 year supply. Council relies too heavily on strategic land allocations. It would be dereliction of duty for the Council to adopt a plan without addressing the critical housing land supply situation it is in.

Hallam Land Management (01781)

Plan fails to allocate sufficient land for housing. Unacceptable to ignore underperformance of 540 units against target in years 2010-2015. This is clearly against the spirit of SPP and is suppressing the HLR. Failure to meet targets shows that the LDP places too much reliance on sites which are not effective. Housing Background Paper states that market conditions indicate that developers are likely to struggle to continue to sell homes that they build. Hallam Land Management do not agree and are of the view that the number of completions in the Stirling area has been unduly suppressed by the allocation of sites which are not effective. Council should focus on the city core. Statistics suggest that house sales in Scotland are increasing and support the view that house builders would

not struggle to sell homes in marketable parts of the Council area. Council's 2015 audit shows average of only 194 market houses proposed to be completed over the next 5 years which confirms the view that the Council is not allocating sufficient effective housing sites in marketable locations. Question why the more recent 2016 housing land audit wasn't used to inform the plan and also do not agree with the reductions in the HST set out in paragraph 3.16 of the Housing Background Report.

The HNDA shows requirement for 700 affordable homes per annum but adopts a target of only 88. Council fails to properly recognise the relationship between the provision of market housing and the delivery of affordable housing. Providing more market housing means that house prices will reduce and that sites will provide 25% affordable housing. The Proposed Plan's approach is to overly constrain supply of market housing which is a flawed strategy.

Failure to meet with 5 year effective land supply on adoption of plan

CALA Homes (West) (10606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

As a consequence of calculating the housing land requirement incorrectly and identifying insufficient land, the LDP will not have a 5 year supply of effective land at adoption in 2017. CALA's assessment shows that the actual housing supply target remaining for the period 2017 to 2027 is 4,951 units giving an annual HST of 495 units. The shortfall in the 5 year effective land supply 2017-2022 is 304 units. SPPs presumption in favour of development that contributes to sustainable development will therefore apply.

BDW Trading Ltd (01756), Wallace Land Investments (90048)

Have submitted an assessment of the 2015 Housing Land Audit prepared by NLP. It is noted that with the Stirling Core Area:

- Only 17% of the cumulative total site capacities will contribute more than 2/3 of their allocated completions within the five year period;
- 61% of the identified supply will provide more than 1/3 of their completions beyond the five year period; and
- 23% of the supply will not provide any completions within the five year period.

Gladman Developments Ltd (90350)

The plan as proposed will not result in a five year supply of land (table provided to demonstrate this)

CCG (Scotland) Ltd (01617)

Using the Proposed LDPs 5 year effective land supply from now (2015-2016) would require 2,380 units (478 x 5) to be delivered by 2020-2021. The programming in the Council's July 2016 Housing Background Report estimates that 1,843 completions by then, meaning a 5 year effective land supply would not be in place if the LDP was adopted right now. Although delivery rates are expected to rise in the following years, this demonstrates vulnerability in the generosity level of the targets.

Concern about the distribution of the major allocated sites. Four out of the five largest

programmed providers of homes over the HLA period are to the south or east of Stirling. The Proposed LDP has an over reliance on a limited number of large sites which haven't delivered over the last 5 years. If one or two of these continue to stall then the situation with the effective housing land supply for the adopted LDP will likely be repeated.

Homes for Scotland (01391) - As a consequence of the Council having a shortfall in the scale of new housing allocations required to meet the Housing Land Requirement, the Council's proposed development strategy will not maintain a 5 year effective land supply at all times. This is not acceptable to Homes for Scotland or its members.

### Generosity Level

Ristol Consulting Ltd (91258)

Stirling should apply a generosity level of 20% because a large proportion of the supply comprises of an urban renewal project. Most of this is carried forward from previous local plans and has failed to meet anticipated build levels. The fact that the area is treated as one functional housing market area magnifies this despite clearly defined socio economic and physical differences that exist in the area.

A 20% generosity margin would equate to an HLR of  $5,709 * 20\% = 6,850$  and require a further 1,898 houses (158 per annum) to total an annual build rate of 634 units.

CALA Homes (West) (01606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

The methodology for calculating the generosity level of 14.4% is contrary to SPP and goes against comments that the Reporter made under Issue 4 of the adopted 2014 Stirling LDP. The level of generosity should be chosen first then land should be found to meet this. Stirling Council has not followed this procedure. Instead, the LDP identifies suitable sites then calculates what the level of generosity is.

Stirling Council's land supply is unreliable and is based on historic allocations from previous local plans and structure plan. Analysis confirms that on average only 74% of the annual housing land requirement was met over the period 2010-2015. This is an underperformance of 16% and would represent an appropriate generosity allowance. This percentage is between 10% and 20% as required by SPP and is a robust explanation.

CCG (Scotland) Ltd (01617) - Strongly consider that the generosity level should be 20%, the highest of SPP's range. This will look to address and reverse the trend of significant under delivery in new housing across Stirling and will help to counter the over reliance of large sites in a geographically focussed part of the Core Area. A 20% generosity should be a certainty if the Council approach of discounting past under delivery is taken forward.

Story Homes (01749)

The adoption of a 14.4% generosity allowance does not take into account the very significant shortfall in the five year housing land supply. This should be more closely aligned with the 20% upper limit recommended in SPP to allow well located strategic housing sites such as Cushenquarter, Pleaen coming forward for development.

Homes for Scotland (01391), Stewart Milne Homes Ltd (90272), Tulloch Homes (90724)

HfS has always maintained that the generosity margin added to the HST should reflect the degree of certainty as to the deliverability of the housing supply target that has been identified to date. Recent delivery shortfalls and the Council's track record in predicting delivery through its land audits would indicate that the Stirling LDP should adopt a higher generosity level of 20%.

Danadara Ltd & Arnbathie Developments Ltd (01738)

The 14.4% generosity level set is inadequate. The generosity level appears to have been arrived at by default. It has been determined by the Council selecting a number of sites and assessing their capacity against the HST. This cannot be what was intended by SPP. SPP highlights that the HST should be increased by 10-20% in order to ensure a generous supply of housing. SPP also requires an explanation for the chosen margin in the plan. The Council's justification in the housing background report appears to be based on a limited range of factors including environmental capacity of the area, infrastructure, timescales and funding. Every site needs to be assessed against these and they should not be used as a justification to restrict the scale of generosity. Issues such as underperforming should be considered and the generosity level should be increased to 20% to increase the prospect of the sites being delivered. This would increase the HLR to 7,171 units over the plan period thereby necessitating additional allocations of 1,462 units.

Persimmon Homes East Scotland (01367)

A generosity level of 20% is more appropriate than 14.4%.

Hallam Land Management (01781)

Proposed Plan generosity of 14.4% is too low. The Council states in the Housing Background Paper that the proposed 14.4% generosity allowance was not chosen first and then land found for it. Instead a range of land for housing was identified with the % generosity calculated afterwards. It therefore appears that the generosity margin is based on what land is suitable for allocation rather than a desire to allocate a genuinely generous supply of housing. Consider that generosity should reflect the degree of certainty as to deliverability of the housing land supply that has been identified to date. Stirling Council has a history of underperformance when compared with its HST. Most recently completions of 1540 units were achieved (2010-2015) against a HST of 2080. Generosity should therefore be 20%.

Bellway Homes and Muirhead Family (01750)

Refer to the fact that a more generous supply of housing land and a focus on those sites that can be brought forward for immediate development can increase the number of houses to be completed over the next 5 years significantly. The generosity level of 14.4% takes no cognisance of the very significant shortfall on the 5 year housing land supply. This should be more closely aligned to the 20% upper limit recommended in SPP.

Additional Allocations in Proposed Plan

CALA Homes (West), BDW Trading Ltd (01756), Wallace Land Investments (90048),

Westpoint Homes (01396)

The Council has identified its proposed new allocations in the Proposed Plan. It is apparent that the Council expects all sites to be completed within the plan period. No consultation with the private sector was undertaken in this programming which would take into account lead in times and agreed build rates. The Council is required by SPP to be confident that the sites will be delivered. A further 955 homes are required based on the 2015 audit.

**Modifications sought by those submitting representations:**

Ristol Consulting Ltd (91258)

Modifications to Table 2 Housing Supply Target, Table 3 LDP Housing Land Supply and Table 4 Generous Supply margin, along with explanatory paragraphs 6.3-6.15

Modify Table 2 as follows:

Tenure	Sub area	Housing Supply Target	
		Per annum	2015/2027
Market	Core	387	3,957
	Rural	63	540
	Total	450	4,497
Affordable	Core	84	843
	Rural	28	282
	Total	112	1,125
Overall Housing Supply Target		562	5,622

Modify Table 3 to take account of the Housing Land Requirement

Column 5 – Allocate Additional sites to meet shortfall of 1,898 housing units and a new total of 2,200 units

Column 6 – change market units to 5,138 and affordable units to 1,712 to total a Housing land Requirement of 6,850 units.

These allocations should largely be within the core area to reflect the Plan’s vision and spatial strategy and as such necessitate a review of the green belt. With a recently adopted LDP, Stirling Council have the time to undertake this exercise as a modification to the Proposed Plan for further consultation. Should the Council decide not to seek a plan led approach to meeting housing needs in full, then due to the critical importance of this issue, the matter must be subject of inquiry at the Examination stage of the LDP.

Table 4

Tenure	Housing Land Requirement (HLR) 2015/2027	Housing Supply Target (HST) 2015/2027	Difference (HLR-HST)	% Generosity
Market	5,138	4,497	641	20%
Affordable	1,712	1,125	587	
Total	6,850	5,622	1,228	

CALA Homes (West) (01606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

Tables 2, 3 and 4 should be replaced with the following tables below:

Table 2 Housing Supply Target (HST) and Housing land Requirement

Tenure	Sub Area	Housing Supply Target		Housing land Requirement 2010 to 2027
		Per annum	2010 to 2027	
Market	Core	288	4,896	5,679
	Rural	40	680	789
	Total	328	5,576	6,468
Affordable	Core	62	1,054	1,223
	Rural	26	442	513
	Total	88	1,496	1,735
Overall Housing Supply Target		416	7,072	8,204

Table 3

Tenure	Sub Area	Housing Completions 2010-2015	Existing Supply from 2015 HLA	Small sites and Windfall allowance 2015-2027	Housing Land Supply 2010 to 2027
Market	Core		3,498	305	
	Rural		212	116	
	Total	1,461	3,710	420	5,591
Affordable	Core		1,180	0	
	Rural		77	0	
	Total	79	1,257	0	1,336
Total		1,540	4,967	420	6,927

Table 4

Tenure	Sub Area	Housing Land Requirement 2010-2027	Housing Land Supply 2010-2027	Additional Allocations 2015-2027
Market	Core	5,679		
	Rural	789		
	Total	6,468	5,591	877
Affordable	Core	1,223		
	Rural	513		
	Total	1,736	1,336	400
Total		8,204	6,927	1,277

Should the Council not identify additional allocations to maintain 5 year effective housing land supply at all times from the point of adoption, a hearing session will be required as part of the Examination process to resolve matters.

Gladman Developments Ltd (90350)

The plan should be modified to ensure that it complies with the requirements of SPP, additional sites should be allocated within the plan to ensure a 5 year supply of effective housing land on adoption and that there are sufficient sites of varying sizes scales types and locations to maintain a sufficient level of supply.

The plan should remove references to economic circumstances exempting the Council from maintaining the level of supply as SPP does not allow for that derogation. Table 3 should be presented in the same format as Table 2 to ensure clarity and ease of use.

Allowing greater levels of development particularly in the rural area would address the issue of shortfalls in this area which the spatial strategy is creating.

CCG (Scotland) Ltd (01617)

Wish to see a recalculation of the housing land figures using a methodology fully compliant with SPP which takes into account the last 5 years of unmet housing need. This would add a requirement for at least another 582 units. Generosity level of 18-20% should be applied to the Housing Land Requirement to protect against under delivery.

Story Homes (01749)

The Housing Land Requirement should be changed to reflect the range 1,450 – 2,900 additional homes on new sites.

Homes for Scotland (01391)

Homes for Scotland set out below its modifications to the LDP: A generosity margin of 20% is required by the Council to be adopted.

The Council's proposed development strategy as set out in LDP 2 does not in Homes for Scotland opinion comply with the requirements of SPP. Homes for Scotland would assert that the methodology for identifying the scale of allocations required to meet the housing land requirement in full is not correct. The following modifications as found in Tables 2, 3, 4 and 5 need to be adopted by the Council and be made part of the Proposed Plan as set out below.

The Housing Supply Target figure should be 7,072 as set out in Table 3 below.

HFS Table 2 Housing Supply Target

Tenure	Sub Area	Housing Supply Target	
		Per annum	2010-2027
Market	Core	288	4896
	Rural	40	680
	Total	328	5576
Affordable	Core	62	1064
	Rural	26	442
	Total	88	1496
Total		416	7072

HFS Table 3 below sets out the overall Housing land Requirement applying a 20% generosity allowance

HFS Table 3 Generosity Allowance at 20%

Tenure	Sub Area	Housing Land Requirement 2010 to 2027
Market	Core	5875
	Rural	816
	Total	6691
Affordable	Core	1265
	Rural	530
	Total	1795
Overall Housing Land Requirement		8486

Table 4 HFS Housing Land Supply

Tenure	Sub Area	Housing Completions	Existing supply from 2015 HLA	Small sites and windfall 2015/2027	Housing Land Supply
Market	Core		3498	305	
	Rural		212	118	
	Total	1461	3710	420	5591
Affordable	Core		1180		
	Rural		77		
	Total	79	1257	0	1336
		1540	4967	420	6927

The Council has made an additional allocation of 322 homes which is not sufficient to meet requirements. There is a case for an additional 1,559 over the LDP period as set out in Table 5.

Table 5 HFS Additional Allocations

Tenure	Sub Area	HLR 2010-2027	Housing land Supply 2010-2027	Additional Allocations 2015-2027
Market	Core	5875		
	Rural	816		
	Total	6691	5591	1100
Affordable	Core	1265		
	Rural	530		
	Total	1795	1336	459
Total		8486	6927	1559

Stewart Milne Homes Ltd (90272)

The Council should be required to carry out a wider policy review on the number of homes required within the LDP area as set out in paragraph 115 of SPP. The LDP cannot be adopted until this is done.

The HST should be recalculated to take account of the shortfall in delivery of 540 units in the period from 2010 to 2015. The total supply target of 4992 units in Tables 2 and 4 should be altered to 5532.

The generosity level should be altered to 20%. Tables 3 and 4 should be amended to show a total HLR of 6638 rather than the 5709 as currently shown and a requirement for additional housing land capable of providing between 1251 and 1559 units.

A critical reassessment of the existing housing land supply that takes a realistic view of deliverability and effectiveness is needed. Appendix A should be amended with the removal of ineffective sites and the allocation of new effective sites to address the increased housing land requirement.

Amendment of the figures for the rural area in Tables 2 and 3 is required to ensure that the final land requirement for market and affordable housing in the rural area in Table 3 exceeds the amended housing supply targets in Table 2.

#### Dandara Ltd & Arnbathie Developments (01738)

The Housing supply calculations should be taken from the HNDA base year of 2010 and underperformance in the years 2010-2015 carried over to the period 2015-2027. The overall HST should be increased to 5,976 and a generosity level of 20% should be added to give a HLR of 7,171. Additional sites to address the 1,462 shortfall need to be identified. Danadara and Arnbathie Development's site at Dunblane South should be considered for inclusion to satisfy part of this requirement.

#### Hallam Land management Ltd and CEG Land Promotions Ltd (01179)

The HST should be significantly increased to ensure that the Plan complies with the requirements of SPP and makes full provision for the shortfall in housing delivery for the period 2010-2015. Additional effective sites should be allocated. The site at St Ninians Road/Polmaise Road, Cambusbarron can accommodate in the region of 220 new homes.

#### Persimmon Homes East Scotland (01367)

Sites at Airthrey Kerse (600 units) and Westerlea (50 units) at Bridge of Allan should be added to the plan.

#### Mactaggart & Mickel (90346)

The housing chapter and housing requirement has to be increased to meet the requirement of the residents of Stirling.

#### Tulloch Homes (90724)

Table 2 should be altered to take account of historic delivery shortfall and ensure future targets meet the needs of the area. HST should be increased as per HfS submission and taking a more pragmatic approach to the calculation of net housing need.

Table 3 should be updated to take account of anomalies in the 2015 HLA, an updated HST and 20% generosity.

Density of development on sites such as South Stirling Gateway should be reconsidered for higher density to meet increased HLR.

The Cowane's Hospital Trust (01751)

Identify a site at South Kersebonny Farm, Cambusbarron for housing development (c100 units)

Hallam Land Management (01781)

The Housing Land Requirement should be significantly increased. As a minimum they suggest carrying over the shortfall from the 2010-2015 period together with increasing the generosity allowance to 20%. Additional effective housing sites should be identified in more marketable areas, in particular Stirling.

**Summary of responses (including reasons) by planning authority:**

Approach taken and methodology used to determine scale of new housing required

All representations oppose the approach taken by the Council in calculating its housing land requirement. The key issue here is the fact that the Council does not intend to carry over under performance against the housing supply target for the years 2010-2015. This amounts to 540 units (1540 completions versus a HST of 2080). The Council did not have sufficient time to produce a new HNDA in advance of its review of the LDP so decided, with agreement of the Scottish Government, to do a mini review of the existing HNDA (contained in LDP Housing Background Paper (CD47). This concluded that there have been no major changes in the housing market in the intervening period and that it is therefore appropriate to use the same HST for the new plan period.

The housing land calculations set out in the Main Issues Report (CD07, page 33 - 42) proposed that the plan period would be 2010-2027 despite the adoption date of the plan being 2017. This approach meant that under performance against the HST in the years 2010-2105 would be added to the forthcoming period with sufficient land requiring to be identified for it. A change in management of the planning policy function of the Council took place after publication of the MIR and before publication of the Proposed Plan. This prompted a review of the housing land calculations and in the Council meeting with Scottish Government Planning and Housing officials, which included a manager from the Centre for Housing Market Analysis, in late October 2015.

The Council clearly set out its position at this meeting i.e. asking whether the Council, in the absence of carrying out a new HNDA, requires to look back to 2010, the base date for the existing HNDA, and identify land to make up for the fact that market housing completions were less than the HST for the five years 2010-2015 as well as identifying a generous supply of land for the period that the plan would actually cover, that is, 2015-2027. The Scottish Government planning officials stated that it is not the intention of SPP or the Scottish Government that planning authorities should identify additional land to make up for past lack of completions when preparing a new plan. It was stated that planning authorities should instead concentrate more on ways to deliver identified land and on place making principles. The representative from the Centre for Housing Market Analysis agreed and was clear that the Housing Supply Target is a target which looks at the level of housing that could be delivered in an area. The conclusion reached at this meeting is that there is no technical reason why land for the 540 units which make up

shortfall of market units against the HST for the years 2010-2015 should be included within the new LDP. A meeting note to evidence this is provided for the information of the Reporter (CD57)

Given that no response to the Housing Land calculation has been received from the Scottish Government as part of the Proposed Plan consultation, it is clear that their view is that the plan is compliant with SPP in this regard. Had it been considered to be contrary to SPP as most of the representations received on this issue are suggesting, then a representation to this effect would have been submitted.

Given that the view being expressed at national planning and housing policy level confirmed the Council's thinking at the time of preparing the Proposed Plan and was clear on this matter i.e. that the Council did not require to identify land to accommodate land for this under performance, it was considered appropriate to proceed on this basis.

However, given that this would have an impact on the house building industry, it was considered appropriate to consult with Homes for Scotland when the Proposed Plan text was being prepared. In this regard, a meeting took place with a Principal Planning Advisor of Homes for Scotland in March 2016. The proposed change to the housing land calculation was explained in full. No response to this issue was provided at the meeting, Instead, the Principal Planning Advisor stated that comments on this issue would be provided separately. No comments were received by May 2016 so an email was sent prompting Homes for Scotland for a response. During this email trail (CD58), it was agreed that the base date of the plan should be 2015. The Council took this as Homes for Scotland agreeing with the reviewed method of calculation given that this matter had been discussed in full at a meeting and by email. However, after publication of the proposed plan Homes for Scotland confirmed in writing (CD59), which the Council responded to (CD60), that this was not the case and have made representations, as have many of their members, to state that they fundamentally disagree with the Council's revised approach.

It is clear there is a disagreement on this principle between the house building industry and the Council. The representations point out that the unmet need or 'backlog' which this under performance against targets has led to has not gone away and must be provided for in the new plan and that if it is not included then there will be a significant under provision. The Council would, however reiterate what was stated by the Centre for Housing Market Analysis that the HST is a target and an estimate of what will be delivered. The new plan proposes to continue with, and provide land for, this target over the plan period of 2015-2027 in the absence of a new HNDA because there have been no significant changes in the housing market as was evidenced in the mini review of the HNDA. However, it does not follow that any previous under performance should automatically be added to this target.

It is the Council's view that this approach is further justified in the Scottish Government's draft Planning Delivery Advice (CD50), published in March 2016. Although a draft document which has still to be finalised, it nevertheless conveys the Scottish Government's latest thinking on housing delivery. In paragraph 75 of this guidance, it is stated that:

"completion rates should not automatically be used as an indicator for additional land release. Where past completions are lower than expected, it does not always follow that additional land needs to be allocated for housing".

There are a variety of reasons why the target hasn't been delivered. The representations suggest that it is the fault of the Council's for not identifying a suitable range of sites. The Council does not agree that this is the case and has confidence in the programming of all existing and newly identified sites. The slower than originally envisaged recovery of the housing market are more likely reasons in the Council's view. The Council's HNDA (CD44) showed a realistic baseline scenario of between 190 – 260 market units being required per annum. However in arriving at the HST, Homes for Scotland requested that this figure be inflated to 230-380 market units per annum to plan for a more optimistic assumption about market recovery. It was agreed to use the highest point of that optimistic range as a starting point for the market HST (380 units). As is stated in paragraph 4.4 of the Housing Background Report (CD47), the average number of market houses actually being delivered over the past 5 years is at the upper end of HNDA realistic baseline scenario range at 237 houses per annum. This demonstrates that identified need and demand for market housing is being delivered and that it is the 'optimistic market recovery' element of the market HST which is not yet being built year on year. This indicates that the market has not recovered to such a degree that this higher aspirational target, which had no real evidence base for being selected other than at Homes for Scotland's request, is being delivered and provides further justification for not adding this unmet element of the target to a new LDP.

It is considered that this inflated market element of the HST provided, and continues to provide additional flexibility which the Council is happy to continue with but the house building industry wants to add even more flexibility to the system effectively increasing the housing supply target further than it already has been. The Council is of the view that this will not in itself assist delivery. The Stirling area is now at a point that for major house building to take place, major infrastructure investment (transportation and education provision) is required. It is therefore more appropriate for the Council to concentrate on working with the development industry to deliver this land through an effective Action Programme as opposed to adding ever increasing amounts of land into the development plan which in planning for, puts additional pressure on infrastructure. The Council considers that the land identified in the LDP for housing, particularly the strategic development sites, are sustainable, marketable and deliverable and stem from a robust spatial strategy.

Paragraph 43 of the 2014 Report of Examination for the existing adopted LDP (CD03, Page 69) provides commentary on the fact that the Council chose an optimistic scenario rather than the realistic scenario contained in the HNDA in arriving at its HST.

Paragraph 76 and 77 of Issue 4 then acknowledges that the Council has "built in provision for what it considers a generous land supply through the demand side of the calculations" (CD03, Page 77).

This confirms that the Council is building in two lots of generosity to its Housing Land Requirement, firstly through opting for an optimistic HST for the plan period but then also by adding 14.4% on to the HST for the plan. The representations received for the Proposed Plan are suggesting that a further amount is added to this in the form of the underperformance against an already optimistic HST (540 units). The Council is of the view that this is not logical or necessary and that contrary to the opinions set out in representations, the HST is not too low.

The Council strongly disputes the view expressed in the representations that the Council is suppressing the HST. It is argued that the opposite is true; that the Council is continuing with, and allocating land for, an optimistic market HST as well as a generosity

level consistent with SPP.

To summarise, the Council is of the view that the plan should identify land for the period that the plan will cover which is 2015-2027. There is no requirement to 'look back' to 2010 and identify additional land to make up for the fact that the HST has not been met in the years 2010-2015. The approach used meets with the requirements of SPP and this has been confirmed by Scottish Government Housing and Planning officials.

CALA Homes (West) (01606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

All quote heavily from the 2014 Report of Examination for the existing adopted Stirling LDP (CD03) using paragraph 29 of Issue 4 to justify why the Council should add underperformance on to the forthcoming plan period. Paragraph 29 of the Reporter's report states that the HNDA used a base year of 2010 and further states that

"in these circumstances it is necessary to take account of the number of houses that have been completed within the plan area during the year 2010 to 2011".

However, the Council would contend that the Reporter is simply summarising the approach taken by the Council in this paragraph as opposed to giving an opinion as to whether it is right or wrong. This is evident where the reporter states in the last sentence of the same paragraph that:

"it is noted that none of the representations seek to challenge either the actual figures for completion or the approach the Council has adopted to this matter".

This confirms that the reporter is only providing a synopsis of the Council's approach and that that aspect would not be examined because Reporters can only examine unresolved issues which relate to a representation.

In paragraph 52 of Issue 4 of the 2014 Report of Examination (CD03), the Reporter summarises representations received which pointed out that Stirling has failed to fully deliver the housing requirement set out in a previous structure plan. As is the case here, the representations state that this backlog should be addressed in the new plan. The reporter responded to this by stating:

"It is not therefore considered that any failure to meet past housing targets is relevant or should be carried forward to the present plan or indeed influence the calculation of its housing requirement figures".

It is accepted that the situation then is slightly different to that now in that it wasn't the same HNDA being used between two plans. However, the principle of carrying over under performance from one plan to the next was clearly rejected by the Reporter in that case. The Council is of the view that this principle similarly applies to this plan and provides a strong justification that the underperformance from 2010-2015 should not be added to the plan period of 2015-2027.

Ristol Consulting Ltd (91258)

Suggests an alternative set of housing figures but quote the figure of 434 as being the HST. This is in fact the annual HLR from the existing adopted plan which has been taken

from the 2015 audit document i.e. the housing land requirement of 6076 divided by the 12 years of the 2014 adopted plan = 434. The calculations that follow from this are therefore incorrect as the Housing Supply Target as set out in the Local Housing Strategy and in the Proposed Plan is 416. Ristol Consulting also question the land supply figures stating that the 2015 housing land audit effective land supply is 3,418 units but that the Proposed Plan quotes a supply of 4,967. The reason for this difference is that whilst the programmed sites in the 2015 housing land audit have been used as a base for calculating the Proposed Plan housing figures, the 2015 audit covers a different timescale (2015/6 – 2024) from the Proposed Plan 2015 -2027. In addition, amendments to the programming have been made where new information has arisen. The full breakdown of programming of sites can be found in the Housing Background Paper. There is no need to add additional generosity because there has been no overestimation of figures as the representation suggests.

Gladman Developments Ltd (90350)

Claim that the approach to Housing Land is a reversal of the approach set out in diagram 1 of SPP. The Council does not agree with this statement. Paragraph 6.2 simply clarifies the LDP's strong emphasis on place making and a move away from being purely 'numbers led'. The approach is to locate development where there is available infrastructure and limit demands for new infrastructure which is a sensible and sustainable approach. The Proposed Plan achieves all the requirements set out in the box titled "local development plans outwith city regions" of Diagram 1 of SPP.

CCG (Scotland) Ltd (01617)

Claim that the Council's approach to removing backlog demand has taken 582 units off the overall land requirement. This has been calculated using table 8 of the 2015 housing land audit. However, Table 8 of this document excludes small sites. It is the completions in Table 9 that demonstrates all completions so the number of houses that are not being included in the calculation is actually 540 ( $HST = 416 \times 5 = 2080$ . Completions 2010 - 2015 = 1540. Shortfall against target =  $2080 - 1540 = 540$ ). It is then suggested that this erroneous amount of units is added to the HLR at a rate of 49 units per annum meaning an all tenure requirement of 525 units not 476. Even if this figure was correct, the Council does not agree with adding under performance to the HLR for the previously stated reasons.

Story Homes (01749), Hallam Land Management Ltd and CEG Land Promotions Ltd (01179) and Hallam Land Management (01781) and Stewart Milne Homes Ltd (90272)

All state that the Council does not recognise the relationship between the provision of market housing and the delivery of affordable housing implying that the LDP should identify more market housing because these sites will provide at least 25% affordable units thereby assisting in meeting the high levels of need (up to 660 units per annum) identified in the HNDA. The Council fully understands the relationship between the two in that there is not adequate public grant funding available to deliver significantly more affordable homes. This is the key reason for the affordable housing HST being reduced to 88 units per annum. It is recognised that the private sector can build subsidy free affordable housing but the Council's experience of this is that this method results in far fewer than 25% of units being affordable as without grant funding the equivalent contribution, which involves developers building units then handing them over to Registered Social landlords or the Council for social renting purposes, results in closer to

8% of units on the ground being affordable in nature. In order to attempt to meet the target of 660 units per annum, an excessive additional amount of market housing would require to be identified which would detract from place making principles, would be difficult to plan for in infrastructure terms and ultimately would result in targets that the market is unlikely to be able to deliver.

Homes for Scotland (01391)

Set out revised calculations for the HLR using a plan period of 2010-2027 and a generosity level of 20%. This results in an overall shortfall of 1237 units. Other representations also use these figures or a variation on them. The Council is confident that its approach is fully compliant with SPP in its calculation methodology for the reasons previously stated and in its chosen generosity level (discussed further below). There is no need for the plan to find land for an additional 1237 units.

Stewart Milne Homes Ltd (90272) Hallam Land management Ltd and CEG Land Promotions Ltd (01179)

The Council does not agree with the view that paragraph 115 of SPP states that the setting of HSTs is a function of the development plan and not the local housing strategy. Paragraph 115 of SPP states that plans should 'set out' i.e. present the HST, not that they should set it (i.e. calculate it and provide justification). It so happens that in Stirling Council's case, the methodology for setting the HST is fully contained within the Local Housing Strategy because this was written before the Proposed Plan. As the HST is remaining unchanged, it was considered appropriate to refer to the LHS in the housing background paper. It is the Council's view that this is not contrary to paragraph 115 of SPP.

Dandara Ltd & Arnbathie Developments Ltd (01738)

Question the HST itself stating that the interventions used e.g. bringing empty homes back into use to lower it are unjustified. The Council is of the view that this reducing of an already optimistic estimate of need and demand is entirely justified and in line with all relevant guidance and is established practice across the country. The Council employs a full time empty homes officer who has won awards for their success in bringing such properties back into use. This is clearly an ongoing process which will continue to result in the demand for new houses being reduced.

Hallam Land Management (01781)

Question why the more recent 2016 housing land audit wasn't used to inform the plan. The 2016 audit was not finalised until November 2016 so could not have informed the Proposed Plan which was approved for consultation in June 2016.

#### Failure to meet with the 5 year effective land supply on adoption of the Plan

Representations on this matter are generally stating that, as a consequence of the Council not carrying over under performance against the target for the years 2010-2015 and having an insufficient generosity level, the Council will not have a 5 year supply of effective land on adoption of the plan. The Council is clear that it does not consider it appropriate to add under performance on to the forthcoming plan period for previously stated reasons and that a generosity level of 14.4% is acceptable and compliant with

SPP. In this regard, the status quo as published in the Proposed Plan and Housing Background Paper which the Council is stating is the most appropriate approach, would result in a 5 year supply of effective housing land on adoption of the plan.

Comment is made on the Council's existing lack of a 5 year effective land supply. It is accepted that the housing land supply requires to be increased which is the reason for this review of the LDP. However, the method of calculating the effective housing land supply is a key factor in the Council's lack of a 5 year supply. Within the Stirling LDP area housing land audit, a compound method of calculation has historically been used. That is, to get an annual supply target, the housing land requirement for the whole plan period (2010-2024) is taken and completions are subtracted, this is then divided by years remaining in the LDP period. In order to establish how many years supply there is, the 5 year effective programming from the audit is divided by the above calculated annual supply target. As the plan period progresses and the optimistic targets are not met, the shortfall in the 5 year effective supply increases because in effect the target increases in order to meet the historic shortfall.

The Scottish Government's draft Planning Delivery Advice states that the effective land supply should be calculated in a more straightforward way by dividing the 5 year effective supply by the 5 year HST and multiplying by 5. This moves away from the compound approach. This is the method that the Scottish Government uses for its Planning Performance Framework. Whilst it is accepted that this document is not yet finalised, this method being promoted and used by the Scottish Government significantly increases the 5 year supply for the Stirling LDP area. For example, in the 2016 Housing land Audit, the compound approach results in a 5 year effective land supply of 3.9 years but the approach used in the Scottish Government's Planning Performance Framework results in 4.9 years supply. It should further be noted that the 2016 housing land audit does not contain the Proposed Plan sites. If these were included, there would clearly be a higher level of supply.

The analysis of the 2015 housing land audit submitted by Wallace Land Investments (90048) and BDW Trading Ltd (01756) is noted. However, the Council is confident that the plan will have a 5 year effective land supply on adoption and that this can be maintained for the period of the plan. Success of delivery is partially reliant on two strategic development areas but both sites have active developer interest and the Council has established Infrastructure Delivery Working Groups and is working closely with developers to facilitate their delivery in a proactive manner.

### Generosity Level

All representations relating to the generosity level are of the view that 14.4% is not acceptable and that a higher figure should be adopted. Most advocate 20% and others 16%. Calculations taking this into account have been provided as requested modifications to the plan. The key reason stated is that the Council has a history of failing to meet targets and therefore additional flexibility is required. The Council is of the view that the generosity level of 14.4% is appropriate and do not agree that it should be increased especially given that there is already flexibility built into the HST as it stands as explained previously. The 14.4% generosity applied in the Proposed Plan sits comfortably within SPP's 10-20% and there is no policy or guidance published at a national level to justify the view that previous underperformance against targets translates into higher generosity. The generosity level chosen by the Council is based on:

- The variety of developable locations across the Core Area which provide a range

and choice for both market and affordable housing;

- The ability of the house building industry to deliver new housing in these areas in the period of the Plan;
- Future funding for affordable housing;
- The environmental capacity of the area;
- Infrastructure constraints, timescales and funding.

Some representations do not agree with how this is set out in the housing land calculations and state it doesn't meet with SPP because the generosity level isn't chosen first then land found for it. SPP does not prescribe how housing figures are set out, only that the HST should be increased by 10-20% to arrive at the HLR. The Proposed Plan clearly sets this out albeit that it is presented in such a way that the generosity level is calculated after the LDP housing land supply within Table 4. The explanation for the generosity level is provided in paragraph 6.4 of the housing background report. No change to the plan is considered necessary in this regard.

CALA Homes (West) (01606), BDW Trading Ltd (01756), Wallace Land Investments (90048), Westpoint Homes (01396)

Appear to have made an arithmetical error in arriving at their suggested generosity level of 16%. An assessment of completions against the target are provided stating that on average 74% of the annual HLR was met over the period 2010-2015. It is then stated that this represents an under performance of 16%. It is considered that, going with this logic, this should have been 26% which would have been over the 10-20% stipulated by SPP. Their suggested modifications to the plan that follow are based on this error so are not considered to be reasonable suggestions.

#### Additional Allocations in Proposed Plan

It is suggested that the Council has not consulted the private sector in the programming of newly allocated sites. These newly allocated sites which amount to 322 units were suggested to the Council through the Call for Sites process or already have planning permission. In this regard, consultation with the private sector has taken place and programming is based on this. The Council has every confidence, in line with SPP, that these sites will be delivered.

Many of the representations relating to LDP housing calculations suggest alternative/additional sites. For the purposes of this LDP examination, these sites are covered by separate settlement based issues.

In response to Stewart Milne Homes Ltd (90272) request to identify additional land in the rural area in order that the market and affordable rural area LDP housing land supply in Table 3 of the Plan exceeds the targets for the same set out in Table 2, the Council would state that SPP requires LDPs to identify a generous land supply by functional housing market area. The rural area is a sub area only, the whole of the Stirling LDP area being the functional housing market area. The LDP has therefore met with the requirements of SPP in full by identifying a generous supply across the Stirling LDP housing market area.

#### Conclusion

The Council is of the view that the approach taken to calculating the housing figures and the process that has been undertaken to identify housing sites to meet requirements, as

set out in the Proposed Plan and Housing Background Paper, is robust and fully in line with SPP. No changes to the plan in response to the representations are considered necessary.

### **Reporter's conclusions:**

#### Introduction

1. Representations have been made regarding the approach in the proposed plan to calculating housing land and the application of national policy and guidance to housing land supply in Stirling. My assessment follows the order of the representations and the council's summary of those representations as far as practicable.
2. A number of Further Information Requests were issued by me in relation to various matters relevant to Issues 3 and 4, and the responses received are set out in full on the DPEA webpage. In addition, a one-day hearing into Issues 3 and 4 was held on 13 June 2017 in Stirling, to which all parties were invited.
3. My conclusions below address all the unresolved matters raised in representations, including relevant matters raised in further procedures.

#### Consistency with national guidance and / or policy

4. I note that all unresolved representations oppose the approach taken by the council in calculating the housing land requirement for this plan, based on their interpretation of national policy and guidance. My conclusions assess the degree to which I find the proposed plan accords with the context established by Scottish Planning Policy 2014 (SPP) and other relevant guidance. Subject to appropriate modifications, it should be noted that I consider that any inconsistencies can be addressed through this examination.

#### Overall approach to determining the scale of new housing needed in Stirling

5. In advance of preparing this plan, the council considers that it did not have adequate time to prepare a new Housing Needs and Demand Assessment (HNDA). In the normal course of events in the plan preparation process, a new HNDA would be produced to inform the plan. However, following the recommendation in the Examination Report into the previous Local Development Plan (LDP), an early review of the Plan was instigated, which curtailed the ability of the council to carry out a full HNDA and meet the timeframe expectations of an early plan review.
6. A "mini – review" of the existing HNDA was carried out by the council, with the agreement of Scottish Government. That review concluded that there had been no major changes in the housing market in Stirling since 2010, and it would be appropriate to use the same Housing Supply Target (HST) for the new plan period of 2015 – 2027.
7. When the council produced the Main Issues Report, the housing land calculation it contained covered the period 2010 to 2027, with a plan adoption date of 2017.
8. The Proposed Plan, when published for consultation, contained a different approach to the housing land calculation.

9. The revised housing land calculation as set out in the proposed plan does not take into account the 540 homes which were not delivered in the period 2010 to 2015, This is the difference between the 1,540 completions and the 2,080 Housing Supply Target for the period 2010 to 2015.

10. In making the decision to revise the basis of the calculation, the council undertook to consult with Scottish Government planning and housing officials, including a representative from the Centre for Housing Market Analysis, at a meeting. A note of that meeting has been submitted by the council in support of its position (CD57).

11. Without repeating the content of the meeting note, the conclusion reached by the council following that meeting, was that there was no technical reason why the shortfall in completions in the period 2010 to 2015 should be addressed in the new plan period of 2015 – 2027.

12. I find that in relation to the meeting, the council was entitled to take the view that its proposed approach to the housing land calculation for this plan was endorsed by those who attended both the meeting and who agreed the meeting note which followed. I also find that the meeting note (CD57) is an accurate record of the discussion that took place, in the absence of any contrary evidence. I recognise that the council took the views expressed at the meeting as being an endorsement of its approach, and considered it appropriate to proceed on that basis. However, I conclude that the weight which may be given to the agreed outcome of a meeting with planning and housing officials cannot be the same weight as that which may be given to national planning policy in the development plan preparation process.

13. The council has stated that as the Scottish Government has not made any representations in relation to the housing land calculation as set out in the proposed plan, then the plan can be considered to be compliant with Scottish Planning Policy. I note that the Chief Planner wrote to all relevant authorities in August 2016, advising that involvement on the part of Scottish Government in the preparation of Development Plans was being reduced to key areas, proposed plans being one of those key areas. I am not persuaded that the absence of a representation is a clear indication that the view of the Scottish Government is that the plan is compliant with Scottish Planning Policy in regard to housing land. I would conclude that the absence of a representation is only that, and does not imply support or otherwise from any party.

14. Prior to the publication of the proposed plan, the council consulted with Homes for Scotland on the matter of the housing land calculation, but agreement was not reached between the parties.

15. The council also considers that Draft Planning Delivery Advice: Housing and Infrastructure March 2016 (CD50) supports the position the council has taken on housing land calculations. I find that the Draft Advice does state at paragraph 3 that it is aimed primarily at assisting in the preparation of development plans and that it may be a material consideration in the determination of planning applications and appeals. I accept that draft advice of that nature is capable, in appropriate circumstances, of being a material consideration and so do not criticise the council for referring to it.

16. However, the Chief Planner's letter of 29 September 2017 indicates they are minded to withdraw the Draft Advice, which had never been finalised and has been the subject of unresolved submissions. Its weight as a material consideration is therefore

much reduced.

17. Notwithstanding that (and for completeness) I note that the council quote and rely on paragraph 75 which states that *“completion rates should not automatically be used as an indicator for additional land release. Where past completions are lower than expected, it does not always follow that additional land needs to be allocated for housing.”*

18. The council has interpreted the draft advice to mean that any previous under performance in relation to completion rates should not automatically be added to the Housing Supply Target. Regardless of my finding above, I consider in any event that the draft advice is not so definitive, and does not actually exclude previous under performance in relation to completions rates from being used as an indicator for additional land release. I find that paragraph 75 cautions against ensuring that low completion rates do not artificially inflate the level of additional land release required, but requires that a balance be struck between low completions rates and the wider factors that contribute to such low rates, and the level of additional land release required.

#### Housing Needs and Demand Assessment

19. As set out above, the council has not prepared a new Housing Need and Demand Assessment (HNDA) for this plan, but a mini review of the existing HNDA has been carried out. A number of representations had objected to the lack of a new HNDA. I find that although Scottish Planning Policy at paragraph 113 states that *“Plans should be informed by a robust housing need and demand assessment (HNDA)...”*, Scottish Planning Policy does not stipulate that a new HNDA be prepared for each plan.

20. I consider that in normal circumstances, it would be preferable for a new HNDA to form part of the evidence base informing development plans, but in this instance, the requirement for an early review of the development plan arising from the previous plan examination prevented the council from having the time to prepare a new HNDA. The review of the HNDA as carried out by the council can be considered sufficient for the purposes of this plan.

21. The council has provided comparative information on other planning authorities in Scotland relating to their respective HNDAs and development plan programming. Whilst interesting, I conclude that the approach taken by other Scottish planning authorities has little relevance to Stirling’s development plan.

#### Housing Land Audit 2016

22. A number of unresolved representations have questioned why Housing Land Audit 2016 (HLA) was not used to inform the plan. I accept the council’s explanation that the timing of the HLA and the proposed plan consultation process meant that HLA 2015 was used to inform the plan.

23. I sought further information from the council in relation to HLA 2016, which was provided. I recognise that a housing land audit can only provide a snapshot in time of the predicted programming, but Scottish Planning Policy at paragraph 123 recognises them *“...as a tool to critically review and monitor the availability of effective housing land ... to ensure a generous supply of land for house building is maintained...”*. In addition, Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out the

purpose of the audits, and the methodology to be employed in their preparation.

24. I prefer to use HLA 2016 as the basis for the housing land calculation for this plan, and conclude that the plan should be updated to reflect the most up-to-date evidence available. In addition, reliance on HLA 2016 has a demonstrable impact on the matter of whether additional sites need to be allocated in this plan to meet any shortfall in the overall supply of housing land, a matter I shall return to in these conclusions and recommendations.

25. The council has provided, in response to Further Information Request 13, an amended and updated version of Appendix A Part 1 Housing Sites at page 100 of the proposed plan. I recommend that Appendix A Part 1 of the proposed plan be replaced with the amended version supplied by the council on 3 July 2017 (including any further amendments arising from relevant recommendations in this examination).

26. In addition to discussions on Housing Land Audit 16, in response to Further Information Request 23, Homes for Scotland refer to Stirling Housing Land Audit 17 and the potential shortfall in effective housing land. Whilst I agree that audits are a snapshot of the situation at a particular point in time, for the purposes of this plan examination a definitive set of data must be the basis of the housing land calculation. I have concluded that Housing Land Audit 16, and the updated table provided by the council in response to Further Information Request 13 in the course of this examination, would be an appropriate basis for that calculation. I have not had regard to Housing Land Audit 17 given the stage we are at in this examination.

#### Affordable Housing and the Housing Supply Target

27. The affordable housing sector of the housing market in Stirling, in relation to the HNDA, is significantly lower in terms of the Housing Supply Target, as noted in representations. I recognise that the council has in fact taken a pragmatic approach to delivery, and set a target which it feels can be achieved over the plan period.

28. During the course of this examination, the Scottish Government announced that additional funding would be available to local authorities as part of the Affordable Housing Supply Programme. Stirling would receive an additional £26.59 million between 2018 and 2021.

29. I issued Further Information Request 13 to the council, seeking to understand if the additional funds would have an impact on the predicted delivery of affordable homes in this plan period.

30. The council's response indicates that although the funding would facilitate an additional 49 affordable homes per annum over three years, those additional homes would be delivered on sites that are either allocated for housing in this plan or that part of the Loch Lomond & The Trossachs National Park LDP that covers the Stirling council area.

31. I conclude therefore that although there is funding to deliver additional affordable housing during the 2015-2022 period of this LDP, as advised by the council, those additional homes will not make an additional contribution to the housing land supply of this plan.

Setting the Housing Supply Target and the Housing Land Requirement

32. In setting the Housing Supply Target for this plan, the council has had regard to the HNDA and the review of that HNDA, its meeting with Scottish Government officials, Draft Planning Delivery Advice, Scottish Planning Policy and the plan consultation processes. In addition, reference is made by the council to the Heads of Planning Scotland guidance on the preparation of Planning Performance Frameworks.

33. In relation to the Housing Supply Target from the previous plan, there is a shortfall in delivery of some 540 homes over the period 2010 to 2015.

34. The review of the HNDA concluded that there had been no major changes in housing need and demand in Stirling, and therefore the Housing Supply Target used in the previous plan was appropriate to carry forward. The council advises that in setting the Housing Supply Target for the previous plan, it made optimistic assumptions about the recovery of the housing market in Stirling. These assumptions led to an increase in the HNDA baseline delivery prediction of 190 – 260 market homes required to be delivered each year, to a Housing Supply Target of 380 market homes required to be delivered each year. The council advises that this increase was based on a request from Homes for Scotland.

35. The council considers that the same Housing Supply Target should be adopted for this plan, but that any shortfall in delivery in the period 2010 to 2015 should not be added to the Housing Supply Target.

36. In the council's opinion, there are several reasons for the shortfall in completions. It seems to consider the primary reason, as set out in the council response to unresolved objections, to be the degree to which the housing market has recovered, which is lower than anticipated.

37. The unresolved representations on this issue are all of the view that in setting a Housing Supply Target for this plan, the shortfall in completions in the period 2010 to 2015 needs to be included in the calculation. This would give rise to a higher Housing Supply Target than that proposed by the council for the emerging plan.

38. There has been significant debate and submissions on this matter, which was discussed in detail at the hearing, in written responses to Further Information Requests, and in written closing submissions.

39. The proposed plan relies on HNDA 2011 as the evidence base for the Housing Supply Target. The target arrived at by the council is the same as that used in the last plan, 416 homes per year or 7,072 homes for the period 2010 to 2027. During the period 2010 to 2015, there were 1,540 homes completed in Stirling, against a target of 2,080 homes.

40. Following the hearing and closing submissions, and all other written evidence, I have concluded that the housing land calculation for this plan should be based on the 2010 evidence base of the HNDA 2011 and should include any surplus or shortfall of completions from the period 2010 to 2015 in the calculation.

41. As the mini-review of the HNDA carried out by the council for this plan concluded that there had been no major changes in the housing market, or in need and demand, and

in the absence of an alternative, I am satisfied that the Housing Supply Target which emerged from the HNDA and the previous plan is an appropriate basis to set the Housing Supply Target for this plan.

42. I understand the council's position that there is no technical reason why land should be allocated in this plan to make up for the shortfall in the period 2010 to 2015, as Scottish Planning Policy does not explicitly state that this should happen, nor does Planning Advice Note 2/2010.

43. I also understand the comfort the council has taken from Draft Planning Advice: Housing and Infrastructure, but for the reasons I have set out above, the weight I give to the Draft Advice is based on its status as a draft document with unresolved representations, and the letter from the Chief Planner dated 29 September 2017 which indicates they are minded to withdraw the Draft Advice.

44. The Heads of Planning guidance does not relate to development plan preparation, and to my understanding is used only to measure basic performance by planning authorities. The weight I have given to this document in this examination is based on its status as an advisory note which is not related to development plan preparation.

45. I find that Scottish Planning Policy sets out at paragraph 120 that *“Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.”*

46. I find that Scottish Planning Policy also states at paragraph 114 that *“The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority's housing supply target should also be reflected in the local housing strategy.”*

47. The Local Housing Strategy for Stirling and the HNDA are both based on data projections from 2010 to 2024. Despite stated misgivings regarding the level of the Housing Supply Target, the council has decided that it is an appropriate target to include in the plan and from which to derive the Housing Land Requirement for the plan.

48. I find that if a new HNDA had been undertaken for this plan, then it would by its nature take account of any delivery shortfalls or surpluses in the period 2010 to 2015. As a new HNDA has not been produced, and the review which was carried out concludes that there are no major changes in the housing market in terms of need, I conclude that the Housing Supply Target arising from HNDA 2011 remains robust and credible.

49. I consider that the Housing Supply Target for the period 2010 to 2024 as established by both the HNDA, the Local Housing Strategy and the existing local development plan is appropriate, and that this is not a matter of dispute between the parties, who agree that it is an appropriate basis to calculate the Housing Supply Target for this emerging plan.

50. The shortfall in delivery in the period 2010 to 2015 remains unaccounted for in the

council's proposed method of calculation. While on one hand the calculation accepts the Housing Supply Target, it then appears to fail to take into account all the consequences of the same Housing Supply Target in terms of delivery of homes in Stirling.

51. The primary disagreement between the council and all other parties on this issue is whether the shortfall in completions from 2010 to 2015 should be included, and for the reasons set out above, I conclude that any surplus / shortfall should be part of the calculation.

52. I find no compelling evidence as required by Scottish Planning Policy or convincing argument from the council to support the omission of a shortfall in completions in Stirling in the period 2010 to 2015. There is no new HNDA to support a revised Housing Supply Target, and the review carried out concluded there were no major changes, further supporting the continued use of the Housing Supply Target.

53. In addition, I consider that the council has not provided a compelling reason as to why it considers the target to be inflated in terms of the market element. The Housing Supply Target for the existing plan was agreed and approved by the council, and is in fact not in dispute in this plan examination. The council states in its response to unresolved objections that the Housing Supply Target is a target and an estimate of what will be delivered. I find that Scottish Planning Policy at paragraph 115 clearly states that the Housing Supply Target is *"a policy view of the number of homes the authority has agreed will be delivered over the periods of the development plan and local housing strategy, .....*". I conclude that the Housing Supply Target is not an estimate but an agreed target to be delivered.

54. Omitting the shortfall in delivery does not appear to achieve any particular purpose other than to numerically achieve a lower target for this plan period. It does not address the fundamental issue of Scottish Planning Policy requiring the target and housing land requirement to be met in full, nor does it account for the unmet yet identified need and demand for homes in Stirling in the period 2010 to 2015.

55. If a new HNDA was the basis for a revised Housing Supply Target in this plan, then the approach adopted by the council may be supported by an evidence base which may in turn support a lower HST. This is not the case in this examination.

56. I conclude that the appropriate Housing Supply Target for this plan is the target based on HNDA 2011, incorporating the shortfall from the period 2010 to 2105.

57. The overall 2010 – 2027 Housing Supply Target is 7,072. Completions to 2015 are 1,540 homes, leaving an Housing Supply Target of 5,532 homes to be delivered in the plan period to 2027.

58. That gives rise to an annual target of 461 homes, although I find that housing supply targets should be considered over the whole plan period rather than annually.

59. I recommend that Table 2 of Part 6. Setting the Land Requirement for Housing, Business and Retail on page 23 of the proposed plan be replaced with a similar table which reflects the adjusted Housing Supply Target for the plan, being a total Housing Supply Target of 5,532 rather than 4,992. A replacement Table 2 should be populated as follows, with the council to make any consequential changes as required to the sub-areas:

Table 2: Housing Supply Target

Tenure	Sub area	HST per annum	HST 2010-2027	HST 2015-2027
<b>Market</b>	Core		4,896	
	Rural		680	
	<b>Total</b>	<b>367</b>	<b>5,576</b>	<b>4,408</b>
<b>Affordable</b>	Core		1,064	
	Rural		442	
	<b>Total</b>	<b>94</b>	<b>1,496</b>	<b>1,124</b>
<b>Overall HST</b>		<b>461</b>	<b>7,072</b>	<b>5,532</b>

60. In addition, I recommend consequential modifications to paragraph 6.8 on page 23, where the figure 4,992 should be replaced with the figure 5,532.

Appropriate Generosity Margin

61. Scottish Planning Policy states at paragraph 116 that *“Within the overall housing supply target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.”*

62. There are several unresolved representations relating to the appropriate generosity level, all of whom are seeking a higher percentage of generosity margin, ranging from 16% to 20%.

63. Some representations have questioned the approach the council has taken to setting the level, and querying if the method of calculation is in accordance with Scottish Planning Policy, in particular Diagram 1: Housing Land, Development Planning and the Local Housing Strategy on page 30 of the policy. The objections arise as it is perceived that the council has identified land it is seeking to have allocated in the plan, and then derived the percentage of generosity based on the available land.

64. The Housing Background Report July 2016 sets out how the council arrived at this percentage at paragraphs 6.3 to 6.7. It may appear that the council has approached setting the level in a manner contrary to Scottish Planning Policy, as paragraph 6.4 of the Housing Background Paper clearly states that a range of suitable land was assessed and then the generosity level calculated based on that supply.

65. I find that Scottish Planning Policy is not prescriptive in terms of how the generous margin is actually calculated, but I also find that both paragraph 116 and Diagram 1 of the policy indicate that the generous margin should be set first, and then land identified to meet it.

66. The council did assess the range of factors and local circumstance that might affect those sites, but the extent of the margin was not dependant on local circumstances, as set out in Scottish Planning Policy, as it appears to have been pre-determined by the land considered to be available.

67. Although I have concluded that the generous margin was arrived by an approach not entirely in accordance with Scottish Planning Policy, I have seen no convincing

evidence that if the more conventional approach were adopted, a significantly different outcome would have eventuated. The council could have subjectively applied local circumstances to the Housing Supply Target and still arrived at the same generous margin percentage.

68. Following responses to Further Information Requests, the hearing and written closing submissions, the council has used a generosity level of 14.7%. The council does not agree that it should be increased, as it considers that the Housing Supply Target for the plan already includes a margin of generosity, as it is based on an optimistic forecast for market activity in the plan period.

69. All parties with unresolved objections to this issue consider that the generous margin should be between 16% to 20%.

70. Representations suggest the sole reason for the shortfall in delivery in the period 2010 to 2015 is an over-reliance on strategic sites in the plan area, and particularly in the core area. The council acknowledges that strategic sites can require resolution of infrastructure and education constraints, and that some sites are more attractive to the private sector than others.

71. The Spatial Strategy and Vision for this plan (Issue 1) have been found to be appropriate, and so the broad location of housing sites across the plan area is not in question. The council acknowledged at the hearing that the specific environmental and historic assets of the Stirling plan area can be limiting to the identification of suitable sites for housing, especially in the core area.

72. I find that there is no single factor which gave rise to a shortfall in delivery of 540 homes in the period 2010 to 2015. I consider all of the factors listed at paragraph 6.4 of the Housing Background Report are valid, as is the suggestion that there is an element of over-reliance on strategic sites in the core area.

73. In terms of setting an appropriate generous margin in accordance with Scottish Planning Policy, all parties at the hearing and in written submissions have assured me that the market in Stirling is buoyant and can deliver homes, that the market is on an upward trajectory and the completion rate is recovering on an annual basis. Based on that evidence, I do not consider that a margin of 20% is required, as an improving housing market should contribute to ensuring that the Housing Supply Target is delivered.

74. I also find that the council's preferred percentage of 14.7% may not be sufficiently generous to ensure that the housing land requirement is delivered. There are acknowledged limitations in the core area relating to environmental and historic factors, and I also find that a percentage of 14.7% does not appear to fully take account of the potential limitations of major strategic sites on delivery.

75. The range as set out at paragraph 116 of Scottish Planning Policy is 10-20%, and I am content that a margin of 16% is reasonable over the plan period, based on a historical Housing Supply Target and the local circumstances outlined by the council. I have concluded that 16% is reasonable, as I find that there is an unavoidable reliance on large strategic sites in the core area in conjunction with other local circumstances such as the green belt, Core Area and historic environments amongst others. In addition, I have concluded that 16% would provide for the shortfall experienced in the five year period from 2010 to 2015, which averaged a shortfall of 108 homes per annum. On that basis, I

have calculated that a 16% margin should suffice for this plan period. Therefore, I conclude that a greater margin than that suggested by the council is required to ensure a range of deliverable sites to meet the housing land requirement in the plan period.

76. I recommend that paragraph 6.9 of the plan be deleted and replaced with amended wording as set out in the recommendation below.

77. A number of representations have raised the issue of the tables on pages 23 and 24 of the plan, in terms of their clarity and the order in which they are presented.

78. In response to those representations, I am recommending a new table be included in the plan, in order to provide clarity. A new Table 3 headed “Housing Land Requirement” should be inserted after paragraph 6.10. This table will clearly set out how the Housing Land Requirement is calculated for this plan and what the generous margin is for this plan. It will also logically follow Table 2 Housing Supply Target, setting out in sequence how the housing land calculation for the plan has been arrived at.

The table should read as follows:

Table 3: Housing Land Requirement (HLR)

	Homes (all tenure)
<b>HST (Table 2)</b>	7,072
Minus completions (2010-2105)	-1,540
+ 16% generosity margin	+885
<b>Housing Land Requirement 2015-2027</b>	<b>6,417</b>

Housing Land Supply

79. To meet the requirements of paragraph 119 of Scottish Planning Policy, *“outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.”*. In Stirling, this plan addresses the housing land supply for the period 2015 – 2027.

80. The council considers that based on its calculation there is no short fall in the housing land supply in Stirling. It is satisfied that there will be a five-year effective housing land supply on adoption of the Local Development Plan regardless of which housing land calculation method is used.

81. Representations challenge the adequacy of the housing land supply in Stirling. Concern has been expressed regarding the five-year effective supply, the shortfall in completions in the period from 2010 to 2015, and the consequential perceived failure to comply with Scottish Planning Policy.

82. At the hearing, and in subsequent written submissions, the parties continued to hold the same positions in relation to housing land supply, although a full and frank discussion

was had which has assisted me in reaching my conclusions and recommendations on this issue.

83. I have had the views of both the council and Homes for Scotland in relation to Housing Land Audit 2016, in response to my Further Information Request, and am satisfied that Housing Land Audit 2016 is the appropriate basis for assessing the housing supply in Stirling at this point in time.

84. The overall housing supply target for the plan is 7,072 homes for the period to 2027. Based on the evidence I have before me and subject to the recommendations which relate to individual sites (discussed in detail at the respective issues in this examination), it is likely that the supply of homes in Stirling will be 2,924 for the period 2015 to 2022 and 2,487 in the period 2022 to 2027.

85. The number of homes that will actually be built in those plan periods will be subject to many factors influencing delivery, and could vary significantly in any annual period. However, at this point in time, I have calculated the potential shortfall to be in the region of 638 homes.

86. I have set out below the calculation which I have carried out to arrive at that level of shortfall.

Housing Land Calculation

	Homes (all tenure)
<b>HST</b>	<b>7,072</b>
Minus completions 10-15	-1,540
+ generosity margin 16%	+885
<b>HLR</b>	<b>6,417</b>
<b>Land Supply</b>	
Completions 15/16	368
Established Land Supply 15/22 (HLA 16) inc windfall	2,924
Established Land Supply 22/27 (HLA 16) inc windfall	2,487
New PLDP site allocations (now inc in HLA 16)	0
<b>Total Supply</b>	<b>5,779</b>
<b>Difference (surplus /shortfall)</b>	<b>-638</b>

87. I conclude that the shortfall would be most evident in the first plan period, based on the evidence before me, indicating that it is doubtful that the council could demonstrate that it is maintaining a five-year effective supply of housing land at all times, as required by Scottish Planning Policy.

88. I also conclude that modifications are necessary to the plan to address that shortfall. I will address those modifications in my conclusions and recommendations below.

Options to address any shortfall

89. Circular 6/2013 – Development Planning states at paragraphs 122 and 123 that “*In limited, exceptional circumstances, the reporter may identify a serious policy omission or*

*deficiency in the plan, such as inconsistency with the National Planning Framework or Scottish Planning Policy. If this deficiency is not capable of being resolved through the examination process due to a lack of sufficient information, or if the information required could not be provided within the normal timescale for an examination the reporter will highlight the deficiency in the examination report. In such circumstances the reporter will provide recommendation(s) on actions that could be taken to remedy the deficiency such as recommending that an early review of the plan be carried out, or the preparation of statutory Supplementary Guidance. Ministers have powers in section 20 to prevent a plan being adopted (or in the case of an SDP to reject a plan under section 13) and in circumstances where a plan has a serious deficiency may exercise those powers. Where such a serious deficiency was identified, until such time as the deficiency had been resolved, the level of certainty normally provided by a development plan may be greatly reduced, leading to more planning applications for development contrary to the plan and, perhaps, more planning appeals”.*

90. Options to address any shortfall deficiency in housing land which had been discussed through written submissions and specifically at the hearing session were:

- Focus on bringing forward existing supply
- Allocate new sites through the examination process
- Preparation of supplementary guidance by the council
- Early review of the plan, with a policy response (2.1) until then

91. By far the most favoured approach from the home building industry, is to allocate new, more effective, housing sites in marketable locations through this examination. The council argues that instead there should be a focus on the delivery of existing allocated sites, and resolving any constraints to delivery. Where possible, this is the approach that has been adopted in this examination. In addition, the programming of allocated sites was reviewed, and has led to a number of sites coming forward from the existing supply.

92. The preparation of supplementary guidance by the council was also discussed. There is little support from parties for this option, particularly the housebuilders, citing the time and resources that would be taken to prepare it, the delay in addressing the shortfall in the short term, the lack of independent scrutiny and the perceived unfair ability of the council to reject housing sites without good reason. The council was not supportive of this option either.

93. An early review of the local development plan with a policy response was discussed. There is little support for this option from any party, given that this plan is a response to a direction for an early review of the current plan, and similar issues in terms of the ability to produce background, supporting and technical papers in a timely manner are likely to arise.

94. To meet the identified shortfall, the plan needs to facilitate an increase in the supply and delivery of new homes in the period 2015 to 2022. Based on the evidence in this examination, I have concluded that the programming of other sites already allocated in the plan should be amended to reflect the most up to date information on delivery and capacity, and additional sites have been allocated as set out below.

95. For clarity, the additional/amended sites are set out in the following table:

Additional/Amended Sites recommended for inclusion in the plan:

	Capacity	Recommended 15/22	Recommended 22/27	Post Post-27	Additional LDP Units 15-27
H069 - Cushenquarter Plean	500	200	150	150	350
H152 Buchlyvie	15	15	0	0	15
H103 Kippen	30	30	0	0	30
Hayford Mills Phase 2	42 (37)	+5			5
<b>Additional LDP units</b>		<b>250</b>	<b>150</b>	<b>150</b>	<b>400</b>
St Ninians Road / Polmaise Road*		160	90		250
<b>Total</b>		<b>410</b>	<b>240</b>	<b>150</b>	<b>650</b>

(\*site recommended to be allocated with either planning permission or Notice of Intention)

96. As these additional and/or amended allocations would fully address the shortfall, I therefore conclude that the plan would be consistent with the requirements of Scottish Planning Policy in this regard. I note that a site at Park of Keir, Issue 35 in this examination, is now the subject of a Notice of Intention as a consequence of an appeal, and may deliver 19 homes in the plan period. However, this site is not recommended to be allocated for development in this plan, and so I have not included those 19 homes in my calculations. As and when they become effective, they may contribute to the overall housing supply in Stirling.

97. With regard to the allocation of new housing sites, Scottish Planning Policy states that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date (paragraph 125). Paragraph 33 states that where relevant policies in a development plan are out-of-date, then the presumption in favour of development that contributes to sustainable development will be a significant consideration. However, it goes on to say that decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy. The blanket allocation of candidate housing sites, just because there is a shortfall, would not therefore be appropriate.

98. Scottish Planning Policy directs that a generous supply of land “for each housing market area” should be identified. Additional housing sites should therefore be located in the housing market areas where the demand for housing is not being met and there is a shortfall in the 5-year supply. In Stirling, the whole of the plan area is considered to be one housing market area, with sub-area (rural and core) differentiations.

99. Each additional or amended allocation has been carefully considered in terms of

Circular 6/2013: “Development Planning”, which sets out at paragraph 118 “*Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.*”. I have examined each site in terms of an appropriate basis for inclusion in the plan, and at the very least, the site in question should have been included in the “call for sites” element of the plan preparation process.

100. Circular 6/2013 makes clear that the onus is on the promoter of a site to demonstrate why it should be allocated. Therefore, I have generally found it inappropriate to recommend the inclusion of additional or amended allocations where a reasonable base of supporting evidence does not support these, commensurate with the scale and potential impact of that site. Although not to the same extent as a planning application, I still need enough evidence to be confident that it is appropriate to allocate and / or amend a site in this plan.

101. There should be a reasonable expectation that any additional site I recommend be allocated and/or amended would be likely to deliver new homes within the period of the plan, ideally in the next few years. Therefore, for each additional site proposed, I have also had regard to the evidence presented both for and against its allocation. Each site is discussed in detail at the appropriate issue and Schedule 4 of this examination, and so a detailed analysis is not repeated here at Issue 3.

102. In response to representations, I am recommending that Table 3: LDP Housing Land Supply on page 24 of the plan be deleted and replaced with Table 4: LDP Housing Land Supply as set out below. This will provide clarity to users of the plan, and forms a logical sequence of calculations and tables for Part 6 of the plan.

Table 4: LDP Housing Land Supply

	Homes (all tenure)
<b>HST</b>	<b>7,072</b>
Minus completions 10-15	-1,540
+ generosity margin 16%	+885
<b>HLR</b>	<b>6,417</b>
<b>Land Supply</b>	
Completions 15/16	368
Established Land Supply 15/22 (HLA 16) inc windfall	2,924
Established Land Supply 22/27 (HLA 16) inc windfall	2,487
New PLDP site allocations (now inc in HLA 16)	0
Additional/amended sites/sites with Nol arising from recommendations	650
<b>Total Supply</b>	<b>6,429</b>
<b>Difference (surplus /shortfall)</b>	<b>+12</b>

103. In making such recommendations, the predicted shortfall in housing land supply in Stirling can be addressed. I conclude that the additional and amended allocations, and Policy 2.1 (as modified) which seeks to maintain a five-year supply of effective housing land, should facilitate an increase in the delivery of new homes in the plan period sufficient to meet the housing land requirement and ensure consistency with Scottish Planning Policy.

**Reporter’s recommendations:**

I propose the following modifications:

1. Replace Appendix A Part 1: Housing Sites on page 100 of the plan with the amended version supplied by the council and dated 3 July 2017 (including any further amendments arising from relevant recommendations in this examination).
2. Replace Table 2 of Part 6. Setting the Land Requirement for Housing, Business and Retail on page 23 of the proposed plan with a similar table which reflects the adjusted HST for the plan, being a total HST of 5,532 rather than 4,992. A replacement Table 2 should be populated as follows:

Table 2: Housing Supply Target

Tenure	Sub area	HST per annum	HST 2010-2027	HST 2015-2027
<b>Market</b>	Core		4,896	
	Rural		680	
	<b>Total</b>	<b>367</b>	<b>5,576</b>	<b>4,408</b>
<b>Affordable</b>	Core		1,064	
	Rural		442	
	<b>Total</b>	<b>94</b>	<b>1,496</b>	<b>1,124</b>
<b>Overall HST</b>		<b>461</b>	<b>7,072</b>	<b>5,532</b>

3. At paragraph 6.8 on page 23, delete the figure 4,992 and replace it with the figure 5,532.
4. Delete paragraph 6.9 on page 23 and replace with the following amended text:  
*“In this regard, a generous margin of 16% has been identified to ensure that the housing land requirement is met. A range of sites that are effective or capable of becoming effective has been identified in this LDP.”*
5. Delete Table 4: Generous Supply Margin and insert new Table 3: Housing Land Requirement after paragraph 6.10 as follows:

Table 3: Housing Land Requirement (HLR)

	Homes (all tenure)
<b>HST (Table 2)</b>	7,072
Minus completions (2010-2105)	-1,540
+ 16% generosity margin	+885
<b>Housing Land Requirement 2015-2027</b>	<b>6,417</b>

6. Delete Table 3: LDP Housing Land Supply and insert new Table 4: LDP Housing Land Supply as follows:

Table 4: LDP Housing Land Supply

	Homes (all tenure)
<b>HST</b>	<b>7,072</b>
Minus completions 10-15	-1,540
+ generosity margin 16%	+885
<b>HLR</b>	<b>6,417</b>
<b>Land Supply</b>	
Completions 15/16	368
Established Land Supply 15/22 (HLA 16) inc windfall	2,924
Established Land Supply 22/27 (HLA 16) inc windfall	2,487
New PLDP site allocations (now inc in HLA 16)	0
Additional/amended sites/sites with notice of intention arising from recommendations	650
<b>Total Supply</b>	<b>6,429</b>
<b>Difference (surplus /shortfall)</b>	<b>+12</b>

<b>Issue 4</b>	<b>Housing Land Policies</b>	
<b>Development plan reference:</b>	Section A. Placemaking and the Implementing the Spatial Strategy (pg 30 – 52)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Wallace Land Investments (90048)                  Stewart Milne Homes Ltd (90272)                  CALA Homes (West) (01606)                  Westpoint Homes (01396)                  BDW Trading Limited (01756)                  Gladman Developments Ltd (90350)                  Homes for Scotland (01391)                  Tulloch Homes Ltd (90724)                  Ristol Consulting Ltd (91258)                  Dandara Ltd &amp; Arnbathie Developments Ltd (01738)                  McCarthy &amp; Stone Retirement Lifestyles Ltd (91368)                  University of Stirling (90324)                  Houghton Planning Ltd (01369)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This section sets out the approach to placemaking and implementing the spatial strategy of the plan, with reference to placemaking and planning for housing, business, retail and infrastructure.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Primary Policy 2: Supporting the Vision and Spatial Strategy</u></p> <p>Wallace Land Investments (90048)</p> <p>Consider that in response to their submissions under Issues 3 and 45 that the plan needs to allocate further housing land.</p> <p>Consider it would be of benefit to add wording to the policy to reference a shortfall in 5 year effective housing land supply.</p> <p>Stewart Milne Homes Ltd (90272)</p> <p>Consider it is inappropriate for the policy to prefer Core Area locations even when there is clear evidence of need and demand and otherwise appropriate opportunity sites in and around the key rural villages.</p> <p><u>Policy 2.1: The 5 Year Effective Housing Land Supply</u></p> <p>Wallace Land Investments (90048)</p> <p>Support the Broad aims of the policy. Strongly object to part (e) of the policy relating to the proposed development not compromising delivery of an allocated site. The clear and obvious purpose of the policy is to ensure that a properly managed process can be</p>		

followed in instances when it is demonstrated that the Council has failed to maintain its effective 5-year housing land obligations. It therefore follows that it is the failure of allocated housing sites to deliver as expected and that the only means of addressing this shortfall in the short term is by way of granting suitable unallocated sites.

Consider that the wording in part (e) is without suitable definition or limitation and has the potential effect of affording an unfettered ability to the Council to reject potentially suitable development sites on the basis that they would, in the Council's opinion, jeopardise the delivery of an allocated site. This would be diametrically opposed to the purpose of the policy to counteract the failure of the plan to fully deliver its housing land obligations.

CALA Homes (West) (01606), Westpoint Homes (01396)

Support the broad aims of the policy, but that the policy should give positive support to proposals when the identified circumstances apply.

Consider that it is inevitable that greenfield windfall sites required to maintain the 5 year supply will not be in accord with the approved Spatial Strategy. This could undermine the interpretation of the proposal's consistency with the Vision and Spatial Strategy and consider that the wording should be amended to "not undermine" rather than be "consistent with" the Vision and Spatial Strategy.

PAN 2/2010 will be replaced in due course with Planning Delivery Advice on Housing and Infrastructure. It is important that sites effectiveness is determined through current guidance.

Part (c) of the policy contains a grammatical error and part (e) of the policy is unduly negative and may prove very difficult for an applicant to satisfy. Recognise the need to have sufficient infrastructure to deliver completions but consider that the wording should be amended.

The requirement for detailed planning applications is unnecessary and contrary to the planning system. Effectiveness of a site will be considered by part (c). Accordingly the initial sentences in the final paragraph are not necessary and should be deleted. Status of these sites should be acknowledged in accordance with the Glossary by reference in the final sentence to windfall sites.

BDW Trading Limited (01756)

Support the broad aims of the policy and welcome its inclusion but do not agree with the wording of part (e) of the policy as it conflicts with the intended purpose of the policy. It should be recognised that it is the non-delivery of the allocated sites that cause the shortfall and that it should be immaterial if an alternative site would jeopardise its delivery.

Gladman Developments Ltd (90350)

Support the broad aims of the policy but consider that the wording of the policy is not in accordance with SPP (2014) and implies that the policy provides discretion to the maintenance of the 5 year supply of effective housing land required. SPP (2014) is clear that the requirement is met at all times.

Homes for Scotland (01391)

Agree with the Councils approach to seek a 5 year effective supply through the annual housing land audit process and Action Programme, though the wording should be simplified to be consistent with Policy 7 of SESplan Strategic Development Plan June 2013.

Tulloch Homes Ltd (90724)

Support the broad aims of the policy but disagree with policy wording that suggests new allocations are the only means to supplement housing in the event of a shortfall in 5 year effective supply.

The Council should also consider increasing densities on existing allocated sites or reviewing opportunities for additional housing land on these allocated sites as well as supplementing the supply with new sites.

### Policy 2.2: Planning for Mixed Use Communities and Affordable Housing

Ristol Consulting Ltd (91258)

There is no policy basis, justification or housing needs assessment that has been evidenced to support the differing affordable housing contributions in the Council area. Considers this approach to run contrary to the Council's treatment of the whole of the Council area as a single functional market area.

Homes for Scotland (01391)

SPP states that the level of affordable housing required as a contribution should generally be no more than 25% and if a different percentage is required locally then this should be justified by the HOUSING NEED AND DEMAND ASSESSMENT and the Local Housing Strategy. Homes for Scotland contends that this is not the case and therefore no evidence has been provided by the Council that would seek such a high figure and does not comply with SPP (2014)

Dandara Ltd and Arnbathie Developments Ltd (01738)

The 33% requirement in Highly Pressured Areas should have been reviewed following publication of SPP (2014). The revised SPP came after publication of the Reporters examination into the current LDP and consider had it been available the requirement would have been reduced to 25%, from the initial 50%, instead of 33%. Consider the Scottish Government raised similar concerns at MIR. The representation considers that the Council has not provided adequate justification for exceeding the benchmark set by SPP (2014).

SPP is clear that "the level of affordable housing required as a contribution with a market site should generally be no more than 25% of the total number of houses." Representation contends that this infers that that the affordable housing needs of each settlement should be identified up to the benchmark figure of 25% and it is therefore unacceptable for the Proposed Plan to specify a minimum level of provision. Planning authorities should consider the contribution that is likely to be achieved in the current economic climate. The Council contends to have achieved this by limiting the affordable

HST significantly below the Housing Need and Demand Assessment. This helps lower the overall housing requirement but does not relieve the burden imposed on developers of having to deliver a higher proportion of affordable housing. This may affect land values and cause reluctance on landowners to release land for development. Consider that the Council has little regard to the wider economic climate. A 25% contribution is more palatable than a 33% contribution.

Consider that whilst the Council defends the requirement for 33% contribution, the policy has failed to deliver the required housing. Considering that the Housing Need and Demand Assessment shows a shortfall of between 465 and 660 units per annum, the overall HST is only 416. It is clear therefore that the Council needs to release more land for development.

Consider that the policy needs to be more flexible with regards to on and off site affordable housing delivery. There should be an allowance to provide affordable housing off site as in some instances it may simply not be feasible nor viable to provide onsite. Welcome the scope for payment of commuted sums but these should be seen as a last resort. The plan should take a more proactive approach to identifying and allocating sites specifically for affordable housing. Suggest a range of measures from PAN 2/2010 that could be incorporated.

Tulloch Homes Ltd (90724)

Broadly support the policy, however express concern of wording of part (b) and that as schemes of 20 units are still deemed 'local' in the hierarchy of development that a proposal for 20 units may be subject to waiving the delivery of at least 20% of its typical market house types to accommodate smaller/accessible house types. It could be reasonable to apply this guidance to larger scale development where there is greater flexibility. All requirements would have to be related to a specific need and tie back to an up to date Housing Need and Demand Assessment. The housebuilding industry should be party to establishing where and when the inclusion of smaller households and older people or lower income households are appropriate.

Express concern at the 33% affordable contribution in highly pressured areas. This is inconsistent with SPP (2014) and most planning authorities in Scotland. Suggest that this level of contribution would render development schemes unviable. This would deter prospective development, thus failing to ensure the delivery of any affordable housing. Consider that many housing developers currently offer a range of house types and tenures within the affordable housing bracket.

There is an inconsistency in affordable housing contributions stated in SG04 Affordable Housing and SG16 Developer Contributions. Clarification is required.

#### Policy 2.3 Particular Needs Housing and Accommodation

McCarthy & Stone Retirement Lifestyles Ltd (91368)

Refer to para 4.4 of SG04 Affordable housing. Welcome that specialist accommodation is distinguished from main stream residential development in applying affordable housing contributions. However strongly consider that one form of specialised housing should not be used to subsidise another. Therefore contend that because of its specialist nature it is irrelevant to the assessment process whether this is open market housing or not.

Provide background information relating to Scotland's increase in older population, Stirling in particular, and the outcome of the independent planning review.

Cite Aberdeen City Council, who specifically exempt sheltered housing from affordable housing contributions and provide supporting evidence setting out why retirement housing differs from mainstream housing in terms of locations, competing demands for site use, the complexity of design, management and development costs and the restriction of homes to older people.

University of Stirling (90324)

Given that Stirling is a University City, the LDP should take into account the accommodation needs of students.

Stewart Milne Homes Ltd (90272)

Object to the principle of the policy as it is unnecessary and represents unreasonable interference in the role of housebuilders in meeting the needs and demands of customers. New homes are already designed to meet varying needs and this does not need to be enshrined in LDP policy as it is already covered by building control. Consider it is not the responsibility of private developers to meet identified particular housing needs.

#### Policy 1.5 Green Belt

Ristol Consulting Ltd (91258)

The success of the spatial approach being taken within the Proposed Plan to maintain a 5 year effective land supply (Policy 2.1) conflicts with the position on green belt protection as laid out in Policy 1.5.

There is a tightly drawn green belt boundary covering the majority of the Core Area. The wording of the policy conflicts with the sustainable development criteria of the Proposed Plan on page 29. Specific reference is made to reducing the need to travel and reliance on the private car, improving access to amenities and making efficient use of existing and new infrastructure. Consider that Policy 2.1, which encourages unallocated sites that satisfy sustainable development criteria to come forward, is hindered by the tightness of the Green Belt. As drawn, the boundary prevents key attributes from being realised and in effect encourages development out with the Core Area.

Homes for Scotland (01391)

Note the different development approaches within the plan. Contend that much of the Core Area is set within the Green Belt, although no proper review of the greenbelt has been undertaken, or is indeed planned to be undertaken, in the near future. A comprehensive review should be undertaken by the Council as soon as possible.

#### Small Sites Allowance

Houghton Planning Ltd (01369)

Considers that although the small sites allowance has been reduced from 40 units to 35 units per year that this is still too high relative to market demand. Many potential small

sites but in reality few developers willing to take them on.

Raises concern over developer contributions on development viability.

Experience with Policy 2.10 suggests that there was an initial demand for applications under this policy when it was adopted in October 2014, but that this has changed, as the policy is being applied differently. Refusals are now outstripping approvals.

If the Council is to justify 35 units per annum it must understand the viability aspects of smaller developments and not be rigid in applying developer contributions. Requests no change to the Housing in the Countryside Policy, except for it to be more flexible.

**Modifications sought by those submitting representations:**

Primary Policy 2: Supporting the Vision and Spatial Strategy

Wallace Land Investments (90048)

Add the following wording to the end of the policy ", such as in response to addressing an identified shortfall in effective 5 year supply of housing land."

Stewart Milne Homes Ltd (90272)

No specific modification stated, however it is inferred that the policy should be reworded to remove reference to preferred sites being in the Core Area.

Policy 2.1: The 5 Year Effective Housing Land Supply

Wallace Land Investments (90048), BDW Trading Limited (01756)

Delete "or jeopardise the delivery of an allocated site" from part (e) of the policy.

CALA Homes (West) (01606), Westpoint Homes (01396)

- Amend the last sentence of the first paragraph to read "...housing development will be supported, provided that they:"
- In Part (a) replace "Be consistent with" with "Do not undermine".
- In Part (c) amend the paragraph to read "Are proven, through detailed supporting information, to be effective in accord with Scottish Government guidance, and deliver completions within the 5 year period under consideration; and."
- In Part (d) replace "Be" with "Are"
- In Part (e) amend the paragraph to read "Utilise existing infrastructure capacity, or fund through planning obligations any necessary upgrades as a consequence of their impact, taking into account the Council's approved development strategy.
- Delete the first 2 sentences of the final paragraph and add "for these windfall sites." to the end of the last sentence.

Gladman Developments Ltd (90350)

Delete the first 2 sentences of the first paragraph and replace with "The Council, will at all times, maintain a 5 year effective housing land supply. This will be monitored through the annual housing land audit process and the LDP Action Programme."

## Homes for Scotland (01391)

Amend and simplify the policy so that it is more consistent with Policy 7 of SESplan Strategic Development Plan June 2013.

## Tulloch Homes Ltd (90724)

Change the wording of this policy to include the options to consider increasing housing numbers on existing allocated sites.

Policy 2.2: Planning for Mixed Use Communities and Affordable Housing

## Ristol Consulting Ltd (91258)

- Modify Table 6 to apply affordable housing contributions to the whole Council area as a single percentage level of 25% over and above 10 units.
- Consequential change to SG04.

## Homes for Scotland (01391)

Amend policy wording and Table 6 to show a maximum figure of 25% for affordable housing is applied across all areas of Stirling.

## Dandara Ltd and Arnbathie Developments Ltd (01738)

- Amend policy wording to remove the 33% requirement in pressured areas and replace with a 25% requirement.
- Modify SG04 to allow for greater flexibility for the offsite provision of affordable housing and a more flexible approach to delivery and payment of commuted sums in lieu of provision where considered appropriate.
- Take a more proactive approach to the delivery of affordable housing by identifying specific sites, particularly the allocation of land under their control.

## Tulloch Homes Ltd (90724)

- The PLDP should be modified in line with national requirements to reduce affordable housing contributions to a maximum of 25%. Any future SG should reflect this.
- The resulting calculation approach and cost per unit should be clarified by Stirling Council and consulted upon fully in due course.
- The Council should explain further how a mixed household approach would be considered and implemented as without it has the potential to create development viability issues when combined with other infrastructure costs and developer contribution requirements.
- Impossible to comment fully on policies which refer to Supplementary Guidance without sight of them. It is not acceptable that a suite of revised Supplementary Guidance is not yet available and any implications of such are not known when considering their 'parent' policy(ies). The Council should make all Supplementary Guidance referred to in the Proposed Plan available for comment during this current consultation process.

Policy 2.3 Particular Needs Housing and Accommodation

McCarthy & Stone Retirement Lifestyles Ltd (91368)

- Change para 4.4 of SG04 to read "Specialist accommodation built specifically for older people (particular needs) i.e. Nursing, residential care homes, sheltered housing, or other institutional accommodation, will not require to contribute to affordable housing.
- Or; Specialist accommodation built specifically for older people (particular needs) i.e. Nursing, residential care homes, or other institutional accommodation including housing which meets the requirements outlined in 4.4(a), will not require to contribute to affordable housing.

Specialist accommodation for older people or special needs to be exempt from AH contributions must:

- Not be located on a greenbelt site;
- Size of site should be no more than 0.5Ha;
- Include specialist design or build features for the elderly;
- Include communal space;
- Be appropriately age restricted;
- Additional on-site support services.
- Or; if this cannot be accommodated within the SG, then Policy 2.3 could be used to set out that housing for particular needs such as housing for the elderly which meets the aforementioned criteria would not be subject to affordable housing contribution.

University of Stirling (90324)

It would be helpful if Policy 2.3 was expanded to provide appropriate references to engagement with the University to consider supply and demand characteristics, especially in respect of purpose built student accommodation which the private sector wishes to develop.

Stewart Milne Homes Ltd (90272) - Section (a) of Policy 2.3 should be deleted.

Policy 1.5 Green Belt

Ristol Consulting Ltd (91258)

- Undertake a comprehensive review of the case for a green belt in Stirling in the context of para 49 of SPP.
- Should this review conclude a green belt is necessary, the boundaries should be redrawn to allow for settlement expansion.
- Consider that the Council has time to undertake this exercise as a modification to the Proposed Plan for further consultation.

Homes for Scotland (01391)

A comprehensive review of the Green Belt should be undertaken by the Council as soon as possible in advance of progressing to examination of the Proposed Plan and to inform the size and selection of the new allocation of 1,237 housing units (See Issue 3).

Small Sites Allowance

Houghton Planning Ltd (01369)

Reduce the small sites allowance unless the Council can offer reassurance in the manner in which it will apply its policies on developer contributions and housing in the countryside.

**Summary of responses (including reasons) by planning authority:**Primary Policy 2: Supporting the Vision and Spatial Strategy

Primary Policy 2 seeks to set the main aims of the Spatial Strategy and how it is expected it will be delivered. The representation seeks to add wording to emphasise that housing development will be acceptable in the rural area in the event of a shortfall in effective housing land. The Council does not consider it is necessary to add in the wording. The Rural Area is significantly more constrained than the Core Area by way of access to infrastructure, both physical and social. The Proposed Plan is clear that whilst the Core Area is the preferred location in terms of development on unallocated sites, the policy also provides support for acceptable rural development. The addition of the requested wording is sufficiently covered by Policy 2.1: The 5 year Effective Land Supply.

The Council therefore does not agree to modify the plan as requested.

Policy 2.1: The 5 Year Effective Housing Land Supply

The Council notes the support in the representations for the general aims of the policy. This policy will be applied in the event of a shortfall in 5 year effective land supply and will apply to those sites which are not allocated by the plan and is a response to the provision in SPP (2014) (CD02, para 125) which triggers a "presumption in favour of development that contributes to sustainable development". This 'trigger' applies in the event of a shortfall as it is a requirement of planning authorities to maintain a 5 year supply of effective housing land.

It is quite clear that a shortfall in supply, as identified by an up to date Housing Land Audit, will be as a result of allocated sites not coming forward as previously programmed. However, it does not necessarily follow that the sites are completely non-effective and no longer suitable for development, although the Council does agree that in some circumstances this would be the case. The Draft Planning Delivery Advice: Housing and Infrastructure (CD50, para 75) states that "Where past completions are lower than expected, it does not always follow that additional land needs to be allocated for housing. A balance needs to be struck to ensure that low levels of anticipated completions (arising from wider factors including market conditions) do not artificially inflate the level of additional land release required. Solutions may lie in unlocking allocated sites which remain constrained through more proactive intervention such as the provision of infrastructure." Whilst the Council accepts that this is draft advice, it signals Minister's intentions on how the "presumption" in SPP should be applied.

In this regard it would be inappropriate in some circumstances for a windfall development submitted under this policy to 'jump the queue' and use up capacity that would then in effect further delay or prevent an allocated site coming forward. It could also be the case that the identification of the windfall site would prevent additional infrastructure, such as roads, schools, etc. from being provided. This provision is not expected to be applied in

every case and if the impacts on existing, or proposed, infrastructure/capacity could be satisfactorily mitigated then the windfall site would satisfy this policy provision.

CALA Homes (West) (01606) and Westpoint Homes (01396)

Submit that Scottish Government guidance be referenced in the policy. The Council does not consider that it is necessary to do so. Any such guidance would be a material consideration in the determination of a planning application and the policy does not need to duplicate this. With reference to the Vision and Spatial Strategy, the Council sees no reason to amend the wording as proposed. The Vision and Spatial Strategy is the agreed, by the Council, developers and the community, guiding approach to development in the Stirling Council LDP area, therefore it is not unreasonable to expect any windfall sites to be consistent with this.

The Council therefore does not agree to modify the plan as requested.

Deletion of the first 2 sentences of the final paragraph are requested as the representations consider that the requirement for detailed planning applications is unnecessary and contrary to the planning system. The Council would reiterate that the policy does not require detailed planning applications, however it does encourage doing so. The Council understands that the rationale behind the inclusion of the 'presumption' principle in SPP (2014) is to quickly address a shortfall in identified housing land. It therefore follows that the submission of a PPP application, which then has to be followed by an MSC application, would not adequately address a shortfall in the short term. Homes for Scotland's guidance on programming for Housing Land Audits (CD41) confirms that it is their "Realistic Standard Assumption" that it can take on average 18-24 months from submission of a planning application in principle to the delivery of first units on site. The guidance then goes on to say that lawful completions will not begin within 2 years of receipt of permission in principle. The Council does not accept that this is the intended time period for delivery under the presumption. Considering that the housing land audit is prepared annually, and that they can only take account of non-allocated sites when they have planning permission, it would ideally be the case that a shortfall identified by the audit is addressed by the following year. Otherwise the shortfall would remain unaddressed in terms of the audit, extending artificially the timeframe in which the 'presumption' principle will apply.

The Council therefore does not agree to modify the plan as requested.

The representations also identify a small grammatical error in the policy wording. The Council would be agreeable to the word "deliverable" in part (c) being changed to "delivery", if the reporter was so minded.

It is not considered that it is necessary to amend the wording as requested by Gladman Developments (90350). The Council is of the opinion the policy wording is unambiguous and does not suggest that the Council will use its discretion in applying the requirement. As stated in the representation, SPP (2014) is quite clear on this matter.

The Council therefore does not agree to modify the plan as requested.

Homes for Scotland (01391)

Suggest that the policy would be simpler if it was consistent with Policy 7 of SESplan

Strategic Development Plan June 2013 (CD43). This policy applies to a Strategic Development Plan and is not directly comparable to a Local Development Plan. As a result Policy 2.1 is more detailed than the SESplan Policy 7 as Stirling is not covered by an SDP. The policy wording suggested would not be appropriate to utilise as it does not offer sufficient protection from unsustainable development nor requires demonstration of the sites capability to immediately contribute to a shortfall in 5 year land. It is also important to note that this policy predates the sustainable development presumption identified in SPP (2014).

The Council therefore does not agree to modify the plan as requested.

It is not considered necessary to amend the wording as requested by Tulloch Homes Ltd (90724) as this policy would not apply to already allocated sites. It would be for a planning application to determine that a site could support a higher density than that already approved/allocated, with reference to the relevant policies of the Proposed Plan. An application of this type would not be assessed against Policy 2.1 as it is not relevant. Such consents would then be recorded in the Housing Land Audit and would contribute to the 5 year effective land supply.

However, the Council does agree with the general point of the representation that the allocation of new sites is not the only way to address a shortfall in 5 year effective land supply. As outlined above, this view is expressed in Draft Planning Delivery Advice: Housing and Infrastructure (CD50, para 75) and Tulloch's support of this is noted.

The Council therefore does not agree to modify the plan as requested.

#### Policy 2.2: Planning for Mixed Use Communities and Affordable Housing

The Council, in the Proposed Local Development Plan submitted for examination in 2013, originally set the affordable housing contribution for highly pressured areas at 50%. This was in response to the high need for affordable housing identified in the Housing Need and Demand Assessment (CD44 pg 3) and further expanded upon by the Local Housing Strategy (LHS) (CD45, para 1.23 and 1.24). During examination of that Proposed Plan concerns were expressed by the housebuilding industry that such a high contribution may restrict development and render some sites unviable. The reporter shared these concerns and adjusted the contribution to 33%. (CD03, pg 139). In doing so the reporter acknowledged that SPP allows for a higher contribution but that there is a need "To balance the seriousness of the need for affordable housing in the Highly Pressured Areas with the need to reduce the financial implications for developing sites."

The Council acknowledges that these comments were made in the context of SPP (2010) and not the updated SPP (2014). SPP (2014) (CD02) confirms in para 129 that affordable housing contribution should "generally be no more than 25%". Para 128 also states that "Where the Housing Need and Demand Assessment and Local Housing Strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this." The Council considers that SPP is clear that there is scope to consider a higher contribution. Accordingly, the LDP is consistent with SPP by setting out the planning response to a shortage of affordable housing. The Housing Need and Demand Assessment identifies that there is a significant need to provide affordable housing, with a large shortfall developing if left unaddressed. (CD44, pg 70). In the LHS it was not considered reasonable to set the target as high as that suggested in the Housing Need and Demand Assessment, taking account of realistic prospects of delivery in terms

of funding and past delivery rates. The LHS does note however, that the Rural Area and Dunblane/Bridge of Allan are highly pressured areas and should attract a higher contribution to help address this pressure (CD45, para 1.40).

Para 128 of SPP (2014) refers to PAN 2/2010 which sets out possible options to the authority to provide affordable housing. Para 30 of PAN (2/2010) (CD46) suggests that authorities, amongst others, should consider allocating sites specifically for affordable housing and by making surplus local authority land or buildings available for affordable housing. The Council is in compliance with this guidance as the Proposed Plan identifies sites for affordable housing only, many of which are former Council owned land or buildings, e.g. H020 Bogside (Dunblane), H146 St Margarets (Cowie) and H148 Former Raploch Local Office (Raploch).

In line with the reporter's comments at examination and national guidance, the 33% contribution has not been changed in the Proposed Plan. The council still considers that an increase from the benchmark figure is appropriate in the Highly Pressured Areas. To support the Housing Need and Demand Assessment findings and the LHS target of achieving 88 units per year, the Council requires this contribution to address need in these areas.

In addition, the Council considers that the affordable housing policy has been successful in delivering affordable housing. The Housing Background Report (CD47 pg 6) and the Housing Land Audit 2016 (CD20, pg14) show that since 2010 there has been 510 affordable units completed, against a target of 528 over the same period. In this regard the Council does not agree that the 33% contribution is unachievable and constrains development overall. There may be site specific circumstances that may support a departure from this contribution if it can be demonstrated that site viability is unduly comprised. This can be addressed through individual planning applications.

The Council therefore does not agree to modify the plan as requested.

The representation from Dandara Ltd and Arnbathie Developments Ltd (01738) is correct that the Scottish Government (90188) did respond to the MIR (CD23, pg 30), stating that they note "There was no mention of the specifics of an affordable housing policy or developer contributions towards affordable housing in the MIR." They then go on to restate SPP (2014) view on this matter. However at no stage in this representation did they express 'concern' over the policy itself, its implications, or ask for further justification, as implied by Dandara and Arnbathie Developments (01738). It should also be noted that the Scottish Government made 4 separate representations to the Proposed Plan, of which affordable housing was not one.

The Council therefore does not agree to modify the plan as requested.

With regards to the threshold for onsite provision, this is in line with PAN 2/2010 (CD46) which at para 16, suggests as a general guide that "local authorities and developers can normally expect onsite provision to be appropriate for developments of 20 or more units." The Council considers that it is reasonable in this respect to express a preference for onsite contribution for developments of 20 units or more. Whilst the policy expresses a preference for delivering affordable housing on site, the Council has demonstrated that this policy can be flexible and a site specific approach has been taken in the past. For example on sites H085 Dunmore and H086 Kiltrochan (Balfron), affordable housing was considered across both applications simultaneously as they were in the same ownership.

H085 was considered to be the more appropriate site for affordable housing due to its location closer to the centre of the village. Thus, the affordable housing contribution for both sites was provided on a mixed tenure basis on H085 with H086 solely for market housing. Another example of this flexibility is at H156 Killearn Home Farm (Killearn). An application for 11 units attracted an affordable housing contribution. However due to its location it was not considered appropriate to have affordable housing onsite and a financial contribution was deemed acceptable.

The Council therefore does not agree to modify the plan as requested.

Tulloch Homes Ltd (90724)

Consider that many housing developers currently offer a range of house types and tenures within the affordable housing bracket. The Council considers that whilst that may be true, and is supportive of this to increase housing choice, the Council has concerns over the difficulty in maintaining these houses in the affordable housing bracket over the longer term.

As previously stated, the Housing Need and Demand Assessment (CD44 pg 3) shows a significant shortfall in affordable housing provision in the Stirling area and the Council considers that affordable rented accommodation by either the Council or an RSL is the most appropriate response for the authority. There is no need to place an occupancy restriction in such developments as they will remain affordable in perpetuity. This ensures that there is capacity to provide for affordable housing needs in the future without 'losing' affordable housing to the general market sector. This approach is common across Scotland and is in line with PAN 2/2010 (CD46) which states at para 29 that "Local authorities should consider whether new affordable housing should remain affordable in the future and, if so, the most appropriate means to achieve this outcome. Occupancy conditions will not be necessary where a charitable RSL is responsible for the management of rented housing."

Whilst it is acknowledged that the Council's Supplementary Guidance is not the subject of this examination, the Council would point out that the guidance relating to all developer contributions will be reviewed in 2017 in order to ensure that up to date guidance is in place for adoption of the new LDP. It is not envisaged that the general approach to developer contributions will change significantly.

The Council therefore does not agree to modify the plan as requested.

### Policy 2.3 Particular Needs Housing and Accommodation

The comments from McCarthy and Stone Retirement Lifestyles Ltd (91368) generally relate to Supplementary Guidance. Whilst it is acknowledged that the Council's Supplementary Guidance is not the subject of this examination, the Council would point out that the guidance relating to all developer contributions will be reviewed in 2017 in order to ensure that up to date guidance is in place for adoption of the new LDP. It is not envisaged that the general approach to developer contributions will change significantly.

The representation also requests a change to Policy 2.3 in lieu of changes to SG04. The Council does not consider it necessary to amend the policy wording. This policy supports particular needs accommodation. The accommodation described by the representation does not fall within the listed categories of specialist accommodation listed by SG04

Affordable Housing (CD04, para 4.4). In this regard whilst it is clear that McCarthy and Stone (91368) target a specific sector of the market, it is essentially still market housing sold at market prices. As such this type of accommodation does not warrant exclusion from an affordable housing contribution, either in the SG or by amending the policy wording.

The Council therefore does not agree to modify the plan as requested.

The policy is a response to the particular housing needs identified by the Housing Need and Demand Assessment. The Housing Need and Demand Assessment does not include student housing and therefore this policy is not expected to be applied to applications for purpose built student accommodation. The representation from the University of Stirling (90324) therefore cannot be addressed by any change to this policy.

The Council therefore does not agree to modify the plan as requested.

The Housing Need and Demand Assessment is the starting point for the Council to identify what type, and how many, houses are required in the Council area. The Housing Need and Demand Assessment has shown that smaller housetypes are required and there is a preference for houses to be built to varying needs standards to allow new houses to be adaptable to suit tenant's needs. It is therefore considered reasonable that the LDP should encourage the meeting of identified need through a policy. The representation by Stewart Milne Homes (90272) is correct that building standards ensures this, however the LDP policy is intended to prompt developers to consider the needs and demands of the area in which they are building. The policy does not suggest that market developers should solely provide for any need, however it is expected to be a consideration in the design process of any new development.

The Council therefore does not agree to modify the plan as requested.

#### Policy 1.5 Green Belt

The core roles and function of the Green Belts in Stirling are outlined in SG03 Green Belts (CD09), and the boundaries were directly informed by the Stirling Green Belt Review 2009 (CD11). In line with many core aspects of the plan, such as the Vision and Spatial Strategy, the Green Belt was not considered to require a fundamental review in the Stirling area. However, the impact on the Green Belt was considered as part of the site assessments of the MIR. As part of this process, H137 Hillside (Dunblane) (see Issue 34) has been proposed to be released from the Green Belt. In other cases, such as at Mugdock (see Issue 57), the site assessment process concluded that the Green Belt designation was appropriate and no changes were made.

The Council does not agree that there is an inherent conflict between Policy 1.5, Policy 2.1 or the sustainable development criteria. In the event of a shortfall and the application of Policy 2.1, it is clear that any development proposal requires to be in accordance with the Vision and Spatial Strategy, other LDP policies and sustainable development criteria. Stirling's Green Belts serve a particular purpose, for example protecting the setting of a settlement, as is the case at Dunblane, or preventing coalescence, as is the case between Stirling and Fallin. In this regard, even in the event of a shortfall, development affecting the Green Belt would be resisted.

The Council, in this Proposed Plan, presents its settled views of policies and proposals

that should form the adopted Local Development Plan for Stirling. The Council at this stage does not believe it would be of benefit to either the development industry or the local community to delay progression of the Proposed Plan by conducting a review of the Green Belt. Any changes to the Green belt boundary should be considered by a future review of the LDP.

The Council therefore does not agree to modify the plan as requested.

Small Sites Allowance

Specific comments on the application of Policy 2.10 is further discussed under Issue 7.

The representation suggests that there was an initial rush to submit applications under Policy 2.10 on the plans adoption in October 2014 and that this demand has now decreased. The Council would dispute this. The Monitoring Statement produced for the MIR (CD49, pg 17) shows that applications under Policy 2.10 has been monitored since 2010. This is because although the policy is in the adopted plan in 2014, it has in effect been applied under the former Local Plan as policy H10(a). The Monitoring Statement on page 16 shows clearly that there was a jump in applications under the policy in 2010/2011 when it was introduced and that this has been sustained.

The Housing Background Report (CD47, pg14) notes that since 2010 there has been on average 34.2 units completed per annum as a result of windfall, both from small sites of less than 4 units and larger developments on unallocated sites. The adopted LDP does not make an allowance for any windfall sites, except those from small sites. It is considered pragmatic, given past performance, that the Proposed Plan should make an allowance for windfall, which can be met by small sites and larger unallocated sites. SPP (2014) (CD02, para 117) allows for a contribution to the Housing Land Requirement if they are "realistic and based on clear evidence of past completions and sound assumptions about likely future trends." Given that since 2010 Stirling has averaged 34.2 units per annum from small sites and windfall development, a figure of 35 units is considered reasonable and achievable. It should be further noted that the Housing Land Audit 2016 (CD20, pg14) records 32 completions from small sites, the highest output since 2010.

The Council therefore does not agree to modify the plan as requested.

**Reporter's conclusions:**

Primary Policy 2: Supporting the Vision and Spatial Strategy

1. The Vision and Spatial Strategy of the plan is examined at Issue 1 of this report. Policy 2 then sets out the main aims of the Strategy and where it will be delivered. The representation is seeking to reference a shortfall in the five-year effective housing land supply in the policy, specifically as an example of appropriate circumstances.
2. I find that Primary Policy 2 is strategic in nature, and as such sets the context for the policies which follow. Adding text relating to a shortfall in housing supply, would not, to my mind, add any more clarity to the plan, as that matter is fully addressed at Policy 2.1.
3. I consider that the policy is sufficiently clear that development can take place in both the Core and Rural areas, although the limitations of both are acknowledged. I

recommend no modification to the plan.

Policy 2.1: The 5 Year Effective Housing Land Supply

4. Representations address various aspects of the policy, and have suggested alternative wording. Overall, the policy is supported subject to resolution of the outstanding objections.

5. Part (e) of the policy seeks to ensure that development on sites not allocated for housing development will not compromise the delivery of necessary infrastructure or jeopardise the delivery of an allocated site.

6. Representations are concerned that the wording is too open ended, and may result in suitable sites being unable to gain planning consent, thus limiting the ability of the policy to deliver homes in the envisaged scenario of a failure in the five-year effective supply of housing land.

7. The council considers that it would be inappropriate for windfall sites to use up capacity that might prevent an allocated site coming forward, or for infrastructure provision to be absorbed by windfall sites.

8. I find that in order to maintain a five-year effective housing land supply in Stirling at all times, it may be that additional sites are required, and by their nature, these sites will not be allocated for residential development. (Additional information on overall housing land supply in Stirling can be found at Issue 3 of this examination, where my conclusions and recommendations are set out.) It would then fall to the provisions of Policy 2.1 as the basis to assess such proposals. Demonstrating that the delivery of an allocated site is not jeopardised by the proposed site is, I consider, an almost impossible task, as the extent of any jeopardy is not defined in the plan, nor are there any parameters set out in the plan, within which to make that case.

9. Should the scenario arise in that there is a shortfall, then inevitably unallocated sites would have to “jump the queue” in the words of the council, as there would be no alternative to ensuring delivery of the Housing Land Requirement (HLR) and maintaining a five-year supply as required by national policy (given the overall conclusions and recommendations of this examination). In doing so, such sites should be assessed against the relevant policies of the plan, including those relating to developer contributions. I consider that any potential impact on infrastructure could be mitigated against or provided for through the appropriate contribution mechanism.

10. In relation to delaying or preventing an allocated site from coming forward as feared by the council, I find that the proposed unallocated site would only be in the position of being promoted because the allocated sites were already in the position of not coming forward or of being delayed, for whatever reasons. In either scenario, the unallocated site is not jeopardising the allocated site, it is the unallocated site that is responding to resolve a failure in the expected delivery of homes from allocated sites.

11. I find that part (e) of this policy is imprecise and may place an undue barrier to the delivery of those unallocated sites being assessed under Policy 2.1 and which may be required to resolve a shortfall in housing supply. I am recommending that the wording of part (e) be modified by deleting the words “*or jeopardise the delivery of an allocated site.*”

12. The deletion of the first two sentences of the final paragraph in Policy 2.1 is sought. Such a requirement is considered unnecessary and contrary to the planning system.

13. The council states that it is reasonable to seek detailed planning permissions, as the timeframe for permission in principle consents may mean that the windfall sites are not delivered within the five-year period for which they were granted consent. The council also points out that they are not requiring detailed application, but it is their preference.

14. I find that part (c) of Policy 2.1 addresses the question of effectiveness, and that any application, detailed or in principle, would need to demonstrate that it is effective and capable of delivery within the five-year period under consideration. As such, a detailed application may not always be required.

15. However, I note the concerns of the council that a site with permission in principle may result in that site being accounted for in any subsequent Housing Land Audit as being effective, but which subsequently does not deliver the required homes. The wording of the first two sentences of the final paragraph on page 36 is, I find, a statement of what the council expects and encourages. I conclude it is not a requirement, and so I am satisfied that it does not preclude applications for permission in principle. I recommend no modification to the plan.

16. The grammatical error is noted at part (c) of Policy 2.1, and agreed with the parties. Accordingly, I recommend that the word “deliverable” be deleted and replaced with “delivery”.

17. A representation considers that the use of the word “seek” in the first sentence of the policy implies that there is discretion in the maintenance of a five-year effective housing land supply. The council is of the opinion that the wording is unambiguous and does not need to be modified

18. I find that Scottish Planning Policy at paragraph 120 is unambiguous, in that it states, “*They should provide a minimum of 5 years effective housing land supply at all times.*” The use of the word “seek” in the policy, does, I consider, imply a level of discretion which is not consistent with Scottish Planning Policy, and on that basis, I recommend that the wording of the first sentence be modified as set out in my recommendation below. I conclude that the remainder of the first paragraph should not be modified as I find it adds clarity to the policy.

19. A change is sought to simplify the policy and make it consistent with Policy 7 of SESplan Strategic Development Plan 2 (SDP) 013. I find that Policy 7 may be an appropriate policy for an SDP, but in the context of an LDP, the level of detail required is greater. In addition, I note that the policy predates Scottish Planning Policy 2014. I recommend no modification to the plan.

20. A representation notes that new allocations are not the only way to increase delivery of homes in Stirling, and seeks a modification of the policy to include increasing numbers on already allocated sites.

21. Whilst the general principle of the representation is noted, Policy 2.1 only relates to sites which are not actually allocated in this plan, and so I cannot address the issue here. The capacity of any site and a development proposal which may alter that capacity would be considered during the application process, or during the preparation of the annual

Housing Land Audit. I recommend no modification to the plan.

### Policy 2.2 Planning for Mixed Communities and Affordable Housing

22. A reduction in the affordable housing contribution is sought in the Highly Pressured Areas, on the basis that the requirement in Policy 2.2 for 33% is contrary to Scottish Planning Policy paragraph 129, which states that a contribution within a market site should *“generally be no more than 25% of the total number of houses”*.

23. The council has carried the 33% contribution forward from the extant plan, based on the comments of the reporter which related to viability and restrictions on development. The council also relies on the Housing Need and Demand Assessment outcomes, where a significant shortfall in affordable housing provision is identified. I note the Housing Supply Target for this plan does not fully reflect the figures suggested in the Housing Need and Demand Assessment, rather it is the application of a realistic prospect of delivery that comprises the affordable housing element of the Housing Supply Target. On that basis, the council considers that the delivery of affordable housing in the Highly Pressured Areas is dependent on a higher contribution level.

24. I find that at paragraph 129, Scottish Planning Policy is clear the level of affordable housing required as a contribution should generally be no more than 25% of the total. I appreciate that is a general level, which implies that the actual level in any plan could be higher or lower.

25. However, paragraph 130 of Scottish Planning Policy goes on to explain how plans should deliver affordable housing requirements, and specifically addresses rural areas as follows: *“In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a ‘rural exceptions’ policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.”* The Highly Pressured Areas of this plan are not just rural, but also include the settlements of Dunblane and Bridge of Allan within the Core Area.

26. Planning authorities are directed by Scottish Planning Policy to consider the level of affordable housing contribution which is likely to be deliverable, in the current economic climate, as part of a viable housing development. The council points out that the delivery of 510 affordable homes in the period 2010-2015 against a requirement for 528 homes indicates that 33% is an achievable level. I find that the delivery of 510 affordable homes since 2010 should not be taken as a simple indicator that 33% is an appropriate level of contribution. Submissions in relation to other issues in this examination have informed me that the affordable sector in Stirling has been very successful in bringing vacant property back into productive use, and that a number of sites are allocated and developed solely for affordable housing. I have seen no evidence that a 33% contribution level alone has delivered those 510 homes.

27. Paragraph 128 of Scottish Planning Policy states that where the Housing Need and Demand Assessment and Local Housing Strategy have identified a shortfall, the plan should set out the role that planning will take in addressing this. I find that this plan is in accordance with paragraph 128, as Policy 2.2 clearly sets out how the plan anticipates affordable housing will be addressed.

28. I find that the level of contribution as set out at Table 6 is not a minimum level. The text of the policy does not specify either maximum or minimum levels of contributions, just the nominated level for each area and site size. I recommend no modification to the plan.

29. Overall, I conclude that although the level of 33% is higher than the level of 25% set out at paragraph 129 of Scottish Planning Policy, both the Housing Need and Demand Assessment and Local Housing Strategy clearly demonstrate a shortage which needs to be addressed. I find the evidence base is in accordance with that required by Scottish Planning Policy and that the level of 33% affordable homes contribution for Highly Pressured Areas is justified in this plan. I recommend no modification to the plan.

30. The issue of on and off-site delivery is raised. I find that although the text in column 4 of Table 6 states “on site”, this is qualified by the note accompanying the table, which makes clear that there will be flexibility when considering the particular circumstances of development schemes. I consider that the representation is already addressed in the plan and recommend no modification.

31. Larger development schemes (20 units or more) are questioned in terms of part (b) of the policy which states that any market housing should aim to meet the needs of smaller, older and lower income households. The representation seeks flexibility in the application of part (b).

32. The council's response appears not to address the primary area of concern in the representation, which to my reading is based on the potential impact on viability when developer contributions, affordable housing contributions and the need to meet local housing needs (in terms of housing type) are combined. Housing for older, smaller and/or lower income households will not by default be affordable housing, and nothing in Policy 2.2 would enable such homes to be retained as affordable in perpetuity, as they may not be affordable in the first instance. Despite this, I am content that part (b) of Policy 2.2 is flexible in that it reads “should aim”, and so any development proposal could demonstrate why the needs of such households are being met (or otherwise) in the affordable housing element of the development, rather than in the market element, depending on circumstance.

33. However, for clarity and to provide certainty, I am recommending that the note at the end of Table 6 be moved to a new bullet point (e), and the text be amended to reflect mixed communities as well as affordable housing.

34. The inconsistency between the two Supplementary Guidance's SG04 and SG16 is noted. However, neither document forms part of this examination and so I am unable to reach a conclusion on the representation.

#### Policy 2.3: Particular Needs Housing and Accommodation

35. A change to Policy 2.3 is sought, to remove the requirement for housing for older people to contribute to affordable housing provision, as set out at part (c) of the policy. Examples from other planning authorities are quoted.

36. I find that although the homes are provided for a particular sector of the housing market, persons over 55, they are in essence market housing sold at market prices. Scottish Planning Policy at paragraph 129 refers to paragraphs 132 to 134, where the

types of specialist housing from which affordable contributions may not be required are set out. Market housing for over 55's is not included in paragraphs 132 to 134. I conclude that an exclusion from Policy 2.3 would not be warranted and recommend no modification to the plan.

37. The University of Stirling is seeking to have purpose built student accommodation specifically addressed in the plan. The council points out that the Housing NDA does not address student accommodation and that Policy 2.3 does not apply to such development.

38. I agree that the housing Need and Demand Assessment does not address student accommodation, and that Policy 2.3 is not intended to address that sector. I find that the policies of the local development plan will be applied to purpose built student accommodation. That would be a matter to address when development proposals are being assessed.

39. Purpose built student accommodation is a growing sector, and may be a suitable issue for discussion during the next local development plan review. In relation to this plan, an entirely new policy would be required, and I have seen no evidence that such a policy is actually required at this point in time. I recommend no modification to the plan.

40. A representation objects to the principle of the policy as a whole, as new homes are already designed to meet varying needs, an area which is already covered by building control. Meeting particular housing needs is not the responsibility of private developers.

41. I find that the policy intention is to try and ensure a range of housing types, sizes and tenure are provided in Stirling. I agree that to some extent these are matters covered by the relevant building regulations, however, I conclude that it is reasonable to set out the intentions of the authority in the local development plan. Private developers should not be expected to be the sole providers of particular needs housing, and I find that the policy does not suggest that to be the case. I recommend no modification to the plan.

#### Policy 1.5: Green Belt

42. The representations consider that the tight green belt in the Core Area creates a conflict with the sustainable development criteria as set out on page 29 of the plan, in that when unallocated sites come forward, they will be forced to be outside the Core Area by the green belt, but then could fail to meet the sustainable development criteria.

43. A comprehensive review of the green belt is also sought.

44. I find that Policy 1.5, Policy 2.1 and the sustainable development criteria together deliver the Spatial Strategy of the plan. There may be occasions where there appears to be conflict, but the development management process should assess any proposal against all the policies of the plan, giving the appropriate weight to each depending on the circumstances at the time of any application. In Stirling, the various portions of the green belt serve particular functions, and those functions should be assessed when Policy 2.1 is applied to any proposal. In terms of sustainable development, the presumption in favour of such development does not preclude development which does not meet every criterion, again a matter I consider can be assessed when a proposal is made. I recommend no modification to the plan.

45. In relation to a comprehensive review of the green belt, I note that the last review was carried out in 2009. I also note that the council considers that any changes to the green belt should be considered by a future review of the local development plan. I find that a review of the green belt could take place at any time, and could inform a local development plan review rather than changes to boundaries arising from the examination of the local development plan. In any case, carrying out a comprehensive review at this stage of the plan preparation process is not practical for many reasons, the most pertinent one being the requirement to carry out an early review of the extant plan. I recommend no modification to the plan.

Small Site Allowance

46. The representation questions the ability of the market in Stirling to deliver 35 homes from small sites per annum, based on viability, developer contributions, the application of the Housing in the Countryside policy (Policy 2.10 and associated Supplementary Guidance) and a lack of available financing.

47. I note that since 2010, completions on small sites have averaged 34.2 homes per annum. Scottish Planning Policy (SPP) at paragraph 117 makes provision for small sites and windfall sites to contribute to the Housing Land Requirement (HLR), based on clear evidence of past completions and sound assumptions about likely future trends.

48. I consider that five years of reasonably consistent delivery from unallocated and small sites in Stirling is clear evidence in accordance with Scottish Planning Policy that there have been completions from such sites. The review of the housing Need and Demand Assessment concluded that there have been no major changes since 2010, which also assures me that it is likely that rate of delivery would continue into this plan period.

49. I recommend no modification to the plan.

**Reporter’s recommendations:**

1. Delete the first sentence of Policy 2.1 and replace it with the following:

*“The Council will, at all times, maintain a 5-year effective housing land supply through the annual housing land audit process and the LDP Action Programme.”*

2. Delete the note from Table 6 and insert a new bullet point (e) as follows:

(e) *“Although the priority is to deliver affordable housing on site, particularly on larger schemes, the council will be flexible in implementing mixed community and affordable housing policy to suit the particular circumstances of the settlement, the site and funding arrangements.”*

3. Delete the following words of Policy 2.1 part (e):

*“or jeopardise the delivery of an allocated site.”*

At Policy 2.1 part (c), the word *“deliverable”* should be deleted and replaced with *“delivery”*.

<b>Issue 5</b>	<b>Employment Development</b>	
<b>Development plan reference:</b>	Policy 2.4: Safeguarding Employment Land and Property (Page 39) Policy 2.5: Employment Development (Page 40) Policy 2.9: Economic Development in the Countryside (Page 44)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Moray Estates (01732) Scottish Government (90188) TACTRAN (90193) The Profili Partnership LLP (90661)		
<b>Provision of the development plan to which the issue relates:</b>	Safeguarding of all employment land and property for Class 4, 5 and 6 use and/or waste management purposes and establishing the criteria to be met by proposals for Class 4, 5 or 6 use or waste management facilities, including within the Countryside.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Moray Estates (01732)</p> <p>Seek to ensure that any future economic development in the countryside on the Doune Estate is not prejudiced by the fact that Doune is not included as a Rural Activity Area. The selection of the Rural Activity Areas does not appear to have any specific justification and it would appear that it will be more difficult to achieve economic development on rural land that is not included in a Rural Activity Area.</p> <p>Scottish Government (90188)</p> <p>The order of parts (a) and (b) of the policy may lead to ambiguity, as it could be interpreted that part (a) applies in addition to (b) and consequently that live-work and community business spaces should be located within an allocated employment area or demonstrate considerable economic benefit. Swapping the order of parts (a) and (b) would give upfront support to live-work units, micro-businesses, community business space in the specified circumstances. Any other form of business development would then have to comply with the locational and economic requirements as defined.</p> <p>TACTRAN (90193)</p> <p>Policy 2.9 should also consider accessibility by non-car modes.</p> <p>The Profili Partnership LLP (90661)</p> <p>Objection to the inclusion of the words 'and for all unallocated sites currently in Class 4, 5 and 6 use' within part (b) of Policy 2.4.</p> <p>Policy 2.4 deletes a separate provision set out in Policy 2.4 of the adopted Local Development Plan, whereby a change of use away from Class 4, 5 or 6 use upon a site not allocated for employment use may be supported where the site has been</p>		

unsuccessfully marketed for employment purposes for a period of 12 months.

The revision does not take account of circumstances where it may be welcomed that an existing employment use relocate as its premises are no longer fit for purpose or if the company is expanding; where an employer requires to sell existing premises for an alternative use in order to fund relocation (and thus could be a hindrance to employment investment); or circumstances where the change of use could bring about environmental improvements, especially if there is a neighbouring uses affected by noise, smell or traffic etc. generated by the employment use.

The circumstances set out in part (b) rely on an annual audit process and a comparative exercise of supply and demand which can be time consuming, often disputed and inconclusive for the applicant and the Council or the retention of an employment use, for which there may be no demand.

An unsuccessful marketing campaign is a tangible means of demonstrating there is no demand for continued employment use, albeit the period of 12 months may be excessive. It represents a more flexible approach to assessing the suitability of the employment sites that are unallocated within the Plan for alternative uses, including significant employment generators such as leisure facilities, hotel accommodation, retail space or even housing development that would contribute to the housing supply within the Stirling Council area.

**Modifications sought by those submitting representations:**

Moray Estates (01732)

Modification to Policy 2.9, part (a) to include a new provision (iv) which states that sustainable economic development would be supported, providing that it met all other relevant criteria, in areas outwith the Rural Activity Areas.

Scottish Government (90188) - Swapping the order of parts (a) and (b) of Policy 2.5.

TACTRAN (90193) - No modification specified.

The Profili Partnership LLP (90661)

- Deletion of 'and for all unallocated sites in currently in Class 4, 5 and 6 use' as contained in part (b) of Policy 2.4
- Inclusion of the following wording in Policy 2.4 as a new point (although already contained within Adopted Local Development Plan): 'For unallocated sites, other uses will only be supported where it has been proven that the site has been unsuccessfully marketed for employment purposes for a period of 12 months or more'.

**Summary of responses (including reasons) by planning authority:**

Policy 2.4

First and foremost, Policy 2.4, as set out in part (a) of the policy, seeks to safeguard all employment land and property for Class 4, 5 and 6 use for employment generating uses. The issue raised here centres on how the policy safeguards the use of sites and premises which are currently in employment use (Class 4, 5 or 6) but are not allocated for these uses in the Plan and/or do not fall within an Employment Safeguarding Area.

Policy 2.4 as set out in the adopted Local Development Plan (CD01) differentiates between allocated sites and sites within Employment Safeguarding Areas on one hand and unallocated sites on the other. In retrospect, it is considered that there is no justification for applying different considerations to allocated/safeguarded sites and unallocated sites in employment use and that both should be treated the same.

Furthermore, it is considered that by removing the burden of proving that a site or premises in employment use has been unsuccessfully marketed for 12 months simplifies the policy approach; allows greater rather than less flexibility for alternative uses to come forward; and potentially lessens the time in which planning consent can be granted. This may be positive in environmental terms where a site in employment use represents a ‘bad neighbour’ or where businesses are looking to relocate.

For the reasons stated above, the council does not agree to the modifications to Policy 2.4 being sought by The Profili Partnership LLP (90661).

Policy 2.5

The Council agrees that Policy 2.5 would be clarified and strengthened by changing the order of parts (a) and (b) and would have no objection to such a change being made by the Reporter if this is considered appropriate. It is considered that this would not change the underlying aims of the policy.

Policy 2.9

Moray Estates (01732)

The Local Development Plan identifies three Rural Development Areas – at Keltie Bridge (B44), Lochills (B46) and Killearn Hospital (B47). These represent previously developed sites or sites adjacent to existing employment uses, allocated to support economic development in the countryside. Otherwise, the Council considers the provisions of the development plan, including Policy 2.9, provide a flexible policy approach to ensure such development can be supported where appropriate.

Policy 2.9 does not restrict employment development only to Rural Activity Areas consequently a modification to Policy 2.9 is not supported.

With regard to the representation made by Tactran (90193), it is considered that the policy does consider accessibility by non-car modes in that it encourages economic development within the countryside to locate close to villages, where there is a greater possibility for a realistic choice of access. Policy 3.1 and SG14 (CD69) outline that new development should meet the demand for travel generated by a safe and realistic choice of access, which includes walking, cycling and public transport. Again, no modification to the Policy is proposed.

**Reporter’s conclusions:**

Policy 2.4: Safeguarding Employment Land and Property

1. The Profili Partnership is concerned about potential changes of use on unallocated land currently in Class 4, 5 or 6 uses. A more flexible approach would encourage alternative uses which, in turn, could generate significant employment. This approach

should take account of the unsuccessful marketing of a site for employment purposes as this is a tangible means of demonstrating lack of demand for continued employment use.

2. The council emphasises the objective of the policy is to safeguard all employment land. The adopted local development plan differentiates between allocated sites and sites within Employment Safeguarding Areas and unallocated sites. In respect of unallocated sites, I note changes of use are only supported following unsuccessful marketing for employment purposes. This is the approach favoured by the Profili Partnership.

3. The council believes sites in all categories of employment land should be subject to the same policy considerations when a change of use is proposed. In any event, it is argued, the requirement for a marketing exercise reduces flexibility and potentially extends the time for obtaining planning permission for a new use.

4. In my experience, it is not unusual for a planning authority to require a marketing exercise to justify a change of use from employment purposes. Indeed, this is a requirement of the current local development plan. On the other hand, I agree with the council that this procedure could protract the planning process and frustrate progress towards a change of use. Such a change of use may be beneficial, for example, in bringing about environmental improvements or generating alternative employment opportunities.

5. Although the Profili Partnership indicates that the proposed policy requires an up-to-date audit of employment land and an assessment of supply and demand, the procedure would apply in any event should an allocated site or a site within a safeguarded area be proposed for a change of use. I have no reason to believe that the council would not maintain current data on all employment land therefore do not accept that this particular consideration provides a significant impediment to the assessment of any proposal.

6. The representation also expresses concern about the two further circumstances which may justify a change of use but I see little difficulty in making an assessment against these criteria. Again of course, sections (b)(i) and (ii) would remain in respect of allocated sites or sites within a safeguarded area.

7. On balance, I conclude that the terms of the proposed plan are acceptable and do not require modification.

#### Policy 2.5: Employment Development

8. The council agrees with the suggestion that paragraphs (a) and (b) of Policy 2.5 should be reordered. However, I believe that the policy as proposed is appropriately ordered dealing in section (a) with a range of “traditional” employment land and in section (b) with less traditional forms of employment generating activity. Concern about clarity and the relationship between the two sections could be overcome by inserting “Additionally” at the start of section (b).

#### Policy 2.9: Economic Development in the Countryside

9. The council refers to three Rural *Development* Areas whereas the representation by Moray Estates concerns Rural *Activity* Areas. The proposed plan Glossary of Terms defines a Rural Activity Area as a “Location within the countryside (outwith towns and

villages) considered suitable for employment-related developments appropriate to a rural area combined with other appropriate uses where specified.”

10. Appendix A, Schedule of Development Sites, section 2, Employment Sites, allocates five sites in the Rural Villages Area under the guise of Rural Development. These include the three sites identified in the council’s response above: B44, under the site name of Callander East Bridge of Keltie, B46, Lochills, and B47, Killearn Hospital. The three sites are within the “Settlement /Area” of Callander, Deanston and Killearn respectively. The two remaining sites are within the “Countryside”.

11. In the Settlement Statements and Proposals Maps, site B44 is shown within the Keltie Bridge (Rural Activity Area) statement and map. The site is identified as a Rural Activity Area of 0.9 hectares. Site B46 is shown within the Deanston statement and map. The site is identified as a Rural Activity Area of 0.6 hectares. Site B47 is shown within the Killearn statement and map. The site is identified as a Rural Activity Area of 2.5 hectares.

12. Deanston and Killearn are identified for “Sustainable Expansion” in the Rural Villages Area in Table 1 of the Spatial Strategy. Keltie Bridge is identified for “Rural Development”.

13. In addition to the definition contained in the glossary, the council explains that the sites have been previously developed or lie adjacent to existing employment sites and have been allocated to support economic development in the countryside. I believe this information provides the rationale sought by Moray Estates.

14. It is clear that the term Rural Activity Area applies to sites and not to settlements. Accordingly, Doune, as a place, could not be considered as a Rural Activity Area. Policy 2.9 actively encourages economic activity “in and around Rural Activity Areas”. However, in order stimulate a healthy and vibrant rural economy, it also supports economic activity in a variety of other locations and circumstances (section (a)(i)(ii) and (iii) and sections (b) and (c)). The council points out that this provides a flexible approach.

15. I accept that the policy provides a reasonable degree of flexibility whilst recognising the constraints imposed on development in the countryside. On this basis, I conclude that the representation submitted by Moray Estates does not provide justification for the suggested addition to Policy 2.9 (a).

16. In response to the representation by Tactran, the council argues that the encouragement of economic development close to villages would provide more opportunity of a choice of access. I share this opinion and accept that, in such locations, there would be increased possibility of modal choice, particularly walking and cycling. I also note the terms of Policy 3.1: Addressing the Travel Demands of New Development, which seeks to increase the range of transport modes to access developments as well as reducing travel demands. All-in-all, I believe this aspect of the proposed plan accords with the relevant policy principles set out in paragraph 270 of Scottish Planning Policy. In turn, there is no requirement to modify the proposed plan.

**Reporter's recommendations:**

I recommend the following modification be made:

In Policy 2.5: Employment Development, modify section (b) to commence:

“(b) Additionally, support will be given to live-work units, ....”

<b>Issue 6</b>	<b>Policy 2.6 - Supporting Town Centres and R11 – Springkerse</b>	
<b>Development plan reference:</b>	Policy 2.6 (Page 40-41) Figure 9: Network of Centres Hierarchy & Table 7: Role, function and scale of Network Centres (Page 42) R11 – Springkerse	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Orchard Street Investment Management LLP (01734)		
<b>Provision of the development plan to which the issue relates:</b>	Supporting an identified hierarchy of network centres with specified roles and functions appropriate to their location and scale. Also allocation of site R11 – Springkerse for retail development.	
<b>Planning authority’s summary of the representation(s):</b>		
<p>The representation made by Orchard Street Investment Management LLP (01734) relates primarily to the Springkerse and Millhall Commercial Centre and site R11 – Springkerse.</p> <ul style="list-style-type: none"> <li>• Welcomes the support for the development of additional Class 3 uses within the commercial centre and the continued designation of land at Springkerse Retail Park for 2,320 sq.m of retail floorspace (R11);</li> <li>• Policy 2.6 should support smaller scale retail development within commercial centres, including where the retailer may have dual representation in the town or where its trading or locational format allows, subject to satisfying the sequential approach.</li> <li>• Definition of ‘bulky goods retailing’ does not capture those retailers whose trading format or size requirements can only be accommodated in commercial centres;</li> <li>• Describes that in general the retail market is continuing to improve steadily, albeit slowly but while there are signs of recovery from the bulky goods sector, a large number of operators in this sector ceased trading meaning the number of retailers who are active has decreased and the bulky goods market remains challenging for smaller operators;</li> <li>• There is strong demand to locate at Spingkerse from occupiers who will not trade from the city centre given their size/scale/format which cannot be accommodated by a traditional bulky goods consent and that there are no available units within Springkerse to meet this demand;</li> <li>• Increasing the range of goods which can be sold from the retail park and accommodating non-food retailers who have a strategy to trade from retail park locations would consolidate the existing retail provision, maximise the opportunity and choice for retailers with specific requirements to occupy units in Stirling which are of a size and scale or format that could not be accommodated in the town centre and has the potential to claw back retail expenditure being leaked out with the catchment, benefiting the town centre and area as a whole.</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<ul style="list-style-type: none"> <li>• Support for the development of additional restaurant development, ancillary and complementary to the commercial centre and with specific regard to R11 reference to</li> </ul>		

the significant potential benefits the proposed development would bring including in relation to employment opportunities, investment, retention of expenditure and town centre prospects; making explicit references to the granting of planning permission in principle for its extension;

- Acknowledge that retail development of less than 1,000 sq.m. could be appropriate and justifiable in commercial centres;
- The relaxation of the bulky goods restriction in relation to commercial centres;
- Acknowledge that floorspace could be developed out with the town centre where its operational or locational characteristics ordinarily requires;
- Policy 2.6 should make clear that the commercial centre is an appropriate location for leisure-related development where there are no sites either suitable or available within the town centre or edge of centre sites in accordance with the sequential approach.

**Summary of responses (including reasons) by planning authority:**

Springkerse and Millhall is identified as a Commercial Centre (Figure 9 & Table 7), the key role and function of which is household, or ‘bulky goods’, retail and commercial leisure. A definition of ‘Household (Bulky Goods) Retail’ and ‘Commercial Leisure Development’ is provided in the Glossary (pages 92 and 89). R11 is identified as a development opportunity within the Commercial Centre.

Policy 2.6, part (f) states Springkerse and Millhall performs a specific role and function within the Networks of Centres as a location for household (bulky goods) retail only, to complement but not compete with the City Centre. It also states there may be opportunities for some ancillary or enabling commercial leisure development to complement the existing or proposed uses’. These existing uses include the Stirling Sports Village incorporating The Peak indoor sports facility and Forthbank Stadium; a hotel and pub-restaurant.

It should be noted, the Council does not agree with Orchard Street Investment Management’s interpretation that the Plan supports Class 3 uses, public houses and hot-food takeaways within the commercial centre: part (c)(ii) of Policy 2.6, which refers to Class 3 use, applies to ‘town centres, including the city centre and local centres’ and not to the commercial centre.

The representation seeks a relaxation of the restriction that only household goods will be supported at Springkerse and Millhall, to allow smaller-scale (less than 1,000 sq.m.) retail development; non-food retailers whose strategy and scale, size and format demands a retail park location; and additional restaurant development which is ancillary and complementary to the commercial centre.

The Council does not support a change to the role and function of the Springkerse and Millhall commercial centre and considers that the form of appropriate retailing in this location should be restricted to household/bulky goods – as defined in the glossary of the Plan – only. Other forms of comparison retailing, including personal retailing or convenience retail could serve to adversely affect the vitality and viability of Stirling City centre and other town and local centres.

Paragraph 63 of Scottish Planning Policy (CD02) states “Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as...retail parks.... Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail

activity may be restricted to the sale of bulky goods". The approach the Plan takes to identifying Springkerse and Millhall as a commercial centre and specifying its function as the sale of bulky goods is therefore consistent with Scottish Planning Policy, specifically in regard to paragraph 63 and, in more general terms, the 'town centre first' principle.

With regard to role and function of Springkerse and Millhall as a location for commercial leisure development, it is considered that Policy 2.6, supported by Table 7, is unambiguous in highlighting that Springkerse and Millhall is an appropriate location for commercial leisure development, subject to the provisions of Policy 2.7 (i.e. a 'sequential test'), as set out in part (b) of Policy 2.6.

The Council therefore does not agree to modify Policy 2.6 or Table 7 in response to this representation.

Furthermore, it is not considered appropriate to highlight the perceived merits or benefits of any one allocated site or prejudice any future planning application. The principle of developing site R11 is established by the Local Development Plan, which establishes a robust framework to guide the form of development that will be appropriate in this location.

#### **Reporter's conclusions:**

1. Policy 2.6(f) succinctly describes the specific role and function of the Springkerse and Millhall Commercial Centre. Although the representation seeks to broaden this description by referring to the benefits that proposed further development would bring, the council does not believe this would be appropriate. I share the council's opinion. The local development plan is essentially a land use document containing a wide range of policies and proposals, all of which are intended to be of benefit to the community. There is no requirement to emphasise the attributes of any particular proposal.

2. Similarly, there is no justification for making an explicit reference to the granting of planning permission in principle for the extension of the centre. As explained by the council, the development schedule attached to the Stirling Settlement Statement specifies the extent of retail floorspace envisaged under site reference R11, Springkerse. Stirling – Central – Map 2 identifies the site. It is incumbent on potential developers to proceed beyond this stage towards implementation of the proposal, including obtaining the required permissions.

3. Although the representation also requires a modification to note the involvement of local landowners in the preparation of the development brief, there is no requirement for an alteration. The reference in the proposed plan to the need to comply with a future development brief is sufficient to describe the nature of the ongoing development process, no matter the participants.

4. Although the representation welcomes the development of additional Class 3 uses within the commercial centre, the council points out that this qualified support applies within town centres, including the city centre and local centres. There is no reference to commercial centres in Policy 2.6(c). For the avoidance of doubt, I agree that the introduction to Policy 2.6(c) is explicit in this respect.

5. More fundamentally, the representation requires the policy to refer to smaller scale retail development with an acknowledgement that developments of less than 1,000

square metres could be appropriate and justifiable in commercial centres. The council is opposed to this suggestion on the basis that there could be an adverse impact on the vitality and viability of the city centre and other town and local centres.

6. I note that Scottish Planning Policy indicates that, where necessary to protect the role of town centres, the function of commercial centres should be specified, for example, where retail activity may be restricted to the sale of bulky products. This is the case in this instance and Table 7 is clear in describing the retail role of the Springkerse and Millhall Commercial Centre as “Household (bulky goods) retail”. No convincing argument has been provided to allay the council’s concern about the potential impact on other centres as a consequence of widening the scope of retail development permitted at the commercial centre. In turn, I conclude there is no justification for altering the proposed plan in this respect.

7. In reaching this conclusion, I have taken account of the site-specific arguments for a relaxation contained in the representation. In particular, I have noted the indication that the number of traders who can operate under a “bulky goods” consent has decreased and the extension of the range of goods sold would consolidate the retail provision at the Springkerse and Millhall Commercial Centre. It is claimed there is a “pent-up” demand from occupiers unable or unwilling to locate in the town centre and, in any event, the proposed additional phase is very modest.

8. Despite the scale of the floor space envisaged under site R11, I do not consider that a convincing case has been presented to justify the required relaxation. The argument is of a very general nature with no specific information provided. Certainly, no retail impact assessment has been submitted in support of the case. All-in-all, no details have been submitted to cause me to alter my conclusion that the “bulky goods” retail restriction should not be relaxed.

9. In respect of leisure activities, the representation states that Table 7 in the proposed plan indicates that “Commercial leisure” is a “Key Role and Function” of the Springkerse and Millhall Commercial Centre. This, it is claimed, does not accord with Policy 2.6(f) which indicates “There may also be opportunities for some ancillary or enabling commercial leisure development”. The council does not accept that there is any ambiguity and considers the proposed plan indicates Springkerse and Millhall Commercial Centre to be an appropriate location for commercial leisure development. Policy 2.6(b) states that proposals require to be assessed against Policy 2.7 under the “sequential approach”.

10. In my opinion, Table 7 is clear and correct in identifying “Commercial leisure” as part of the “Key Role and Functions” of the Springkerse and Millhall Commercial Centre. Indeed, the council has pointed to the various components of the “Stirling Sports Village” which contribute to the leisure uses within the centre.

11. Equally, Policy 2.6(f) is entitled to identify the possibility of further ancillary or enabling commercial leisure development to complement the existing or proposed uses. Should such leisure development be provided in the future it would be in accordance with the established key role played by the existing facilities. I do not perceive any ambiguity in the two sections of the proposed plan: Table 7 describes the current situation and Policy 2.6(f) provides for the qualified possibility of further leisure development. Accordingly, a change is not required.

**Reporter's recommendations:**

No modifications.

<b>Issue 7</b>	<b>Housing in the Countryside</b>	
<b>Development plan reference:</b>	Policy 2.10 (page 45)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Houghton Planning Ltd (01369) Ristol Consulting Ltd (91258)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy 2.10: Housing in the Countryside. Sets the circumstances in which residential development in the countryside will be supported	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Operation of Policy within Green Belt</u></p> <p>Ristol Consulting Ltd (91258)</p> <p>Make comment on part (b) of Policy 2.10 Housing in the Countryside. They consider that in tandem with Policy 1.5 Green Belts, this unduly constrains the opportunities for residential development within Green Belts. They argue that the instances supported under part (a) of Policy 2.10 are limited, and its full operation within Green Belts would not adversely affect their intended function. Moreover they argue that by allowing part (a) of the policy to operate fully within Green Belts, development will positively contribute to the principles of Green Belts as set out in paragraph 49 of SPP (CD02). The comments made in respect of Policy 1.5 are addressed in Issue 4.</p> <p><u>Interpretation of Policy 2.10 through SG10: Housing in the Countryside</u></p> <p>Houghton Planning Ltd (01369)</p> <p>Raise concerns regarding the guidance provided within current Supplementary Guidance SG10: Housing in the Countryside relative to the interpretation of part (a)(i) of Policy 2.10. More specifically they raise concerns that the requirement for additional plots to clusters/building groups to have a 'topographical stop' has been interpreted inconsistently, and has changed over time in the operation of the policy.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Operation of Policy within Green Belt</u></p> <p>Ristol Consulting Ltd (91258)</p> <p>Policy should apply equally to the Green Belt, therefore delete part (b) of Policy 2.10, and amend SG10: Housing in the Countryside accordingly.</p>		

Interpretation of Policy 2.10 through SG10: Housing in the Countryside

Houghton Planning Ltd (01369)

Delete all reference to 'topographical stop' within SG10: Housing in the Countryside.

**Summary of responses (including reasons) by planning authority:**Operation of Policy 2.10 within the Green Belt

Ristol Consulting Ltd (91258)

The representations submitted argue against the restrictions placed by Policy 2.10 relative to development within the Green Belt, contending that the policy already only allows for a limited level of development, that would be consistent with the Green Belt aims set out in SPP.

Paragraph 39 of SPP (CD02) sets out one of the key planning aims - the direction of the right development to the right place, through a design-led approach. Paragraph 49 makes clear that the designation of Green Belts can play a part in the overall Spatial Strategy where deemed necessary by the planning authority.

Existing SG03: Green Belts (CD09) sets out in detail the Council's reasoning and rationale relative to the designation of Green Belts within the Council Area. In summary this surrounds the need to prevent coalescence, to protect and enhance the quality, character, landscaping setting and identity of settlements and important heritage features, and to protect its open space function. This is considered consistent with paragraph 49 of SPP.

Given this, the Council would contend it was reasonable for the policy approach adopted relative to development within Green Belts, including Policy 2.10, to seek to more tightly control development within these areas. Furthermore the Council considers allowing policies, including Policy 2.10 to operate fully without restrictions relative to the Green Belt, would conflict with and undermine the reasons and purpose for designating the areas of Green Belt in the first place.

The Council considers that Policy 2.10, and the residential opportunities in the countryside it offers support to, are reflective of those supported within paragraph 83 of SPP, and its supporting footnote. Mindful that the provisions of Scottish Planning Policy relative to Green Belts is not to prevent any development from occurring, the limitations to the operation of the policy within Green Belt as set out in detail within current supplementary Guidance SG10: Housing in the Countryside (CD35) are therefore considered to strike the appropriate balance between ensuring that the wider Green Belt objectives are met, whilst supporting rural housing development in appropriate locations and at appropriate scales within the Green Belt.

The adoption of a tailored approach to such development within the Plan's rural areas, taking account of issues such as accessibility, pressure and impact of development is considered fully reflective of the approach to rural development advocated in paragraphs 74 through 83 of SPP. The Council does not therefore agree to modify the Plan in response to this representation.

Interpretation of Policy 2.10 through SG10: Housing in the Countryside

Houghton Planning Ltd (01369)

The representations made by Houghton Planning Ltd, and the modifications sought, relate to the detail of Supplementary Guidance, and do not require any modification to the Proposed Plan itself.

The Council will be embarking upon a review of Supplementary Guidance, including SG10: Housing in the Countryside in due course. This will include review of the clarity and interpretation of guidance contained therein. In line with paragraph 141 of Circular 6/2013 (CD18) this will include a public consultation exercise, and any revisions considered necessary in light of them. It is through this process that the comments submitted by Houghton Planning Ltd are more appropriately directed and considered.

The Council therefore do not consider that there are any modifications to be made to the Plan in response to this representation.

**Reporter's conclusions:**

Operation of Policy 2.10 in the Green Belt

1. A representation considers that the operation of Policy 2.10, in conjunction with Policy 1.5: Green Belts, will unduly constrain opportunities for development in the green belt in Stirling, in particular part (b) of the policy.
2. The council is of the opinion that the combination of the two policies and associated Supplementary Guidance (SG) for each is a tailored approach to development such as housing in the countryside that is also development in the green belt, and that part (b) of Policy 2.10 reflects Scottish Planning Policy.
3. I find that Policy 2.10 part (b) appears to place a different emphasis on development in the green belt than Policy 1.5: Green Belts, which states at part (b) that *“Support may be given to single houses in the Green Belt (outwith Building Groups or Infill situations) for specific purposes where consistent with Policy 2.10 and SG10.”* Part (b) does not acknowledge that single houses may be supported in the green belt. Stating in Policy 2.10 that development opportunities are constrained is, I consider, superfluous as part (a) clearly sets out the circumstances where housing in the countryside may be supported.
4. I consider that the required outcomes can be achieved, in accordance with paragraphs 49 to 52 of Scottish Planning Policy, if the wording of part (b) Policy 2.10 reflected that of Policy 1.5.
5. The representation is seeking the removal of part (b) in its entirety, but I do not agree that is a solution which would then fully provide a policy response to a proposal for housing in the countryside that is also in the green belt. I agree with the council that the matter should be addressed in Policy 2.10, but I find that the current wording of part (b) does not reflect the provisions of Policy 1.5 of this plan and for consistency I conclude that the text should be modified.

6. To achieve this, Policy 2.10 part (b) should be deleted and replaced with the following text:

*“(b) Support may be given to single houses in the Green Belt (outwith Building Groups or Infill situations) for specific purposes where consistent with Policy 1.5, SG 10 and SG03.”*

Interpretation of Policy 2.10 through SG10: Housing in the Countryside

7. This representation relates to the current supplementary guidance (SG10) that accompanies Policy 2.10.

8. In relation to plan examinations, this supplementary guidance does not form part of the plan before me, and so in accordance with Circular 6/2013: Development Planning, it does not fall within the scope of this examination.

9. The council advises that it will be preparing a review of supplementary guidance, and will carry out the appropriate public consultation process, during which the submissions made here could be repeated by the submitting party, which would be the appropriate forum for them. On this basis, I conclude that no modification to the plan is required in respect of this representation.

**Reporter’s recommendations:**

I recommend the following modification be made:

Delete Policy 2.10: Housing in the Countryside, part (b), and replace with the following text:

*(b) Support may be given to single houses in the Green Belt (outwith Building Groups or Infill situations) for specific purposes where consistent with Policy 1.5, SG10 and SG03*

<b>Issue 8</b>	<b>Primary Policy 3 - Provision of Infrastructure</b>	
<b>Development plan reference:</b>	Primary Policy 3 (Page 48)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>SEPA (90175) TACTRAN (90193) University of Stirling (90324) Transport Scotland (90540)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 3: Provision of Infrastructure	
<b>Planning authority's summary of the representation(s):</b>		
<p>SEPA (90175)</p> <p>SEPA generally supports Primary Policy 3 but recommends that paragraph e) is expanded to add 'and blue' networks to the sentence.</p> <p>TACTRAN (90193)</p> <p>Positively support Primary Policy 3 on Provision of Infrastructure and welcome inclusion of reference to protecting land for RTS proposals under PP3 (b).</p> <p>University of Stirling (90324)</p> <p>Primary Policy 3 promotes the sharing of facilities. However, neither the University of Stirling nor the Forth Valley College are listed within the section on infrastructure considerations.</p> <p>Transport Scotland (90540)</p> <p>The Proposed Plan includes 'Policy 3: Provision of Infrastructure' however, this does not mention the DPMTAG transport appraisal work that has been undertaken and does not take cognisance of the infrastructure identified to facilitate delivery of the plan, consequently there are no links between the DPMTAG work undertaken and the LDP.</p> <p>The reader is therefore unaware of the significant volume of appraisal work undertaken or the outcomes of this work. Transport Scotland do not consider it sufficient or appropriate to leave this information to be included within the Settlement Statements.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>SEPA (90175)</p> <p>In paragraph e) of Primary Policy 3, change the wording to make reference to the Green</p>		

and Blue Network.

University of Stirling (90324)

The University of Stirling has not requested any specific modifications to Policy PP3.

Transport Scotland (90540)

It is recommended that the Plan should make mention of the DPMTAG study and its outcomes relating to the infrastructure required to deliver the LDP allocations. This is directly related to the provisions of this policy, therefore this information should be included to enable the reader to fully understand the scale and detail of transport work undertaken.

Criterion (b) Primary Policy 3 of the Proposed Plan should be amended to add the underlined phrase as follows:

“Primary Policy 3: Provision of Infrastructure

(b) Land necessary for the provision of identified and anticipated infrastructure (i.e. for enhancements to the transport network as identified in National, Regional, Local Transport Strategies and through the LDP DPMTAG Transport Appraisal, new or expanded schools, new and improved healthcare facilities and recycling bring sites), will be safeguarded where appropriate as shown in the Settlement Statements.”

**Summary of responses (including reasons) by planning authority:**

SEPA (90175)

The Council is of the view that the addition of ‘and blue’ to the paragraph 3 of Primary Policy 3 e) so that the sentence reads ....‘should be integrated with the Green and Blue Network’ is not necessary because the note attached to Policy 1.3 Green Infrastructure and Open Space on page 32 of the Plan already makes clear that the term Green Network includes ‘blue’ infrastructure such as rivers and watercourses. It is considered that this sets the context for the remainder of the plan where the words ‘green network’ appears.

It is also pointed out that the Council is suggesting to the Reporter through Issue 2. Placemaking and Green Infrastructure that the LDP Glossary is amended to clarify that the term Green Network also includes blue infrastructure.

TACTRAN (90193)

TACTRAN’s support for Primary Policy 3 is noted and welcomed.

University of Stirling (90324)

It is assumed that the ‘section on infrastructure considerations’ refers to the settlement statement for Bridge of Allan on page 123 of the Plan. It is considered that the general statement on the sharing of facilities within Primary Policy 3 is sufficient to set out this general principle and that it is not necessary to mention specific facilities in the LDP area where such sharing could take place.

Transport Scotland (90540)

Transport Scotland's concerns are noted. The Council would have no objection, if the Reporter is agreeable, to Transport Scotland's suggested addition to Primary Policy 3 (b) as it would not materially change the policy but would instead provide clarification to the reader that an appraisal process has been undertaken to inform the plan and that land may require to be safeguarded for transportation purposes.

**Reporter's conclusions:**

SEPA (90175)

1. The council has explained the reference to the green network including 'blue' infrastructure such as rivers and other watercourses under policy 1.3. I have also accepted the council's suggestion under Issue 2 that reference to blue infrastructure is made in the proposed local development plan glossary. Taking this into account no further modification is necessary.

University of Stirling (90324)

2. The representation refers to mention of the University and Innovation Park within the Bridge of Allan settlement statement, and suggests it would be better if this was moved to the Stirling settlement statement. I do not consider this would be appropriate as the individual proposals refer to activities that go on within individual settlement boundaries, and how they will be developed. The University and Innovation Park are clearly located within Bridge of Allan and the statement makes a comprehensive reference to them.

3. The representation adds that neither the University nor Forth Valley College are listed within the section on infrastructure considerations, that is under primary policy 3. It is not however the purpose of that section to list individual institutions, businesses or other activities. There is clear reference to the shared use of facilities for education, and other uses, under policy 3 (c). No other facilities are individually named. I see no justification for an exception for the University. No modification is needed.

Transport Scotland (90540)

4. The council has accepted that the proposed modification will provide clarification to the policy regarding the appraisal process that has been undertaken to inform the plan. This is a sensible modification that will help understanding of the policy, without compromising its meaning in any way. The modification should therefore be made.

**Reporter's recommendations:**

I propose the following modification:

In primary policy 3: Provision of Infrastructure (b), after the words 'Local Transport Strategies' insert "and through the LDP DPMTAG Transport Appraisal". For the avoidance of doubt policy 3 (b) reads:

"Land necessary for the provision of identified and anticipated infrastructure (i.e. for enhancements to the transport network as identified in National, Regional, Local Transport Strategies and through the LDP DPMTAG Transport Appraisal, new or

expanded schools, new and improved healthcare facilities and recycling Bring Sites), will be safeguarded where appropriate as shown in the Settlement Statements.”

<b>Issue 9</b>	<b>Policy 3.1 - Addressing the Travel Demands of New Development</b>	
<b>Development plan reference:</b>	Policy 3.1 (Page 48)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175) TACTRAN (90193)		
<b>Provision of the development plan to which the issue relates:</b>	Addressing the Travel Demands of New Development	
<b>Planning authority's summary of the representation(s):</b>		
<p>SEPA (90175)</p> <p>SEPA supports Policy 3.1 as it helps to delivering the objectives of the Climate Change Act 2009 and SPP (paras 46, 104, 270, 273). SEPA notes that this policy is supported by Supplementary Guidance 14 – Ensuring a choice of access and they would welcome being consulted on the revised SG.</p> <p>The note states: ‘SG14, Policy 3.3 and SG16 also set out when developer contributions will be required to either ensure a safe and realistic choice of access and /or enable infrastructure improvements necessary as a consequence of the cumulative impacts of developments’. In particular SEPA supports the consideration of cumulative impacts of developments.</p> <p>TACTRAN (90193)</p> <p>Tactran notes that Travel Plans are covered in SG14 (Ensuring a Choice of Access for New Developments). However, the policy should state that Travel Plans should be prepared and implemented for significant developments – the detail can then be outlined in the SG.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>TACTRAN (90193)</p> <p>Tactran would like Policy 3.1 to state that Travel Plans should be prepared and implemented for significant developments.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>SEPA (90175)</p> <p>SEPA's support for Policy 3.1 is noted and welcomed.</p>		

TACTRAN (90193)

The Council does not agree that Policy 3.1 should be modified to state that Travel Plans should be prepared and implemented for significant developments because, as is stated in the note which accompanies Policy 3.1, SG14 provides detailed advice on when such plans will be required alongside all other transportation requirements. To pick out one of many other requirements that are contained in SG14 would not constitute a consistent approach. It is also difficult to quantify what level of development that the word ‘significant’ refers to. SG14 provides clear advice on what sizes of development will require a travel plan and this is not defined using the word significant. It is therefore considered that adding this word to the policy would confuse matters as it differs from the guidance contained in SG14.

**Reporter’s conclusions:**

1. Paragraph (b) of Policy 3.1 is concerned about modes of travel. Where appropriate, this topic would require to be addressed in a travel plan. However, although reference to transport statements and transport assessments is contained within Policy 3.1, there is no mention of travel plans. As pointed out by the council, the footnote provides details of supplementary guidance (SG14) including the advice provided in respect of travel plans. However, I believe it would be helpful for the policy itself to include a reference to travel plans.

2. Tactran has suggested that the policy should require travel plans for *significant* developments. I consider the council is correct in arguing that this would not be sufficiently precise and leave scope for interpretation. However, reference in paragraph (b) to the possible need for a travel plan would alert developers to this potential requirement. The policy footnote is clear in indicating that SG14 includes advice on travel plans.

**Reporter’s recommendations:**

I recommend the following modification be made:

In Policy 3.1: Addressing the Travel Demands of New Development, insert the following additional sentence at the end of paragraph (b):

A travel plan may be required to address this issue.

<b>Issue 10</b>	<b>Policy 3.3 - Developer Contributions</b>	
<b>Development plan reference:</b>	Policy 3.3 (Page 50)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Falkirk Council (90063)                  Stewart Milne Homes Ltd (90272)                  Ogilvie Homes Ltd (90321)                  Tulloch Homes Ltd (90724)                  Springfield Properties plc (01733)                  Dandara Ltd &amp; Arnbathie Developments Ltd (01738)                  Taylor Wimpey (East) Scotland (01744)                  Homes for Scotland (01391)                  Transport Scotland (90540)                  Network Rail (90151)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy 3.3: Developer Contributions. Sets out the circumstances under which developer contributions will be sought.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Falkirk Council (90063)</p> <p>Falkirk Council made representation to Stirling Council through a previous local plan inquiry about the new village at Durieshill and the impact that this would have on the local road networks within Falkirk Council. At that time in 2005, the main areas of concern were the A782 corridor through Denny including Denny Cross and the A9 corridor to Larbert, including the Glen Road through Torwood.</p> <p>Since then the completion of the M876 Glenbervie slip road and the opening of the Forth Valley hospital has led to significant increases in traffic on the A9 corridor and at North Broomage interchange. Denny Cross continues to experience serious capacity issues and Falkirk Council is proposing a Denny Eastern Access road to address this problem, funded by developer contributions from proposed developments which will have a further impact on the junction. Falkirk Council is of the view that in addition to the 2,500 houses proposed at Durieshill, the additional 800 houses and retail development at South Stirling Gateway will further increase impacts on the aforementioned road corridors.</p> <p>The Durieshill text within the proposed plan mentions that contributions will be required to Stirling's City Transport package to help mitigate against the impact of the development on the transport networks of the Stirling City area. Falkirk Council seeks amendment of the text for both the Durieshill and the South Stirling Gateway sites, to recognise that there will be impacts on the A9 and A872 corridor within the Falkirk Council area and a requirement for suitable measures to mitigate these impacts.</p> <p>In addition, Policy 3.3 (d)(i) refers to developer contributions which address the impacts of development on transport networks. This refers to impacts in the immediate vicinity of the</p>		

development, and also to cumulative impacts on, and contributions to, transport infrastructure in the wider City Transport Area. Again there should be recognition in this policy of cross boundary impacts on other local authority areas, and the potential need for contributions to mitigate such impacts.

Stewart Milne Homes Ltd (90272), Ogilvie Homes Ltd (90321), Tulloch Homes Ltd (90724), Dandara Ltd & Arnbathie Developments Ltd (01738), Taylor Wimpey (East) Scotland (01744) and Homes for Scotland (01391)

All raise concerns about Policy 3.3 (a) with particular regard to the Council's intention to seek contributions towards cumulative pressures arising from other proposals in the Local Development Plan. They all refer to the recent Court of Session Appeal (CD62) on the Aberdeen City and Shire City Transport Fund which required developers to contribute towards the cost of transport improvements in Aberdeenshire as a whole based on a Cumulative Transport Assessment methodology. This was ruled unlawful because there was not a clear enough link between developments and the infrastructure for which contributions were being sought. They consider that Stirling Council is adopting a similar methodology particularly through its approach to Transportation and Education contributions which, it is argued, do not meet with the tests set out in Circular 3/2012.

Stewart Milne Homes Ltd (90272), Ogilvie Homes Ltd (90321), Tulloch Homes Ltd (90724), Dandara Ltd & Arnbathie Developments Ltd (01738) and Taylor Wimpey (East) Scotland (01744) and Springfield Properties plc (01733)

All state that the Council's approach to developer contributions must accord with the tests set out in Circular 3/2012.

Ogilvie Homes Ltd (90321), Dandara Ltd & Arnbathie Developments Ltd (01738), Taylor Wimpey (East) Scotland (01744) and Homes for Scotland (01391)

Are all of the view that the SGs relating to Developer Contributions should all have been reviewed and consulted on at the same time as the Proposed Plan. The calculations for individual contributions are outdated and need to be reviewed urgently and at the same time as the LDP review.

Stewart Milne Homes Ltd (90272)

Notes that Policy 3.3 states that Developers will be required to make a 'fair and reasonable' contribution but much of the detail on the scale, nature and calculation of contributions is to be covered in supplementary guidance. Stewart Milne Homes Ltd is concerned at this overall approach and is of the view that supplementary guidance on the matter must be subject to rigorous examination before the LDP is adopted

Any LDP policy in relation to developer contributions must take account of parallel requirements placed on developers regarding affordable housing. In any development there is only a finite amount that can be put towards contributions and/or affordable housing and the council must decide where its priorities lie. It is for this reason that it is essential that the council takes a reasonable and proportional approach' when considering the requirement for contributions.

Ogilvie Homes Ltd (90321)

Ogilvie are promoting at least 2 development proposals in the Stirling area whereby developer contributions have been sought without supporting evidence that there are deficiencies in the local school capacities to merit the contributions being sought. Seeking unsubstantiated and excessive developer contributions impacts on the viability of development sites resulting in disagreement between parties and ultimately in a delay to the delivery of much needed housing land.

The reference in the policy to the need to seek contributions towards infrastructure through “cumulative development pressures arising from other proposals in the LDP” is vague as it does not define an area. This creates ambiguity leading to different interpretations.

Tulloch Homes Ltd (90724)

Tulloch Homes agree with the principle of Policy 3.3 which states ‘developers will be required to make a fair and reasonable contribution which is necessary and proportionate to the scale and nature of the development’. Tulloch Homes encourage the Council to assess developer contributions on a case by case basis where possible.

Sites such as South Stirling Gateway should be fairly assessed, particularly where school capacity exists in relation to phased housing delivery (education contributions) and the requirement for open space contributions where golf/leisure facilities are included as part of the site’s allocation.

Springfield Properties plc (01733)

Accepts that developer contributions are required where a development creates a need for new extended or improved public infrastructure, facilities or services. With regard to Springfield’s development at Durieshill (site ref H057), it is anticipated that significant amounts of infrastructure, particularly in the early years of the development, will be required. In order to deliver this, a pragmatic approach from all including Council departments needs to be taken in terms of developer contributions sought from the development.

Dandara Ltd & Arnbathie Developments Ltd (01738)

With regard to Policy 3.3 and associated Supplementary Guidance, have concerns related to:

- The requirement for developer contributions arising from every development regardless of the scale of impact – developments are not being considered on their own merits.
- Council fails to recognise that in some instances there may already be spare capacity in infrastructure
- The seven year period in which developer contributions are held by the Council is too long
- The principle of contributions, and provision of land free of charge, for the provision of healthcare facilities

## Taylor Wimpey (East) Scotland (01744)

Note that Policy 3.3 continues to refer to a range of existing SGs such as SG15 Education provision. These require to be updated in connection with the Proposed Plan for LDP 2 or to take into account recent case law and appeal decisions. For example SG15: Education Provision is not based on specific impacts arising from developments in particular school catchment areas. It is argued that this no longer accords with current case law. Other SG may also be affected.

Draws to Council's attention that existing statutory SG needs to be re-consulted upon before it can form part of the new local development plan. The Council may wish to reconsider a comprehensive review of SG16 Developer Contributions.

## Transport Scotland (90540)

Policy 3.3: Developer Contributions does not mention the DPMTAG transport appraisal work that has been undertaken during the preparation of the plan and does not take cognisance of the infrastructure identified to facilitate its delivery, nor does it detail how the infrastructure will be delivered and by whom. The reader is unaware of the significant volume of appraisal work undertaken or the outcomes of this work. Specifically, the plan does not mention the need for developer contributions to deliver the required infrastructure, how this infrastructure will be delivered and by whom, in accordance with SPP.

## Network Rail (90151)

The Proposed Plan seeks to identify a generous housing land supply and the spatial strategy places strong emphasis on allocating housing land in sustainable locations with good access to public transport. This will impact on the rail network and it is essential that these potential impacts are assessed as many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to existing infrastructure. If the development of sites is not linked to a commensurate increase in rail services and capacity then congestion may occur.

It is not reasonable for Network Rail to fund rail improvements required as a result of new development and it would be reasonable in line with Circular 3/2012 for contributions towards rail infrastructure to be requested where they are directly required as a result of the proposed development.

The Council's Supplementary Guidance on 'Ensuring a Choice of Access for New Developments' dated October 2014 states that a requirement per trip contribution rate based on cost of the City Transport Programme/total vehicle trips on the network will be applied. In terms of rail, the City Transport programme (contained within the Stirling City Transport Plan 2013) includes measures for improvements to the Stirling Station forecourt as well as investigating options to maximise access and minimise traffic generation to and from the rail network in the Bridge of Allan and Bannockburn. However, the SG also states that in addition to this developer contribution rate, there will be a need to provide measures to address immediate access issues onto the network (Page 24).

**Modifications sought by those submitting representations:**

Falkirk Council (90063)

Durieshill Settlement Statement - Amend bullet point 6 under infrastructure considerations (page 158) to read 'All necessary transport infrastructure, public transport provision, contribution to the Stirling's City Transport package and mitigation of transport impacts on the A9 and A872 corridors in the Falkirk Council area.

Amend bullet point 16 under Proposals H57/B09/R10 (page 162) to read 'Contributions to Stirling's City Transport package to help mitigate against the impact of the development in the Stirling City area and appropriate contributions to mitigate transport impacts on the A9 and A872 corridors in the Falkirk Council area'.

Stirling Settlement Statement - Introduce new bullet point under Proposals H055/B10/R09 (page 214) as follows 'Evaluate and mitigate transport impacts on the A9 and A872 corridors in the Falkirk Council area'.

Policy 3.3 Developer Contributions

Add to the end of sub section (d)(i) (page 50): 'Contributions may be required to mitigate cross-boundary transport impacts within adjacent local authority areas'.

Stewart Milne Homes Ltd (90272)

The wording of Policy 3.3 should be amended to clearly state that developer contributions "may" be sought and then only where they are "clearly, directly and only related to the effects of the development concerned".

Ogilvie Homes Ltd (90321)

The wording in Policy 3.3 should be modified to comply with the tests in Circular 3/2012. It should specify more clearly that developer contributions will be sought to mitigate the impacts of a proposed development in a local area, the definition of which requires to be more clearly stated. The wording should also be modified to ensure that reference to cumulative development and cumulative impacts are compliant with the policy tests in Circular 3/2012 as supported by recent case law. The policy needs to specify in more detail what is required and expected of developers and this information should not be contained in Supplementary Guidance. The suite of supplementary guidance on Developer Contributions and all others should be reviewed and be the subject of public consultation prior to the Examination of the Proposed Plan.

Tulloch Homes Ltd (90724)

- Ensure that developer contributions should not be onerous to the developer and should be consistent with national guidance. Stirling Council should assess these in a fair and reasonable manner.
- Policy 3.3 should make reference that Developer Contributions are to be related to the development in questions and not a blanket approach.
- The Council should make all Supplementary Guidance referred to in PLDP policies available for comment during the current consultation process.

Springfield Properties plc (01733)

Text of Policy 3.3 should give further emphasis to the policy tests set out in Circular 3/2012.

Dandara Ltd & Arnbathie Developments Ltd (01738)

- Policy 3.3 and all related Supplementary Guidance require to be reviewed. There needs to be a direct relationship between the level of contributions sought and the impact of development. In the absence of this, contributions become a roof tax and don't comply with Circular 3/2012.
- Contributions should be held for five not seven years.
- Greater detail and transparency is required on the level of contributions sought and how these are calculated. Where that information is provided in other guidance, it should be referenced or preferably appended to Supplementary Guidance on Developer Contributions.
- The requirement for healthcare contributions should be removed from the plan. This is funded through taxations and it is considered inappropriate that the development industry should be required to fund the provision of such facilities. Developers should not be asked to provide land for healthcare at nil cost.

Taylor Wimpey (East) Scotland (01744)

The wording in Policy 3.3 needs to be reviewed to ensure that its intentions accord with current planning case law.

As part of the review process, the Council needs to review those SGs that required contributions on a cumulative basis to ensure that they meet with Circular 3/2012.

Transport Scotland (90540)

It is recommended that the following sentence is added to Policy 3.3 (a):

“The initial outcomes and future development of the LDP DPMTAG Transport Appraisal will be taken into consideration as part of this process.”

Network Rail (90151)

The likely impact and level of improvements to the rail network will be specific to each station depending on the cumulative effect. It is therefore requested that LDP gives further consideration to the need to identify additional rail infrastructure in order to accommodate the increase in rail patronage. This could include improved car parking, access arrangements, cycling facilities, additional ticketing outlets and platform extensions at railway stations.

**Summary of responses (including reasons) by planning authority:**

Falkirk Council (90063)

With regard to Falkirk Council's representation, the Council does not agree with their suggested modifications to the Proposed Plan text for Durieshill and South Stirling

Gateway and that Policy 3.3 should be changed to state that contributions may be required to mitigate cross-boundary transport impacts within adjacent local authority areas.

Whilst it is accepted that the Durieshill and South Stirling Gateway developments are likely to impact upon the A872 and A9 corridors, just as new development in the Falkirk LDP area will undoubtedly impact upon Stirling's road network, the scale of this impact is currently unknown and will remain unknown until a Transport Assessment is undertaken as part of the masterplanning/planning application process. Falkirk Council has not submitted any supporting transportation study to provide justification for their suggested modifications nor did the high level transport model used to inform the Stirling LDP cover the Falkirk Council area. In the absence of robust evidence to justify such a modification to the plan, the Stirling LDP should not reflect this in the settlement statement text for Durieshill or Stirling nor should any changes be made to Policy 3.3.

With regard to the suggested modification to Policy 3.3, the issue of ad hoc cross administrative boundary developer contributions to fund improvements such as a Denny Eastern Access road is not standard practice and would be difficult to administer and enforce. It could also give uncertainty and additional financial burden to developers. It is important to note that new development identified in the Falkirk LDP area is likely to cause additional trips in the Stirling area. The town of Larbert which sits close to the boundary of Stirling Council, has seen significant new development in recent years and more is proposed through the most recently adopted Falkirk LDP. This is already likely to have caused, and will result in future, additional trips into the Stirling area putting pressure on the local and strategic road network including those areas where the Stirling LDP has identified where future improvements will be required. The Stirling LDP has not required contributions from Falkirk Council's development in this regard as it is recognised that this would be problematic to model, manage and administer.

The Council has prepared Supplementary Guidance SG08A: Durieshill (CD29) and paragraph 2.15 of this document recognises potential impacts on the A872 south into Dunipace and Denny and states that a Transport Assessment for Durieshill will require to involve Falkirk Council. It does not, however, suggest that development in the Stirling Council area cross funds transport improvements in the Falkirk LDP area.

Stewart Milne Homes Ltd (90272), Ogilvie Homes Ltd (90321), Tulloch Homes Ltd (90724), Dandara Ltd & Arnbathie Developments Ltd (01738) and Taylor Wimpey (East) Scotland (01744)

In terms of the Court of Session case on the Aberdeen City and Shire Strategic Transport Fund, this clarified that whilst there is no difficulty in requiring developer contributions for the cumulative impact of developments, there does need to be a clear link between the development and the mitigation proposed. Policy 3.3 of the Proposed Plan states that all contributions sought will be consistent with Circular 3/2012. This therefore means that the Council will ensure that all policy tests contained in the Circular are met and in doing so, will result in a clear and direct link between the development and contributions being sought. The Council will also consider the affordability of contributions to individual development sites in reviewing Supplementary Guidance.

#### Review of SG related to Developer Contributions

Whilst it is acknowledged that the Council's Supplementary Guidance is not the subject of

this examination, the Council would point out that the guidance relating to all developer contributions will be reviewed in 2017 in order to ensure that up to date guidance is in place for adoption of the new LDP. It is not envisaged that the general approach to developer contributions will change significantly. As well as updating the guidance and amounts to be sought, the Council will review all methodologies for calculating contributions in light of the Elswick Court of Session decision and make changes where considered necessary thereby ensuring that the approach fully meets with the provisions of Circular 3/2012.

#### Balance between LDP and Supplementary Guidance

With regard to the points raised regarding the balance of information between LDP and Supplementary Guidance being inappropriate and that more detail on developer contributions should be in the plan itself, the Council is of the view that the Proposed Plan as it stands complies fully with Circular 6/2013: Development Planning. The Proposed plan clearly sets out which developments will require to make contributions for particular items such as roads improvements and schools. Figure 10 clearly shows the geographical extent of the Education Core Area and City Transport Area within which new developments will require to make contributions to mitigate their impacts. The methodologies for calculation and exact amounts being sought are contained within SG which complies with paragraph 139 of Circular 6/2013. It not considered appropriate to include this detailed information in the plan itself as Ogilvie Homes request as this would prevent contribution levels being reviewed until the next review of the LDP.

#### Circular 3/2012

Several representations are seeking modifications to Policy 3.3 to state that developer contributions must be clear and have direct links to the impact of the development concerned and that the wording should be changed to reflect the policy tests of Circular 3/2012. The Council does not consider that any of these changes are necessary or appropriate because the policy already states that contributions will be consistent with Circular 3/2012. There is no need to repeat sections of the Circular within the policy.

#### Timing of review of Supplementary Guidance

The Council acknowledges that revised draft SG relating to developer contributions was not published at the same time as the Proposed Plan. The Council will, however, work on this during the first half of 2017 with a view to publishing a draft in the early Summer of 2017. As stated previously, the general approach to developer contributions is unlikely to change but the amounts being requested will require to be recalculated in light of new housing numbers being proposed through the plan and a review in light of recent case law will also be undertaken.

#### Period of time contributions are held

With regard to comments on the period of time that contributions can be held, this matter is dealt with in Supplementary Guidance and not the Proposed Plan and therefore does not form part of this examination. Notwithstanding this, the Council would comment that the seven year period is prescribed in SG because of the cumulative nature of some of the projects. In many cases, multiple developments in the city area have an impact on one element of infrastructure and will be required to make contributions towards improvements. It can be some time before all relevant developments make appropriate

payments and the Council can only arrange for the work to be undertaken once the majority of funds have been collected. Five years was considered too short a period to guarantee that the majority of necessary contributions would be made.

#### Methodologies for calculating Developer Contributions

Comments from Dandara Ltd & Arnbathie Development Ltd (01738) that require greater detail and transparency over how contributions are calculated are noted. However, the Council would point out that a suite of SG was published alongside the current adopted Stirling LDP 2014. These clearly state how contributions are calculated. As stated previously, the methodologies are unlikely to change significantly but they will be updated. If ways to make the methodologies clearer and more transparent to the reader are possible, these changes will be made. Developers will be given the opportunity to comment on these as part of the associated consultation period.

#### Developer Contributions and Viability

Those representations which state that contributions are too onerous and make developments unviable are noted. However, the SG makes provision for such circumstances and states that flexibility with payment timing will be considered. In undertaking a review of all SG relating to Developer Contributions, the Council will endeavour to test the viability of contributions being sought before publishing documents for consultation.

#### Developer Contributions and Healthcare

With regard to comments from Dandara Ltd & Arnbathie Developments Ltd (01738) about contributions towards Healthcare being inappropriate, the Council is of the view that if a development impacts directly on the capacity of a health facility, then it is reasonable to ask for contribution towards increasing that capacity to accommodate new patients. This is fully in line with Circular 3/2012. How this is spent and is a matter for Supplementary Guidance to address and should not form part of this examination.

The Council acknowledges that the last review of capacity was carried out a number of years ago and that this needs to be updated. NHS Forth Valley are currently undertaking a strategic review of their healthcare facilities and the Council is awaiting the outcome of this. In certain cases it is envisaged that new health centres can form part of shared facilities with new schools and other Council properties. The Council's assets team are working on this with NHS Forth Valley. As soon as the outcomes of the NHS review are known, the Council will review the SG on Healthcare Facilities.

The Council is willing to work alongside the development industry to ensure that developments can progress and to negotiate over matters such as the timing of payments where necessary. However, it is considered that amendments to Policy 3.3 are unnecessary as part of this examination.

#### Transport Scotland (90540)

With regard to Transport Scotland's concern that the plan does not specify the need for developer contributions to deliver the required infrastructure, how this infrastructure will be delivered and by whom, this information is contained within the LDP Action Programme that will sit alongside the plan. The range of projects that developers will be required to

contribute to are listed under the key site requirements of each site and the full methodologies and exact amounts required from developers is contained within SG.

The Council would, however, have no objection, if the Reporter is agreeable, to Transport Scotland's suggested addition to Policy 3.3(a) as it would not materially change the policy but would instead provide clarification to the reader that an appraisal process has been undertaken to inform the plan.

#### Network Rail (90151)

The Council accepts that new development may have impacts on the rail network and that through a forthcoming review of Supplementary Guidance, this issue will be investigated in full and if considered reasonable and in line with Policy 3.3 of the plan, contributions may be sought for certain rail related projects where they would provide additional capacity and ease future pressure on the network. Given that such matters will be dealt with in Supplementary Guidance they are not considered pertinent to this Examination.

#### **Reporter's conclusions:**

##### Supplementary guidance

1. Several of those making representations have referred to the related supplementary guidance. The footnote to Policy 3.3 indicates that "SG 16 supports this policy by setting out further guidance ...." Whilst, in my opinion, the supplementary guidance is clearly important in the process of assessing the level of any developer contributions, it does not constitute policy. As the footnote states, SG 16 is concerned with "the scope of and mechanisms for Developer Contributions".
2. As was explained by the Scottish Government Chief Planner in a letter to planning authorities dated 15 January 2015, "the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance."
3. The policy footnote fulfills the requirement to identify the matters dealt with by the supplementary guidance but the guidance itself has not been placed before us as part of the local development plan examination. Whilst this may be of some frustration to those making representations, the council has provided an undertaking to review the guidance relating to all developer contributions during 2017. It is believed by the council that the review will provide up-to-date guidance in terms of the level of contribution to be sought and any changes required as a consequence of the recent Court of Session decision, *Elswick Development Co. Ltd. v Aberdeen City and Shire Strategic Development Planning Authority and Goodrun Ltd.* This case was also referred to by several of those making representations.
4. Concern has also been expressed about site viability, calculation of the level of contributions and the number of years a contribution may be held by the council. These are important considerations but I agree with the council that these matters are not central to policy. They represent further aspects of procedure to be addressed in the supplementary guidance rather the proposed plan.

5. On the foregoing basis, I conclude that as part of this local development plan examination it would be inappropriate to comment further on those representations that are essentially concerned with the role and content of SG 16, the council's application of the document and any future review of supplementary guidance.

Circular 3/2012

6. Turning to those representations concerned about the terms of Policy 3.3 itself, I have noted the references to a need for clearer links with the contents of Circular 3/2012, Planning Obligations and Good Neighbour Agreements. In particular, some representations require the policy to specify the five tests to be applied to proposed developer contributions, especially where cumulative impact is concerned. The council has argued that the policy is consistent with the circular without the need for repetition.

7. I note the policy indicates that developer contributions will be sought in a manner consistent with Circular 3/2012. Many of those using the local development plan are likely to be "informed" readers and will be familiar with the provisions of Circular 3/2012. In any event, for all local development plan users, informed or otherwise, the circular is a public document which is easily accessible. The terms of the circular are straightforward and readily available and, in turn, provide a clear indication of the legitimate scope and application of Policy 3.3. Further elaboration is therefore not required within the policy.

The precision of the policy

8. Although Ogilvie Homes Ltd argues that Policy 3.3 is vague and unclear, I do not consider this to be the case. The policy is succinct and paragraphs (a), (b) and (c) establish the parameters within which developer contributions could be anticipated, the method for securing contributions, and the approach to affordable housing. This policy context provides clear guidance including an indication that cumulative pressures will be taken into account.

9. Paragraph (d) is explicit in stating that contributions are to be "fair and reasonable" and "proportionate to the scale and nature of the development". There is no reason to believe that this approach would not apply to cumulative infrastructure pressures. Indeed, paragraph (e) refers to the consideration of cumulative impacts with a view to establishing "an equitable system of securing developer contributions". As indicated above, the council is aware of recent case law in this respect.

Circumstances when contributions are required

10. The change required by Stewart Milne Homes Ltd is unnecessary as paragraph (a) already explains that contributions will be sought where development creates a need for additional infrastructure. Existing capacity will provide the basis for assessing the need for infrastructure with a clear implication that where there is surplus capacity, a contribution would not be sought. In this respect, I believe the fears expressed by Dandara Limited and Arnbathie Developments Limited are unfounded.

11. Tulloch Homes Ltd is concerned about the application of a "blanket" approach: it is important to consider each site individually. The council recognises the importance of commercial viability and points out that this will be a consideration in the forthcoming review of the supplementary guidance. I believe this approach to the review of the supplementary guidance would reflect the pragmatism sought by Springfield Properties

plc.

12. As indicated, I believe that the policy is of value in providing a clear statement of the council's approach to developer contributions. However, it is also important to be aware of the characteristics of individual developments and to accept that commercial viability is a central consideration. The relevance of site viability is appreciated by the council and I have no reason to believe that this would not be a factor to be taken into account in the assessment of developer contributions for any particular site. Indeed, the council has noted those representations concerned about the impact of onerous contributions on site viability. This approach would accord with the "reasonableness" test set out in Circular 3/2012 whereby planning obligations should be reasonable in the circumstances of the particular case.

13. Overall, I am confident that the council would be unlikely to seek a level of contribution that would threaten the viability of a particular site. That would not be reasonable and therefore contrary to the terms of Circular 3/2012 guidance. Indeed, as explained, Policy 3.3 states contributions sought would be consistent with that guidance.

#### Cross-boundary contributions

14. The council accepts Falkirk Council's indication that developments in one administrative area could have transport impacts on the areas of other local authorities. I consider such impacts are inevitable where, for instance, roads and railway lines cross boundaries between areas. In particular, I appreciate the proposals for South Stirling Gateway set out in the Stirling Settlement Statement are significant in terms of residential development, retail floorspace and business use. It appears inevitable this level of development would lead to widespread travel impacts which would extend beyond the Stirling Council administrative boundary.

15. Although the council is concerned about the administration and enforcement of cross-boundary obligations, there would appear to be no reason in principle why a potential developer in one area should not conclude a planning obligation with a planning authority other than the planning authority for the area within which the development is proposed.

16. Consultation with a neighbouring planning authority in terms of Schedule 6 of the Development Management Procedures would enable the need for a cross-boundary obligation to be identified during pre-application discussions or when a planning application is submitted. In turn, this would offer Falkirk Council the opportunity to raise the matter of contributions to mitigate transport impacts in the light of the details of the proposals. Of course, in all instances, any such obligation would require to meet the tests set out in Circular 3/2012.

17. Insofar as the policy does not preclude the possibility of cross-boundary contributions I conclude that there is no requirement for Policy 3.3 to include the additional wording required by Falkirk Council

18. Turning to the Durieshill Settlement Statement, I note the provisions of Supplementary Guidance SG 08A (CD29) in respect of addressing the impact on the A872 south into Dunipace and Denny and, in particular, the need for a transport assessment. It is expected that the transport assessment would "feed in to a comprehensive transport strategy", a process to be led by Stirling Council but also

including Transport Scotland and, importantly, Falkirk Council. On this basis, I believe Falkirk Council could anticipate the opportunity to be involved in the infrastructure issues concerning “all necessary transport infrastructure” as identified in the settlement statement.

19. Overall, I conclude there is no requirement to modify the proposed plan either in the section dealing with “Infrastructure considerations” or under Proposals H057, B09 and R10 in the manner suggested by Falkirk Council.

#### Railway infrastructure

20. Network Rail explains the potential impact of the level of development envisaged in the proposed plan on the rail network. Scottish Planning Policy indicates that development plans should identify any required new transport infrastructure, including rail infrastructure. Network Rail requests the proposed plan should identify such infrastructure to accommodate additional rail patronage. Although the council accepts the potential impact on the rail network, it is intended to pursue the matter through a forthcoming review of supplementary guidance.

21. The council’s proposed approach does not accord with Scottish Planning Policy but represents a pragmatic solution to the need to provide guidance on the provision of new rail infrastructure and by whom it will be delivered. It would be appropriate to include a reference to this process in the proposed plan. This would be best included in the footnote to Policy 3.1: Assessing the Travel Demands of New Development, which already provides a cross reference to Policy 3.3.

#### Contributions for health care provision

22. Dandara Limited and Arnbathie Developments Limited are concerned about the requirement to contribute to healthcare facilities, particularly in respect of providing funding for privately owned premises such as general practitioners’ practices. This argument is not accepted by the council: it is believed that contributions are justified when a development impacts on the capacity of a health facility.

23. As explained, the proposed plan requires developers to make a fair and reasonable contribution which is necessary and appropriate to the scale and nature of the development relative to, amongst other things, the cost of meeting new or expanded local health service infrastructure resulting from new development. I believe that health service infrastructure represents an integral component in the social and physical infrastructure of any community. As Circular 3/2012 indicates, section 75 of the 1997 Act sets out the framework for planning obligations: a planning obligation may contain conditions and the extent to which it may require the payment of monies, or provision of infrastructure.

24. In my opinion, nothing in the circular precludes the provision of infrastructure to secure local health care services where a need is identified as a consequence of proposed development. Provided the policy tests set out in the Circular 3/2012 are met, a planning obligation is justified. Insofar as the planning purpose requires to be tested, planning authorities must satisfy themselves that an obligation is related to the use and development of land. As pointed out in the circular, this judgement should be rooted primarily in the development plan. In this case, as Policy 3.3 explains, “specific requirements are identified in the Key Site Requirements set out in the relevant Settlement Statements”. Accordingly, I conclude the underlying planning purpose for

providing a contribution to health care infrastructure at specified locations is justified in the proposed plan.

25. All-in-all, I conclude that paragraph (d)(v) in Policy 3.3 is in accordance with the provisions of Circular 3/2012 and the proposed plan does not require modification in this respect.

Development Planning and Management Transport Appraisal Guidance (DPMTAG) Transport Appraisal

26. The council does not object to the additional sentence proposed by Transport Scotland but I do not believe that the suggestion would add clarity to the proposed plan. Although there is reference to the Development Planning and Management Transport Appraisal Guidance in the Stirling Settlement Statement the acronym, DPMTAG, is not in wide use and would be unfamiliar to many reading Policy 3.3. There is no reference to the guidance or the acronym in the glossary. Furthermore, the reference to “initial outcomes and future development” is not a readily comprehensible phrase in this context. Whilst I agree that there should be reference to the transport appraisal, I believe that the terminology should be simpler.

**Reporter’s recommendations:**

I recommend the following modifications be made:

1. In the footnote attached to Policy 3.1: Addressing the Travel Demands of New Development, add the following sentence:

The council will investigate the need for additional railway infrastructure and prepare supplementary guidance to indicate where, in accordance with Policy 3.3: Developer Contributions, contributions are considered reasonable for rail-related projects to provide additional capacity and ease future pressure on the railway network.

2. In Policy 3.3: Developer Contributions, add the following sentence to paragraph (a):

In assessing the need for contributions, consideration will be given to the terms of the Transport Appraisal undertaken to support the Local Development Plan.

<b>Issue 11</b>	<b>Policy 3.4 - Installation of Communications Infrastructure</b>	
<b>Development plan reference:</b>	Policy 3.4 (page 52)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Policy 3.4 sets out the policy for which installation of communications infrastructure will be assessed against.	
<b>Planning authority's summary of the representation(s):</b>		
<p>SEPA (90175)</p> <p>Support inclusion of this policy as it helps implement outcome 4 of SPP (2014): a more connected place and support the requirement for operationally redundant communication installations to be immediately removed and restore the site to its original conditions.</p> <p>Note that the policy is focused on ensuring that the visual impact is minimised. Consider that other impacts should be considered in relation to protection of soil and of the water environment.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>SEPA (90175)</p> <p>Require modification of the last bullet point to read "...visual and environmental impact."</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>SEPA's general support for the policy is noted. With regards to their requested modification, the Council does not consider it necessary to add in the requested wording. The Proposed Plan is to be read as a whole and therefore a suite of policies will apply to particular applications. The Council considers that environmental impacts are considered through the application of other policies in the Proposed Plan, primarily the Overarching Policy on page 28 of the plan which states under criterion (d) that all new developments will require to demonstrate appropriate measures for the safeguarding, conservation and enhancement of the historic and natural environment.</p> <p>The Council therefore does not agree to modify the plan as requested.</p>		
<b>Reporter's conclusions:</b>		
<p>1. Almost inevitably, the most immediate and direct impact of communications infrastructure is likely to be visual. On this basis, I accept that Policy 3.4 should place emphasis on the visual aspects of communications infrastructure.</p>		

2. I also agree with the Scottish Environment Protection Agency that this type of infrastructure may have an environmental impact. This possibility must be a consideration in the development management process. However, in this respect, the council has drawn attention to the “Overarching Policy” which is clear in requiring “all developments” to have regard to the historic and natural environment. I believe this all-embracing requirement is justified and provides the opportunity to assess proposed communications infrastructure against any environmental impact. In turn, I am prepared to endorse the council’s opinion that it is not necessary to repeat the reference to environmental impact in Policy 3.4.

**Reporter’s recommendations:**

No modifications.

<b>Issue 12</b>	<b>Scottish Water Infrastructure</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Scottish Water (90126)		
<b>Provision of the development plan to which the issue relates:</b>	N/A	
<b>Planning authority's summary of the representation(s):</b>		
No comments on the content of the plan but recommend the addition of a paragraph relating to access to Scottish Water assets.		
<b>Modifications sought by those submitting representations:</b>		
<p>Scottish Water (90126)</p> <p>Insert the following paragraph: "For sites containing large diameter and strategic infrastructure, it is necessary for Scottish Water to be consulted prior to any ground works being considered. Scottish Water reserves the right to gain 24 hour access to these assets should this be required and further contact should be made to discuss appropriate stand-off distances between the infrastructure and any building works, to both protect assets and the services to existing customers."</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>It is not clear from Scottish Water's representation where this additional paragraph is to be inserted as no specific page, policy or paragraph is suggested. In any respect the Council does not consider the insertion to be necessary. This modification they request is likely to be a civil matter and not a concern that is appropriately addressed through the Proposed Plan.</p> <p>The Reporter will note that many of the Key Site Requirements refer to early contact with Scottish Water being advised to discuss issues with capacity and infrastructure provision. These requirements and Scottish Water's function as a key agency are considered to adequately address their concerns.</p> <p>The Council therefore does not agree to modify the plan as requested.</p>		
<b>Reporter's conclusions:</b>		
<p>1. I interpret Scottish Water's representation to cover three elements: it defines criteria for when Scottish Water should be consulted prior to groundworks; it identifies the requirement for Scottish Water to be able to obtain access to its infrastructure; and it</p>		

highlights the need to maintain safe distances between Scottish Water infrastructure and building works.

2. Scottish Water is already a statutory consultee for applications for planning permission or planning permission in principle. This provides the opportunity to identify and comment on any issues of concern, including proposed groundworks and safe working distances. In addition, there are existing mechanisms that enable Scottish Water to access its assets.

3. I note that some of the key site requirements already highlight the need for early consultation with Scottish Water, although I accept that this is mainly in relation to the capacity of the existing infrastructure.

4. A further information request was issued to Scottish Water to clarify how its proposed amendment would add to existing arrangements for consultation and access, but no response has been received. In the absence of any response, I have considered Scottish Water's proposed text to be a generic comment, rather than a proposal for modification of a specific policy within the proposed plan. As I do not consider that such an amendment would add to the existing consultative and access arrangements, no changes to the proposed plan wording are required.

**Reporter's recommendations:**

No modifications.

<b>Issue 13</b>	<b>Climate Change Adaptation and Mitigation</b>	
<b>Development plan reference:</b>	Primary Policy 4: Greenhouse Gas Reduction (page 54) Policy 4.2: Protection of Carbon-Rich Soils (page 55) Policy 4.3: Heat Generation (page 56)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Dandara Ltd & Arnbathie Developments Ltd (01738) SNH (90033) RSPB (90154) SEPA (90175) TACTRAN (90193) Stewart Milne Homes Ltd (90272) Tulloch Homes Ltd (90724)		
<b>Provision of the development plan to which the issue relates:</b>	These policies are in the Climate Change Adaptation and Mitigation section of the Plan and seek to support:- i) energy efficient, low emission, climate adapted development and, ii) the development of heat networks and the use of heat mapping.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Introduction</u></p> <p>SNH (90033)</p> <p>The current text refers to the Draft Map of Carbon Rich Soil, Deep Peat and Priority Peatland Map as at June 2016. This should be updated recognise the publication of the Carbon and Peatland Map 2016.</p> <p><u>Primary Policy 4: Greenhouse Gas Reduction</u></p> <p>SEPA (90175)</p> <p>Support part (d) of Policy 4 as the policy wording supports the construction of low carbon energy distribution district heating networks in accordance with the guidance in SPP paragraphs 154 and 159. Require a local area heat map is developed as it will help identify opportunities for maximising the use of district heat networks. Require policy coverage in Policy 4, 4.3 or the Supplementary Guidance on District Heating expands on Policy 1.1(h) to ensure that any new developments located adjacent to existing or proposed new heat networks, heat supplies, significant heat sources or within district heating/cooling opportunity areas, will be designed to be capable of connecting to the heat supply.</p> <p>TACTRAN (90193)</p> <p>Positively support Primary Policy 4 on Greenhouse Gas Reduction and welcome/support Policy 4(b) in relation to position on sustainable/active travel in support of greenhouse gas reduction.</p>		

Stewart Milne Homes Ltd (90272)

Recognise the importance of addressing climate change and, in this context, supports the broad aims of Primary Policy 4. That said, no information is provided regarding the weight to be attached to factors (a) to (e), or the application of these factors to the different circumstances prevailing in the rural areas as opposed to the core area. For example, the assessment of what is a sustainable location and the judgement on what constitutes reasonable car usage could mitigate against any development within the rural villages.

Policy 4.2 - Protection of Carbon-Rich Soils

## RSPB (90154)

A definition of deep peat would be useful. Specific guidance on the commercial extraction of peat for horticultural purposes would be welcomed. Recommend approach of Natural Resources Wales is adopted whereby developments are required to have a net zero or net positive carbon impact when considering emissions directly associated with the development. This would encourage developers to avoid deep peat and commit to peatland restoration.

## SEPA (90175)

Support the wording of this policy, in particular point (a)(i) in relation to the avoidance of disturbance or excavation of peat or carbon-rich soils.

Policy 4.3 - Heat Generation

## Tulloch Homes Ltd (90724)

The sustainable generation of heat in new development is an increasingly prevalent topic on today's energy agenda. Whilst agreeing with the proposed Policy 4.3 in principle, there is still a general lack of planning guidance at national level, and technical guidance by Government consultees particularly in relation to Heat Networks. Therefore support the flexibility regarding new development whereby Stirling Council will encourage and support sustainable heat generation within proposals. It should also be acknowledged that development should not be rendered unviable due to costs of investigating and incorporating heat networks.

## Dandara Ltd &amp; Arnbathie Developments Ltd (01738)

The Supplementary Guidance published by the Council and referred to in Policy continues to refer to Scottish Planning Policy 2010 rather than the more recent 2014 version. This requires to be updated. It is also noted, from the response to the Main Issues Report, that the Council's Sustainability Team is currently taking forward research into heat mapping and it is contended that Policy 4.3 and supplementary Guidance should be amended to reflect the outcome of that research. Indeed, in responding to the MIR, both SEPA and the Scottish Government raised similar expectations. Whilst the Council has introduced Policy 4.3 in response, it still lacks the clarity and justification which would be provided through supplementary guidance.

**Modifications sought by those submitting representations:**Introduction

SNH (90033)

The text be updated to recognise the publication of the Carbon and Peatland Map 2016 which can be found at the specified link.

Primary Policy 4: Greenhouse Gas Reduction

SEPA (90175)

Require a modification so that a local area heat map is developed as it will help identify opportunities for maximising the use of district heat networks.

Require a modification so that the policy coverage in Policy 4, 4.3 or the Supplementary Guidance on District Heating expands on Policy 1.1 (h) to ensure that any new developments located adjacent to existing or proposed new heat networks, heat supplies, significant heat sources or within district heating/cooling opportunity areas, will be designed to be capable of connecting to the heat supply.

Stewart Milne Homes Ltd (90272)

No modifications specified.

Policy 4.2 - Protection of Carbon-Rich Soils

RSPB (90154)

Would be useful if all peatland habitats could be mapped. Definition of deep peat would be useful and guidance on the extraction of horticultural peat welcomed. Approach of Natural Resources Wales should be adopted.

Policy 4.3 - Heat Generation

Tulloch Homes Ltd (90724)

Agree with the proposed Policy 4.3 which encourages renewable heat energy in new development (where possible) but also encourage the adoption of a case-by-case approach by which proposals are considered on their own merits and constraints in relation to the delivery of such energy as not all sites are suitable for this. This should be explicit in Policy 4.3.

Policies which refer to Supplementary Guidance are impossible to comment on fully without sight of the relevant Supplementary Guidance. It is not acceptable that a suite of revised Supplementary Guidance is not yet available, and any implications of such Supplementary Guidance are not known when considering their 'parent' policy(ies). Stirling Council should make all Supplementary Guidance referred to in their PLDP policies available for comment during this current consultation process.

## Dandara Ltd &amp; Arnbathie Developments Ltd (01738)

The opportunity should also be taken to ensure that the Supplementary Guidance refers to the current Scottish Planning Policy rather than the earlier version and should be updated to take account of the heat mapping research currently being undertaken by Stirling Council. It should be this updated Supplementary Guidance that informs Policy 4.3, Heat Generation.

**Summary of responses (including reasons) by planning authority:**Introduction

## SEPA (90033)

To ensure the Plan refers to the most up to date mapping the Council is agreeable to the wording of the introduction being amended to take account of the modifications requested by SNH. The Council would have no objection to such a change being made by the Reporter if this is considered appropriate and considers this would not change the underlying aims of Section B. Climate Change Adaptation and Mitigation.

Primary Policy 4: Greenhouse Gas Reduction

## SEPA (90175)

The Council notes the recommendations of SEPA regarding modified policy wording and the development of a heat map. The Council is however of the opinion the Proposed Plan is already sufficiently clear on these matters. The Plan also commits the Council to the preparation of supplementary guidance on heat generation, the contents of which will be the subject of detailed public consultation.

## Stewart Milne Homes Ltd (90272)

The Council notes the concerns raised. However the criteria are considered to be 'self-contained', e.g. the Council would not normally expect to 'weigh' a development that employs sustainable construction against an unsustainable location. Regarding the specific point raised about 'reasonable car usage' a key objective of the Spatial Strategy is to steer development of appropriate scales to the most sustainable locations.

The Council therefore does not agree to modify the Plan.

Policy 4.2 - Protection of Carbon-Rich Soils

## RSPB (90154)

A footnote to Policy 4.2 advises further information and mapping, including relating to deep peat, can be found on SNH and Soil Scotland's websites. Policy wording in the Proposed Plan has to accord with the requirements of SPP and advice and guidance from other relevant key agencies. It is not therefore appropriate to use approach of Natural Resources Wales to assess carbon impacts.

The Council therefore does not agree to modify the Plan.

Policy 4.3 - Heat Generation

Tulloch Homes Ltd (90724) and Dandara Ltd & Arnbathie Developments Ltd (01738)

There is no specific requirement to consult on Supplementary Guidance alongside the Proposed Plan. As noted in para. 140 of Planning Circular 6/2013: Development Planning (CD18):- "Supplementary Guidance may be prepared and adopted alongside the SDP or LDP, or subsequently."

Para. 141 then advises guidance must be the subject of publicity and consultation and, prior to adoption, a copy must be sent to the Scottish Ministers. In preparing the guidance account will be taken of the most up to date advice and guidance from the Scottish Government, key agencies and other interested parties. By its very nature the Council would seek to engage the development industry in the consultation on this particular SG.

**Reporter's conclusions:**Introduction

1. It would be appropriate to alter the introduction to section B, Climate Change Adaptation and Mitigation, by removing the reference to the draft Carbon and Peatland Map, 2104 and inserting the title of the current 2016 map.

Primary Policy 4: Greenhouse Gas Reduction and Policy 4.3: Heat Generation

2. Although the Scottish Environment Protection Agency requires further additions to the heat related policies, the council believes that the proposed plan provides clear guidance.

3. I note the introduction to Climate Change Adaptation and Mitigation expresses support for the development of heat networks and the use of heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. This is in accordance with the guidance in Scottish Planning Policy.

4. Primary Policy 4: Greenhouse Gas Reduction, requires new development, where feasible, to meet energy and on-site renewable generation by linking to local area networks. Policy 4.3: Heat Generation, is clear in supporting renewable generation of heat. Developments proposing the non-renewable generation of heat must demonstrate a significant reduction in greenhouse gas emissions, form part of a carbon capture or demonstrate plans for future conversion to renewable or low carbon sources of heat. The location of heat generation and high heat demand developments and the development of heat networks is also addressed in the policy.

5. For the most part, I agree with the council that the proposed plan provides reasonable and comprehensive guidance in respect of heat generation. However, the Scottish Environment Protection Agency refers to the need for new developments to be designed to be capable of connecting to a heat supply network. It would be helpful to incorporate a reference to design into Policy 4.3.

6. Stewart Milne Homes Ltd recognises the importance of addressing climate change but is concerned about how weight is to be attached to the various matters identified in Primary Policy 4. As is the case in assessing many development proposals, it is

necessary to take account of the merits of the proposal in the context of the terms of the development plan. In this case, the proposed plan must be considered holistically. A range of policies could well be relevant, not least the spatial strategy which provides overall guidance on the location of development. In some instances, there may well be tensions arising between policies. For example, although small-scale expansion of some settlements in the rural villages area is proposed, it may be argued that such development would not be sustainable where limited public transport would lead to additional private car trips.

7. Where tensions of the above nature arise, it is for the decision-maker to take account of the competing factors and reach a balanced conclusion. In this respect, I believe that Primary Policy 4 sets out a series of considerations that require to be taken into account from the point of view of greenhouse gas reduction. As indicated, the weight to be given to these considerations must be determined in the context of all other relevant policies in the proposed plan. I therefore conclude that there is no requirement to amend Primary Policy 4 in this respect.

#### Policy 4.2: Protection of Carbon-rich Soils

8. As explained by the council, Scottish Natural Heritage has published a document entitled “Carbon rich soil, deep peat and priority peatland habitats map” and this provides a range of related information including details of methodology and definitions. I therefore accept that the footnote to Policy 4.2 is adequate.

9. The Scottish Government provides guidance on planning matters through Scottish Planning Policy and it is not appropriate to draw policy in the proposed plan from sources beyond Scotland. Accordingly, I agree with the council that the approach adopted by Natural Resources Wales should not be used.

#### Policy 4.3: Heat Generation

10. Tulloch Homes Limited requires Policy 4.3 to explicitly refer to a case-by-case approach as all sites are not capable of providing the renewable generation of heat. It is argued that viability is also important and account must be taken of the financial implications of investigating and incorporating heat networks.

11. I note that Policy 4.3 is prepared to support non-renewable generation of heat subject to demonstrating that greenhouse gas emissions would be significantly reduced. I consider this to be a reasonable requirement and provides the opportunity for each case to be considered on merit. Clearly, in the context of a national policy of greenhouse gas reduction, it must be anticipated that the emphasis is on renewable generation of heat. Similarly, associated costs of investigating and incorporating heat networks must be expected. I do not believe it necessary for the proposed plan to be more explicit in these respects.

12. Both Tulloch Homes Limited and Dandara Limited and Arnbathie Developments Limited comment on the role and nature of supplementary guidance and the relationship of the guidance with Policy 4.3. As explained elsewhere, supplementary guidance is not part of this local development plan examination and I am therefore not in a position to take account of this particular aspect of the representations.

**Reporter's recommendations:**

I recommend the following modifications be made:

1. In the introduction to section B, Climate Change Adaptation and Mitigation, paragraph 3, delete:

Scottish Natural Heritage (SNH) has prepared a Scotland wide map of Carbon Rich Soil, Deep Peat and Priority Peatland Habitats (SNH 2015), a consolidated spatial dataset derived from existing soil and vegetation data. The methodology used to create the map is detailed in SNH's Carbon and Peatland 2014 - Methodology. As at June 2016 the map remains in a draft form, nevertheless it provides the most up to date information available on these soil types. Carbon and Peatland classes 1 and 2 correspond to the 'carbon-rich soils, deep peat and priority peatland habitat' identified in Table 1 - Onshore Wind Farms Spatial Framework of Scottish Planning Policy.

and insert:

Scottish Natural Heritage (SNH) has prepared a Scotland-wide map of Carbon Rich Soil, Deep Peat and Priority Peatland Habitats, a consolidated spatial dataset derived from existing soil and vegetation data. The Carbon and Peatland Map 2016 is available for download as a GIS shape file from the Natural Spaces section of the SNH Information Service. The methodology used to create the map is detailed in the SNH Carbon Rich Soil, Deep Peat and Priority Peatland Habitats Map - Methodology Details (2014). Carbon and Peatland classes 1 and 2 correspond to the "carbon-rich soils, deep peat and priority peatland habitat" identified in Table 1 - Onshore Wind Farms Spatial Framework of Scottish Planning Policy.

2. In Policy 4.3, Heat Generation, insert a new (second) sentence into the second paragraph following "... should be Investigated." as follows:

Where appropriate, the design of new development should take account of the potential to connect with local heat networks.

<b>Issue 14</b>	<b>Policy 4.1 - Low and Zero Carbon Buildings</b>	
<b>Development plan reference:</b>	Policy 4.1 (page 54)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Dandara Ltd &amp; Arnbathie Developments Ltd (01738)                  Stewart Milne Homes Ltd (90272)                  University of Stirling (90324)                  Springfield Properties plc (01733)                  SEPA (90175)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This policy sets out the Council's approach to Low and Zero Carbon Buildings	
<b>Planning authority's summary of the representation(s):</b>		
<p>Dandara Ltd &amp; Arnbathie Developments Ltd (01738)</p> <p>Oppose the modification to Policy 4.1 with an incremental increase of 5% and fundamentally disagree with the approach to low and zero carbon buildings but recognise the importance of addressing climate change. The requirements regarding reduction and the calculations are complex and the policy is in effect duplicating other controls. Note that the Council agrees with the contention that the requirement should sit within Building Standards, rather than planning remit, but that no modifications were made to the policy wording suggested in the MIR.</p> <p>Consider that Section 3F of the Town and Country Planning (Scotland) Act 1997 does not explicitly require target percentages to be included in the policy and submit that the Sixth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 highlights a number of examples where adopted policies do not specify percentage targets. The Sixth Annual Report also concluded that it was not considered that "additional emissions savings are gained compared to what was already provided for through Scottish Building Standards."</p> <p>Consider it remains the contention of the house building industry that a "fabric first" approach should be adopted ahead of the policy requirement as such technologies are often unproven, adding to development costs (both to developers and customers) and do not contribute significant energy and carbon savings in a context where Scottish housebuilding is already amongst the most energy efficient and low carbon in Europe.</p> <p>Cite aims of Scottish Planning Policy (2014) and the National Planning Framework 3 and consider the policy does not flow from these and that a more holistic approach, e.g. by using heat mapping should be used.</p> <p>Refer to Supplementary Guidance published by the Council and require updating to confirm with SPP (2014) as references are still made to SPP (2010).</p>		

Reference the Sullivan Panel noting that the panel specifically noted that concerns arise from requirements and prescription on low carbon equipment within the Scottish Planning System, in addition to provisions under Building Standards. The panel advised that "these should offer consistency and alignment in policy approach and delivery, providing clarity to developers". This finding should also be referenced in the accompanying Supplementary Guidance.

Stewart Milne Homes Ltd (90272)

Oppose the modification to Policy 4.1 with an incremental increase of 5% and fundamentally disagree that the approach to low and zero carbon buildings but recognise the importance of addressing climate change. The requirements regarding reduction and the calculations are complex and the policy is in effect duplicating other controls.

Consider it remains the contention of the house building industry that a "fabric first" approach should be adopted ahead of the policy requirement as such technologies are often unproven, adding to development costs (both to developers and customers) and do not contribute significant energy and carbon savings in a context where Scottish housebuilding is already amongst the most energy efficient and low carbon in Europe.

Cite aims of Scottish Planning Policy (2014) and the National Planning Framework 3 and consider the policy does not flow from these and that a more holistic approach, e.g. by using heat mapping.

Springfield Properties plc (01733)

Support the overall aims of greenhouse gas reduction and the use of energy efficient homes in sustainable locations. Consider that this is good for the environment and also good for their customers in terms of reduced energy bills. However, do state that their preference is to use a fabric first approach using sustainable building materials with high levels of insulation as opposed to "bolting on" technology. Support that the policy refers specifically to compliance with building standards regulations as opposed to any other regulation.

University of Stirling (90324)

Consider that the policy is very prescriptive. It should not matter how the aspiration for carbon reduction is achieved, the key is flexibility to allow for a variety of approaches.

SEPA (90175)

Express support for the policy.

**Modifications sought by those submitting representations:**

Dandara Ltd & Arnbathie Developments Ltd (01738)

- Part (a) of Policy 4.1 should be reworded or removed from the plan.
- Supplementary Guidance should be amended to reflect the fabric first approach of the wider housebuilding industry whilst continuing to reflect the broad terms of Section 3F. The guidance should also be updated to take account of SPP (2014) and account of heat mapping research currently being undertaken by the Council.

Stewart Milne Homes Ltd (90272)

Policy 4.1 should be substantially re-written to focus only on those matters that can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction achieved by installing low and zero carbon generating technologies in new developments should be removed.

University of Stirling (90324)

The proposed approach needs to be simplified and easily understood. The current wording is confusing.

**Summary of responses (including reasons) by planning authority:**

Dandara Ltd & Arnbathie Developments Ltd (01738), Stewart Milne Homes Ltd (90272)

The Council disagrees with the representations which suggest that there is no explicit requirement for target percentages. Section 72 of the Climate Change (Scotland) Act 2009, which inserted Section 3F into the Town and Country Planning (Scotland) Act 1997, requires that "A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies."

It is therefore clear from the above that "a specified and rising proportion" refers to a percentage target.

A Topic Paper (CD51) was prepared setting out the discussion around this topic and sets out how the approach identified in the MIR was arrived at. The topic paper notes the position of the development industry, and the view of many planning authorities, that the legislative requirement should not sit within the planning remit and should instead fall under building standard regulations. However, as the topic paper also notes, the report to ministers did not alter the legislative requirement for planning authorities to include such policies. This requirement has not been removed by the 6<sup>th</sup> Annual Report referred to in the submission.

This Topic Paper also sets out the methodology for arriving at the 15%, rising to 20% in 2019. The topic paper concluded that due to the varying approaches across the country, and lack of clear guidance, that the previous methodology remained appropriate.

The comments regarding the approaches set out in NPF3 and SPP (2014) are generally agreed with, however they do not on their own set policies for Local Development Plans. In this instance the policy is in line with legislative requirements which outweigh planning guidance.

The Supplementary Guidance referred to is from the current adopted LDP. This guidance will be updated and refreshed in line with the Proposed Plan when it is adopted.

The Council therefore does not agree to modify the plan as requested.

Dandara Ltd & Arnbathie Developments Ltd (01738), Stewart Milne Homes Ltd (90272), Springfield Properties plc (01733)

The fabric first approach favoured by the housebuilding industry provides further ways in which the aims of SPP (2014), to reduce carbon emissions, can be met. The Council welcomes the commitment of the industry in this regard, however the Council is legally required to include the policy to comply with Section 3F.

The Council therefore does not agree to modify the plan as requested.

University of Stirling (90324)

The policy wording is in line with legislative requirements and is considered to be clear on what the requirements are for new development. The Council is flexible with regard to what generating technologies are chosen, however the legislation is clear that the off set to be achieved is required to come from generating technologies. The policy wording reflects this requirement.

The Council therefore does not agree to modify the plan as requested.

SEPA (90175)

SEPA's support is noted.

**Reporter's conclusions:**

1. The council maintains that Policy 4.1 is required to state a target under the provisions of the Town and Country Planning (Scotland) Act 1997 by virtue of section 3F, Greenhouse gas emissions policies. Dandara Limited and Arnbathie Developments Limited claim there is no explicit requirement that target percentages should be included in the policy. However, section 3F states:

A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies.

2. As required under section 3F, the policy is clear in providing specified and rising targets (15% and 20% respectively) of greenhouse gas emissions to be avoided. I am satisfied that the council is correct to argue that there must be compliance with the legislation.

3. A topic paper (CD51) provides the background to the targets and the basis for the specified percentages. These are not challenged in any of the representations although concern is expressed that these are matters to be assessed through the Scottish Building Standards. I accept that local development plans should endeavor not to duplicate other regulatory provisions but in this case, as explained, there is a need to comply with section 3F. In any event, it seems inevitable that any technical assessments undertaken in terms of the policy would fall to be subject to consideration under the Building Regulations. In effect, there is no significant or untoward duplication.

4. I note the contention that the house-building industry prefers a “fabric first” approach and accept that this can lead to carbon savings. However, this does not permit the terms of section 3F to be set aside. Nevertheless, the policy is qualified and does provide for “other solutions” to be considered where, for instance, an applicant demonstrates that there are significant technical constraints in using on-site, low and zero-carbon generating technologies.

5. Some representations are directed towards the nature and content of the associated supplementary guidance. The council has indicated the intention to review the supplementary guidance on the adoption of the proposed plan. In any event, supplementary guidance is not subject to the local development plan examination and therefore its terms are not within my remit.

6. Stewart Milne Homes requires Policy 4.1 to be “substantially re-written” to focus on matters that can be directly influenced by the planning system. However, as explained, the targets set for carbon dioxide reduction flow from section 3F of the 1997 Act and are therefore in accordance with the legislation.

7. University of Stirling regards the policy as very prescriptive and believes there should be flexibility to achieve carbon reduction through a variety of approaches. In this respect, I note the council’s assertion that there is a flexible approach to the application of generating technologies. However, I also accept that the legislation requires savings through the installation and operation of low and zero-carbon generating technologies. As indicated, there are circumstances where other solutions will be considered. In turn, I conclude there is no requirement to amend the policy.

**Reporter’s recommendations:**

No modifications.

<b>Issue 15</b>	<b>Primary Policy 5: Flood Risk Management</b>	
<b>Development plan reference:</b>	Primary Policy 5 (pp 57-58)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 5 sets out a range of criteria to ensure proper account is taken of flood risk in the location and design of new development.	
<b>Planning authority's summary of the representation(s):</b>		
Generally support this policy, however require modification to amend the reference to the SEPA Flood Maps, as they are indicative. This is because it is considered the current wording, even with the addition of point (c) (iv) does not fully address the issue of increasing the probability of flood risk elsewhere.		
<b>Modifications sought by those submitting representations:</b>		
Require a modification to amend the reference to the SEPA Flood Maps and instead state that development is avoided in locations at medium to high flood risk (unless it accords with the risk framework in paragraph 263 of SPP) or where it would lead to an increase in the probability of flooding elsewhere.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>SEPA's representation highlights the Council's statutory duties to promote sustainable flood management and ensure development plans contribute to sustainable development.</p> <p>Following from the above and to ensure developers are fully informed of potential flood risk issues, including the potential to increase the probability of flood risk elsewhere, the Council is agreeable to the policy wording being amended to take account of the modifications requested by SEPA.</p> <p>The Council would have no objection to such a change being made by the Reporter if this is considered appropriate and considers that this would not change the underlying aims of Primary Policy 5.</p>		
<b>Reporter's conclusions:</b>		
<p>1. The Scottish Environment Protection Agency has suggested some changes, which it believes would better reflect national policy and guidance in relation to flood risk. The comments refer to the use of flood maps, risks of increasing flooding beyond development sites, and sustainable flood risk management. I consider each of these in turn.</p>		

Flood Maps

2. I consider that the proposed wording in paragraph (b) of Primary Policy 5 could be interpreted that only those areas included on the Scottish Environment Protection Agency Flood Maps are at risk of flooding. Whilst these maps can be helpful tools to identify areas at risk of flooding, I accept that they are indicative and should not be considered definitive. Following a further information request, the Scottish Environment Protection Agency has provided text that encapsulates its recommendations and the council has indicated that it is amenable to the proposed changes. I consider that the proposed amended text is consistent with and better reflects the Policy Principles for managing flood risk and damage set out in Scottish Planning Policy paragraph 255 and supports the overall objectives of Primary Policy 5. Consequently, clause (b) should be amended using the text proposed by the Scottish Environment Protection Agency.

Increased risk of flooding elsewhere

3. In addition, paragraph (b) of Primary Policy 5 refers to safeguarding the functional floodplain in order to maintain water conveyance. Whilst clause (c) (iv) of Primary Policy 5 does refer to the need to avoid developments leading to an increase in flooding elsewhere, I accept it could be interpreted that this safeguard would only be required if the proposed development area itself were also at risk of flooding. The Scottish Environment Protection Agency has recommended that the wording of paragraph (b) be amended to cover all sites where development might increase flood risk – either at that site or elsewhere within the functional flood plain. I find that the proposed amendments are consistent with and better reflect the Policy Principles for managing flood risk and damage set out in Scottish Planning Policy paragraph 255. Consequently, clause (b) should be amended using the text proposed by the Scottish Environment Protection Agency.

Sustainable flood risk management

4. The Scottish Environment Protection Agency has also provided comments in relation to the role of sustainable flood risk management. These are considered in relation to Issue 2 – Placemaking & Green Infrastructure.

**Reporter's recommendations:**

I recommend the following modification be made:

Clause (b) of Primary Policy 5: Flood Risk Management should be deleted and replaced with the following text:

*(b) Development should be avoided in locations at medium to high flood risk (unless it accords with the risk framework in paragraph 263 of Scottish Planning Policy) or where it would lead to an increase in the probability of flooding elsewhere. The functional flood plain will be safeguarded from development in order to maintain its water conveyance and storage capacity. (Note: Scottish Planning Policy states that for planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year).*

<b>Issue 16</b>	<b>Resource Use and Waste Management</b>	
<b>Development plan reference:</b>	Primary Policy 6: Resource Use and Waste Management Policy 6.1: Provision and Safeguarding of Waste Management Infrastructure (Page 60)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
The Coal Authority (90110) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Resource use and waste management and the provision and safeguarding of waste management infrastructure.	
<b>Planning authority's summary of the representation(s):</b>		
<p>The Coal Authority (90110)</p> <p>Welcomes the stipulation within part (b) of Primary Policy 6 that new development on land that is contaminated or unstable should be remediated to an appropriate standard commensurate with its new use. However, consider that it would be clearer and more appropriate to include this policy requirement within the Placemaking and Implementing the Spatial Strategy section of the Plan.</p> <p>SEPA (90175)</p> <p>Support the wording of Primary Policy 6 as it requires all development to minimise waste and identifies the requirement for a Site Waste Management Plan where appropriate, as well as requiring sufficient space to allow recyclates collection on site. The wording addresses most of the issues required by SPP, paragraph 178 to 187 and it helps in meeting the objectives of the Zero Waste Plan. Also support the requirement for waste management infrastructure to demonstrate conformity with the Zero Waste Plan.</p> <p>Support Policy 6.1 in that it requires waste management infrastructure proposals to demonstrate conformity with the Zero Waste Plan; manage waste in line with the waste hierarchy; identifies employment sites as appropriate locations for waste management facilities; enables energy from waste; and safeguards existing and proposed facilities that conform to the Zero Waste Plan to ensure that the network of facilities required to achieve sustainable waste management is protected from incompatible neighbouring development.</p> <p>Support the identification of Polmaise waste management site on the Proposal Map and that the supporting text highlights that the land is being safeguarded for future expansion of waste management infrastructure and other existing waste management sites as identified on the proposals maps.</p> <p>However, require a modification to the policy wording of part (b) of Policy 6.1 to include the fact that all existing waste management infrastructure, as identified in mapped data, are also being protected to allow for expansion of waste management activities at the</p>		

sites. These requirements accord with the guidance provided in paragraphs 177-180 and 184 of SPP and the Zero Waste Plan.

**Modifications sought by those submitting representations:**

The Coal Authority (90110)

The policy provision that new development on land that is contaminated or unstable should be remediated to an appropriate standard commensurate with its new use should be contained within Part A of the Plan: Placemaking and Implementing the Spatial Strategy;

SEPA (90175)

Expansion of Policy 6.1, part (b) to include the fact that all existing waste management infrastructure, as identified in mapped data, are also being protected to allow for expansion of waste management activities at the sites.

**Summary of responses (including reasons) by planning authority:**

The Coal Authority (90110)

The Local Development Plan is intended to be read as a whole (as paragraph 3.5 alludes to) and the location within in the document of any specific provision should not be interpreted as significant.

Part A of the Plan covers placemaking and the implementation of the spatial strategy. The policies within this part of the plan address issues including building design, urban design and open spaces in order to improve places by raising the quality of new development and also sets a framework to implement the Spatial Strategy, ensuring appropriate scales of development in the right locations, taking account of the environment, existing infrastructure and seeking to reduce the need to travel. It is considered that a policy requiring the prior remediation of contaminated or unstable land does not fit within the context of Part A, therefore the Council is not minded to make a modification to the Plan.

SEPA (90175)

The Council does not agree that it is necessary to indicate that existing waste management infrastructure – identified by the plan on the Proposals Maps – will be safeguarded to allow for their expansion or with the interpretation that SPP (CD02) and the Zero Waste Plan require this. Paragraph 184 of SPP states “plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings”. Waste management infrastructure is safeguarded by Policy 6.1 (part (b)) and part (a)(ii) of the policy directs new infrastructure to existing sites.

The Council is not minded to make a modification to the Plan in this regard.

**Reporter's conclusions:**Moving policy provision 6 (b) to Part A of the Plan: Placemaking and Implementing the Spatial Strategy.

1. Part B, Primary Policy 6 Resource Use and Waste Management sets out criteria for developments to reduce the amount of waste created and reduce the demand for new resources. Criteria (a) and (b) address issues related to use of brownfield sites and the circumstances when contaminated land requires remediation. I interpret these as criteria to reduce the demand for new resources i.e. land. By contrast, criteria (c), (d) and (e) focus on requirements for minimising waste generation during construction and operation of sites.

2. I consider that criterion (b) provides a logical follow-on from criterion (a) in that vacant, derelict and brownfield land has a higher possibility of being contaminated and hence it would be unhelpful to separate these two policy elements from each other by moving part 6(b) to Part A of the proposed Plan.

3. Part A, Primary Policy 1: Placemaking identifies criteria that development must achieve to meet the council's Placemaking objectives. Criterion 1 (c) refers to avoiding encroachment onto greenfield sites and utilisation of vacant and under-used land. Such an approach could guide development towards brownfield sites, some of which may be contaminated. Indeed, as noted above, Part B, Primary Policy 6 (a) specifically encourages the use of vacant, derelict and other brownfield land where appropriate and it is in this context that criterion 6 (b) requires the remediation of unstable or contaminated land to an appropriate standard prior to development.

4. In my view, there is a clear relationship between the requirements to avoid encroachment onto greenfield sites, promote the use of brownfield sites, and the need to carry out appropriate treatment of contaminated sites before use. There would, therefore, be some logic in grouping the current criteria 1 (c), 6 (a) and 6 (b) together, as these all deal with the selection of appropriate land for development.

5. Whilst re-organisation of the policies could assist some users in identifying all the relevant considerations for a development, I accept that the Local Development Plan is intended to be read as a whole. Paragraph 3.3 of the proposed plan explains that the document should be used as an integrated planning tool and that all aspects should be considered. In this context, policies 1 (c), 6 (a) and 6 (b) do not need to be grouped together in order to be applied to a proposal.

6. The intention of a local plan examination, as set out in paragraph 117 of Planning Circular 6/2013, is primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. The purpose is not to make the plan as good as it can be, but to only modify those parts that are clearly inappropriate or insufficient. As the content and intention of these policies is not contested, I do not see that there is any requirement to re-locate Primary Policy 6 (b) to Part A, Primary Policy 1: Placemaking.

7. Amendments to the wording of Primary Policy 6 are also considered as part of Issue 22: Primary Policy 14: Soil Conservation and Agricultural Land

Safeguarding existing waste management infrastructure for expansion

8. The change proposed by SEPA requires that existing waste management infrastructure is protected to allow for expansion of waste management activities at these sites.

9. Scottish Planning Policy (SPP) (paragraph 180) requires development plans to enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste. It does not specify the location of these new technologies. In addition, paragraph 184 of Scottish Planning Policy requires plans to safeguard existing waste management installations and to ensure that allocation of land on adjacent sites does not compromise waste handling operations.

10. Policy 6.1 (a) (ii) of the proposed plan directs new waste management infrastructure to existing sites (amongst other locations). Policy 6.1 (b) safeguards existing waste management infrastructure from incompatible development, including adjacent development that is likely to be incompatible with the use of the waste management facility. Taken together, I consider that the proposed policies safeguard existing sites for current and future waste management activities and also enable expansion of activities at existing sites.

11. In conclusion, I consider that the policies implement the requirements of Scottish Planning Policy. The policies within the proposed plan both safeguard existing sites and allow for expansion of activities. Consequently, no modifications to the wording are necessary.

**Reporter's recommendations:**

No modifications

<b>Issue 17</b>	<b>Conservation of Historic and Natural Heritage</b>	
<b>Development plan reference:</b>	Section 7, Part C: Conservation of Historic and Natural Heritage (pp 61-73) Policy 9.1: Protecting Special Landscapes (page 71)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
University of Stirling (90324)		
<b>Provision of the development plan to which the issue relates:</b>	Section 7, Part C sets out a policy framework which seeks to protect individual elements of the historic and natural environment. Policy 9.1 specifically relates to special landscapes.	
<b>Planning authority's summary of the representation(s):</b>		
<p>The representation by University of Stirling considers that this part of the Plan would benefit from some redrafting to improve clarity, citing as an example that there is no reference to the University despite the campus forming part of an Inventory of Gardens and Designed Landscapes site.</p> <p>With regard to designated landscapes, the representation notes that development is only permissible where landscape character will not be adversely affected and there is a specific nationally recognised need for the development but considers the policy should be amended to make clear that there is a distinction between new development on greenfield sites and further development of existing sites, with the latter subject to less stringent controls.</p>		
<b>Modifications sought by those submitting representations:</b>		
Policy 9.1 should be amended to make clear that there is a distinction between new development on greenfield sites and further development of existing sites.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>In general terms, the Council considers that this section of the Plan is clear in setting a detailed framework for protecting specific elements of the historic and natural environment.</p> <p>The Council does not agree that a distinction should be made between development of greenfield sites and of previously developed sites in respect to protecting designated landscapes. The nature and scale of proposed development and its siting and design are most relevant in assessing impact on landscape character – it cannot be assumed that the further development of 'existing sites' would not adversely affect a designated landscape.</p> <p>Furthermore, drawing such a distinction it is argued would unnecessarily overcomplicate the policy.</p>		

The planning authority therefore does not agree to modify Policy 9.1 as proposed.

**Reporter's conclusions:**

1. This representation is slightly confused in that it refers to the Inventory of Gardens and Designed Landscapes, which is dealt with at policy 7.8 (b), but then refers to policy 9.1 and Local Landscape Areas. Both of these policies affect the University campus.
2. I note that no specific inventory sites are mentioned, and on that basis it would be inappropriate to include the University whilst excluding others.
3. The proposed modification refers to policy 9.1 (b). This is divided into two parts dealing first with the landscape character, scenic interest and qualities for which the area has been designated, and second a nationally recognised need for development at that location that could not be satisfied in a less sensitive area. In this respect, the representation effectively requests a two-tier test with a lesser standard for sites on which there is existing development.
4. The council's argument, in my words, is that this would dilute the policy and thus reduce the value of the designated landscape. I consider the policy to be perfectly clear in the form it is already proposed. Its purpose is landscape protection and the policy, through section (b) (ii) clearly allows for development to take place. The existing development at the University would clearly be a matter for consideration when assessing the need for development on that site.
5. I am not persuaded that any modification is necessary.

**Reporter's recommendations:**

No modification.

<b>Issue 18</b>	<b>Primary Policy 8: Conservation and Enhancement of Biodiversity</b>	
<b>Development plan reference:</b>	Primary Policy 8 (page 68)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SNH (90033)		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 8 sets out a range of criteria to ensure proper account is taken of natural heritage designations and biodiversity interests in the location and design of new development.	
<b>Planning authority's summary of the representation(s):</b>		
Agree with the content of the policy in terms of Sites of Special Scientific Interest, but feel that it could be made clearer by minor amendments making it more consistent with SPP, paragraph 212.		
<b>Modifications sought by those submitting representations:</b>		
<p>Recommend that the wording be amended to:</p> <p>“Development that affects a Sites of Special Scientific Interest will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised; or 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”.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>To ensure consistency with SPP the Council agrees it would be desirable to amend the wording of this section to accord with that proposed by SNH. It would have no objection to such a change being made by the Reporter if this is considered appropriate and considers this would not change the underlying aims of the policy.</p>		
<b>Reporter's conclusions:</b>		
<p>Primary Policy 8 considers measures to conserve and enhance biodiversity, including Sites of Special Scientific Interest. Paragraph 212 of Scottish Planning Policy defines the circumstances when development affecting sites of national importance for nature conservation, including Sites of Special Scientific Interest, would be permissible. Both policies are addressing the same broad issue of the criteria to apply when considering development affecting such sites. However, there are differences in the wording, which could potentially lead to differences in interpretation and implementation. Consequently, to avoid any possible ambiguity between the national and local policy requirements, I agree that it would be advisable to amend the wording to mirror that in Scottish Planning Policy.</p>		

**Reporter's recommendations:**

I recommend the following modifications be made:

Delete the current wording of Primary Policy 8, paragraph (c) (p. 68) and replace with:

“Development that affects a Site of Special Scientific Interest will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised; or 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”.

<b>Issue 19</b>	<b>Forests, Woodlands and Trees</b>	
<b>Development plan reference:</b>	Primary Policy 10 (pp. 74-75) Policy 10.1 (page 75)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
TACTRAN (90193) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	These policies refer to the Stirling and Clackmannanshire Forestry and Woodland Strategy, promote tree protection and encourage woodland expansion.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Primary Policy 10: Forest, Woodland and Trees</u></p> <p>TACTRAN (90193)</p> <p>This needs to recognise the importance of giving consideration to moving felled timber as part of any planning stage in view of the difficulties encountered in removing timber along rural roads that are frequently unsuited to large HGV flows due to geometry, construction, environmental impact etc.</p> <p>SEPA (90175) - Support the wording of this policy.</p> <p><u>Policy 10.1- Development Impact on Trees and Hedgerows</u></p> <p>SEPA (90175)</p> <p>Recommend a modification to point (c) that compensatory planting should take into consideration effects on flood risk.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Primary Policy 10: Forests, Woodland and Trees</u></p> <p>TACTRAN (90193)</p> <p>None specified but can be inferred policy wording should be modified to include reference to traffic management issues associated with timber removal.</p> <p><u>Policy 10.1- Development Impact on Trees and Hedgerows</u></p> <p>SEPA (90175) - The following point should be added to the list in point (c):</p> <p>(vi) compensatory planting should take into consideration effects on flood risk. See SEPA's Natural Flood Management Handbook for further details.</p>		

**Summary of responses (including reasons) by planning authority:**

Primary Policy 10: Forest, Woodland and Trees refers to Supplementary Guidance SG30 - Stirling and Clackmannanshire Forestry and Woodland Strategy (August 2014) (CD72). Amongst other matters this identifies timber transport as an important consideration and draws attention to the Stirling & Tayside Timber Transport Group that ensures good liaison between the forest sector and local roads authorities, with particular regard given to timber haulage on more rural roads.

The concerns raised by TACTRAN (90193) are therefore fully covered in relevant and up to date supplementary guidance and, accordingly, the Council is of the view there is no need to modify the Proposed Plan.

Regarding SEPA's (90175) additional criteria the Proposed LDP's Primary Policy 5: Flood Risk Management, section (a) states:

"(a) the Council will take a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change."

The Council also has a statutory duty to promote sustainable flood management.

Following from this the Council is agreeable to adding in the criteria to Policy 10.1 proposed by SEPA and would have no objection to such a change being made by the Reporter if this is considered appropriate. It also considers this would not change the underlying aims of the policy.

**Reporter's conclusions:**Primary Policy 10: Forest, Woodland and Trees

1. Part (a) (iii) states that the council will set out the local circumstances and factors in the assessment of planting and felling proposals. Factors to be considered include environmental factors related to soil, water, flood risk and waste."
2. However, it is clear to me that the broad wording of the policy allows for other, non-environmental factors, including, for example, road access, to be material considerations in the assessment of planting and felling proposals. Further examples of material considerations are described in the Forestry and Woodland Strategy, which forms supplementary guidance to the policy. The existence and relevance of this supplementary guidance is clearly highlighted at the foot of the policy. Timber haulage, particularly on rural roads, is identified in the supplementary guidance as a key consideration. Whilst it would be possible to include a direct reference to timber transport within the policy, I do not consider that this is necessary, as it is clearly underpinned by the supplementary guidance.

Primary Policy 10.1: Development Impact on Trees and Hedgerows

3. The proposed amendment seeks to highlight the role that trees can play in flood risk management. Flood risk management is addressed by Primary Policy 5. Whilst it refers to considering the effects of development on flood risk, it does not specifically address

the role of trees. Consequently, I consider the proposed text would be a useful addition to Primary Policy 10.1 and would assist the council in considering the role of trees in the determination of development proposals, and would provide useful guidance to developers. I therefore recommend that the plan be modified with the addition of a new criterion (vi) to Primary Policy 10.1.

**Reporter's recommendations:**

I recommend the following modification be made:

The following clause should be added to section (c) of Policy 10.1: Development Impact on Trees and Hedgerows:

“(vi) Compensatory planting should take into consideration effects on flood risk. See the Natural Flood Management Handbook for further details.”

<b>Issue 20</b>	<b>Primary Policy 11 - Minerals and Other Extractive Industries</b>	
<b>Development plan reference:</b>	Primary Policy 11: Minerals and Other Extractive Industries (Page 76)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>SNH (90033) The Coal Authority (90110) SEPA (90175)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 11 identifies development management considerations which will be applied to proposals for the extraction of minerals including coal, sand, gravel and hard rock and unconventional oil and gas development will be assessed.	
<b>Planning authority's summary of the representation(s):</b>		
<p>SNH (90033)</p> <p>Support the production of Supplementary Guidance on the Extraction of Minerals in support of this policy. Recommend that 'areas of search' for surface coal extraction and PEDL licence areas are shown spatially in the Supplementary Guidance and that additional bullets points are added to paragraph five of Primary Policy 11 to refer to this.</p> <p>The Coal Authority (90110)</p> <p>Welcome inclusion of a policy requirement to ensure that mineral resources are not sterilised by development proposals; emphasis placed on the working of minerals in advance of development; the identification of the broad areas where surface coal extraction may be acceptable; the requirement for proposals for coal extraction to be considered on their merits; and the identification of Petroleum Exploration and Development Licence (PEDL) No. 133, although would expect the extent of the Licence Area to be identified on an appropriate map.</p> <p>Also welcome the stipulation within part (d) that extraction proposals should demonstrate that they would not lead to unacceptable impacts on the environment and local communities and the requirement for the restoration of extraction sites following completion of extraction works and the requirement for restoration bonds or guarantees, where appropriate, to ensure that environmental quality is safeguarded.</p> <p>SEPA (90175)</p> <p>Generally support the consideration of environmental impacts in parts (b) and (d) to ensure that proposals do not have an unacceptable impact on, and give due regard to, the water environment, flood risk, soils and peatlands and air quality; support the encouragement of recycling and reuse of waste materials to conserve mineral and the intention to prepare a Supplementary Guidance.</p> <p>Recommend adding a footnote in relation to the restoration and after care plans (see last sentence of point (d)) with the following text: 'in planning for restorative works,</p>		

enhancement of the natural environment should be considered, as this may offer increased benefits to the placemaking agenda’.

**Modifications sought by those submitting representations:**

SNH (90033)

Addition of the following two bullet points:

‘The Council will prepare Supplementary Guidance.....This will:

- Identify areas of search where surface coal extraction is most likely to be acceptable during the plan period.
- Identify Petroleum Exploration Licence Areas (PEDL’s)’

SEPA (90175)

Addition of a footnote in relation to the restoration and after care plans (see last sentence of point d)) as follows: “in planning for restorative works, enhancement of the natural environment should be considered, as this may offer increased benefits to the placemaking agenda”.

**Summary of responses (including reasons) by planning authority:**

The Council considers that the modifications being sought by SNH would provide clarification as to the content of the Minerals SG and in this regard would have no objection, if the Reporter is so minded to this addition to the Plan being made. It would not change the underlying aims of the policy.

Similarly, the Council sees merit in SEPA’s suggested addition of a footnote which would strengthen the Placemaking agenda. Again, there would be no objection to this being added to Primary Policy 11 if the Reporter is in agreement as it would not materially change the direction of the policy.

**Reporter’s conclusions:**

1. The council agrees to the suggestion by the Scottish Environment Protection Agency that reference should be made to consideration of enhancement to the natural environment by means of a footnote. This would be a suitable addition to the proposed plan although an adjusted wording is recommended to ensure a more positive approach.
2. The council also agrees to the suggestion by Scottish Natural Heritage that two further bullet points be added to the matters to be included in supplementary guidance. Again, these would be appropriate additions to the proposed plan. The council has confirmed that Petroleum Exploration Licence Area 133 (the only licence area within the boundaries of the proposed plan) would be identified in the supplementary guidance. This would fulfil the request made by The Coal Authority.

**Reporter's recommendations:**

I recommend the following modifications be made:

1. In Primary Policy 11: Minerals and Other Extractive Industries, add the following footnote:

[In order to secure any benefits for place-making, restoration and aftercare plans should demonstrate that consideration has been given to the enhancement of the environment.]

2. In Primary Policy 11: Minerals and Other Extractive Industries, add the following bullet points to those matters to be contained within the Supplementary Guidance on the Extraction of Minerals:

- Identify areas of search where surface coal extraction is most likely to be acceptable during the plan period.
- Identify Petroleum Exploration Licence Areas

<b>Issue 21</b>	<b>Policy 12.1 - Wind Energy Developments</b>	
<b>Development plan reference:</b>	Policy 12.1 (pp. 77-78)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>East Dunbartonshire Council (90062) SEPA (90175) Sportscotland (90178)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy 12.1 Wind Energy Developments sets out the spatial framework for wind energy developments and identifies development management considerations against which wind energy proposals will be assessed.	
<b>Planning authority's summary of the representation(s):</b>		
<p>East Dunbartonshire Council (90062)</p> <p>The realignment of Policy 12.1 Wind Energy to accord with the Spatial Framework is welcomed, as is the greater clarity on the assessment criteria and turbine height limits. This will ensure greater consistency in assessing landscape capacity and better complies with SPP.</p> <p>SEPA (90175)</p> <p>Generally support the changes proposed to this policy, as per response to Main Issues Report (MIR). However the request made at the MIR stage to add 'forestry and management of waste' and 'flood risk' has not been taken into account. Therefore require a modification to the wording of the policy. Also recommend reference made within this policy to Policy 4.2 with regards to carbon rich soils.</p> <p>Sportscotland (90178)</p> <p>It is crucial outdoor sport and recreation interests are taken into consideration in the development of policy for renewables development. Criteria listed in Policy 12.1 reflect important considerations in assessing wind energy proposals. sportscotland request the inclusion of additional criteria referencing impacts on tourism and recreation to ensure consistency with SPP provisions.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>SEPA (90175)</p> <p>Require a modification to point (c)(iii) to include 'forestry and management of waste' and 'flood risk'.</p> <p>Recommend reference made within policy to Policy 4.2 with regards to carbon rich soils.</p>		

Sportscotland (90178)

Add 'Tourism and recreation interests' to the list in Policy 12.1(c).

**Summary of responses (including reasons) by planning authority:**

Policy 12.1 notes it is supported by Supplementary Guidance SG33 Wind Energy Developments which includes detailed advice and guidance on the planning and environmental considerations set out in para. (c) (CD52).

Section 4.27 of SG33 - Carbon Rich Soils notes that the Scottish Government expect developers to follow best practice for minimising carbon emissions and disturbance of peat and provides information on relevant guidance from the Scottish Government, Scottish Environmental Protection Agency and Scottish Natural Heritage.

Section 4.28 of SG33 - Water Environment states the following:

"Sites should also be assessed for flood risk from all sources in line with Scottish Planning Policy (Paragraphs 254-268). The Flood Maps for Scotland are available to view online and further information and advice can be sought from the Council's Flood Team and the SEPA website. If a flood risk is identified then a Flood Risk Assessment should be carried out following the guidance set out in SEPA's document - Technical Flood Risk Guidance for Stakeholders."

Section 4.29 of SG33 - Other Environmental Considerations includes advice on forest removal and forest waste.

With reference to para. 137 of Planning Circular 6/2013 Development Planning (CD18) the Council is of the view an appropriate balance has been struck between the level of detail included in supplementary guidance rather than in policy wording in the Proposed Plan. As can be seen the considerations raised by SEPA (90175) are already sufficiently safeguarded in SG33. The Council consequently does not agree to modify the Proposed Plan.

Regarding the modification proposed by sportscotland (90178) the Council acknowledges neither the Proposed Plan's Policy 12.1 or SG33 make specific reference to tourism and recreation interests. Taking into account the characteristics of the area of the Proposed Plan there may be circumstances where impacts on tourism and recreation will be a consideration. The Council therefore agrees to the modification proposed by sportscotland (90178) and would have no objection to such a change being made by the Reporter if this is considered appropriate. It is considered that this would not change the underlying aims of the policy.

**Reporter's conclusions:**

SEPA (90175)

1. Section (a) (iv) of proposed policy 12.1 states that proposals for wind energy development will be assessed against "Stirling Council's SG 33 Wind Energy Developments – Supplementary Advice and Guidance." As the council points out above this contains detailed references to Carbon Rich Soils, the Water Environment and other Environmental Considerations including forest removal and forest waste.

2. The council has explained that in its view it has struck an appropriate balance between the level of detail in policy wording and that in supplementary guidance. I accept that overall the issues referred to are adequately covered and that the policy makes appropriate reference to the guidance. No modification is necessary.

3. The council has not made a specific comment on the request for a cross reference to policy 4.2 with regard to carbon rich soils. I consider that the proposed plan should be read as a whole, and I do not see the need for a specific cross reference in this case.

Sportscotland (90178)

4. The council has accepted the proposed modification to make specific reference to tourism and recreation interests. I note that in doing so it refers to the characteristics of the proposed plan area where such impacts will be a consideration. I agree with this and accept the proposed modification.

**Reporter's recommendations:**

The following modification should be made:

In Policy 12.1 section (c) add 'Tourism and recreation interests' to the list of criteria, with appropriate numbering.

<b>Issue 22</b>	<b>Primary Policy 14 - Soil Conservation and Agricultural Land</b>	
<b>Development plan reference:</b>	Primary Policy 14 (page 81)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 14 sets out a range of criteria to ensure proper account is taken of the impact of new development on soils.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Generally support Primary Policy 14 as it recognises principles set out in the Scottish Soils Framework. However recommendations in the Main Issues Report response have not been followed through, i.e.</p> <p>i) The wording of the policy requires that remediation proposals and objectives for potentially or statutorily identified contaminated land are consistent with the requirements of PAN33.</p> <p>ii) Any allocations on Part IIA contaminated land sites should include relevant development requirements highlighting the need for appropriate site investigation remediation measures.</p> <p>iii) Inclusion of a policy or supplementary guidance that ensures the sustainable use of soils during the development and operation of sites and a commitment to minimise soil sealing.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Recommend that the wording of the policy requires that remediation proposals and objectives for potentially or statutorily identified contaminated land are consistent with the requirements of PAN33, insofar as the development is suitable for use post remediation and that it is not causing unacceptable risk to human health and to the environment, including all aspects of the water environment. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination.</p> <p>Any allocations on Part IIA contaminated land sites should include relevant development requirements highlighting the need for appropriate site investigation remediation measures. These should be consistent with PAN 33 and agreed with the local authority in advance of redevelopment to ensure the site is suitable for proposed use.</p> <p>Inclusion of a policy or supplementary guidance that ensures the sustainable use of soils during the development and operation of sites and a commitment to minimise soil sealing. This could be supported by reference to the <a href="#">DEFRA good practice on construction sites</a></p>		

document.

**Summary of responses (including reasons) by planning authority:**

Though not explicitly stated Primary Policy 14 principally relates to managing the impact of new development on 'greenfield' soils, in the main agricultural land.

The Proposed Plan's Primary Policy 6 Resource Use and Waste Management, section (c) does though specifically highlight that new development .... "On land that is contaminated or unstable will require to be preceded by remediation to a standard commensurate with its new use."

Allocated sites have also been the subject to site assessments across a range of planning and environmental criteria, including ground conditions. As and when necessary, key site requirements highlight the need for contaminated land investigations and site remediation works, e.g. Balfron - H088, KH Parsons Workshop, Killearn - H157/B47 Kilearn Hospital and Stirling - H144 Riverside Pool.

Following from this the Council is of the view the Proposed Plan incorporates sufficient safeguards to ensure the proper assessment of development proposals on potentially or statutorily identified contaminated land. It is also the case that Primary Policy 14 section (c) requires best practice to be adopted when moving, storing or reinstating soils.

The Council therefore concludes there no need to modify the Proposed Plan to address concerns raised by SEPA.

**Reporter's conclusions:**

1. SEPA's comments are related to two issues: (a) remediation of contaminated land; and (b) soil conservation. Remediation of contaminated land is currently addressed through Primary Policy 6 of the proposed local development plan, whilst Primary Policy 14 addresses issues related to soil conservation. Following the issue of a Further Information Request, SEPA has confirmed that it is content for its comments relating to contaminated land to be considered in relation to Primary Policy 6. Comments concerning soil conservation are considered in relation to Primary Policy 14. The following conclusions draw on the useful responses produced by both SEPA and the council in response to the Further Information Request.

(a) Remediation of contaminated land

2. The amendments proposed by SEPA make specific reference to the requirements of PAN33. Whilst the wording within the proposed local development plan is broadly consistent with the overall requirements of PAN 33 Development of Contaminated Land, I consider that SEPA's proposed amendments provide useful clarification. I note that the council is content with SEPA's proposed additional wording in relation to Primary Policy 6 (b). Consequently, I conclude that Primary Policy 6 (b) should be amended to make specific reference to remediation measures required and the role of PAN 33. Proposed wording is included in my recommendations.

3. SEPA also requested that any allocations on Part II A contaminated land sites should include relevant development requirements highlighting the need for appropriate site investigation remediation measures. The local development plan already identifies

specific sites where contaminated land investigations and site remediation works will be required. These are included within the Key Site Requirements for those sites. As Stirling Council is the lead authority on land contamination issues, I consider that it is in the best position to know which contaminated land investigations would be required. I note that SEPA has not suggested that there are additional sites for which contaminated land investigations would be required. Consequently, I consider that the concerns raised by SEPA are already adequately addressed within the local development plan.

(b) Soil conservation

4. As noted above, Primary Policy 14 addresses measures for soil conservation. SEPA suggested expanding the scope of the policy to cover sustainable use of soils during development and operation of sites and a commitment to minimise soil sealing. Following the Further Information Request, SEPA suggested that this could best be achieved through reference to best practice guidance published by DEFRA. I note that this guidance has been produced primarily for use in England, but does contain useful advice that has relevance in a Scottish context. Consequently, the council has suggested that the wording of any amended policy should be phrased to avoid any confusion between differences in procedural and legal issues between Scotland and England. I agree that this is a sensible approach. In conclusion, I recommend that the new clause (e) to Primary Policy 14 suggested by SEPA should be added, with the modifications proposed by the council. The proposed wording is included in my recommendations.

**Reporter's recommendations:**

I recommend the following modifications be made:

Primary Policy 6: Resource Use and Waste Management

1. Sub-section (b) should be amended to read:

*(b) On land that is contaminated or unstable will require to be preceded by remediation to a standard commensurate with its new use. In particular:*

- *Remediation proposals and objectives for potentially or statutorily identified contaminated land are consistent with the requirements of PAN33, insofar as the development is suitable for use post remediation and that it is not causing unacceptable risk to human health and to the environment, including all aspects of the water environment. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination.*
- *Any allocations on Part IIA contaminated land sites should include relevant development requirements highlighting the need for appropriate site investigation remediation measures. These should be consistent with PAN33 and agreed with the local authority in advance of redevelopment to ensure the site is suitable for proposed use.*

2. All other clauses of Primary Policy 6 should remain as set out in the proposed local development plan.

Primary Policy 14: Soil Conservation and Agricultural Land

3. A new clause (e) should be added as follows:

*(e) Ensure the sustainable use of soils during the development and operation of sites and a commitment to minimise soil sealing. Further advice and guidance on principles and good practice on protecting soil resources on construction sites can be found in the Department for Environment, Food and Rural Affairs 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (2009).*

<b>Issue 23</b>	<b>Tourism and Recreation</b>	
<b>Development plan reference:</b>	Primary Policy 15 (page 82) Policy 15.1 (page 83)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Sets out assessment criteria for tourist and recreational development proposals.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Primary Policy 15: Tourism and Recreational Development</u></p> <p>Support the reference in point (b) to preserving and enhancing the quality of the natural environment. Recommend that Figure 16: Major Visitor Attractions is updated or accompanied by another figure with the possible proposals from the Stirling City Development Framework as the proposals are meant to attract tourists to the area.</p> <p><u>Policy 15.1: Tourism Development including facilities and accommodation</u></p> <p>Recommend that 'sustainable movement 'is changed to 'sustainable management and movement' and a footnote is included to refer to other specified policies.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Primary Policy 15: Tourism and Recreational Development</u></p> <p>Recommend Figure 16: Major Visitor Attractions is updated or accompanied by another figure with the possible proposals from the Stirling City Development Framework as the proposals are meant to attract tourists to the area.</p> <p><u>Policy 15.1: Tourism Development including facilities and accommodation</u></p> <p>Recommend a modification so that 'sustainable movement 'is changed to 'sustainable management and movement'.</p> <p>Recommend a modification so that a footnote is included to refer to other policies PP1- Placemaking, P3.1- Addressing the travel demand of new development, PP4 - Greenhouse Gas Reduction, PP6 - Resource Use and Waste Management and PP13 - The Water Environment.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><u>Primary Policy 15: Tourism and Recreational Development</u></p> <p>As noted in the Stirling Settlement Statement at this point in time the City Development</p>		

Framework is at the funding proposals stage and projects are not sufficiently advanced to be identified as formal site allocations so instead are shown as symbols. It therefore would be inappropriate to identify relevant elements of these proposals as 'major visitor attractions' at this time.

The Council does not propose to modify the Plan in this regard.

Policy 15.1: Tourism Development including facilities and accommodation

Policy 15.1 (a)(ii) clearly relates to the "movement' of tourists" "...at or between major tourist destinations." It therefore would be inappropriate to add in the word 'management'.

Section 3.5 of the Proposed Plan notes: "The Overarching Policy and the Spatial Strategy are intended to be as much part of the consideration leading to development decisions as the detailed Policies and Supplementary Guidance. The fact that a particular policy or proposal does not mention, say, flood avoidance, historic environment or waste management, does not mean that such issues are irrelevant; all aspects need to be fully considered."

It is therefore not considered necessary to add in the suggested policy cross references and the Council does not propose to modify the Plan in this regard.

**Reporter's conclusions:**

Primary Policy 15: Tourism and Recreational Development

1. Figure 16, as the title indicates, shows the locations of *major* visitor attractions. These attractions are existing and, for the most part, enjoy a high profile. It would not be appropriate to include potential attractions that could be brought forward through the City Development Framework as, at this time, any such attractions do not command *major* status.

2. Projects brought forward through the City Development Framework, including tourist related schemes, are nevertheless important. As the Stirling Settlement Statement indicates, a function of the projects will be to attract "increased numbers of visitors to the city". The Stirling Proposals Maps identify City Development Framework projects by means of a symbol and a related reference number. Details of the six key projects are contained in the Draft Action Programme (CD17) and described under the heading "signature projects" in the Stirling Settlement Statement. On this basis, the proposed local development plan and the associated Draft Action Programme make adequate provision for the City Development Framework projects, including maps showing the spatial distribution. It is therefore unnecessary to include an additional separate figure to indicate the location of tourist-related projects within the City Development Framework.

Policy 15.1: Tourism Development including facilities and accommodation

3. In seeking to "help facilitate the sustainable movement of tourists" the management of any such movement is clearly implied. Indeed, the management involved in the movement of tourists is an integral part of achieving sustainability, for instance, in the provision of suitable public transport routes and timetables. It is therefore unnecessary for the proposed plan to specifically refer to *management*.

4. Footnotes can be useful in providing cross references thereby ensuring that all relevant policies are considered in the assessment of any particular proposal. On the other hand, footnotes can reduce the advantages of a simple and straightforward document.

5. In this case, the Scottish Environment Protection Agency has suggested the inclusion of a footnote referring to five other policies. Should this approach be repeated throughout the proposed plan, the outcome would be likely to provide an overall distraction to the reader. As the council has explained, section 3.5, How to use this Local Development Plan, is clear in expressing the need to ensure that all aspects are considered. Section 3.5 therefore provides adequate guidance and there is no requirement to include policy cross references in the form of a footnote.

**Reporter's recommendations:**

No modifications.

<b>Issue 24</b>	<b>Balfron</b>	
<b>Development plan reference:</b>	Balfron Settlement Statement and Proposals Map (pp. 114-117) H091 – 15-23 Buchanan Street	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
A & M Paterson (00082) Messrs Leith (01575) John McLintock Hall Trust (01712)		
<b>Provision of the development plan to which the issue relates:</b>	The Balfron Settlement Statement and Proposals Map sets out the approach to development in Balfron and shows the site boundaries and capacities for site allocations H091 15-23 Buchanan Street.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-allocated site - Roman Road</u></p> <p>A &amp; M Paterson (00082)</p> <p>The Main Issues Report (MIR) site assessment identifies the site as BAL01, however does not support its allocation for housing. There is deemed to be sufficient housing land in Balfron for the next plan period and therefore no need for further allocations outwith the 'Core Area'. These conclusions are subsequently reflected in the Proposed Plan. This is despite the Proposed Plan noting local housing pressures and high levels of need and high house prices in the rural sub-area. The Plan also ignores significant housing delivery shortfalls in recent years. The 2015 Housing Land Audit shows a 2014/2019 deficit of 896 homes, a shortfall of 186 homes per year. Furthermore the generosity allowance of only 3.4% is considerably less than the 10-20% recommended in Scottish Planning Policy. This highlights the need for flexible housing sites to be allocated.</p> <p>The proposed site has potential to offer a high quality residential environment with a new settlement edge connecting to the existing settlement. It has the capacity to deliver 200 homes which could be brought forward in the short term and contribute to the five year effective land supply.</p> <p><u>Non-allocated site - Station Road</u></p> <p>Messrs Leith (01575)</p> <p>An 3.18 acre site at Station Road, Balfron (MIR Site assessment ref. BAL 05) can be developed in a sustainable manner for housing and is effective in planning terms. Formerly in agricultural use in more recent decades it has lain fallow. There is a requirement for additional housing land and proven demand within the Balfron area. The site can contribute to effective housing land supply. There will be no prejudicial landscape or visual impact. It provides for a natural extension to the village envelope and will add to the economic viability and vibrancy of the local community.</p>		

The site at Station Road can therefore provide 'effective' additional growth at Balfron in the short and medium term. Housing development is supported by the landowners and developer interest in the site is strong.

With reference to criteria identified in Planning Advice Note (PAN) 2/2010: Affordable Housing and Housing Land Audits, it is demonstrated that, within the five-year period beyond the date of the housing land audit, the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints. These criteria are Ownership, Physical Constraints, Contamination, Deficit Funding, Marketability, Infrastructure and Land Use.

Non-allocated site - Station Road and Kepculloch Road

Messrs Leith (01575)

The site at Station Road, Balfron (planning ref: BAL05, circa 3.18 acres) and the adjoining land (planning ref: BAL02, circa 11.64 acres) can be developed in a sustainable manner for housing and is effective in planning terms. There is a requirement for additional housing land and a proven demand within the Balfron area. Though the owner only exercises control over the BAL 05 site they are supportive of the entire landholding being developed and wish to see the land zoned for housing in order to contribute to the required effective housing land supply.

H091 15-23 Buchanan Street

John McLintock Hall Trust (01712)

Balfron has growing problem of insufficient parking, particularly in the case of Buchanan Street. As the operator of the Hall this is of particular concern to the Trust as lack of close by parking can deter hall users, reducing hall income and compromise delivery of a successful hall for community use. Do not object to housing allocation on HO91 site provided there is sufficient off-street parking to accommodate proposed and present users and not displace these to on-street parking.

**Modifications sought by those submitting representations:**

Non-allocated site - Roman Road

A & M Paterson (00082)

No specific modifications stated but can be inferred site should be allocated for residential development.

Non-allocated site - Station Road

Messrs Leith (01575)

Request Stirling Council allocate the site at Station Road (ref: BAL05) as a housing site. The site is effective and can be developed unimpeded.

Non-allocated site - Station Road and Kepculloch Road

Messrs Leith (01575)

Request that Stirling Council allocate the combined landholding for housing. The site is effective and be developed unimpeded.

H091 15-23 Buchanan Street

John McLintock Hall Trust (01712)

If insufficient off-street parking spaces provided then allocation should be modified to ensure parking provision accords with Stirling Council's guidance on car parking standards.

**Summary of responses (including reasons) by planning authority:**

Non-allocated site - Roman Road

A & M Paterson (00082)

This site was assessed at the Call for Sites stage (see CD07 - Main Issues Report Appendix A Site Assessments pp 90-91). For the reasons given it was not identified as a housing site option for consideration at the MIR stage. Though having some development merits the proposed scale (c. 200 units) raises significant implications for social infrastructure in the village such as schools and health care.

The representation suggests there is significant housing delivery shortfalls and that the Proposed Plan does not meet the generosity allowance recommended in SPP. With reference to Issue 3 the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

Following from the above the Council considers the housing allocations for Balfron, as shown in the Proposed Plan, represent the most sustainable pattern of growth for the village and fully accord with the key objective of the Proposed Plan's Spatial Strategy for the wider Rural Villages Area, to provide: "Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy" (Table 1, pages 16-17).

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and allocate the site for residential development.

The principle of development on this site was also considered at the Examination of the current adopted plan (CD03, pp 257-265 - Roman Road). The Reporter stated design, site planning and heritage safeguarding criteria could be satisfied. Nevertheless concerns were raised about the scale of proposed development and settlement growth in a rural village beyond the Stirling Core Area, and was thus deemed contrary to the plan's wider Spatial Strategy to promote controlled small scale expansion of existing villages consistent with their limited size and role. Development of the site would also put considerable pressure on local education and health facilities.

Non-allocated site - Station Road

Messrs Leith (01575)

This site was submitted in response to MIR consultation and the findings of the site assessment are detailed in CD08 - Site Ref BAL05. For the reasons given the site was not subsequently allocated in the Proposed Plan. There was particular concern regarding adverse impacts on placemaking considerations and the countryside setting of the village. Additionally, whilst Balfron High School has some potential capacity for limited future growth, Balfron Primary school is fully committed by developments at Kiltrochan (H086) and Dunmore Street (H085).

The representation suggests there is a need for further housing land. With reference to Issue 3 the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

The Council also notes the site is deemed 'effective' relative to criteria identified in Planning Advice Note (PAN) 2/2010: Affordable Housing and Housing Land Audits (CD46). The Council is however of the opinion that sufficient 'effective' land has been allocated to meet the Housing Land Requirement and therefore is no need to allocate any further sites to support the Spatial Strategy.

Following from the above the Council considers the housing allocations for Balfron, as shown in the Proposed Plan, represent the most sustainable pattern of growth for the village and fully accord with the key objective of the Proposed Plan's Spatial Strategy for the wider Rural Villages Area, to provide:- "Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy" (Table 1, pages 16-17).

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and allocate the site for residential development.

Non-allocated site - Station Road & Non-allocated site - Station Road and Kepculloch Road

Messrs Leith (01575)

This site incorporates the above BAL05 site and the greater part, but not all, of site BAL02 that was assessed at the Call for Sites stage (see CD07- Main Issues Report Appendix A Site Assessments pp 92-93). For the reasons given the site was not identified as a housing site option for consideration at the MIR stage.

As with the BAL05 assessment there are significant concerns regarding adverse impacts in respect of placemaking considerations and landscape setting. On account of the larger site area these must be accorded even greater weight. Further, there would also be detrimental impacts on the conservation area and potential issues regarding provision of a suitable footway link. Again attention is drawn to school capacity issues, in particular that the primary school is fully committed.

The representation also repeats the assertion there is a need for further housing land. As

noted above Issue 3 the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

Following from the above the Council considers the housing allocations for Balfron, as shown in the Proposed Plan, represent the most sustainable pattern of growth for the village and fully accord with the key objective of the Proposed Plan's Spatial Strategy for the wider Rural Villages Area, to provide: "Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy" (Table 1, pages 16-17).

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and allocate the combined sites for residential development.

The principle of development on the BAL02 site was also considered at the Examination of the current adopted plan (CD03, pp 257-265 - Land at Mollinclerich, Kepculloch Road). Whilst mixed housing and industrial/business uses were proposed, the scale of residential development is comparable. The Reporter concluded this was a significant northwards expansion of the village and supported concerns regarding adverse impacts on placemaking, landscape and conservation area setting. Existing housing land supply in the village was also deemed effective and adequate for a rural settlement of Balfron's size.

#### H091 15-23 Buchanan Street

John McLintock Hall Trust (01712)

As stated in the proposed plan the site has planning permission (ref: 16/00474/FUL) (CD73). This is the latest 'renewal' of a planning permission originally approved in 2009. In their consultation response the Councils Road's Service advised that the parking layout shown on the submitted plan, showing 12 on-site car parking spaces, is deemed sufficient. Following from this the development of allocation H091 is unlikely to prejudice current on-street parking arrangements for hall users.

The Council therefore concludes there is no need to modify the Proposed Plan relative to on-site parking provision.

### **Reporter's conclusions:**

#### Introduction

1. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this examination, where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. In that context, we have given serious consideration to the case for allocating additional sites for housing in the plan area. However, in terms of the spatial strategy, Balfron lies within the "Rural Villages Area" as defined in the proposed plan and is designated for "Sustainable Expansion". Sustainable expansion involves the concentration of development within settlements with "controlled small-scale expansion of existing settlements consistent with their size and role in the settlement hierarchy". Balfron is identified as a "Tier 4" settlement in the five-tier hierarchy.

2. The Visual and Spatial Strategy Background Report (CD21) explains that Tier 4 and 5 settlements in the Rural Villages Area have “the potential to play an important but more modest role” and “will accommodate a small share of the additional development, the aim of which is more about sustaining them [the Tier 4 and 5 settlements]”. The Balfron Settlement Statement reflects the Background Report and indicates that the village has the potential for “modest amounts of new development”. The schedule of development sites included with the Settlement Statement and Proposals Maps identifies five sites for housing: H085, Dunmore (4 units), H086, Kiltrochan (32 units), H088, KH Parsons Workshop (19 units), H091, 15-23 Buchanan Street (4 units) and H083, Depot Site (10 units).

Non-allocated site – Roman Road

3. As indicated, Balfron is subject to the spatial strategy for the Rural Villages Area. The “Spatial strategy considerations” are set out in the Balfron Settlement Statement in the proposed plan. This is a matter not addressed in the representation which is more concerned with shortfalls believed to exist in the wider residential land supply. As explained, strategic housing land supply is considered under Issue 3 of the examination.

4. On the other hand, the council argues that the housing allocation for Balfron represents a sustainable pattern of growth and accords with the spatial strategy insofar as this applies in the Rural Villages Areas. As indicated, the proposed plan allocates five sites with an indicative capacity of 69 housing units. I believe this to be a reasonable total in terms of the size of Balfron with an existing population of approximately 1,800. I therefore accept the judgement of the council that the level of proposed residential development has the potential to fulfil the spatial strategy requirements. In turn, there is no justification for the allocation of the land at Roman Road for a residential development in the order of 200 houses.

5. In reaching this conclusion I have also noted the individual merits of the site which was previously considered during the examination of the current, adopted local development plan. At that time, the reporter accepted that, in terms of location, the site could form a logical expansion to the village, this being an opinion I share. However, concern was also expressed about the scale of the development in the context of the spatial strategy. My conclusions above indicate that this situation remains essentially unchanged. As also pointed out previously, and endorsed by the council at this examination, development of this scale would have significant implications for social infrastructure in Balfron.

6. All-in-all, despite some locational benefits in terms of extending the village at this point, the spatial strategy and the disadvantages of the development of this land on the scale proposed continue to be of over-riding concern.

Non-allocated site – Station Road

7. Although the landowners hold the opinion that there is a requirement for additional housing land in the Balfron area, the proposed allocation has not been justified in terms of the spatial strategy. The site is approximately 1.2 hectares (3.18 acres) in size, significantly smaller than the land at Roman Road considered above but, nevertheless, even a more limited development would be contrary to the provisions of the spatial strategy.

8. The representation argues that the site meets the tests of “effectiveness” as set out in Planning Advice Note 2/2010, Affordable Housing and Housing Land Audits. The council does not dispute this claim but re-iterates the opinion that there is no requirement for further housing allocations.

9. In assessing the site as part of the Main Issues Report (CD08: Additional Site Assessments) the council makes reference to implications for schools and health care, biodiversity, landscape and townscape along with conservation area issues. The assessment estimates a capacity of about 18 units could be anticipated and suggests that development would not relate well to the established character of the adjacent housing. There would also be potential impacts on woodland, countryside and, in turn, the setting of the village.

10. In terms of the land use test of effectiveness, the representation simply indicates that housing development is supported by the land owners and developer interest in the site is strong. I do not believe this to be a good basis on which to determine potential land use especially in the light of the assessment undertaken by the council. Lacking any response to the council’s assessment of the site, I am not persuaded that housing would be a suitable land use. Irrespective of the spatial strategy, I do not believe it has been demonstrated, in terms of Scottish Planning Policy, that housing would be the right development in the right place.

11. Overall, I conclude that the residential allocation of the land is not justified.

#### Non-allocated site – Station Road and Kepculloch Road

12. An area of some 5.6 hectares lies adjacent to the Station Road site discussed above and it is claimed that this land is also effective and could be developed for housing in a sustainable manner. Again, it is believed that the site could meet a requirement for additional housing land in the face of proven demand. Although it is argued that development of the site would be sustainable, there is no elaboration in this respect.

13. The scale of the potential development of this site either individually or along with the Station Road site would clearly be at odds with the spatial strategy for the Rural Villages Area and therefore could not be supported in policy terms.

14. The site was also considered as part of the examination of the current adopted local plan. The reporter concluded that the development would represent a significant northwards expansion of the village and was concerned about the scale in the context of Balfroon. I share these concerns, further noting that the previous reporter also makes reference to the lack of details provided to support the required allocation. No details have been provided with the current representation and therefore it is not possible to agree with the contention that the development of the site would be sustainable.

15. On the basis of the very limited information available, there can be no question of allocating the land for residential development, irrespective of the spatial strategy.

#### Site H091 – 15-23 Buchanan Street

16. I can appreciate concerns that development within the village centre could have an impact on the established character, including parking provision.

17. In this case, as the council has explained, planning permission has been granted for the development which is the subject of the representation. I note the permission is dated 16 August 2016 and that the period of consent is three years. Condition 10 requires off-road parking and turning facilities for 12 car parking spaces to be provided prior to the occupation of any of the approved housing. The drawings which accompany the application show the required number of car parking spaces which the council regard as being sufficient to serve the development.

18. This is an example of the planning process moving forward and, accordingly, no modification of the proposed plan can be contemplated.

**Reporter's recommendations:**

No modifications.

<b>Issue 25</b>	<b>H135 – Sunnyslaw, Bridge of Allan</b>	
<b>Development plan reference:</b>	Site H135 within Appendix A: Schedule of Development Sites, Table 1. Housing Sites pp. 100-103) & Bridge of Allan Settlement Statement and Proposals Map (pp. 122-127)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Dr Crinan Alexander (01398) Mrs J M Fallon (01710) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Site H135 – Sunnyslaw is a greenfield site within the settlement boundary of Bridge of Allan and is allocated for residential development. The site has an indicative capacity of 4 residential units.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Dr Crinan Alexander (01398)</p> <p>Supports development of the site, stating it continues to be an attractive and effective site that will contribute to the range and choice of housing in Bridge of Allan and the Stirling area more generally. Addressing issues raised during the period for making representations:</p> <ul style="list-style-type: none"> <li>• Notes the provisions of the Local Development Plan with regard protecting and retaining established rights of way and incorporating and positively addressing existing access points and routes, stating there is no intention to block legitimate rights of way;</li> <li>• Makes reference to a flood risk assessment for the site which it is considered confirms there is no impediment from flood risk to the sensitive development of the site, subject to mitigation; and</li> <li>• States power lines can be re-routed or placed under-ground as required.</li> </ul> <p>Refers to Call for Sites (2014) and Main Issues Report (2015) submissions which detail why the site is appropriate for inclusion in the Local Development Plan.</p> <p>Mrs J M Fallon (01710)</p> <p>Highlights that an ancient right of way exists over the site, connecting Upper Glen Road and Pendreich Road, in addition to power lines. Notes that surface water running over the site has previously caused damage to boundary walls and the road.</p> <p>SEPA (90175)</p> <p>Surface water hazard and functional flood plain issue identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.</p>		

<b>Modifications sought by those submitting representations:</b>
<p>Dr Crinan Alexander (01398) &amp; J M Fallon (01710) - No specific modifications sought.</p> <p>SEPA (90175) - See Issue 64.</p>
<b>Summary of responses (including reasons) by planning authority:</b>
<p>Dr Crinan Alexander (01398) &amp; Mrs J M Fallon (01710)</p> <p>There is limited evidence that the site is utilised as a right of way but, notwithstanding this, the Council agrees with the landowner that the presence of such a route, and the power lines, do not represent an impediment to development. In addition, it is considered that surface water management issues can be satisfactorily addressed through mitigation following detailed assessment and that this can be controlled via the Development Management process, in accordance with the provisions of the LDP.</p> <p>SEPA (90175) - See Issue 64.</p>
<b>Reporter's conclusions:</b>
<p>1. I interpret the issues raised in representations to relate to: rights of way and public access; power lines; and flooding.</p> <p><u>Rights of Way and public access</u></p> <p>2. Whilst I have not been provided with any documentary evidence showing the ancient right of way, I have no reason to doubt that the site is used to provide access between Pendreich Road and Upper Glen Road. During my site inspection I noted the stile, which allows access across the fence opposite the golf club.</p> <p>3. The protection and retention of established rights of way within developments is required by Policy 1.1 Site planning part (e) of the proposed local development plan. This requirement is further supported through the council's Supplementary Guidance 01 'Placemaking'. It is clear to me that any proposals brought forward for the site would need to demonstrate how access and the right of way would be accommodated within the development. Consequently, I consider that there are adequate safeguards to maintain access, and that the presence of the informal right of way would not act as a barrier to this site being allocated for development.</p> <p><u>Power lines</u></p> <p>4. During my site inspection I observed the power lines, which extend across the site. Whilst the relocation of these and any other items of existing infrastructure would need to be considered as part of the design process, I do not consider them to be a barrier to development.</p> <p><u>Flooding</u></p> <p>5. The key site requirements already include the need for any proposal to be accompanied by a detailed flood risk assessment to ensure that the development would</p>

not be at risk of flooding and that there would not be an increased risk of flooding of nearby properties and infrastructure. The site proponent has commissioned a flood risk assessment for the site, which has considered some of these issues. Based on those findings, I am satisfied that solutions to any flood issues could be found.

6. The Scottish Environment Protection Agency has also requested that the key site requirements should be amended to avoid development on the functional flood plain and to reduce the risk of surface water runoff. These issues are considered in more detail as part of Issue 64. Based on that assessment, I have concluded that it is appropriate to add these elements to the key site requirements.

**Reporter’s recommendations:**

I recommend the following modification be made:

The following text should be added to the key site requirements. This duplicates text recommended for modification by Issue 64, but for ease of reference is reproduced below.

“Appropriate mitigation measures are implemented to reduce the risk of surface water runoff.”

“Not all of the area will be developable and no development should occur in the functional flood plain or other areas known to flood.”

<b>Issue 26</b>	<b>Non-allocated Site - Carsaig Court, Bridge of Allan</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp. 100-103) Bridge of Allan Settlement Statement and Proposals Map (pp. 122-127)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
McKenzie Trailers (01397) Network Rail (90151)		
<b>Provision of the development plan to which the issue relates:</b>	This representation relates to the non-allocation of land adjacent to Carsaig Court, Cornton Road, Bridge of Allan for housing. The Local Development Plan safeguards land adjacent to the existing railway line to facilitate road realignment and a railway bridge crossing to allow the closure of Cornton No.1 and No.2 level crossings.	
<b>Planning authority's summary of the representation(s):</b>		
<p>McKenzie Trailers (01397)</p> <p>Note the site is not identified for housing in the Proposed Plan and instead is safeguarded to allow Network Rail to investigate the possibility of a new road to allow the removal of the existing Cornton Road level crossing. Outlines a summary of the site's history from the point a planning application for housing was submitted in November 2004.</p> <p>Do not wish to compromise the safety surrounding the vehicular and pedestrian crossings, however, if the site is not required wish the original application to be considered for housing development within the Local Plan. Note that major concerns regarding flooding, ground condition and traffic management have been assessed.</p> <p>Network Rail (90151)</p> <p>Support the Proposed LDP inclusion for a bridge replacement of the level crossings at Cornton as it continues to be the case that an alternative barrier solution would not sufficiently reduce current risk. Note no sites should be allocated for development which either physically impact on the ability to provide a bridge or which would increase traffic over the crossing in advance of the construction of a bridge.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>McKenzie Trailers (01397)</p> <p>Allocation of the site for housing, should it not be required by Network Rail.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
The Examination of the adopted Stirling Local Development Plan (CD03), recommended the deletion of this site (referred to as H007 - Carsaig Court) from the Plan "until the site		

can be ruled out from any level crossing redevelopment scheme” (p.387).

With regard to the Cornton No.1 and No.2 level crossings, Cornton No.1 is an Automatic Half Barrier (AHB) Level Crossing providing for vehicles and pedestrians. This crossing is currently considered by Network Rail to be the highest risk (AHB) crossing in Scotland. Cornton No.2 is a Miniature Warning Light Footpath (MWL) Crossing. A recent survey has also confirmed a high risk score for Cornton No.2 which could be significantly increased by even a small increase in usage of the crossing. Both crossings experience significant levels of user misuse and have become a regular location for suicide events.

Cornton No.1 is scheduled for full renewal in 2020. ORR Policy for AHB level crossings in the particular circumstances of this location is that ‘like for like’ renewal is not acceptable. To adequately manage the risk, the crossing would require to be renewed as a Controlled barrier – Obstacle Detection (CB-OD) level Crossing. The impact of a CB-OD at this location on the road network would be significant as the barriers will be down for much longer than they are currently, causing further road congestion in addition to that presently experienced.

Following discussions with Stirling Council, Network Rail procured a high level study assessing the possibility of installing a road over rail bridge to replace both the existing crossings at Cornton. The report included four bridging options and made recommendation on a preferred option. The report also includes an assessment of the impact on road traffic, comparing the current arrangements with the installation of either a bridge or installing full barriers at the current half barrier crossing. A more detailed design exercise assessing options and progressing a preferred option is now underway. That shows that in order to obtain the necessary road over rail clearances and appropriate road geometry the scheme being developed will tie in with the existing road network at its north end with Cornton Road just east of Cornton No1 and in the vicinity of the access to Carsaig Court. The approach will run from that point along the east of the railway then bridge over it and run along its west side. At its south end it should tie into the vicinity of the existing junction of Cornton Road and Easter Cornton Road. The bridge and approach roads cannot be constructed entirely in Network Rail land and discussions are underway with relevant landowners.

Given that the site promoted for residential development by McKenzie Trailers cannot be ruled out from any level crossing replacement scheme – and indeed that the preferred option for replacing Cornton Crossing Nos. 1 & 2 would utilise the majority of the site in question – it would not be appropriate to identify the site for housing development at this time.

A planning application for the new crossing has subsequently been submitted (ref. 16/00802/FUL), with the location plan (CD85) indicating the extent of the land take required.

**Reporter’s conclusions:**

1. There are currently two points of access across the railway; Cornton 1 is the northern-most crossing and lies directly adjacent to the proposed site. It allows vehicles and pedestrians to cross the railway. Cornton 2 lies approximately 600 m to the south-east of Cornton 1 and is a pedestrian crossing point only.
2. The representation from McKenzie Trailers has set out the planning history of the

proposed site. In particular, I note that it was allocated for housing in the extant local plan, but was removed at examination in order to safeguard the land to enable replacement of the current Cornton vehicle and pedestrian level crossings (Cornton 1 and 2 respectively) by a bridge.

3. In response to a Further Information Request, the council has indicated that in May 2017 it approved a Certificate of Appropriate Alternative Development (17/00165/CAD) for land, including the proposed site. This states that in the opinion of Stirling Council, planning permission would have been granted for residential development, subject to detailed matters outlined in conditions, relating to affordable housing, flood risk and site design and layout.

4. Network Rail submitted a planning application for a bridged crossing to replace both the road (Cornton 1) and pedestrian (Cornton 2) level crossings in December 2016 (16/00802/FUL), but withdrew the application in July 2017. In so doing, Network Rail stated that due to issues surrounding costs and programme it would not pursue the bridge option but instead would upgrade Cornton Road level crossing (Cornton 1) to a full barrier level crossing by end of 2020, using permitted development rights. Cornton pedestrian crossing (Cornton 2) would remain unchanged.

5. The need to upgrade the level crossings, particularly the vehicle crossing (Cornton 1) to improve safety is not in dispute. Network Rail's proposed approach of upgrading to a full barrier crossing would result in the barriers being down for longer than they are currently, which, the council argues, would result in further delays and road congestion. Consequently, I understand Stirling Council's continued stated aspiration to replace the crossing with a bridge.

6. Stirling Council's aspiration for a bridge to replace Cornton 1 crossing is included within the Local Transport Strategy for Stirling. This document also includes proposals for the Kildean Link Road, which are shown on the proposals map for the proposed local development plan. The proposed link road may also require a crossing of the railway line, which could be combined with the replacement of the Cornton 1 crossing. However, the location of any new crossing point has not yet been finalised. Thus, it appears to me that achievement of some of the strategic objectives set out in the proposed local development plan and Local Transport Strategy rely on there being safe, unhindered passage for vehicles across the railway.

7. Network Rail's change in approach for the upgrade to the crossing is a recent decision, which post-dates production of the proposed local development plan and the Local Transport Strategy. Nevertheless, following the Further Information Request, Stirling Council has confirmed that it considers that a new bridge is the optimum long-term solution to reduce road congestion. It has also reiterated its long-term proposals for the Kildean Link Road.

8. The topography and location of existing development provide significant constraints in developing new options for a bridged crossing of the railway in this area. The land is extremely flat, meaning that existing roads and the railway line are at a similar level. The withdrawn planning application addressed this issue by proposing creation of an embankment to gradually raise the road to the required height to cross the railway. Part of this embankment would have been on the proposed site, which has been previously developed, but part would have been on green field land. Given the low-lying, flat nature of the land, any embankment would be prominent within the landscape. Development of

the proposed site would act to further reduce the available options to develop a bridged solution to the railway crossing, in what is already a challenging location.

9. Primary Policy 3, clause 3(b) of the proposed plan establishes the principle of safeguarding land necessary for the provision of anticipated infrastructure including enhancements to the transport network as identified in National, Regional and Local Transport Strategies.

10. Having considered the likelihood of a bridged solution being progressed by Network Rail, I accept that the safeguarding of land for road realignment and a railway bridge crossing would mean that the future of the proposed housing site would remain uncertain. However, I am mindful of the council's aspiration for a bridged crossing and the topographical restrictions on meeting this aspiration. On balance, I consider that, as indicated above, allocation of this site for housing at this time would reduce the range of options available to achieve a bridge across the railway. I therefore conclude that the site should remain safeguarded. In turn, safeguarding would meet the concerns of Network Rail in respect of the additional traffic generated by new development at this location.

**Reporter's recommendations:**

No modifications.

<b>Issue 27</b>	<b>Non-allocated Sites: Airthrey Kerse and Westerlea</b>	
<b>Development plan reference:</b>	Bridge of Allan Settlement Statement (pg 122 – 127), Stirling Settlement Statement (pg 196 – 229) and Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Graham’s, The Family Dairy & Mactaggart & Mickel (01746) Mactaggart & Mickel Homes (90346) Causewayhead Community Council (90080) Persimmon Homes East Scotland (01367)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of sites out with the settlement boundaries of Bridge of Allan and Stirling.	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Housing Land Supply</u></p> <p>Grahams and Mactaggart &amp; Mickel (01746), Mactaggart &amp; Mickel Homes (90346), Persimmon Homes East Scotland (01367)</p> <p>Object on the basis that the Proposed Plan does not take into account shortfalls from previous years, thus supressing the Housing Supply Target. As a result additional land must be allocated to take account of a revised Housing Supply Target (see Issue 3).</p> <p>Consider that both sites are well placed to contribute to the Spatial Strategy and due to its location scores highly on sustainability criteria. The sites are considered to be in a marketable area and therefore capable of being delivered in the early years of the plan period.</p> <p><u>Airthrey Kerse</u></p> <p>Grahams and Mactaggart &amp; Mickel (01746), Mactaggart &amp; Mickel homes (90346)</p> <p>Cite the recommendation for approval on the related planning application (14/00595/PPP), and consider that there is officer support for the site, therefore this should be reflected by the allocation of the site in the PLDP.</p> <p>Consider that the technical merits of the site have been demonstrated through the planning application process.</p> <p>Causewayhead Community Council (90080)</p> <p>Note the exclusion of the site from the PLDP and continue to support Stirling Council's decision to not include it.</p>		

Grahams and Mactaggart & Mickel (01746)

Promote the benefits of the site, including the provision of 600 mixed tenure homes, with 25% affordable housing; a neighbourhood centre with healthcare provision; an extensive SUDs scheme; provision of a double stream Primary School; a section of the Airthrey to Kildean link road; and provision of a public park. Submit that the separation of the communities of Bridge of Allan and Causewayhead will be maintained by the retention of 70% of the Green Belt.

Extensive testing of the technical merits of the site have been considered by the application process. Mitigation measures have been agreed with the relevant statutory bodies.

Submit supporting evidence to demonstrate the merits of the site including a copy of the committee report recommending approval of application 14/00595/PPP; Transport Assessment; independent audit; Flood Risk Assessment; independent review and the development framework.

Westerlea

Persimmon Homes East Scotland (01367)

Consider that the site is effective as it is in the hands of a housebuilder and is in a marketable area. There are no insurmountable physical or infrastructure constraints and previous comments from SEPA regarding flood risk on part of the site have been taken account of in the draft Masterplan. This would be further considered by a detailed Flood Risk Assessment.

Site is currently in the Greenbelt but consider comments by the reporter, in the examination of the adopted LDP, which stated that the Council is 'right to consider the development potential of the site', with respect to Airthrey Kerse, that any decision to allocate the site at Airthrey Kerse and remove it from the Greenbelt would result in the Westerlea site becoming an isolated parcel of Greenbelt located between two residential areas.

Submit supporting evidence showing how the site could be developed. This includes the site location plan; MIR representation; Stirling Council's MIR site assessment from the adopted LDP; an Indicative Landscape Strategy; a revised Flood Risk Assessment; Ecological Assessment; Ground Conditions Report; Landscape and Visual Impact Assessment and a Transport Accessibility Report.

**Modifications sought by those submitting representations:**

Grahams and Mactaggart & Mickel (01746), Mactaggart & Mickel Homes (90346), Persimmon Homes East Scotland (01367)

Allocate Airthrey Kerse, as shown on the submitted location map, for housing, infrastructure and amenities within 'Stirling North Map 1'.

Grahams and Mactaggart & Mickel (01746)

- Include the development of the land at Airthrey Kerse in the Stirling Settlement

Statement Schedule and provide Key Site Requirements consistent with the planning conditions and Section 75 Head of Terms detailed within the Director of Corporate Operations Committee Report of March 2016.

- Remove the blue shading relating to the 1:200 year flood zone from map 1 as this does not accord with SEPA's own flood map nor the findings of the FRA that was agreed with Stirling Council in its role as Flood Prevention Authority.

Persimmon Homes East Scotland (01367)

Allocate the site at Westerlea for 50 units.

### **Summary of responses (including reasons) by planning authority:**

#### Housing Land Supply

The Council has not included Airthrey Kerse as an allocation in the Proposed Plan as a housing allocation because an application for 600 houses at this location was refused in March 2016. The comments relating to the calculation of the Housing Supply Target are discussed in detail in Issue 3. The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore these sites are not considered necessary to deliver the Spatial Strategy of the Proposed Plan.

The Council therefore does not agree to modify the plan as requested.

#### Airthrey Kerse

The Council accepts that there is a complex history to the site and agree that there has been varying levels of support for the development of the site since 2010. As noted in the submission by Grahams and Mactaggart and Mickel (01746) and Mactaggart and Mickel Homes (90346) the application for the site was recommended for approval by the Chief Planner, with the technical constraints having agreed mitigation measures. The Council does not dispute the submitted Committee Report.

However, the recommendation was considered by Full Council and after lengthy consideration, including a hearing process, a decision to refuse the application was taken (CD29).

In light of this, it is considered clear that the Council is not supportive of the development of Airthrey Kerse and the Proposed Plan reflects this.

Grahams and Mactaggart and Mickel (01746) refer to the previous examination report into the 2012 PLDP that, whilst removed the allocation, considered that the Council should consider the site in a future review of the plan if technical constraints could be overcome. The Council is of the opinion that this requirement has been fulfilled. This review and associated planning application has considered in detail the principle and technical aspects of the development site together. The Council has reached a decision to not support development of the site as a result of these detailed considerations.

The Council notes the support of Causewayhead Community Council (90080) to not include this site as an allocation.

The flooding maps were the most up to-date available at the time of publication. They are

indicative and any planning application supported by and FRA would address any flooding issues.

The Council therefore does not agree to modify the plan as requested.

### Westerlea

The site at Westerlea was submitted to the Council during the MIR process and was subject to a site assessment to inform the Proposed Plan (CD08, pg 5). This site assessment concluded that the site was not an appropriate site for development. It is constrained by its location in the floodplain. Whilst the developers have submitted information to support the view that this could be addressed by the design of the development to be out with the 1 in 200 year flood plain. SEPA are not supportive of this site being included in the plan. SEPA considers that the site is at significant risk of flooding and not suitable for development.

The Council's transport team objected to the inclusion of the site due to its proximity to the Cornton Rail Crossing, expressing concern that the development would increase right hand turns, potentially leading to the backing up of traffic onto the crossing.

With regard to the site becoming an 'isolated parcel of greenbelt situated between 2 residential areas', The site at Airthrey Kerse is no longer being pursued by the Council as an option and therefore the Council considers there is no justification to include the site for development. Airthrey Kerse is currently at appeal (DPA ref: PPA-390-2043) and even if this were to be granted, the Council maintains that it would place a greater need for clear separation between the new development and Bridge of Allan in line with the function of the Green Belt in this area, as defined by SG03 Green Belts (CD09, paras 3.5-3.6). In this regard there would be no justification to release the site at Westerlea from the greenbelt.

The Council therefore does not agree to modify the plan as requested.

*For the information of the reporter, it should be noted that an application (16/00802/FUL) for the replacement Cornton Rail Crossing was validated on 7<sup>th</sup> December 2016.*

### **Reporter's conclusions:**

1. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this examination. This has concluded that the number of houses to be built during the period of the plan is likely to fall short of the housing supply target for the plan. In that context, I have given serious consideration to the case for allocating additional sites for housing in the plan area.

### Airthrey Kerse

2. There is no doubt that development of this site, which would provide in the order of 600 homes, would make a significant contribution to the likely shortfall in housing land supply identified in Issue 3 of this examination. Its location, close to Stirling and Bridge of Allan, which is a 'highly pressured area' for housing, means that it is in a desirable area for development. There are aspects of the site which make it suitable for allocation and consistent with policies within the proposed plan. However, the site also has a number of constraints, which have been considered previously during the examination of the current

local plan and recently as part of an application for planning permission in principle (14/00595/PPP) and the subsequent appeal. However, different decision-making processes have varied in the weight that has been afforded to the positive aspects and constraints of the site. I have considered these aspects afresh, and allocated my own weighting to them. At the time of conducting this examination, the Scottish Ministers were yet to announce their decision in relation to this appeal (PPA-390-2043).

3. The proposed site lies within the Core Area of the Spatial Strategy of the proposed plan. The Core Area is the preferred location for new build development outwith allocated sites, where these developments are located close to and easily accessible by major transport routes. The site is close to major transport routes, such as the M9.

4. Bridge of Allan is identified as a Tier 2 settlement, for which urban consolidation, focusing on the use of vacant and brownfield land is the preferred development approach of the proposed spatial strategy. The proposed site would occupy the bulk of the undeveloped area lying between the railway line and the A9 between Bridge of Allan and Causewayhead. Although it would 'infill' the open land between Bridge of Allan and Causewayhead, it effectively lies outwith the current developed boundaries of both settlements. In addition, the site has not been developed previously (it comprises pasture) and lies within the green belt. Consequently, I consider it would represent expansion of both settlement boundaries, rather than urban consolidation.

5. The green belt between Bridge of Allan and Causewayhead is an irregular shape and relatively small in size. The boundaries are indistinct on the ground, but essentially all the undeveloped area between the two settlements appears to be included. There are existing developments in the area, such as Wallace High School. In addition, the railway line bisects the area, and this combined with the nearby Cornton Vale Prison acts to almost separate the green belt into two distinct areas. Nevertheless, the importance of the green belt in preventing coalescence between Bridge of Allan and Causewayhead is recognised in Supplementary Guidance SG03 Green Belts, which has been adopted by the council, and appears to have been accepted by proponents of the site.

6. The masterplan produced as part of the planning application includes an area of parkland to the north of the area, which adjoins fields around Airthrey Kerse dairy and Westerlea (see paragraphs 17 - 25). The scheme promoters state that 70% of the green belt would be retained. Given that the existing green belt is relatively small to start with, the remaining area of green belt would be a comparatively narrow strip of land. The proposed re-defined green belt boundary also appears to rely on the site at Westerlea not being allocated for housing (see paragraphs 17 - 25). Putting aside the issue of whether or not the site at Westerlea is allocated, I do not consider that the proposed area of undeveloped land would be sufficient to retain the separate identities and settings of Bridge of Allan and Causewayhead.

7. Policy 1.5 Green Belts of the proposed plan requires that development should preserve the openness of green belts and should not undermine their core role and function by individual or cumulative impacts. I observed that the existing pasture land is open and low-lying. There are few features, other than low-growing hedges and fences, to break up the landscape. As noted above, there are some encroachments into the green belt, and additional infrastructure developments, including a road link, are identified within the proposed plan. In my view, these will act to increase the apparent separation between the two parts of the green belt either side of the railway line. Consequently, it will make it more important to maintain the existing open areas in order to prevent

coalescence of the communities.

8. The proposed masterplan shows the creation of a park for public access, which includes a number of water features. Whilst I have no doubt that these areas have the potential to be attractive in their own right, they would alter the appearance of the landscape and change the pattern of development and reduce the feeling of openness between the two settlements.

9. Although the proposed site is on a relatively flat, low-lying area, it has a high visual significance within the wider landscape. It provides a clear visual separation between the settlements of Bridge of Allan and Causewayhead, which have differing characters. Development on this area would lead to coalescence between these communities. The Landscape and Visual Assessment report produced in support of the recent planning application, acknowledged that coalescence would occur, but considered that this would be acceptable within the context of wider changes to the landscape. I accept that the landscape is not static, and that the proposed plan allows for some development within this area, including the upgrade of the railway crossing and a new link road. However, I consider that the allocation of this area for housing and the resultant coalescence between Bridge of Allan and Causewayhead would lead to a dilution in the distinctive character of each settlement. This loss would be exacerbated by any development at the adjoining Westerlea. I do not consider the proposed country park would provide adequate space or separation between the communities. Its proposed scale would be more typical of an open space within a single urban area rather than fulfilling the role of countryside separating two distinct communities. Whilst I have no doubt that an attractive country park could be created, I do not consider that this would fulfil the same function as the open, pastoral landscape that currently exists. I also consider that it would place pressure for further 'infill' development on adjoining areas of land.

10. During my site inspection I noted the prominence of the open space within the landscape, especially from popular viewpoints such as the Wallace Monument. The Landscape and Visual Assessment report produced in support of the planning application suggests that the areas of settlement within views are incidental in the wider landscape, which includes many landmarks and features of interest. I do not consider this to be the case. Indeed, from the Wallace Monument, the proposed site provides a clear undeveloped corridor leading the eye from the base of the monument towards the wider Carse of Stirling and landscapes beyond. Whilst I accept that there would be further incursions into this green space as a result of the proposed upgrade to the transport links, in my opinion this increases the significance of the remaining open landscape. Any development at Airthrey Kerse would be particularly noticeable from raised vantage points such as the Wallace Monument and from the houses on the slopes of the hills in Bridge of Allan. It would also be highly prominent from the M9.

11. Scottish Planning Policy (SPP) sets a presumption in favour of development that contributes to sustainable development. The aim is to achieve the right development in the right place, not to allow development at any cost. The costs and benefits of a proposal need to be balanced over the longer term. The proposed allocation lies within the Core Area and is close to amenities, and to this extent meets the requirements of the spatial strategy. But, this has to be balanced against the adverse, long-term and permanent effects of loss of the green belt and subsequent coalescence of two distinct communities. In other words, the choice is between maintaining a firm line to the green belt in order to retain discrete communities or accept the urbanisation of the Core Area to create a continuous ribbon of development from Bridge of Allan to Stirling. The approach

taken to date, and set out in the settlement strategy, is to maintain the separation between communities. Allocation of this site would not meet this objective of separation.

12. Evidence of work to address technical issues with the site, including flood risk and transport, has been submitted with the representations. I accept that these documents demonstrate that there are solutions to the flooding issues, albeit this involves extensive management of the water regime and development within the flood plain. The successful implementation of the measures would also require long-term maintenance, which could be secured through a S75 obligation. Mitigation for transport impacts has also been identified, including planning conditions to phase development depending on the completion of infrastructure developments.

13. The scheme promoters have stated that the site could be delivered within 12 months and that it is capable of making a significant contribution (450 units) towards meeting housing requirements across a range of tenures within the initial five-year period of the plan. However, I consider that this is overly optimistic. An application for planning permission in principle has been refused and is currently subject to an appeal. Even if the appeal were granted, further work would be required to address the reserved matters, including further flood studies and completion of a S75 agreement. Scottish Water has indicated that there could be constraints on water supply. Landscaping works to accommodate the flood alleviation schemes would also be required prior to houses being built.

14. The representation from Grahams and Mactaggart & Mickel requests that the blue shading relating to the 1:200 year flood zone should be removed from Map 1. In their view this does not accord with the Scottish Environment Protection Agency's own flood map or the flood risk assessment undertaken for the site and agreed with Stirling Council in its role as Flood Prevention Authority. The council has indicated that the map was based on the most up-to-date maps that were available at time of publication and that the flood maps are indicative only. It also notes that any flooding issues would be addressed through a flood risk assessment. The fact that a flood risk assessment has been undertaken in support of a planning application provides further support for the need to consider flooding issues in this area. Including blue shading on Map 1 provides an indication that flooding issues need to be considered. Consequently, I accept the view of the council and do not support removal of the blue shading.

15. I accept that the proposed development allows for infrastructure improvements, such as an upgrade to the Cornton Rail Crossing. However, these improvements are not dependent on the delivery of the site.

16. In conclusion, whilst the site lies within the Core Area identified in the settlement strategy, it lies adjacent to a Tier 2 settlement, for which the preferred approach is urban consolidation. I do not consider that the scale of development meets the objective of urban consolidation set out in the settlement strategy. Whilst Scottish Planning Policy places a presumption in favour of sustainable development, this does not mean development at any cost. Promoters of this site state that it is a sustainable location. This is not the same as sustainable development, which has to take account of the economic, environment and social aspects of development. Although it has been concluded under Issue 3 that a potential shortfall in housing land exists, other sites and policy mechanisms have been identified to address this shortfall. I consider that the adverse effects upon the green belt, permanent changes to the landscape and the consequential coalescence of the communities of Causewayhead and Bridge of Allan

outweigh the benefits of allocating this site.

### Westerlea

17. The proposed allocation at Westerlea lies adjacent to the southern edge of Bridge of Allan. The town is identified as a Tier 2 settlement within the Core Area of the Spatial Strategy of the proposed plan. Urban consolidation focusing on the use of vacant and brownfield land; provision of high-density, mixed-use development; and maximisation of connectivity by walking, cycling and public transport is the preferred development approach for this area. The proposed site lies outwith the settlement area of Bridge of Allan, although it borders existing development along its northern and western boundaries. The site is currently a green field location, used for agricultural purposes. Consequently, its allocation is not consistent with the settlement strategy.

18. The site forms part of the green belt between Bridge of Allan and Causewayhead. There are existing developments, including a school, within the green belt boundary, which makes it less clear and defensible. Nevertheless, I accept that the open land between Causewayhead and Bridge of Allan does form an important function in maintaining a distinct identity for each settlement.

19. Supplementary Guidance SG03 Green Belts, which has been adopted by the council, states that the small scale of the green belt means that any built development within it is likely to have a significant impact. The boundary of the green belt to the south of Bridge of Allan seems poorly defined. Although the site is beyond the current settlement boundary, to a certain extent it could be considered an 'infill' of the development line of the development to the north and west of the site. Whilst this would create a more symmetrical development pattern, it would not result in a boundary to the green belt that would be any more clearly defined than the current boundary. However, it would mean that any new development would be viewed against a backdrop of existing development.

20. When considered in isolation, I do not consider that development of this site would significantly reduce the separation between Bridge of Allan and Causewayhead. Nevertheless, it does form an important part of a relatively small area of green belt.

21. The site adjoins the larger area known as Airthrey Kerse. Whilst this examination has concluded that Airthrey Kerse should not be allocated within the proposed plan for development, I am conscious that there is an outstanding appeal for development. At this stage the decision of the Scottish Ministers is not known. If Airthrey Kerse were to be developed, then Westerlea would gain greater significance in helping to maintain some separation and open space between the settlements.

22. The representation from Persimmon Homes East Scotland considers that the site is effective. I accept that it is in the control of an established housebuilder and is in a marketable location. In addition, I accept that the site has good proximity to public transport links and opportunities for active transport. However, there are a number of constraints to the site that would have to be addressed including safe access to the site and flood risk. Even if it is accepted that these constraints could be addressed satisfactorily, I consider that it would be very unlikely that any houses could be delivered within the first period of the plan.

23. I note the concerns of the Council's transport team about the proximity of the site to

Cornton Rail Crossing and that an increase in right hand turns could lead to vehicles backing up to the crossing. I do not see this as an insurmountable problem. I am aware that there are proposals to upgrade the crossing (see Issue 26) and development of the site could be conditional on the upgrade in the crossing. However, this would mean that the site would be unlikely to be effective within the first five-year period.

24. The representation from Persimmon Homes East Scotland was supported by a number of documents including a Flood Risk Assessment report and a masterplan. The council considers that the site is constrained by its position within the flood plain. It has also indicated that the Scottish Environment Protection Agency is not supportive of the site being included within the proposed plan. Consequently, I consider that flooding represents a constraint at this site.

25. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, on balance, my assessment leads me to conclude that the proposed site does not accord with the settlement strategy and its development would have an adverse effect on the green belt. In addition, there are issues relating to flooding and safe access to the site.

**Reporter's recommendations:**

No modification.

<b>Issue 28</b>	<b>Non-allocated Site - Milseybank, Bridge of Allan</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) Bridge of Allan Settlement Statement and Proposals Map	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Westpoint Homes (01396)		
<b>Provision of the development plan to which the issue relates:</b>	This representation relates to the non-allocation of land to the west of Bridge of Allan, adjacent to Lecropt House, for housing development. The Local Development Plan includes the site within the green belt.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Westpoint Homes have submitted an <i>Assessment of the Housing Land Supply, Development Framework Report</i> and <i>Statement of Site Effectiveness</i> in support of the allocation of the site for 40 units. It is considered that these documents: confirm that the Council has not met its housing land requirement in full; that the site meets the requirements for a sustainable development and addresses the issues previously raised by the Council; and confirms the site is viable and effective, in accord with PAN2/2010.</p> <p>It is submitted:</p> <ul style="list-style-type: none"> <li>• The site is in a sustainable location with an easy walk to bus and train services as well as local services and amenities;</li> <li>• Development would not adversely impact on the aims and objectives of the Green Belt;</li> <li>• A new inner boundary of the Green Belt can be relocated to follow features in the existing landscape which have been strengthened with further planting in accordance with paragraph 51 of Scottish Planning Policy;</li> <li>• Mitigation through additional planting would effectively screen the proposal from viewpoints in the surrounding area;</li> <li>• There would be no impact on nearby listed buildings and their setting including Lecropt Church when viewed from main road and rail routes;</li> <li>• Although located within the Keir Local Landscape Area (LLA), Keir House and the majority of the LLA are located on the other side of the M9 motorway and A9 from the site. The site occupies less than 0.4% of its area, at the very edge of this locally designated landscape;</li> <li>• The allocation of this proposal would be in keeping with the character of the surrounding urban and local landscape context;</li> <li>• There is existing infrastructure capacity to accommodate this scale of development.</li> </ul> <p>The representation states there is a balance to be struck between the environmental sensitivity of the general location and the need for more development to meet local housing need and demand and a much stronger case to consider this site for future development given the Scottish Ministers' wish for sustainable development. The sustainability of the proposal outweighs any effect on the local environment.</p>		

**Modifications sought by those submitting representations:**

Amend Bridge of Allan Settlement Statement & Proposals Maps to include Milseybank within the settlement boundary.

Add the following text to the Bridge of Allan Settlement Statement:

	Phase 1 2010/2022	Phase 2 2022/2027	2027/2037	Key Site Requirements
Milseybank	40			Development must preserve the character and setting of the B listed Lecropt Kirk Manse and Lecropt School.

Amend the Bridge of Allan Proposals Map to reflect the allocation set out on page 21 of the supporting Development Framework Report.

Amend Appendix A: Schedule of Development Sites, Table 1: Housing Sites to include Milseybank.

**Summary of responses (including reasons) by planning authority:**

The Council does not agree with the modifications being sought and considers the site should remain in the green belt. This position aligns with the conclusions of the Reporter set out in the report of the examination of the (adopted) Local Development Plan (CD03, pp.386-387).

Arguments concerning the requirement to allocate additional land for housing development are dealt with under Issue 3 – Setting the Land Requirement for Housing.

Addressing the merits of the site itself, it is accepted that Milseybank is a sustainable location in respect of its proximity to public transport, services and amenities within Bridge of Allan. Despite this proximity, however, the site clearly lies beyond the settlement edge and development would appear isolated and poorly integrated. While there are existing dwellings at the site’s boundary, collectively these have the appearance of a low density cluster of rural buildings: the development of 40 dwellings adjacent to this cluster would appear incongruous in terms of scale and appearance.

Scottish Planning Policy (CD02, paragraph 49) confirms that a particular function of the green belt is to protect and enhance the quality, character, landscape setting and identity of towns. It is considered that the impact and implications of allowing development upon the Milseybank site, ‘jumping’ the current green belt boundary, would not protect or enhance the quality, character, landscape setting and identity of Bridge of Allan and instead would be detrimental.

The representation made by Westpoint Homes refers to paragraph 51 of Scottish Planning Policy regarding green belt boundaries. Paragraph 51 states: “local development plans should show the detailed boundary of any green belt, giving consideration to... establishing clearly identifiable visual boundary markers based on landscape features

such as rivers, tree belts, railways or main roads". In this location, the railway line forms a clearly identifiable green belt boundary and gives Bridge of Allan a strongly defensible and long-established western edge. Excluding the Milseybank site from the green belt and redrawing the green belt boundary would indisputably weaken this boundary. The boundary, including immature tree belt, proposed by Westpoint Homes as an alternative lacks the same robustness and coherence.

Breaking the established settlement and green belt boundary to the west of Bridge of Allan could create pressure for further development. In turn, this would further reduce the strength, value and purpose of the green belt, as well as the amenity of the area and the character, landscape setting and identity of Bridge of Allan. Interrelated, is the impact of development would have on the setting of adjacent listed buildings – Lecropt Manse, Lecropt School and in particular Lecropt Kirk. Lecropt Kirk forms a landmark, elevated feature in the landscape, especially from the northbound M9, and is identified as an important element of the Keir Local Landscape Area (see Supplementary Guidance SG27: Protecting Special Landscapes, CD04).

The separation of the Milseybank site and its environs, including Lecropt Kirk, from the majority of the Keir Local Landscape Area by the M9 motorway does not diminish its association with Keir House and Estate and value as a component of the Local Landscape Area.

To summarise, the site put forward for the development of 40 homes is highly prominent within the Keir Local Landscape Area and the green belt. Development of this visually sensitive site would appear incongruous and isolated and diminish the character and landscape setting of Bridge of Allan, local landscape area and a number of listed buildings. Removing the site from the green belt would significantly weaken the green belt boundary in this location.

In the context of the Plan establishing a generous supply of housing land (Issue 3), there is no justification to allocate this site for housing development and consequently any modification of the Plan in respect to this site is opposed.

#### **Reporter's conclusions:**

1. Findings in relation to housing land supply within the Stirling local development plan area are set out at Issue 3 of this Examination. This has concluded that the number of houses to be built during the period of the plan is likely to fall short of the housing supply target for the plan. In that context, I have given serious consideration to the case for allocating this site for housing.
2. The spatial strategy of the proposed local development plan identifies Bridge of Allan as a Tier 2 settlement within the Core Area. The proposed development approach for this area, as set out in Table 1 of the proposed local development plan is, urban consolidation, focusing on the use of vacant and brownfield land; provision of high-density, mixed-use development; and maximisation of connectivity by walking, cycling and public transport. The proposed site is a greenfield plot, lying to the west of the railway line and river and is slightly outwith the main settlement. Although there are some dwellings along the minor road which runs adjacent to the south-eastern edge of the proposed site, these are few in number and the lane has a rural feel. Consequently, I do not consider that the site represents either urban consolidation or re-use of brownfield land and hence does not accord with the settlement strategy.

3. The proposed site is close to the A9 and the north-western edge of Bridge of Allan. It lies adjacent to the core path network, which could be incorporated into the development. I accept that it lies within walking distance of the services and amenities within Bridge of Allan including easy access to public transport. However, I note that the site is located up a relatively steep hill from the main road, which could detract some from walking. Nevertheless, on balance, I consider that the site accords with the settlement strategy criterion of maximisation of connectivity by walking, cycling and public transport. I also consider that the site is in a sustainable location in respect to its proximity to services and transport links.

4. This site is promoted by a developer, which states that the site could be immediately effective and developed within a 2-year period following award of planning permission. It considers that there is adequate capacity within the existing infrastructure to accommodate the development and this is not disputed by the local authority. The site would accommodate 40 homes, a third of which would be affordable homes. The proposed local development plan identifies Bridge of Allan as a 'highly pressured area', for which there is a strong demand for housing, particularly affordable housing. Consequently, I accept that this site could make a modest, but valuable contribution to addressing the recognised shortfall in the five-year effective housing land supply, including provision of affordable housing.

5. The proposed site lies within the boundary of the green belt and the Keir Local Landscape Area.

6. The green belt to the west of Bridge of Allan has been established to protect the setting and identity of the town (Supplementary guidance, SG03 Green Belts) and to prevent coalescence with Dunblane. In order to achieve this aim, it is necessary to have a clearly identifiable and defensible visual boundary to the settlement limit of Bridge of Allan. The railway line currently fulfils this role and is wholly in accord with the requirements of paragraph 51 of Scottish Planning Policy, which identifies railway lines (amongst other features) as a clearly identifiable visual boundary based on landscape features. I do not consider that the alternative boundary proposed by Westpoint Homes (an existing, gappy tree line along a field boundary) would provide as clear or as rational a boundary for the green belt, even if it were supplemented with additional planting.

7. Scottish Planning Policy does allow for the use of tree belts to define green belt boundaries, but the supporting text notes that hedges and field enclosures will rarely provide a sufficiently robust boundary. Accordingly, I do not consider that there is any clear justification for the use of the proposed tree line as a green belt boundary, other than as an enabling mechanism to allow development at the proposed site.

8. I accept the representee's assertion that the location of the proposed development, on the southern side of Knock Hill, would not, in itself, lead to coalescence with Dunblane. However, if the boundary of the green belt were amended to the proposed tree line, I consider that it would be poorly defensible, and would open the door to future applications to amend the boundary further to the next tree line, ultimately leading to an incremental loss of the green belt. Consequently, I cannot see any merit in the proposed modification, given the presence of the long-established and tangible presence of the railway line.

9. The proposed site lies towards the eastern edge of the Keir Local Landscape Area. Whilst I accept that the majority of this Local Landscape Area lies to the west of the M9, it

abuts the boundary of the Western Ochils Local Landscape Area to the east, which I consider provides a wider context for consideration of effects on landscape. The landscape analysis provided with the submission from Westpoint Homes did not consider that there were impacts upon the landscape setting and character of Bridge of Allan. However, from my site inspections, I consider that Knock Hill forms a clearly identifiable and integral feature of the landscape. In particular, I noted that the site was prominent in the view from the Wallace Monument and from Pendreich Road on the slopes above Bridge of Allan. Knock Hill is currently substantially undeveloped. Whilst there are a few buildings on the lower southern flank of the hill, they are not conspicuous and are rural in nature. I consider that development of the site would be conspicuous within views and consequently, I accept Stirling Council's concerns about the sensitivity of the site, and that development would erode the character and quality of the Local Landscape Area.

10. The representation proposes the use of supplementary planting to screen the development from the M9 and A9. Whilst this would make the development less visible from these viewpoints, it would not mitigate the visibility of the site from other vantage points such as the Wallace Monument.

11. I have also considered the effects of the proposed site upon the setting of adjacent listed buildings. Lecropt Church is a Category A listed building and its manse is a Category B listed building. The church is a prominent and recognisable feature of the landscape. When viewed from the M9, the church appears isolated within trees and I do not consider that this would be affected significantly if the proposed site were developed. The manse is located at some distance from the church, and is effectively separated from the church by the A9. In my view, the casual observer would not be aware of the relationship between the two buildings. Consequently, I do not consider that the proposed development would further increase this separation.

12. Lecropt school is also a Category B listed building. The existing access track to Lecropt manse and the associated tree belt would provide separation between the proposed development site and Lecropt school and consequently I do not consider that the proposed development would have an adverse effect on the setting of the school building.

13. The representation from Westpoint Homes includes information to inform a site assessment of the proposed site at Milseybank to contribute to the council's Strategic Environmental Assessment. I note that the Environmental Report produced by the council to accompany the proposed local development plan does not include the site at Milseybank, or indeed most sites not included in the development strategy. I accept that this can make it difficult to directly compare the environmental effects of those sites that have been included within the proposed local development plan with other sites identified at the Main Issues Report stage. However, I consider that information about environmental effects has been included within the site assessments in the Main Issues Report. Whilst the council has not provided specific comment on the suggested scorings produced in the representation, I consider that it has provided commentary in support of its conclusions on the environmental issues raised in the representation, such as transport and landscape.

14. In its representation, Westpoint Homes has referred to Scottish Planning Policy in relation to sustainable development. It considers that the site is in a sustainable location within easy walking distance to public transport and amenities and this together with the sustainability of the proposal outweighs any effect on the local environment.

15. Scottish Planning Policy does set a presumption in favour of development that contributes to sustainable development. Further clarification is provided in paragraph 28, which expresses “support for economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the long term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”

16. Paragraph 29 sets out principles to guide definition of sustainable development. Whilst allocation of this site would meet some of these principles, such as supporting delivery of accessible housing, I do not consider that it would meet other principles, such as protecting, enhancing and promoting access to natural heritage including landscape and the wider environment.

17. In summary, Milseybank is located relatively close to Bridge of Allan, which is within the Core Area, the site is relatively close to good transport links, could be developed fairly rapidly, and would make a modest contribution to the effective housing land supply, in an area for which there is a high demand for housing. On the other hand, I do not consider that its allocation would meet the requirements of the settlement strategy and it would have unacceptable effects upon the green belt and landscape. I consider that re-locating the green belt to allow this development would result in a less logical and defensible boundary, which could result in pressure for further development within the green belt and Local Landscape Areas. Consequently, I do not agree that the proposal meets the requirements of sustainable development as set out in Scottish Planning Policy.

18. Since the proposed local development plan was published, the Scottish Ministers have announced their intentions in connection with the appeal for proposed development at Park of Keir, Dunblane, which lies on the north side of Knock Hill. This proposal would bring development significantly closer to Bridge of Allan and the proposed allocation at Milseybank. Had I been minded to include Milseybank within the proposed local development plan I would have sought further information from the council and those providing representations. However, as the decision of Scottish Ministers has not altered my view of the acceptability of including Milseybank within the proposed local development plan, I have not done so.

19. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. Consequently, I do not support the addition of this site to the proposed local development plan.

**Reporter’s recommendations:**

No modifications.

<b>Issue 29</b>	<b>Stirling University Innovation Park sites</b>	
<b>Development plan reference:</b>	B50-Stirling University Innovation Park-Site 6a B51-Stirling University Innovation Park - Site 5 B52-Stirling University Innovation Park - Site 7 B53-Stirling University Innovation Park - Site 8	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175) University of Stirling (90324) The Woodland Trust (90684)		
<b>Provision of the development plan to which the issue relates:</b>	Sites B50, B51, B52 and B53 are allocated employment sites within the Stirling University Innovation Park identified for Class 4 use.	
<b>Planning authority's summary of the representation(s):</b>		
<p>SEPA (90175)</p> <p>Surface water hazard issue identified for these four sites. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.</p> <p>University of Stirling (90324)</p> <p>Employment land sites within the Stirling University Innovation Park (B050, B051, B052 and B053) are safeguarded from alternative forms of development, however, land use needs to be flexible to suit the strategic requirements of the University.</p> <p>The Woodland Trust (90684)</p> <p>Objection to the inclusion of sites B052 and B053 in the Stirling LDP as they are likely to cause damage and/or loss to areas of ancient woodland within or adjacent to their boundaries.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>SEPA (90175) - See Issue 64.</p> <p>University of Stirling (90324) - No modifications specified.</p> <p>The Woodland Trust (90684) - Deletion of sites B052 and B053.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>SEPA (90175)</p> <p>See Issue 64.</p>		

#### University of Stirling (90324)

In general terms, the Local Development Plan supports the aspirations of the University of Stirling. Within the Bridge of Allan Settlement Statement (p.123), it states the Plan supports development which is in accordance with the University's campus masterplan, prepared in 2012, or subsequent masterplans.

The Local Development Plan identifies four sites within the Stirling University Innovation Park, part of the University campus, as employment sites. The key site requirements for these sites indicate they are suitable for Class 4 uses, with research and development related to the University encouraged. Policy 2.4 safeguards these sites for 'employment generating uses': other uses would need to demonstrate the site was no longer required to maintain an effective supply of employment land; be ancillary or complement the overall employment use; or be part of a mixed-use development.

The Stirling University Innovation Park is an important location in the context of the Council's economic strategy and desire to capitalise on the knowledge base at the University. The allocation of the four sites within the Innovation Park for employment use is consistent with this status and also the existing businesses which occupy the Park. Without any indication of what alternative uses the University would like to develop at the Innovation Park, it is not possible to address this through the Local Development Plan. Should additional information be brought forward via a revised masterplan, this can be considered in a future review of the Plan.

See also Issue 63 – University of Stirling.

#### The Woodland Trust (90684)

The Council does not agree with the modification to delete sites B52 - Stirling University Innovation Park - Site 7 and B53 - Stirling University Innovation Park - Site 8 from the Local Development Plan. These are established sites allocated for employment use within the Stirling University Innovation Park.

It is considered the provisions of the Local Development Plan establish a robust framework for the protection of woodland that can ensure development upon these sites takes place without detriment to the ancient woodland resource. Specifically, Primary Policy 10: Forests, Woodlands and Trees, part (b)(ii) states the Council will, through the development management process, protect existing woodland, especially woods with high natural, recreational and cultural heritage value. Policy 10.1, part (a) states: "Development proposals should provide protection from adverse impacts resulting from development to important individual trees, groups of trees or hedgerows that contribute to local amenity or have nature conservation or historic interest". Parts (b) and (c) of the policy address the protection of trees during construction and the information – including an appropriate tree survey – required alongside proposals on sites with existing trees within or close to site boundaries.

Both sites fall within the Airthrey Castle Inventory Garden and Designed Landscape; key site requirements (p.125) state the site layout, design and landscaping of future development should preserve and enhance the Garden and Designed Landscape, the Green Network and the setting of the Wallace Monument while Policy 7.8 (b) seeks to protect Garden and Designed Landscapes.

Overall, with these safeguards in place, it is considered acceptable to identify B52 and B53 as employment sites within the Local Development Plan, notwithstanding the areas of ancient woodland within or adjacent to their boundaries.

### **Reporter's conclusions:**

1. The Scottish Environment Protection Agency has identified the four sites as representing a potential water hazard. In response, the council has agreed to insert an additional key site requirement in respect of mitigation measures to reduce the risk of surface water run-off flooding. This is an appropriate response and I conclude a key requirement to this effect should be included for sites B50, B51, B52 and B53.

Note: Issue 64 considers all aspects of the Scottish Environment Protection Agency representation.

2. The University of Stirling accepts that Class 4 (Business Use) is an appropriate designation for the sites within the Stirling University Innovation Park although, it seems, some of the allocated land extends into the University campus. The University is concerned that Policy 2.4 safeguards employment land from alternative forms of development. The consequent lack of flexibility could prejudice the strategic requirements of the University.

3. The council has not addressed the distinction between Class 4 land within the Innovation Park (which is acceptable to the University) and the land within the campus (where lack of flexibility is a concern). On the other hand, the University has not identified the parts of the four sites that are of concern and has not indicated the nature of any alternative uses that might be required. Indeed, it appears that the site boundaries were identified in an earlier campus masterplan.

4. In land use terms, I believe that the allocation of the four sites for Class 4 use is acceptable. Any development of this nature could readily be accommodated within the sites. Such development would be compatible with the existing pattern of development, provide employment, and offer the opportunity for university-related enterprise. All-in-all, I do not foresee any detrimental impact on the established character of the area.

5. I also note the desire of the University to be provided with a degree of flexibility within the campus. As explained by the council, Policy 2.4 sets out the circumstances where other uses might be supported on allocated employment sites. Perhaps more significantly, the council points to the Bridge of Allan Settlement Statement which supports the approved Campus Masterplan and recognises the possibility of subsequent masterplans. I believe that both these provisions of the proposed plan create the potential for future land use flexibility. In the meantime, however, because of the acceptability of Class 4 in land use terms, I conclude that the allocations in the proposed plan are acceptable.

6. The Woodland Trust indicates that sites B52 and B53 are adjacent to ancient woodland. On this basis, it is argued, the allocations are not sound and should not be taken forward.

7. The council points out that that the sites are established and I note that, indeed, the allocations are contained in the current local development plan. Whilst the preparation of a replacement plan provides the opportunity to review land use allocations, these sites lie

within the larger area of the Stirling University Innovation Park and campus. I have previously concluded that Class 4 use is appropriate, at least in principle. The presence of ancient woodland adjacent to the sites does not lead me to alter this conclusion.

8. I accept that development in the proximity of ancient woodland could be challenging. However, I note that the Stirling University Innovation Park is located within a woodland context where a mixture of older and more recent (yet maturing) trees contributes to the quality of the layout. I therefore believe that ancient woodland can be a positive aspect of a successful and attractive layout.

9. As explained, the Woodland Trust has indicated that there is ancient woodland adjacent to site B52. I note the site has been the subject of some previous development although there are also trees within the boundary. The council refers to Primary Policy 10: Forests, Woodlands and Trees, particularly the protection afforded to existing woodland. Policy 10.1: Development Impact on Trees and Hedgerows, provides guidance during the construction phase and also includes the need for a tree survey. Clearly, these policies would be relevant during the development management process undertaken at the time any detailed proposals come forward.

10. The key requirements for site B52 draw attention to the location within the Airthrey Castle Garden and Designed Landscape, the Green Network and the setting of the Wallace Monument (which is a short distance to the south). Site layout, design and landscaping should bring about enhancement in these respects.

11. Although the council believes that the proposed plan policies and the key site requirements provide adequate safeguards, I consider it would also be appropriate and helpful to specify the presence of ancient woodland adjacent to the site.

12. Site B53 is an open area within adjacent ancient woodland. Primary Policy 10 and Policy 10.1 remain relevant insofar as development within the site could lead to an impact on surrounding trees. Similarly, the key site requirements refer to the Airthrey Castle Garden and Designed Landscape, the Green Network and the setting of the Wallace Monument. As in the case of site B52, I consider that reference should be made to the adjacent ancient woodland.

**Reporter’s recommendations:**

I recommend the following modifications be made:

1. In the Bridge of Allan Settlement Statement, development schedule, insert the following additional key site requirement (the second requirement) to sites B50, B51, B52 and B53:

Appropriate mitigation measures to be implemented to reduce the risk of surface water run-off flooding.

2. In the Bridge of Allan Settlement Statement, development schedule, insert the following additional key site requirement (the fourth requirement) for site B52 and site B53:

Account must be taken of the ancient woodland in the proximity of the boundary of the site and appropriate mitigation measures identified to ensure the long-term future of the

trees. In this respect, it is likely that a protective strip will be required, the extent of which should be determined following a detailed survey of the ancient woodland required under Policy 10.1.

<b>Issue 30</b>	<b>Buchlyvie</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pg 100 – 103) and Buchlyvie Settlement Statement and proposal maps (pg 128 – 131)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Douglas Scobie (01619)  Lorraine Howe (01759)  Stewart Mayhew (01760)  D Gray (01769)  D Hill (01763)  J Masell (01764)  Maria Haggerty (01765)  Alasdair Garry (01766)  Abbie Rooney (01767)  Mary Friel (01768)  Buchlyvie Community Council (90076)  Vicky Rollinson &amp; Family (01737)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to 1 allocated and 1 non allocated site within Buchlyvie: H152 – South of Fisher Place	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>H152 - South of Fisher Place</u></p> <p>Douglas Scobie (01619)</p> <p>Support the general merits of allocating the site for development, however contend that the site merits inclusion as a Period 1 (2017-2027) allocation. Consider it will not take 11 years to resolve the issue of access to the site as it is in Council control.</p> <p>Consider that the education constraints cited in the MIR site assessment is not reasonable considering the Council's previous support for an allocation of 30 units at Montgomery Place during the last LDP process. Cite the reporter's comments at examination stating that it would be unlikely for capacity issues to arise at the school. To resolve any capacity issues the applicant states that they would be willing to enter into a Section 75 Legal Agreement with the Council and to discuss phasing of the development.</p> <p>Consider that non allocation of the site will result in no housing being provided within the village, and that the village would be reliant upon windfall development. Contend that this would allow for only limited development due to the Conservation Area within the village.</p> <p>Attach a petition showing support for the development (see below).</p> <p>Lorraine Howe (01759), Stewart Mayhew (01760), D Gray (01769), D Hill (01763), J Masell (01764), Maria Haggerty (01765), Alasdair Garry (01766), Abbie Rooney (01767),</p>		

Mary Friel (01768) - Signed a petition in support of the allocation of the site.

Buchlyvie Community Council (90076)

Reiterate the concerns the Community Council submitted at MIR stage. Concerned that access to the site would be taken through an area of Open Space next to the School and Health Centre. This area has in recent years been developed as the Buchlyvie Wildlife Garden.

Also raise concern that the access would also impact on the availability of parking for patients and visitors to the School and Health Centre as there is not sufficient room to park on the road.

Vicky Rollinson & Family (01737)

Note the allocation of H152, but consider that there is significant access issues to the site and the allocation does not appear to bring any additional benefits to the community. Consider it is not acceptable that Buchlyvie is expected to only deliver 15 units between 2027 and 2037.

Non-allocated site: Ballamenoch

Vicky Rollinson & Family (01737)

Consider that the submitted site provides a natural extension to the village and would allow for settlement expansion. Consider this is supported by the Spatial Strategy which identifies the village as a Tier 4 Settlement which the Council considers are suitable for "controlled small-scale expansion, to include new affordable and market housing and business space, whilst protecting village centres.

Consider that the benefits to the village of the allocation of H152 could equally, if not more so, be delivered on this site.

State that the site is within walking distance to village amenities and the bus stop. Consider that careful and sensitive design and layout could accommodate a mix of private and affordable housing within a well-designed scheme that would be connected to existing paths and networks. Argue that this site could have less of an impact on the Conservation Area and offer enhancement of the edge of the settlement in terms of gateway features and landscape treatment with a defensive boundary. Submitted Map 4 contends that the site amounts to just over 1 hectare and could accommodate 20-25 units.

**Modifications sought by those submitting representations:**

Douglas Scobie (01619)

Bring forward the allocation from Period 2 (2027-2037) to Period 1 (2017-2027).

Buchlyvie Community Council (90076)

The issues surrounding access should be resolved to the satisfaction of local residents as well as the Planning Authority.

Vicky Rollinson & Family (01737)

- Amend the settlement boundary as indicated on Map's 1 and 3.
- Allocate the submitted site, as per Map 4, for residential development in place of H152.

**Summary of responses (including reasons) by planning authority:**

H152 – South of Fisher Place

The Council notes the position of the applicant that the site could be delivered sooner than that stated in the settlement statement. The Council has expressed support for the development of the site in principle, however are still of the opinion that the Period 2 allocation of the site is appropriate considering the access issues.

The site assessment shows that access to the site requires to be carefully considered, with the impact upon the School/Health Centre and the impact on the setting of the Conservation Area being important considerations (CD07, pg136). The Council shares the concerns of the Community Council. The community and the Community Council will be consulted further should a planning application be forthcoming.

Should the access not be resolved to satisfactorily take account of the above issues then it is likely that the development of the site would be constrained to the point of becoming an ineffective allocation. In this regard, the identification of the site as a Period 2 site is again appropriate as it indicates where potential future growth of the settlement may take place, to be confirmed by a future review of the LDP.

The Council therefore does not agree to modify the plan as requested by Douglas Scobie (01619) and Vicky Rollinson & Family (01737)

Non-allocated site: Ballamenoch

This site has not previously been considered by the Council through the current or the previous LDP process. The site has therefore not been subject to any consultation with the community.

The Council considers that not enough information has been submitted to allow a full assessment of the site for inclusion at this stage in the LDP. The Council requires further evidence to demonstrate the merits of the site being developed. This would include evidence showing how the site could be developed, appropriate account of access and a design and layout reflective of the sites edge of settlement position. Justification for the release of the greenfield site and its impact on the setting of the village would also be required. It is noted in the submission that these have not yet been prepared but the applicant is willing to provide these.

It is considered that should the applicant wish to progress development of the site further, that it would be appropriate to do so at future reviews of the LDP and supported by the appropriate assessments demonstrating the sites effectiveness. In addition, and as is discussed in Issue 3, the Council is of the view that sufficient housing land has been allocated in the Proposed Plan to meet the Housing Land Requirement.

The Council therefore does not agree to modify the plan as requested.

**Reporter's conclusions:**H152 South of Fisher Place

1. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this examination where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. In that context, serious consideration has been given to the case for allocating additional sites for housing in the plan area. However, in terms of the spatial strategy, Buchlyvie lies within the "Rural Villages Area" as defined in the proposed plan and is designated "Highly Pressured". Buchlyvie is identified as a "Tier 4" settlement in the five-tier hierarchy.
2. The Visual and Spatial Strategy Background Report (CD21) explains that Tier 4 and 5 settlements in the Rural Villages Area have "the potential to play an important but more modest role" and "will accommodate a small share of the additional development, the aim of which is more about sustaining them [the Tier 4 and 5 settlements]". The Buchlyvie Settlement Statement reflects the Background Report and indicates that the village has the potential for "small scale development". The schedule of development sites included with the Settlement Statement and Proposals Maps identifies one site for housing: H152, South of Fisher Place (15 units) which is the subject of a representation dealt with below.
3. The site is located to the north-west of Buchlyvie, on land to the west of the primary school and health centre. The immediate area is predominantly residential in nature. The site is considered capable of accommodating up to fifteen homes.
4. The representation seeks to have the site allocated for development in the plan period 2015- 2027. The council is suggesting that due to potential access issues, the site should be noted as an area where potential future growth may take place, to be confirmed by a future LDP review.
5. I find that all parties appear to agree that the site is an appropriate one for development in the village, subject to a satisfactory resolution of any access issues. I note the concerns expressed by the Community Council in relation to the potential impact an access could have on the wildlife garden and parking facilities at the health centre / primary school, but consider that such issues could be addressed through the development management process.
6. The access to this site appears to be in the control of the council, and I consider that eleven years to reach a satisfactory solution to the issue is potentially an over-conservative approach to delivering homes in the village.
7. Apart from the issue of access, there appear to be no other matters which impact on the effectiveness of the site. I note that the issue of education provision was raised at Main Issues Report stage, but the proposed plan at page 128 acknowledges that there is spare capacity at the primary school.
8. On balance, I am recommending that the site be allocated for residential development of 15 homes in this plan period. This allocation will provide homes for the local market in Buchlyvie, and in a location which is appropriate.
9. I recommend that the plan be modified by changing the Buchlyvie Map on page 131 of the plan to illustrate site H152 as a site allocated for residential development. The final

sentence of the paragraph headed “Spatial strategy considerations” on page 128 should be modified to read “Period 1 (2105-2027) with the deletion of “Period 2 (Post 2027). The table on page 130 should be modified with the number 15 moved from the fourth column to the second column.

10. There will be a consequential modification to Appendix A as a result of the above recommendation. In the Schedule of Development Sites 1. Housing Sites Buchlyvie should be amended by moving the numbers 11/4 from columns 7 and 8 to columns 5 and 6.

Non-allocated site: Ballamenoch

11. This is a site of some 1.053 hectares, to the east of the village and outside the settlement boundary.

12. The representation is seeking the deletion of housing site H152 at Fischer Place and the allocation of the subject site for residential development. No supporting information has been submitted with the representation, nor has the site been assessed through either the plan preparation process or the Strategic Environmental Assessment process associated with the plan.

13. The site lies in the countryside, and so would be subject to Policy 2.10: Housing in the Countryside (Issue 7 of this examination). Based on the limited information before me and on my site visit, I cannot see where the criteria as set at parts 9 (i) to (vi) a and b of Policy 2.10 could be met by this proposal. The representation suggests that all supporting information could be provided, and it may be that is a route the representee could pursue in a future LDP review. However, in relation to this plan, I consider that there is insufficient information before me to properly assess the potential allocation of this site.

14. The representation also seeks to have the site allocated on the basis that there is a demonstrable shortfall in housing land supply in Stirling, and that more than one site is needed in Buchlyvie in the plan period.

15. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site set out above leads me to conclude that an allocation for residential development is not justified in this plan period.

16. I recommend no modification to the plan.

**Reporter’s recommendations:**

I recommend the following modifications:

1. Modify the Buchlyvie Map on page 131 of the plan to illustrate site H152 as a site allocated for residential development.
2. The final sentence of the paragraph headed “Spatial strategy considerations” on page 128 should be modified to read “Period 1 (2105-2027) with the deletion of “Period 2

(Post 2027). The table on page 130 should be modified with the number 15 moved from the fourth column to the second column.

3. There will be a consequential amendment in Issue 3 as a result of the above recommendation, where Appendix A: Schedule of Development Sites 1. Housing Sites Buchlyvie should be amended by moving the numbers 11/4 from columns 7 and 8 to columns 5 and 6.

<b>Issue 31</b>	<b>Cambusbarron</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) Cambusbarron Settlement Statement and Proposals Map pages (pp.132-135)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Hallam Land Management Ltd & CEG Land Promotions Ltd (01179) Martha Halbert (01705) Cowane's Hospital Trust (01751) SEPA (90175) Ogilvie Homes (90586)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to one allocated housing site (H011 – Hayford Mills Phase 2) and three non-allocated sites in and around Cambusbarron and a related issue concerning Cambusbarron Primary School.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Hallam Land &amp; CEG Land Promotions (01179)</p> <p>A detailed submission has been made in support of the allocation of land at St Ninian's Road/Polmaise Road, Cambusbarron for residential development of 220 units.</p> <p>It is noted that the site was considered at the examination of the adopted Local Development Plan, with the Reporter concluding that the site was appropriate for residential development in respect to physical characteristics and proximity to facilities and services but that enough such sites were allocated to provide a 5-year housing land supply and that there was insufficient information to demonstrate that education capacity could be made available to allow the site to become effective to meet short-term housing requirements.</p> <p>Additionally, an application for planning permission in principle for residential and associated development at the site was refused by the Council and is presently the subject of an appeal (DPEA Ref. PPA-390-2046); the Council's reasons for refusal do not prevent the site from being allocated for residential development.</p> <p>The virtues of the site as submitted are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The site occupies a sustainable location within the Stirling Core Area;</li> <li>• The site fits well within the landscape, offering a logical extension to the village, consolidating the urban form and addressing the village's existing abrupt edge at Wallace Place;</li> <li>• The site is not integral to the essential character of the Local Landscape Areas and could be removed from it or developed for housing without eroding the character or identity of the wider Local Landscape Area.</li> <li>• Development would link into both the core path network and link into Cambusbarron's pedestrian network, with additional pedestrian links created. It will have easy access to public transport and will be able to both support and utilise existing services within</li> </ul>		

the village;

- There is a need to allocate additional housing land to meet a revised and increased Housing Supply Target;
- Education capacity can be made available, allowing for the development of this site within appropriate timescales to contribute to the effective housing supply;
- Access to the site can be by way of a new roundabout at the existing Polmaise Road/St Ninians Road junction
- There is the potential to extend existing bus services utilising the new roundabout as a turning facility, thereby reducing walking distance to public transport. The site therefore has a good and regular bus service to Stirling and beyond. Stirling Rail Station is located approximately 2 miles east of the site, which provides regular services to the major employment centres of Scotland;
- The site is of relatively low ecological importance;
- The site is considered to have a low to moderate potential for archaeological remains;
- There is no evidence of flooding on the site and no concerns have been raised by the Council in determined the planning application. Scottish Water advise capacity exists for the development within the foul sewer network/treatment works;
- Ground conditions are satisfactory: there is no requirement for remediation; the topography of the site does not prevent development;
- Impact from road traffic noise can be mitigated, while impact on air quality is expected to be negligible;
- The site accords with the criteria used to define an effective housing site, as defined by PAN 2/2010 Affordable Housing & Housing Land Audits (p. 17).

A related representation has been received from Hallam Land & CEG Land Promotions seeking inclusion within the Local Development Plan of a proposal to extend Cambusbarron Primary School, with the allocation of land required for this.

Significant work has been undertaken to demonstrate that education capacity can be made available to allow for the development of the site at St Ninian's Road/Polmaise Road, addressing the infrastructure constraint identified at the previous Examination. The extension would be funded by the developer.

A proposal is put forward which addresses the Council's requirements comprising the extension of the existing Primary School site, incorporating additional land to the south. This land would provide capacity for car parking, turning area to ease congestion, an outdoor learning area and a new school playing field which could potentially be provided for community use also. During construction of the extension the land can provide for a construction compound or could be utilised for temporary teaching or play space, subject to the requirements of the Council.

The school extension site is within Local Landscape Area LLA5, 'Southern Hills', however it is assessed that the site is not intrinsic to the character of the LLA, lying within a discreet corner and hence could be removed from the designation without prejudicing the integrity of the LLA.

Martha Halbert (01705)

Fully supports non-allocation of sites at St Ninian's Road/Polmaise Road and Gartur House, Cambusbarron. Comments that the local road network within the village centre is incapable of accommodating additional traffic beyond sites allocated within the Proposed

LDP. The main street and junctions connecting onto the Main Street are already hugely constrained in terms of visibility and geometry, especially given on-street parking and vehicular speeds.

Cowane's Hospital Trust (01751)

Wish to see the settlement boundary of Cambusbarron moved out to Kersebonny Road and the allocation of land at South Kersebonny Farm for residential development. The following reasons are submitted:

- Site has excellent transport links, local amenities within walking distance; development to the immediate south and a developed steading to the north make it a natural extension to the settlement;
- The site does not merit green belt status or present real value in terms of landscape;
- Cambusbarron is within the Core Area and defined as a Tier 2 settlement: given the under supply of housing land it is the precise area the Council needs to allocate more land suitable for housing. The proposed site could accommodate up to 100 units subject to masterplanning, detailed design and transport modelling work, etc., which would provide badly needed market and affordable housing in a very sustainable and desirable location;
- Reference Homes for Scotland's representation, which raises significant issues regarding the methodology adopted to define the housing supply targets, housing land requirement and the effective housing land supply;
- There is not a five-year effective land supply;
- The Council relies too heavily on strategic land allocations delivering residential units during the lifespan of the local development plan;

SEPA (90175)

Flood risk and surface water hazard issues identified for H011 – Hayford Mills Phase 2. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

Ogilvie Homes (90586)

Request that part of the Gartur Estate, north-west of Cambusbarron, is allocated for housing.

At the centre of the estate is a complex of buildings comprising Gartur House, stables and cottages and a more modern dovecote. Gartur House is category B listed in a poor state of repair and is on the Buildings at Risk Register for Scotland. A number of schemes over the years have looked at redeveloping these listed buildings but, as yet, a viable option has not been found. Previously, the Council's Planning Committee resolved to grant planning permission and listed building consent subject to a Section 75 legal agreement for the conversion of Gartur House to six flats, refurbishment of the stable block and cottages to five dwellings and a new terrace of three dwellings within the grounds, however, the legal agreement was not subsequently agreed or signed as the scheme was ultimately not financially viable once costed.

A structural survey of the building suggests that a straight conversion will be difficult to achieve and with the continued deterioration of the buildings, conversion without enabling development will not cover the conservation deficit and allow for a reasonable

developer's profit. Architects continue to explore options, which may, in the end, lead to something more akin to a rebuild than conversion.

The area proposed to be allocated covers that part of the estate where development would be concentrated, including where the existing listed buildings currently are, and areas that are being considered for enabling development, although there has been no firm decision reached on where those houses should go, or how many there will need to be built to cover the conservation deficit of converting the listed buildings and to provide an appropriate developer's profit.

The allocation of Dalnair House (H116) sets a precedent for the allocation of this type of enabling-led development. While it is accepted that this site has planning permission, the Key Site Requirements for Gartur Estate could include that any development of the estate must include for the conversion and reuse of the existing listed buildings. If conversion was not possible, it is accepted the allocation could not be implemented in accordance with this suggested Key Site Requirement but considered the Housing in the Countryside Policy would allow a certain amount of development, regardless of the site being allocated.

The representation assumes that there will be need to identify further sites in the local area for new housing and argues Gartur Estate should be one of these sites as, based upon the criteria in 'Planning Advice Note 2/2010, it is effective and Ogilvie Homes are committed to bringing the site forward. An indicative capacity of 20 units is considered reasonable and it is anticipated that all of these units would come forward in Phase 1 (2015/2022).

**Modifications sought by those submitting representations:**

Hallam Land & CEG Land Promotions (01179)

Allocation of the site at St Ninians Road/Polmaise Road for residential development with a capacity of 220 units and recognition of site's potential for a residential care home.

Inclusion of a proposal to extend Cambusbarron Primary School and the allocation of land required for this purpose, including reference on the Key Diagram – Core Area map (p.20).

Cowane's Hospital Trust (01751)

The settlement boundary on the western edge of Cambusbarron to be moved out to Kersebonny Road and the land up to South Kersebonny Steading allocated for residential development.

SEPA (90175)

See Issue 64.

Ogilvie Homes (90586)

Allocation of Gartur House site for residential development, with an indicative number of 20 units in Phase 1 of the Plan.

**Summary of responses (including reasons) by planning authority:**St. Ninians Road/Polmaise Road

The Council does not support the modifications sought by Hallam Land & CEG Land Promotions (01179) regarding land at St. Ninians Road/Polmaise Road, Cambusbarron and Cambusbarron Primary School. This is consistent with the Council's decision to refuse an application for residential and associated development upon the site in March 2016 (CD87). This application is currently subject of an appeal to the DPEA.

Arguments concerning the requirement to allocate additional land for housing development are dealt with under Issue 3 – Setting the Land Requirement for Housing. It is the Council's position that a generous supply of housing land has been allocated by the Proposed Plan.

The key issue concerning the development of this site is the capacity of Cambusbarron Primary School to accommodate the 'pupil product' that would arise from c.220 new residential dwellings within its catchment.

At the previous Examination (CD01, p.519), the Reporter noted "significant architectural and operational challenges in altering the existing building" and that "these difficulties are compounded by the size, shape and slope of the school site". At this time it was not possible to establish if these accommodation difficulties were capable of being overcome or whether they are insurmountable. In the intervening period, in connection with the submitted planning application, the Council's Education Service and Assets and Building team have engaged with the developers in detailed design work in order to find a means to increase the capacity of the school.

The Council is of the view the end of this process has been reached without an acceptable solution being found (CD53). Two major difficulties have been highlighted: Firstly that the school, pupils and community would experience a 16-24 month period of severe disruption. This includes further disruption to traffic flows to and from the school, access challenges, restrictive availability of outdoor space and the ongoing disruption of being located next to and attached to a live building site. Secondly, and fundamentally, it is believed that the development would deteriorate the primary education provision in Cambusbarron.

A number of detailed physical challenges with the proposals put forward by Hallam Land & CEG Land Promotions have been highlighted. Furthermore, the extension of the school grounds southward – beyond the settlement boundary into woodland – to create outdoor space and car parking is questioned with regard to landscape impact, ground conditions, feasibility and desirability.

South Kersebonny

Cowane's Hospital Trust (01751) seek the removal of land at Kersebonny Road from the green belt and allocation of the site for housing with an indicative capacity of 100 residential units. The Council does not support this modification.

Arguments concerning the requirement to allocate additional land for housing development are dealt with under Issue 3 – Setting the Land Requirement for Housing. It is the Council's position that a generous supply of housing land has been allocated by the

## Proposed Plan.

Land to the north of Cambusbarron – including the proposed site – was designated as green belt by the adopted Local Development Plan following a review (CD33). The study notes that the Category A Listed mill buildings, Hayford Mills, adjacent to the site promoted by Cowane's Hospital Trust, reflect the historic relationship between the settlement of Cambusbarron and the Raploch Burn. The contrast between the open flat carse, the mill buildings and the higher ground of Cambusbarron are important to the character of the settlement and the wider landscape setting of Stirling. The green belt in this location therefore protects the setting and identity of the listed buildings, Cambusbarron and Stirling.

The Council strongly disagrees that the proposed site does not merit green belt status or present real value in terms of landscape. Furthermore, it considers that development of land adjoining Kersebonny Road would be detrimental to the setting, views to/from and established landscape character of Cambusbarron and Stirling; the setting of Hayford Mills; and would be a major departure from the existing settlement pattern.

As noted above with respect to the site at St. Ninians Road/Polmaise Road there are also significant issues with regard to the capacity of Cambusbarron Primary School to accommodate further development.

For these reasons, the allocation of the site for residential development is opposed.

### H011 – Hayford Mills Phase 2

See Issue 64.

### Gartur House

Stirling Council does not agree with the modification seeking to allocate land at Gartur House for development as sought by Ogilvie Homes (90586).

The principle of the restoration/conversion of Gartur House, stable block and cottages with limited new build to complete the steading is supported, as reflected in the resolution to grant planning permission and listed building consent, subject to a Section 75 legal agreement, in 1998. Permission, ultimately, was never granted and in the intervening period, the Category B Listed house and stables (CD91) have continued to deteriorate. In 2015 the Buildings at Risk Register for Scotland reclassified the condition of the Gartur House as ruinous.

Renovation and conversion would, broadly, be supported by the Housing in the Countryside Policy (2.10). However, the Council has significant reservations about the capacity of the grounds for additional new build/enabling development. At this stage and with regard to paragraph 142 of Scottish Planning Policy (CD02) there is insufficient information to demonstrate that enabling development is the only means of preventing the loss of Gartur House and stables and securing their long-term future; the extent of development that is required and that this is the minimum necessary; and how development can be designed and sited to preserve or enhance the character and setting of the house and stables.

The site lies outwith the settlement boundary of Cambusbarron and has a rural and

remote character. It is located within the Southern Hills Local Landscape Area where historic mansion houses and their associated parkland and policy landscapes – such as Gartur House – are a noted feature of the hill fringes. New build development is likely to have a detrimental impact on the setting of the listed buildings and the landscape character of this part of the Local Landscape Area.

The location is not optimal in terms of integration with the existing community and access to services; the nature of the proposed development is that it is unlikely to contribute to (or be suitable for) the provision of particular needs housing, including affordable housing.

Furthermore, the Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.

### **Reporter's conclusions:**

Hallam Land & CEG Land Promotions (01179)

1. I note that this site was considered at the last local development plan examination as being suitable for residential development in respect of physical characteristics and proximity to facilities and services. At that time sufficient land had been allocated for housing and there was uncertainty about further education capacity being made available to allow the site to become effective.
2. Since then an appeal was made to DPEA (ref PPA-390-2046) regarding residential development on the site. The reporter issued on 23 May 2017 a notice of intention to grant planning permission in principle for residential and associated development subject to the completion of a planning obligation relating to the extension and enhancement of Cambusbarron primary school and other matters. This followed from his conclusions that the issue of primary school accommodation could be resolved.
3. Further information requests 17 and 18 sought further views on the notice of intention and allocation of the site in the proposed plan. The council noted that negotiations between it and the applicants (the representees to the examination) have not been concluded and therefore there is insufficient information and certainty that the site would be a deliverable allocation in the plan. The council has argued (see Issue 3) that sufficient land is available for housing and that there is no need for any further land allocations. If the site is allocated it would increase the five year supply to around 6.1 years.
4. The council considers that if the site is not allocated, and planning permission is subsequently granted, then the development would count as windfall and be identified as part of the established land supply through the housing land audit.
5. The representees state that a draft section S75 obligation has been submitted to the council. They consider they have no reason to believe there would be any difficulty in concluding an agreement with the council. In the event that one is not reached they would complete a unilateral obligation regarding the site.
6. They suggest that the second paragraph of the Cambusbarron settlement statement

be amended to remove the reference to the primary school not being able to accommodate further extension, replacing it with a statement that it could. They further recommend that the table on page 134 of the proposed plan be amended to include the proposed site, with appropriate reference number and key requirements consistent with the current table. As neither the planning application nor notice of intention specify a specific number of houses this figure would be determined through an application for approval of matters specified in conditions. A figure of 250 units is suggested, with 160 in the period 2012 – 2022 and 90 in the period 2022 – 2027. Consequential modifications would be made to the Cambusbarron proposals map and the Schedule of Development Sites.

7. The council has not made any comment on these proposals subsequent to its initial response to the further information requests referred to in paragraphs 3 and 4 above. It has however responded to Further Information Request 23 with regard to review of supplementary guidance concerning educational developer contributions. It states that it has reassessed school roll forecasting based on birth rates, migration and planned housing growth, including the pupil product arising from a range of completed developments. Although not finalised the council is of the view that the pupil product for both primary and secondary schools should be reduced with the result that in some cases a slightly higher level of development may be able to be accommodated in those areas with known school capacity constraints.

8. Our findings in relation to housing land supply in Stirling are set out at Issue 3 of this report. We have concluded that the number of house sites proposed in the plan falls short of the requirement.

9. Taking account this need to provide a greater number of houses than provided for in the proposed plan, and the council's comments set out above, we have accepted the representees' figure for the proposed site and incorporated this in the table at paragraph 90 of the report on Issue 3. Accordingly the proposed plan should be modified as suggested above, and including requirements set out in the Notice of Intention for appeal PPA-390-2046.

Cowane's Hospital Trust (01751)

10. This site occupies a large flat area of farmland at South Kersebonny extending to some 11 hectares. Although adjacent to the north-west boundary of Cambusbarron it lies within the green belt and visually is disconnected from the settlement. Whilst it may be an easily developable site its location within clear open countryside, with only a relatively short boundary against the existing residential development at Hayford Mills, means that it would sit uncomfortably as a new development with a poor visual relationship to the existing community.

11. The strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of the proposed plan other sites have been identified to address this shortfall. In any event my assessment above, which concurs with that of the council, leads me to conclude that the site is not an appropriate one to be included in the proposed plan. No modification is needed.

SEPA (90175)

12. Matters relating to flood risk for site HO11 Hayford Mills are dealt with at Issue 64

when a modification is proposed at paragraph 3. However in the issue the reporter notes that the council in a further information request response stated the site capacity could be increased by five units following a reassessment of the flood risk. The proposed plan should be modified accordingly.

13. The council has set out above the history of proposals for enabling development to support the restoration and conversion of Gartur House and associated buildings. The council has accepted the need for this in principle and I accept that judgement.

14. It is clear however from its classification as ruinous in the Buildings at Risk Register, and from what I saw at my site inspection, that all the buildings have deteriorated significantly. The buildings do not lie within the core area, and the council has provided above a clear description of its landscape setting. An allocation of 20 houses would be a clear intrusion within this landscape.

15. As it is not within a settlement, irrespective of any conclusions in Issue 3 in terms of housing land supply, residential development of the scale proposed would not accord with the spatial strategy.

16. Whilst I have sympathy with the objective of securing the restoration of the Gartur buildings I do not have sufficient information to enable me to assess whether a special case has been made for such enabling development. It is open to the owners to prepare a new and justified proposal, in discussion with the council, to assess whether such a case can be made and an application put forward to be assessed against the wider development plan policies. In the meantime I am not persuaded to recommend any modification to the proposed plan.

#### **Reporter's recommendations:**

The plan should be modified as follows:

1. In the second paragraph on page 133 under 'Infrastructure considerations' delete the last sentence. Replace this with: "The school is however capable of accommodating additional extensions to absorb the pupil product generated by further housing development."

2. Amend the table for housing sites on page 134 to include "St Ninian's Road/Polmaise Road" with a capacity of 250 houses and an allocation in the columns 15/22 and 22/27 of 160 and 90 respectively." Under 'Key site requirements add:

- "Completion of S75 obligation to provide for developer contributions including an extension to Cambusbarron primary school, and if necessary the transfer of land to the south of the school campus to accommodate this, and a contribution towards transport measures identified in the City Transport Strategy in accordance with supplementary guidance SG14: Ensuring a Choice of Access for New developments."
- A 25% affordable housing provision.
- A new roundabout at the junction of Polmaise Road and St Ninian's Road to be fully formed before the occupation of any building within the development."

3. On the settlement proposal map on page 135 add the proposed site. There should be a consequential amendment to the table on page 100

4. On Appendix A Schedule of Development Sites add the proposed allocation.
5. On page 134 for site HO11 Hayford Mills Phase 2, in Period 1, Phase 1 delete 37 and Insert 42. There should be a consequential amendment for site HO11 in the table on page 100

<b>Issue 32</b>	<b>Cowie</b>	
<b>Development plan reference:</b>	Amendments to the wording of Primary Policy 6 are also considered as part of Issue 22: Primary Policy 14: Soil Conservation and Agricultural Land	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Derek Byrne (01426) McCormack Holdings Ltd (01747) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	The Cowie Settlement Statement and Proposals Map sets out the approach to development in Plean , and shows the site boundaries, phasing , estimated capacities and key site requirements for site allocations H074/B01 Berryhills Main Street, H146 - St. Margarets and B02 Berryhills Main Street - West of Units 1-3.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>H146 - St Margarets</u></p> <p>Derek Byrne (01426)</p> <p>Does not object to the allocation but would like consideration to be given to a range of design, layout, parking, road safety, neighbourhood amenity and building use considerations.</p> <p><u>B02 - Berryhills Main Street – West of Units 1-3</u></p> <p>McCormack Holdings Ltd (01747)</p> <p>Owned site for seven years. Representation details limited sporadic use of units on the site, lengthy periods of vacancy and difficulty in securing tenants. Site also has poor access arrangements and is further constrained by proximity to new housing and the school, and may also raise safety issues. Suggests 15 acres site vacated by Redlands at the start of the village a better location for industrial/business development. There are many empty units and extensive undeveloped land at the Bandeath Industrial Estate, Throsk, less than 2 miles away.</p> <p><u>H074/B01 Berryhills Main Street</u></p> <p>SEPA (90175)</p> <p>Note development requirement has changed from the Adopted LDP. Bullet point 5 states that potential air quality should be assessed, when in the Adopted LDP it is stated that potential air quality <u>and noise impacts</u> should be assessed. Unless a noise assessment has already been carried out require inserting the reference to noise again. This is due to a co-location with Norboard Ltd.</p>		

Surface water hazard identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

**Modifications sought by those submitting representations:**

H146 - St. Margarets

Derek Byrne (01426)

None specified.

B02 - Berryhills Main Street – West of Units 1-3

McCormack Holdings Ltd (01747)

Allocation should allow for more open uses on the site to encompass housing retail and employment.

H074/B01 Berryhills Main Street

SEPA (90175)

Change the development requirement to 'potential air quality and noise impacts should be assessed'.

**Summary of responses (including reasons) by planning authority:**

H146 - St Margarets

Derek Byrne (01426)

The Proposed Plan prioritises the importance of design, urban design and placemaking. The Council notes the issues raised, a number of which are referred to in the key site requirements. As a neighbouring proprietor Mr Byrne will be directly notified of any planning application and will be able to submit comments across a broad range of planning and environmental criteria, including those mentioned in the representation, with the Council obliged to take account of any concerns raised.

B02 - Berryhills Main Street – West of Units 1-3

McCormack Holdings Ltd (01747)

The Proposed Plan's Section 6 – Setting the land Requirement for Housing, Business and Retail explains how the LDP will deliver development which will contribute to the success of the area in terms of built and natural heritage, the economy and the well being of its residents. Section 6.16 - 6,20 relates to employment land. Attention is drawn to the alignment of the Proposed Plan with Stirling's Economic Development Strategy, through the allocation of sites for employment purposes to meet the diverse needs of indigenous firms and incoming investors. The overall supply of employment land has also been informed by a Business Space Strategy 2010. Such allocations in the Eastern Villages also support the housing led regeneration objectives of the Plan's Spatial Strategy by providing local business and commercial space to improve local employment

opportunities.

Whilst acknowledging the availability of business land in the outskirts of the village and in nearby Throsk, the Council is of the view it is also important to continue to safeguard, under Policy 2.4: Safeguarding Employment Land and Property the more centrally located B02 land. This could also be conjoined with land to be retained for business use in the H074/B01 allocation to the west to ensure, overall, a sustainable pattern of development within the village. The concerns raised in the representation regarding incompatibility with surrounding educational and residential uses are not deemed to be of sufficient weight to justify alternative uses.

The Council therefore does not agree to modifying the Plan to allow the site to be potentially used for a broader range of uses such as housing and retail, as well as employment uses.

These conclusions were also supported at the Examination of the current adopted plan (CD03, pp 557-571), with the Reporter stating:

"While the loss of 0.7 hectares at B02 may not be significant, as stated above, the Eastern Villages regeneration imperative needs to be supported. In that context, intensely local employment allocations are an appropriate and sustainable response."

The above mentioned spatial strategy and placemaking concerns were fully recognised by the Reporter who declined to modify the plan and allocate the land for housing development. The Reporter was also of the opinion the LDP offers reasonable flexibility that allows for reconsideration in the event that the B02 development opportunity is not taken up. This remains the case with the current Proposed Plan, under advice set out in Policy 2.4: Safeguarding Employment Land and Property. However for the reasons given above the Council is of the view the land should continue to be allocated for employment use to support the Spatial Strategy.

#### H074/B01 Berryhills Main Street

SEPA (90175)

A noise assessment has been carried out in relation to the planning application for this site (Ref. no. 14/00546/PPP - Residential development of up to 433 homes, 0.7 hectares of employment land, etc. Main Street, Cowie (as yet undetermined) (CD74).

The Council therefore does not agree to modify the Plan in this regard.

#### **Reporter's conclusions:**

##### H146 – St Margaret's

1. The representation includes a substantial list of comments on a range of matters relating to the development of the site. Although there is no objection to the principle of development, the capacity of the sewage works is questioned. In this respect, however, the Scottish Environment Protection Agency has not raised any concerns about the ability of the treatment plant to cope with the proposed development.

2. A further concern has been expressed in respect of the possible use of the site for

houses in multiple occupation. The proposed plan indicates that an affordable housing development is intended for the site. Houses in multiple occupation would be the subject of control under Policy 2.3: Particular Needs Housing and Accommodation, which refers to the protection of residential amenity.

3. The remaining aspects of the representation refer mostly to matters of layout, design and practical implementation and future operation of the development. Consideration of these matters is important but would be better undertaken at the time detailed proposals are being brought forward. The development management process is intended to address such matters and, as the council explains, neighbour notification would provide the opportunity to submit further comments. Certain matters are not directly related to the development of site H146, such as the removal of overhead power lines, and therefore fall beyond the scope of this part of the examination.

4. Under the circumstances there is no requirement to amend the terms of the proposed plan.

#### B02 - Berryhills Main Street – West of Units 1-3

5. The council argues the importance of supporting the spatial strategy, particularly, in this case, the supply of employment land. Paragraph 6.20 explains that the overall supply of employment land is designed to meet aspirations for economic and employment growth. Provision has been informed by both a Business Space Strategy and a Rural Stirling Space Strategy.

6. This approach was endorsed at the examination of the current local development plan and I note the reporter's opinion that the loss of this site for employment purposes would be "significantly and fundamentally detrimental to the local development plan vision and spatial strategy."

7. On the other hand, the representation draws attention to the availability of a substantial amount of employment land in both Cowie and nearby Throsk. Taking into account the protracted and unsuccessful period of marketing site B02 along with the proximity of a new primary school and nursery as well as residential property, it is argued that the proposed employment land allocation is no longer appropriate.

8. I can see some merit in the representation but, nevertheless, agree with the council's belief that the wider spatial strategy is important and requires to be supported. In reaching this conclusion, I note there is a degree of flexibility in the approach to the safeguarding of employment land as set out in Policy 2.4. In particular, paragraph (b) of Policy 2.4 identifies the circumstances where other uses may be supported. Indeed, the council makes reference to the adjacent allocations, H074 and B01, where both housing and employment uses are proposed. As the council suggests, the future of site B02 could well be conjoined with the neighbouring site H074/B01.

9. I also note that the Business Space Strategy dates from 2010. It may be that the council will undertake a review of the strategy which would include reconsideration of the future of site B02. However, no information has been provided on the prospect of any review of the strategy. In the meantime, therefore, whilst taking account of the potential relationship of the site with the neighbouring land, on balance, I conclude that the proposed plan should not be amended.

H074/B01 Berryhills Main Street

10. The Scottish Environment Protection Agency is prepared to accept the terms of the local plan in the event of a noise assessment having been undertaken. The council confirms that a noise assessment has indeed been prepared to accompany a planning application for site H074/B01 although the application remains undetermined.

11. Although an application for planning permission in principle has been submitted, as explained, this has not yet been determined and, in any event, approval would not guarantee implementation. Nevertheless, the noise impact assessment that accompanies the application has been prepared by a professional acoustic consultancy. The report was prepared on a confidential basis but is now in the public domain as a document supporting the planning application. Accordingly, I accept that the terms of the report are available, if required, to assist in the consideration of future development proposals for the site.

12. In any event, as indicated, the Scottish Environment Protection Agency is content with the proposed plan subject to a noise assessment having been prepared. This requirement has been met and, on this basis, I conclude that no amendment is required.

**Reporter's recommendations:**

No modifications.

<b>Issue 33</b>	<b>Deanston</b>	
<b>Development plan reference:</b>	Deanston Settlement Statement and Proposals Map.	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Stewart Milne Homes (90272) Gladman Developments Ltd (90350)		
<b>Provision of the development plan to which the issue relates:</b>	Deanston Settlement Statement and Proposals Map which outline the settlement boundaries and development allocations.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Deanston &amp; Doune Settlement Boundaries</u></p> <p>Stewart Milne Homes (90272)</p> <p>Contend that the Council seeks to make a false distinction between Deanston and Doune and the Proposed Plan's Settlement Plans for the villages, and that previously some Development Plans acknowledged the fact that the boundaries between them are unclear. They comment that the settlement boundaries in respect of Deanston and Doune are drawn tightly around the two settlements, thereby excluding areas as such 'Lochills', which they contend has the dispersed character typical of rural settlements within the Stirling LDP area. They argue that to road users travelling the A84 this area appears as part of the approach to Doune, which is reinforced by the position of the 30mph limit to the south of the junction with the B8032.</p> <p>Their comments in respect of the Development Approach within the Spatial Strategy to these settlements are addressed in Issue 1 – Vision &amp; Spatial Strategy.</p> <p><u>Non-Allocated Sites: Deanston House &amp; Lochills</u></p> <p>Stewart Milne Homes (90272)</p> <p>Contend that the Settlement Statement for Deanston confirms that there are no infrastructure constraints relative to Deanston, and submit representation in support of the allocation of two sites – Deanston House and Lochills. Combined they state that these sites could accommodate 100 -150 units. In support they submit an extensive 'Masterplan/Development Framework' document, which considers landscape/visual amenity; townscape; ecology; cultural heritage; and transportation issues in respect of the two sites. It is contended that the resultant Masterplan responds positively to current and emerging planning policy, including Designing Streets, will respond positively to the adjoining townscape and that the development proposed will not have far reaching environmental effects, nor have undue visual impacts.</p> <p>Furthermore, in respect of the site at Deanston House they note that the Deanston Settlement Statement identifies a relatively poor range of open spaces serving the local</p>		

population. They contend that the submitted Masterplan allows for an area of the parkland setting to Deanston House to be retained, and that this could be made accessible to the village.

They reference the Council's previous site assessment contained within the MIR (CD07, pg 150) and the decision not to proceed with allocating the site. They contend that contrary to the Council's assessment, their submitted information demonstrates that through careful siting and design it can be ensured that development does not impact on the setting of the Listed Building (Deanston House), or the character of the Conservation Area, and argue that the Conservation Area status does not preclude development as a matter of principle.

Reference is made to the Council's Conservation Area Appraisal (CD22) relative to Deanston Conservation Area and the fact that it stresses the importance of the grounds of Deanston House. They argue that despite this, the Council has failed to produce any plans or mechanisms for ensuring the proper management and maintenance of the woodland, which is in separate ownership to Deanston House itself. They contend that the introduction of housing onto the site represents the only realistic means of securing the woodland.

With regards to the site at Lochills, they contend that the site is surrounded by development, and as it no longer forms part of an agricultural unit or country estate, it has become an isolated remnant field. As outlined above they argue that the development surrounding the site should be viewed as an extension to Deanston/Doune and consequently that development of the land at Lochill supported. They state that this would consolidate what they describe as 'disparate settlement edges to Deanston and Doune'.

#### Non-allocated site: Deanston Farm

Gladman Developments Ltd (90350)

Further to their comments submitted in relation to housing numbers and land supply (considered within Issue 3) Gladman Developments Ltd comment that the Spatial Strategy does not provide for any additional future growth within Deanston, despite the Proposed Plan identifying a housing shortfall in the Rural Villages Area.

They seek the allocation on land at Deanston Farm, which they contend is sustainable and deliverable, and would be in line with the Plan's Spatial Strategy. In support they submit a 'Vision document', which they argue demonstrates that development of the site would form a logical expansion to Deanston; be in keeping with the character of the settlement and wider landscape setting; and help create a strong defensible boundary to a currently weak settlement edge.

Stewart Milne Homes (90272)

Take issue with the Council's site assessment relative to the site, which was submitted in response to the MIR. More specifically they express surprise that the Council consider the site a 'logical extension' to the settlement, given the lack of defensible visible boundary, and argue that this would be in stark contrast to the sites at Deanston House and Lochills.

**Modifications sought by those submitting representations:**Deanston & Doune Settlement Boundaries

Stewart Milne Homes (90272) request that:

The Settlement Statements for Deanston and Doune be combined, and that there be recognition that they represent one rural service centre and focus for development with no clear, distinct boundaries between them.

Non-Allocated Sites: Deanston House & Lochills

Stewart Milne Homes (90272) request that:

- That Deanston House be added to the housing sites in Appendix A of the Proposed Plan, and shown on the Proposals Map within the Settlement Statement.
- That Lochills be added to the housing sites in Appendix A of the Proposed Plan, and shown on the Proposals Map within the Settlement Statement.

Non-allocated site: Deanston Farm

Gladman Developments Ltd (90350) request that:

That land at Deanston Farm be added to the housing sites in Appendix A of the Proposed Plan.

**Summary of responses (including reasons) by planning authority:**Deanston & Doune Settlement Boundaries

Stewart Milne Homes (90272)

The contention by Stewart Milne Homes that previous Development Plans 'acknowledged that the settlement boundaries between the two villages was unclear' is strongly refuted. As evidenced within the relevant extracts of the current LDP (CD01) (pages 140 – 147), Local Plan Alteration 1a (CD24) (page 86) and Stirling Local Plan December 1999 (CD25) (pages 114 – 115) previous Development Plans for the villages have all determined clear, and separate, settlement boundaries for the two villages. The Council would contend that Doune and Deanston are two discernibly separate settlements, located on opposite sides of the River Teith, and each have their own particular character and history. Given this, the Proposed Plan approach to their separate settlement boundaries is considered entirely reasonable and appropriate.

Furthermore, the argument that the development around Lochills is reflective of that within rural settlements to the extent that it warrants inclusion within the settlement boundary is not accepted. Whilst the existence of some pockets of development in the area is not in itself disputed, the Council would strongly contend that these are small pockets of dispersed development, set within a clearly discernable wider rural context, irrespective of speed limit on the A84. Their scale and organic nature is more reflective of development within the countryside, as opposed to that found within the boundaries of villages and settlements. Consequently the Council do not agree that the area surrounding Lochills should be included within a settlement boundary, and as such do not agree to modify the

Plan in respect of this representation.

Non-allocated Sites: Deanston House & Lochills

Stewart Milne Homes (90272)

The representation seeks allocation of land in two locations for residential purposes. The Examination Report (CD03) (pages 226 – 236) into the current LDP concluded that these were inappropriate locations for housing, as did the Council's assessment contained within the recent MIR (CD07) (pages 150 – 153) prepared in advance of the Proposed Plan.

The Council has considered the various reasons and information put forward in support of the proposed modifications, but considers that the Council's reasons for non-allocation of both sites as outlined within the Examination Report, the Reporter's conclusions therein, and the most recent assessments within MIR continue to be valid.

In respect of the site at Deanston House the Council continues to contend that Deanston House, a category B Listed Building (CD92) and its grounds are integral elements of the Deanston Conservation Area, representing the home and designed landscape of the mill owners/managers over the history of the creation of the industrial village at Deanston. Together they are considered to make an important contribution to the complex of buildings and spaces that represent the history and character of the village, and the understanding of it.

The historic importance of the planned village is recognised within the Deanston Conservation Character Appraisal (CD22) and Appendix C, which outlines its context in the national picture of mill villages, and which recognises Deanston as being particularly valuable for the close association of its large manager/owner's house.

Despite the arguments to the contrary contained within the representation, the Council consider that the scale of development and layout indicated within the submitted Masterplan document would have a detrimental, and irrevocable, impact on the remaining parkland, the setting of Deanston House, their inter-relationship and the character and understanding of the wider Conservation Area. Furthermore the development promoted would bear little relationship to the character, layout and structure of the village, a fact compounded by the separate main access proposed for the site.

Therefore whilst it is accepted that Conservation Area status does not in itself preclude any level of development within it, the Council would contend that allocation of the site for the development as represented within the submission would:

- Fail to meet with paragraph 41 of SPP (CD02) which requires development to be distinctive by complementing local features, including landscapes, spaces and scales, streets and building forms;
- Run contrary to paragraph 137 of SPP (CD02) which states in respect of the historic environment that the planning system should manage change sensitively to avoid or minimise adverse impacts on the fabric and setting of an asset, and ensure that its special characteristics are protected, conserved or enhanced;
- Conflict with Historic Environment Scotland's Managing Change – Setting (CD26) guidance in respect of ensuring that development does not adversely impact on the ability to understand or appreciate an historic asset;

- Be divergent to the thrust of the policies contained within the Proposed Plan relative to Placemaking and Conservation of the Historic and Natural Heritage.

The fact that the parkland is not currently actively managed is not considered sufficient reason in itself to over-ride the significant concerns outlined above, Nor is its replacement with a much reduced area of managed open space as part of the promoted development. In recognition of the historic significance of the village, the Council is currently pursuing funding for a Conservation Area Regeneration Scheme (CARS) with Historic Environment Scotland. Should this be successful this will include an environmental enhancement project focusing on the approach into the village, and which will seek to include some management of the woodland along the roadside. This will be contingent on the agreement of the private landowner.

In respect of the land at Lochills, in the first instance the Council would strongly refute any need for the site to be allocated in order to consolidate 'disparate settlement edges to Deanston and Doune'. As argued above, the Council consider that Doune and Deanston are two discernibly separate settlements, located on opposite sides of the River Teith each having their own particular character and history. Given this, the Proposed Plan approach to their separate settlement boundaries is considered entirely reasonable and appropriate. Moreover it is contended that development or allocations which could lead to their potential coalescence would be wholly inappropriate.

Furthermore the Council would continue to contend that the over-riding character surrounding the promoted site is that of a rural, countryside landscape. The scale and organic nature of surrounding pockets of development is reflective of development within the countryside. It is considered that the development of the site for the numbers and layout suggested would result in an isolated residential development, out of scale, character and density with its surroundings that could not be reasonably be described as an extension or consolidation of an urban edge, nor its impacts mitigated by additional tree planting. As outlined within the assessment within the MIR it could also impact on a Scheduled Monument.

The scale of development envisaged through the representations (individually and collectively) is considered contrary to the Proposed Plan's Spatial Strategy, disproportionate to the limited local services and facilities within the village, with limited connections to them. As specified within the Proposed Plan (page 143) they are also constrained by limited school and drainage capacity.

In light of the above, and the fact that through Issue 3 the Council has demonstrated that the Proposed Plan allows for a generous housing land supply, the Council do not agree to modify the Plan in response to representations made in respect of either of the sites.

#### Non-allocated site: Deanston Farm

Gladman Developments Ltd (90350) and Stewart Milne Homes (90272)

As highlighted by the Council's Additional Site Assessments, June 2016 (CD08) (pages 7 - 8) and summary of response to representations made to the MIR (CD23) (pages 173 – 174) , it is acknowledged that the site promoted is not without some merit, subject to further consideration regarding establishing appropriate, and long-term settlement boundaries. However, at this time allocation of the site is considered contrary to the Proposed Plan's Spatial Strategy, which directs the majority of development to the

Core Area, whilst envisaging small-scale expansion of some rural settlements, consistent with their size in order to sustain local services.

In this respect, Deanston has experienced recent development, is served by limited local services and facilities, and as specified within the Proposed Plan (page 143) is constrained in terms of school and drainage capacity.

In light of the above, and the fact that through Issue 3 the Council has demonstrated that the Proposed Plan allows for a generous housing land supply, the Council do not agree to modify the Plan in response to the representations made.

### **Reporter's conclusions:**

#### Deanston & Doune Settlement Boundaries

Stewart Milne Homes (90272)

1. I note the description of the boundaries of Deanston and Doune as being tightly drawn and I accept this as accurate. The proposed boundaries are retained from those in the present plan and cover the principal developed areas of each settlement, which are quite distinct from one another.
2. Approaching Doune from the south along the A84 it is clear to the traveller that the main built up area is not reached until some 200 metres or so after the River Teith has been crossed. The fact that the road sign 'Doune' is located south of the River is irrelevant in this regard and has no statutory planning relevance.
3. Deanston on the other hand is approached by turning west along the B8032, before the Teith crossing and then almost immediately along the un-named road that follows the south river bank until the built-up area is reached after some 500 metres. In addition to the river, the two settlements are divided by coniferous woodland and there is no obvious visual connection between the two.
4. With regard to Lochills, this is a dispersed area of housing and commercial development on the west side of the A84 and south of the B8032. There is no obvious visual link to either Deanston or Doune. I accept the council's explanation that the scale and organic development is more reflective of development within the countryside as opposed to that within the boundaries of villages and settlements.
5. I find no justification for modifying the settlement boundaries.

#### Non-Allocated Sites: Deanston House & Lochills

Stewart Milne Homes (90272)

6. Deanston House is located to the south-east of the village, just within the settlement boundary. The council gives a comprehensive description of the role played by the house and its designed landscape in the history of the village. The designed landscape is largely outwith the settlement boundary but within the Deanston conservation area, which extends east as far as the Teith bridge. It is comprised largely of parkland which from observation at my site inspection provides an imposing setting for the house.

7. I note the council's proposals for a Conservation Area Regeneration Scheme that would include environmental enhancement on the approach to the village. Whilst this is by no means certain, its implementation would be prejudiced by development as proposed within the policies of the house and the designed parkland landscape. I accept the council's view that the replacement of the parkland by a much-reduced area of managed open space within the proposed development is not a sufficient reason for over-riding the council's significant concerns about the impact on the conservation area as set out clearly above.

8. In addition, Deanston is a tier 4 settlement outwith the core area where the spatial strategy promotes sustainable expansion within the settlement consistent with its size and role in the settlement hierarchy. On this basis, irrespective of the conclusions in Issue 3 in terms of housing land supply, residential development of the scale proposed would not accord with the spatial strategy.

9. With regard to Lochills, I have referred above to its location outwith the Deanston settlement boundary and the dispersed nature of its character. It comprises a mixture of housing and commercial development, with the latter divided between a filling station and associated activity along the main road, with a caravan site and small industrial estate to the west. There are paddocks in between that emphasise the rural character of the area, in line with the council's description. There is some scattered housing on the west side of the A84 and the south side of the B8032.

10. The proposed plan makes provision for limited commercial development within a designated Rural Activity Area that comprises the industrial estate and some adjacent land. This would be in keeping with the present character of the area. Housing development on the scale proposed would change this character and for the reasons set out in paragraph 7 above would not accord with the spatial strategy.

11. I find no justification for modifying the proposed plan.

#### Non-allocated site: Deanston Farm

Gladman Developments Ltd (90350)

12. This site, on the west side of Deanston but outwith the settlement boundary, is a relatively level field extending north from the B8032 to the River Teith. It is screened from the road by a fairly narrow strip of woodland but is otherwise open in character. I accept the council's view that as a potential housing site it has some merit, subject to establishing appropriate and long-term settlement boundaries.

13. That said, such development would only be appropriate if it fell within the overall spatial strategy of the plan. For the same reasons as set out in paragraphs 7 and 8 above this would not be the case here where development of a tier 4 settlement outwith the core area is restricted in scale. I also note that a substantial development site of some 60 houses was completed in 2011, as noted in the present local development plan. I do not consider that any substantive arguments have been put forward to justify another significant expansion with a relatively short timescale.

14. I find that no modification is required.

**Reporter's recommendations:**

No modification.

<b>Issue 34</b>	<b>Dunblane - Allocated Housing Sites</b>	
<b>Development plan reference:</b>	Sites H020, H133, H138 & H137 within Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) & Dunblane Settlement Statement and Proposals Map (150-157)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scott Christie (01486)                  John &amp; Elsie McKinnon (01721)                  Sally Homoncik (01735)                  Dandara Ltd &amp; Arnbathie Developments Ltd (01738)                  King Group (01742)                  Kippendavie Group Trust (90070)                  Dunblane Community Council (90085)                  SEPA (90175)                  Gladman Developments Ltd (90350)                  David Prescott (91029)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The issue relates to four sites within the settlement boundary of Dunblane allocated for residential development: H020 – Bogside; H133 – Whitecross; H138 – Barbush & H137 – Hillside.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Scott Christie (01486)</p> <p>Objection to the allocation of H137 – Hillside. Access from Montgomery Crescent to Douglas Place is a blind curve entering a congested area where children often play around the pavements and street plus the road gap between 7 Douglas Place and 10 Douglas place is not wide enough to allow two-way traffic. Housing development will add additional vehicles to an already unsafe road access and the potential for further congestion and unsafe vehicle movement: an already high risk situation would be made far more dangerous.</p> <p>John and Elsie McKinnon (01721)</p> <p>Objection to the allocation of H133 – Whitecross. Concerned with amount of traffic that would be directed along Whitecross Avenue, an extremely narrow street which already has significant parking problems as there is no off road parking. Extra traffic using the road would exacerbate current problems; access to the site during construction would be difficult; also the issue of safety as there are several young children who live in the street mostly at the top of the cul-de-sac where the new access would be located.</p> <p>Site hosts extensive wildlife including roe deer, heron and other species. These animals return each year in the spring and raise their young in the surrounding field.</p> <p>Development would place a heavier burden on existing basic facilities, including overcrowded schools and drainage.</p>		

Sally Homoncik (01735)

Objection to the allocation of H133 – Whitecross. Concerned about access and loss of green space.

Existing road is narrow with cars regularly parking on both sides and would not be an ideal two-way street. Proposal to provide off street parking would be very challenging given the number of cars. Strong sense of community and safeness for children would be lost if road became two-way with no parked cars.

Although not widely utilised by the public, the site provides a recovering, semi-natural buffer area of grassland, free from development in the town setting – the piecemeal degradation of green space, important to the character and nature of the area and one of the primary attractions of Dunblane should not be supported, particularly for this small number of houses. Roe deer and heron are regularly observed along the Scouring Burn and sheltered area surrounding it. While development will not encroach directly upon this area, disruption and the proximity of houses to this sheltered space may have an impact on wildlife and displace it.

The proposal does not protect the amenity of existing development and does not protect or enhance the natural environment and is contrary to Scottish Planning Policy on sustainable development (paras. 28-29) and Placemaking (para. 36).

Dandara Ltd & Arnbathie Developments Ltd (01738)

Objection to the allocation of H138 – Barbush. Consider the site should be retained for employment and retail use as allocated in extant Local Development Plan (2014) to meet a defined requirement within the town and support the longer term growth of Dunblane.

The reallocation of the site is potentially detrimental to the long term growth of Dunblane and fails to take cognisance of the views of the Reporter at the Examination in Public into the extant Plan. The Reporter recognised the significant pressure for the expansion of Dunblane and accepted in the long term that it would require to grow, emphasising that the planning authority must make choices developing a strategic approach for subsequent reviews of the LDP, which would facilitate, plan and control growth.

The adopted Plan allocates the site for a small superstore of 3,900 sq.m. gross to enhance the retail offer within the local community. This followed a study into the convenience retailing needs of Dunblane. The extant LDP highlights that "...the location of a retail store within Dunblane has been carefully considered, recognising that there are no suitable development sites adjacent to the town centre that do not raise environmental concerns such as loss of sensitive greenbelt areas and adverse impacts on the historic environment. The brownfield site at Barbush has therefore been allocated for the retail store...". The Plan also highlights that it will enable the delivery of a "longstanding" business space requirement for this location, helping to support the requirements of the Stirling Business Space Strategy.

The housing allocations in the Proposed Plan in Dunblane appear to be a compromise and fail to recognise the need to plan for the long-term strategic growth of the settlement. The allocation at Barbush limits the ability to provide new infrastructure at Hillside capable of accommodating the longer term growth of the settlement.

The Barbush site is remote from primary and secondary schools.

Welcome the continued allocation of part of the H137 - Hillside site, albeit for only 15 units (see also Issue 35 – Dunblane: non-allocated sites).

King Group (01742)

Objection to the allocation of H137 – Hillside. State it is clear from the submissions made regarding this site at the earlier Call for Sites and MIR stages of the Local Development Plan Review that the site owner and developer’s intention is to seek the release of a substantially larger area of green belt for the development of a significant level of new housing and other uses. Allocation of site H137 Hillside as currently set out in the Proposed LDP it will inevitably lead to pressure for further large scale housing development in this sensitive green belt location. The site should remain as green belt.

Kippendavie Group Trust (90070)

Challenge removal of only designated (and consented) employment site within Dunblane – H138 – Barbush. No evidence has been provided to demonstrate that the site is an unsuitable employment location and yet it is clear that the site has significant landownership constraints that prevent it, at least in the short term, from being released as a housing site. Site should be retained as an employment site as per the adopted Local Development Plan.

Dunblane Community Council (90085)

Regret the loss of H138 – Barbush for retail and business use but accepts that in the current market conditions the re-designation for housing is appropriate. It is vital for Dunblane that this development delivers a mix of 2, 3 and small 4 bed standard housing for two local groups: older couples wishing to downsize locally from bigger family houses and smaller (relatively affordable) family houses for children of the town who wish to bring up their young families in the town where their family and friends live.

Dunblane has sufficient larger family homes and this approach will still release some larger family houses back into the market, resulting in a stronger, more self-supporting, community with better social cohesion, leading to a better quality of life and reduced reliance on public agencies as family support will be more widely available.

It is also vital that the full 33% of affordable units are delivered on this site in a timely fashion. This may need to be a mix of Social Rented – Government funded and Shared Equity units. Given the limited number of houses that can be provided in Dunblane it would be preferable if this housing can be made available to people with links and/or attachments to Dunblane for the same reasons of social cohesion.

Objection to the allocation of H137 – Hillside. Believe that there should be no development on any part of this site until a full masterplan is produced for the entire land currently owned by Arnbathie Developments. The southern boundary to the town is under great pressure, as demonstrated by the Park of Keir Inquiry. It would be premature to pre-empt the outcome of the Park of Keir Appeal with any further consents in this area. Once that is resolved the issue of the how to deal with the pressures on the south side of the town need to be fully explored and resolved.

In the context of the housing supply, which is restricted by schools capacity, these 15 houses are not material in the next few years, so holding this site in abeyance would not have any impact on the housing supply in the early years.

Supports the development of H133 – Whitecross subject to satisfactory vehicular access arrangement that do not allow access directly to the B8033. The site must be restricted to a limited number of social rented dwellings and must provide a turning area and additional parking for the current residents of Whitecross: when Whitecross was constructed car ownership was very low and little allowance has been made for car parking.

SEPA (90175)

Surface water hazard and functional flood plain issues identified for H020 – Bogside, H137 – Hillside and H138 – Barbush. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

Gladman Developments (90350)

Support the inclusion of H138 – Barbush as a housing allocation for 80 units in the Proposed Plan, Period 1 (2015/27). Consider that it is imperative that effective sites with a proposed allocation such as Barbush are supported through to adoption of the LDP so that the Housing Land Supply is not further diminished.

David Prescott (91029)

General comment that the proposals meet the needs for Phase 1 with minimum impact on the town, but what happens in Phase 2 is a big issue and a critical next stage as any significant development will have a major impact on the town. Further development beyond that of the site at Hillside to the south of Dunblane would significantly reduce the rural space between the town and Bridge of Allan which is important for maintaining Dunblane's identity.

Notes requirement for housing that will allow existing residents to downsize thus releasing family houses.

**Modifications sought by those submitting representations:**

Scott Christie (01486), King Group (01742) & Dunblane Community Council (90085)

Deletion of site H137 – Hillside.

John & Elsie McKinnon (01721) & Sally Homoncik (01735)

Deletion of site H133 – Whitecross.

Dandara Ltd & Arnbathie Developments Ltd (01738) & Kippendavie Group Trust (90070)

Allocation of H138 – Barbush for employment and retail use and not housing.

SEPA (90175) - See Issue 64.

**Summary of responses (including reasons) by planning authority:**H020 – Bogside

See Issue 64.

H137 – Hillside

Three objections seeking the deletion of this site have been received while the landowner/developer consider it should be significantly increased (see Issue 35 – Dunblane: non-allocated sites). The Council do not support the modification or deletion of this allocation.

In choosing not to allocate sites on the edge of Dunblane at the previous Examination, the Reporter did conclude that ‘Hillside’ (shown in CD31 as site SS34) “could be developed as a self-contained and discreet extension to the town in a space that was clearly envisaged as a potential extension to the recent Douglas Place/Lindsay Brae estate” (CD03, p.450). The extent of the site referred as Hillside coincides with the site allocated by this Proposed Plan as H137. It is considered this conclusion remains valid.

The allocation of the significantly smaller site at Hillside – as proposed – addresses a number of concerns raised in response to the Main Issues Report options, specifically regarding loss of open space and woodland; impact on biodiversity; transport and access; and impact on the character and appearance of this part of Dunblane.

Planning applications for the development of this site for 13 dwellings were considered by the Council in 2013 (ref. 13/00379/PPP) and 2014 (ref. 14/00429/PPP). Both applications were refused, primarily on the grounds the site was within the green belt. The Council’s Road’s Development Management team had no objection to the proposed development, subject to conditions relating to access road layout, vehicle speeds, driveway construction, parking requirements, driveway access, plot visibility, street lighting and drainage.

The site will make a modest but important contribution to the effective housing land supply and range and choice of housing in Dunblane. It has been factored into calculations of capacity at Dunblane Primary and High Schools, which indicate the development can be accommodated.

H133 – Whitecross

The Council do not support the deletion of this allocation.

The site was recommended for inclusion in the Local Development by the Reporter following the Examination of the adopted Local Development Plan (CD03, p.452. refer also to CD31, Site SS31).

The Reporter acknowledged the issues concerning vehicular access but considered that these could be overcome, including through the provision of off-road parking for existing residents. The Reporter envisaged the development could be designed to integrate as an extension to Whitecross Avenue, in keeping with existing housing, and would address the unkempt appearance of the site which detracts from the local townscape and residential amenity of the vicinity.

With regard to the Scouring Burn to the rear of the site, the Reporter concluded the burn corridor has a clearly defined edge by virtue of ground levels and trees, and there is no obvious general shortage of green space at this location and enough open space would remain along the burn to maintain its integrity and green value.

The site is established within the housing land supply as an allocated site within the adopted Local Development Plan and will make a modest but important contribution to the range and choice of housing in Dunblane. The Council is in agreement with the Reporter's previous conclusions and considers there is no justification to reverse those recommendations made during the previous Examination.

#### H138 – Barbush

It is noted that there is no objection to the development of this site; instead representations are submitted which consider the site should be retained for employment and retail use, as per the adopted Local Development Plan, and not housing as proposed. The modification is sought by parties looking to develop other sites in Dunblane for housing.

The principle of development at Barbush is already established in the adopted Local Development Plan and through the grant of planning permission for Class 1 and 4 use; the site falls within the settlement boundary and is brownfield land, forming a former quarry. The site thus adheres to the Spatial Strategy development approach for Dunblane which is to focus on consolidation and infill development.

Planning Permission in Principle for the erection of mixed use development comprising Class 4 business use, Class 1 retail store, petrol filling station and associated access, car parking and other associated works was granted, on appeal, in 2012 (DPEA Ref: PPA-390-2010). Subsequent 'full' permissions were also granted and this is reflected in the adopted Local Development Plan.

In granting the appeal, the Reporter acknowledged that, while there was a strong qualitative case for the provision of a supermarket large enough to meet the main food shopping requirements of a significant proportion of local residents, there was insufficient available expenditure within the catchment to justify the retail element of the proposal in quantitative terms. However, the Reporter concluded that a 3,900 sq.m superstore would not threaten the town centre's vitality and viability and that the qualitative benefits to provision outweighed the lack of quantitative need. A Convenience Retail Requirements Study for Dunblane prepared for the Council (CD71) found, conversely, that an additional new supermarket of the scale proposed at Barbush could not be supported without very high levels of impact, to the extent of threatening the vitality and viability of Dunblane town centre and the existing Tesco and M&S stores.

Notwithstanding the above, subsequent to the appeal decision in 2012 – and the numerous retail assessments which informed the Reporter at that time – the nature of retailing is recognised to have changed. Major retailers are moving away from developing new, medium and large-format stores; discounters such as Lidl and Aldi have seen their market share significantly increase; and online grocery sales have also steeply risen.

Convenience provision in Dunblane has also increased, with the opening of a Co-operative store within the town centre in 2014 and small increase to the convenience floorspace within the M&S store. These factors are likely to have decreased further the

convenience capacity within the catchment and support the assertion made by Gladman that there is no interest from supermarket operators in developing a supermarket at Barbush.

With regard to the site's employment allocation, permission was first granted for Class 4 use on the site in May 2008 in the form of 18 buildings providing 29 business units. At the subsequent appeal, referred to above, the Reporter was satisfied that there was no demonstrated market interest for Class 4, albeit for the entire site. A further consent was granted in 2012 for a smaller development of 12 office units over 7 blocks occupying only part of the site yet it remains undeveloped.

Given the time that has elapsed since planning permission was granted for the development of Class 1 and 4 uses at Barbush, the Council accepts that there is no demand for such uses at this site and considers housing is an appropriate alternate use.

Kippendavie Group Trust (90070) submit that it is clear the site has significant landownership constraints that prevent Barbush, at least in the short term, from being released as a housing site – this is countered by the submission by Gladman Developments (90350) and no evidence has been submitted that this is the case.

On this basis, the Council does not support the modification of the Plan.

#### **Reporter's conclusions:**

##### H020 – Bogside

1. The representation is related to flood risk. This is considered as part of Issue 64, where it has been concluded that modifications to the key site requirements are required.

##### H137 – Hillside

2. The allocation referred to as 'Hillside' within the proposed plan lies adjacent to Douglas Place on the southern side of Dunblane. Representations relating to larger areas at Hillside (Hillside DUN10 and Dunblane west and south DUN01) are considered further as part of Issue 35 of this examination. I note that Hillside, together with land to the east of the proposed site, has been the subject of a recent planning appeal (PPA-390-2051), which was dismissed and planning permission refused.

3. Dunblane is within the Core Area and is a Tier 2 settlement within the Settlement Hierarchy identified in the Spatial Strategy of the proposed plan. The preferred development approach for Dunblane as set out in Table 1 of the proposed plan is: urban consolidation, focusing on the use of vacant and brownfield land; provision of high-density, mixed-use development; and maximisation of connectivity by walking, cycling and public transport.

4. The proposed site lies outwith, but adjacent to the current settlement boundary. It comprises an area of rough grassland and tall ruderal vegetation with some scrub. There are also trees and woodland adjacent to but apparently beyond the boundary of the site. It is anticipated that access to the site would be taken from Douglas Place, via an existing spur road, which has been provided between numbers 7 and 10 Douglas Place. The presence of this access point suggests that development of the site was envisaged when Douglas Place was built. Thus, whilst the site does not appear to be a brownfield site,

and is located just outwith the settlement area, the presence of the spur road suggesting that development of this area was envisaged, combined with the small scale of development and access, lead me to conclude that the site does broadly accord with the settlement strategy.

5. Representations have been received about the effect of the development on safety as a result of increased vehicle movements into and through Douglas Crescent. I accept that the available space would probably only allow cars to pass between any new development and Douglas Crescent in one direction at a time. However, I do not see this as a disadvantage as it would promote low vehicle speeds through this residential area.

6. Douglas Crescent is accessed from Montgomery Crescent, which provides a long, meandering link to the wider road network. As Douglas Crescent is a dead-end, predominant use is likely to be by residents, who are familiar with the road layout. Traffic calming measures are in place. I note that the council's Roads Development Management team has not raised objections to previous applications for development of Hillside, subject to conditions relating to layout, speeds etc. Consequently, I do not see that the road layout would act as an impediment to the development.

7. There are concerns that allocation of this site would create pressure for further development in the surrounding area, some of which is green belt and some of which lies within the Keir Local Landscape Area. These concerns are understandable. The proposed Hillside site projects into the green belt around the southern edge of Dunblane. Allocation of the site at Hillside would have the effect of creating a parcel of green belt land to the east, which would be surrounded on three sides by housing, partially isolating it from the rest of the green belt. Nevertheless, this area of land would still comprise part of the green belt and be safeguarded from development by policies within the proposed plan (Policy 1.5). Consequently, it appears to me that the proposed Hillside site is a clearly defined, self-contained area adjacent to existing development, which would form a logical extension to Douglas Place. The proposed site lies outwith the Local Landscape Area. As such, I consider it could be developed without detracting from the wider green belt.

8. It has been suggested that no further development should take place south and west of Dunblane until a masterplan is produced for all the land owned by Arnbathie Developments. I consider that a masterplan would only be appropriate if there were proposals to allocate the wider area for development, which is not the case. This is considered further in Issue 35. In my opinion, a masterplan for the Hillside site as defined in the proposed plan would be unnecessary and disproportionate to the scale and nature of anticipated development.

9. Issues relating to flooding that have been raised by the Scottish Environment Protection Agency are addressed as part of Issue 64, where it has been concluded that a modification should be made to the key site requirements.

10. In conclusion, I consider that the Hillside site, as defined within the proposed local development plan, can accommodate the suggested modest development without a significant adverse effect on the green belt or safety.

#### H133 – Whitecross

11. The proposed allocation adjoins an existing housing development and would face

another development across the Perth Road. Although it lies towards the north of the urban area, it is clearly within the settlement boundary of Dunblane. Consequently, the site is consistent with the settlement strategy set out within the proposed plan, in that it would provide urban consolidation within the Core Area. Consequently, I do not consider that it would result in the expansion of the settlement area of Dunblane.

12. I interpret the issues raised in representations as relating to traffic, parking and safety; effects on wildlife and greenspace; compliance with Scottish Planning Policy in relation to sustainable development and placemaking; and capacity of infrastructure to accommodate development.

13. In terms of traffic, there are two potential access points: Whitecross Avenue and Perth Road. Whitecross Avenue is narrow, and informal on-street parking further reduces the available space for vehicle movement. Whilst I accept that the use of Whitecross Avenue as the access to the proposed site would lead to an increase in the number of vehicle movements along this residential street, it would remain as a 'dead end', with no through traffic. Given the small scale of proposed development, I do not consider it would create an unacceptable increase in vehicle movements to the detriment of the established level of residential amenity. Direct access from Perth Road is a possible alternative. However, the proposed site lies close to a bend of Perth Road and it would be essential to ensure that the required sight lines could be achieved.

14. I note the conclusions of the reporter in the report of the examination of the extant local plan who commented that "the planning authority's site assessment sheet (CD45) provides no quantifiable evidence to show that an access solution could not be achieved." Although I have referred to the problems of both potential access routes, no evidence has been presented to me that this situation has changed. Accordingly, whilst I accept that access arrangements, especially during the construction phase, would need to be considered carefully, I am content that the provision of adequate, safe access to the proposed site does not constitute an insurmountable constraint.

15. The provision of adequate parking for new development would be a requirement of any detailed application for development submitted for planning permission.

16. The site is currently undeveloped and provides an area of open green space between Perth Road and the houses on Whitecross Avenue. It comprises an area of rough grassland, with scrub along the edge of the Scouring Burn. Levels vary across the site, being lower adjacent to the burn. This acts to clearly distinguish the corridor of the burn from the field. The area is valued by some residents for its open aspect and associated wildlife. The key site requirements would ensure that a green corridor along the burn would be maintained and that the integrity of the River Teith Special Area of Conservation would be maintained. Any applications for development would need to satisfy legal requirements in relation to effects on protected wildlife and the River Teith Special Area of Conservation. I consider that the proposed scale of development could be accommodated whilst maintaining a corridor along the burn that is of sufficient size to maintain its value as a green corridor and for access and wildlife.

17. Scottish Planning Policy paragraph 28 establishes the principle of sustainable development, which promotes the right development in the right place and avoids allowing development at any cost. This is supported by paragraph 29, which sets out principles for assessing policies and decisions. These include "protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the

wider environment". Paragraph 36 promotes the creation of sustainable, well-designed places and homes which meet people's needs. As stated above, whilst the proposal would result in the loss of an open area, I consider that it could be accommodated without impinging on the burn or its associated green corridor. When balanced against the other principles within paragraph 29, I consider that the development can be accommodated without adverse effects on natural heritage and without detriment to the character of the area. Consequently, I consider that it is compliant with the requirements of Scottish Planning Policy.

18. The settlement statement for Dunblane within the proposed local development plan acknowledges that there are infrastructure constraints to new development, particularly in relation to school capacity. The council's proposed solution is to phase development to allow for schools to accommodate additional pupils. The site at Whitecross is included within the land supply table of the proposed plan for development in Phase 1 of Period 1, suggesting that the education infrastructure has adequate capacity to accommodate the proposed development.

19. Given the presence of other housing developments in the vicinity of the proposed site, combined with the relatively modest scale of development and the need to retain the green corridor along the Scouring Burn, I consider that the proposed allocation meets the requirements of Scottish Planning Policy in relation to placemaking and achieving the right development in the right place.

20. In conclusion, based on this assessment I conclude that H130 Whitecross should remain as an allocation within the proposed local development plan.

#### H138 – Barbush

21. I accept that the principle of development at this site has already been established through inclusion of the site within the adopted local development plan for employment and retail uses. The question is whether the site should continue to be allocated for these uses, or whether it should be re-allocated for housing.

22. Conflicting views have been expressed as to whether or not the site is required for business and retail use. Some representations suggest that the 'loss' of this site for commercial purposes would lead to a shortage of opportunities for retail expansion to support the future growth of Dunblane. However, the settlement statement for Dunblane within the proposed plan does not identify a shortage of retail opportunities as a major constraint to future growth. There is a supermarket and convenience retail provision within the town centre. Indeed, I note that there has been an increase in the provision of convenience floorspace within Dunblane since the current plan was adopted. None of the representations has provided evidence that retail provision is not adequate to meet present or future demand.

23. I have also taken account of the fact that although planning permission in principle for a mixed-use development was granted for Barbrush in 2012 (following an appeal); there has been no further application for development. In addition, there are unfulfilled permissions for office units on the site. No evidence of demand for retail or office space has been presented to me.

24. Consequently, I accept the council's view that there have been changes in circumstances since the examination of the extant local development plan, including a

change in the nature of retailing. I do not consider that this site is required for employment and business use or that its reallocation for housing would prevent future growth of Dunblane.

25. Having accepted that the need for commercial use has not been proven, I have then considered the suitability of the site for housing.

26. The site lies on the northern edge of Dunblane. During my site inspection I noted that whilst there is a gradual transition from built up area to countryside adjacent to the A9, the site is bordered to the east by the grounds of Victoria School and by development to the south and west, which provides an impression that the proposed area is clearly part of a settlement. I consider that use of the site for housing would be consistent with the settlement strategy set out within the proposed plan and it would provide urban consolidation within the Core Area.

27. The settlement statement identifies Dunblane as a 'highly pressured area' where high house prices and a shortage of rented accommodation means that local people on low incomes can be excluded. Consequently, an affordable housing contribution of 33% is required for developments of four or more houses. The site at Barbrush consequently provides the opportunity to create new affordable homes within the area. This objective is supported by Dunblane Community Council.

28. It has been suggested that there are land ownership constraints to this site being released for housing, but no evidence of that has been provided. I note the support for housing allocation at this site that has been received from a developer. Consequently, I am persuaded that there is demonstrable interest in developing this site for housing in the short term.

29. I note that the site is some distance from the local primary and secondary schools. However, I do not consider the distances to be so great as to be a barrier to the suitability of the site.

30. Dandara Limited and Arnbathie Developments Limited have objected to the allocation of Barbrush for housing, stating that it should be retained for employment and retail use to support the long term strategic growth of Dunblane. I have previously concluded that retention of the current allocation is not required. They have further proposed that instead, there should be an increase in the area of land allocated for housing at Hillside. The merits of that proposal are considered under Issue 35.

31. The Scottish Environment Protection Agency has made representations in relation to flood risk and assessment requirements at the site. These are dealt with under Issue 64, which has concluded that modifications be made to the key site requirements.

32. In conclusion, I accept that there is no demand to use the site for commercial or business purposes, but that there is a need to allocate sites for housing, particularly affordable housing within the plan area. The proposed site meets the criteria for the settlement strategy. Accordingly, I agree that the site should be re-allocated for housing in the proposed local development plan.

#### Future expansion of Dunblane

33. The need for and direction of future strategic growth around Dunblane has been

raised in some representations. The proposed plan identifies the preferred settlement strategy development approach for Dunblane as urban consolidation. Other settlements have been identified as the focus for strategic development. The proposed sites fit with this settlement approach.

34. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. Consequently, I do not see a need to amend the proposed plan.

**Reporter's recommendations:**

Modification of the key site requirements is recommended for the following sites, details of which are contained in Issue 64:

H020, Bogside,  
H137, Hillside,  
H138, Barbrush

<b>Issue 35</b>	<b>Dunblane - Non-allocated Sites</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) & Dunblane Settlement Statement and Proposals Map (pp.150-157)	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Park of Keir Partnership (01320)  Dandara Ltd &amp; Arnbathie Developments Ltd (01738)  Kippendavie Group Trust (90070)  Allan Water Developments Ltd (90342)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This representation relates to sites in and around Dunblane not allocated for development in the Proposed Plan.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Park of Keir Partnership (01320)</p> <p>Object to the non-allocation of land at Park of Keir, Dunblane for mixed-use development.</p> <p>Proposals for the site include the provision of a new tennis and golf centre, hotel, low-density housing and country park with cycle and footpath link. The proposed development has been promoted by way of an application for planning permission in principle (Stirling Council Ref: 14/00455/PPP) which was refused by Stirling Council in December 2015, and a subsequent planning appeal (DPEA Ref: PPA-390-2042). The planning appeal was recalled by the Scottish Ministers because the potential economic, tourism and sporting benefits of the proposal were considered to be an issue of national importance. It is anticipated that the decision on this planning appeal will be issued in late 2016/early 2017.</p> <p>Request that the replacement Local Development Plan takes into account the outcome of the above-mentioned planning appeal; the earlier granting of planning permission for a 150 bed hotel, golf course and golf clubhouse on this site (Stirling Council Planning Permission Refs: 02/00032/OUT and 08/00726/PPP); and the Council reconsiders the particular merits of this proposed mixed-use development at Park of Keir, allocating the site as development proposal.</p> <p>Dandara Ltd &amp; Arnbathie Developments Ltd (01738)</p> <p>Object to the failure of the Proposed Plan to allocate the larger Hillside site, identified in the Main Issues Report (ref. DUN10) for 100 units. This larger site should be allocated, preferably as an initial phase of the wider development of Dunblane West and South (Main Issues Report ref. DUN01).</p> <p>Outline that the Reporter at the Examination of the extant Local Development Plan considered that Hillside (then SS34) could be developed as a self-contained and discreet extension to the town in a space that was clearly envisaged as a potential extension to</p>		

the recent Douglas Place/Lindsey Brae Estate. Consider this acceptance of the merits of this site would suggest that the strategic growth of Dunblane should be accommodated to the south. Furthermore, in that the site was identified in each of the three options set out in the Main Issues Report, Stirling Council clearly acknowledge the suitability of the site for development. It would, as highlighted by the Main Issues Report Site Assessment, form a self-contained and discreet extension to Dunblane with good foot, cycle, rail and vehicular links to the existing community and the wider Stirling area. It also lies within walking distance of Dunblane Primary School. Highlights there is developer commitment to the site and following its identification in each of the Main Issues Report options, a planning application was lodged for the development of the site.

Submit that in failing to allocate the wider Dunblane West and South area for development and, indeed, reducing the extent of the Hillside site, the proposed Local Development Plan has patently ignored the comments of the Reporter at the previous Examination in public. Simply continues to develop Dunblane in a piecemeal fashion. Consider the reduction in the scale of housing allocation to Hillside and the increase in the allocation to Barbush is illogical and has the potential to limit the strategic growth of Dunblane.

Dandara & Arnbathie Developments do not accept that infrastructure constraints, particularly in relation to school capacity, should hinder that potential for growth; these are capable of being addressed through the phasing of development.

Instead, consider it has been clearly demonstrated through the submitted concept Masterplan and supporting documents that the area is capable of accommodating the long-term growth; affordable housing would help satisfy demand in Dunblane and issues of traffic generation, loss of woodland and open space can all be addressed and mitigated as initial proposals for the development of the site are refined. The access road as proposed takes traffic away from existing residential streets and satisfies a number of the traffic related concerns. Importantly, there are no impediments to the development of the area, this includes consideration of the green belt designation and Keir Local Landscape Area.

Whilst Dandara and Arnbathie clearly believe that the wider area is capable of accommodating the long term growth of Dunblane, they consider these aspirations for the wider area should not influence views on the Hillside site as the extent of development is very much controlled by Stirling Council.

Additionally, Dandara & Arnbathie Developments object to the inclusion of part of the land under their control at Dunblane West and South as a Local Landscape Area. The land does not merit inclusion as a Local Landscape Area due to its isolation from the main body of the Keir Designed Landscape and, indeed, the site should also be removed from Historic Environment Scotland's Inventory of Gardens and Designed Landscapes.

Separate representations (summarised within Issue 3 – Setting the Land Requirement for Housing) demonstrate a clear need for the allocation of additional land for housing.

Kippendavie Group Trust (90070)

State the emerging Plan does not allocate sufficient land for new housing with a shortfall of over 2,500 houses. New allocations are required to meet this and offer range and choice as set out in Scottish Planning Policy. As Stirling's second largest settlement,

Kippendavie Group Trust content Dunblane performs extremely well when tested against the emerging Plan's sustainable development criteria due to its location, amenity and economic base and therefore has an important role to play in contributing towards meeting this identified and acute housing shortfall. It is also one of the very few functional housing markets in Stirling that can support new development.

Land on the eastern edge of Dunblane at Kippendavie was considered by Stirling Council in the preparation of the previous Local Development Plan as being a suitable location for new housing development due to its landscape capacity, accessibility and deliverability. The last review of the Stirling green belt in support of the adopted Local Development Plan proposed that land along the eastern boundary of Dunblane forming Kippendavie be excluded from the green belt as a location for the future expansion of the town. No evidence has been submitted by Stirling Council in the preparation of the Proposed Plan to question this position.

Content that development at Kippendavie Mains would offer a range and choice to meet identified housing need, including demand for retirement and mid-market housing, including for rent; self and custom build plots; and affordable housing; support the growth of a local business – Stockbridge Nursery – through a new garden centre; rural office space and base for the consented Sheriffmuir Heritage Trail with the creation of a further 60 jobs. Submit the site is technically unconstrained, with the application process identifying no transport, education, drainage or flood risk constraints.

Additional state as part of the consideration of future growth, land along Glen Road should be removed from the green belt. This would allow the land which scores well against the criteria for sustainable development to support land use changes that may arise through the implementation of the town centre action plan, tourism and leisure strategies and indeed responding to future housing needs. Similarly, it is considered that land east of Perth Road at Dunblane New Golf Club could support the role and function of the town centre, site services and facilities and should also be removed from the green belt.

#### Allan Water Developments (90342)

Representation relates to the site of the former Holmehill House, a single large villa that was demolished in 1980. The proposed replacement of the villa with an office building was not realised and subsequently Holmehill has been used informally as amenity space. With the exception of the area on which the former Holmehill House is located, the lands of Holmehill are protected from development via legal agreements.

Applications in 2012 and 2016 for planning permission to develop an office building on the site were both refused. A concomitant application in 2016 for a single large dwelling-house was also refused permission.

It is submitted that it is unreasonable for the planning authority to continue to set aside and ignore the historical context of Holmehill, namely that a villa stood on the site in question for 160 years. It was the reason for, and the focus of, the surrounding policies of Holmehill and it remains reasonable that new building is built in its place. This could be achieved without harm to the historic, green space, and core path access at Holmehill.

Seek a reference within the Dunblane Settlement Statement to Holmehill, as follows:  
 "The land at Holmehill provides informal walking routes and amenity space. There is

potential for improvements to both access arrangements and the quality of the space. The council will work constructively with the owner to achieve the objective. The redevelopment of the site historically occupied by the villa may assist in achieving these objectives.”

It is submitted this modification would not undermine or prejudice the general provisions of Policy 1.3 in the Proposed Plan, nor would it undermine or prejudice the provisions of Stirling Open Space Strategy 2012-2017.

**Modifications sought by those submitting representations:**

Park of Keir Partnership (01320)

Allocation of Park of Keir as a mixed-use development proposal comprising a tennis and golf centre, golf course, all-weather pitch, hotel, country park with cycle and pedestrian links and housing.

Dandara & Arnbathie Developments (01738)

Allocation of land west and south of Dunblane (including Hillside) for a residential-led development of up to 550 units in the period 2015-2027 or an initial allocation in the period to 2027 with the remainder allocated for development in the period 2027-2037.

Exclusion of land south of Dunblane (north of Keir roundabout between the A9 and B8033) from the Keir Local Landscape Area.

Kippendavie Group Trust (90070)

Remove sites at Kippendavie Mains, Glen Road and New Dunblane Golf Club from the green belt and allocate Kippendavie Mains site for residential and employment development with an indicative capacity of 165 residential units and the following Key Site Requirements:

- Phased development consistent with capacity at Newton Primary School;
- Agree and implement residential travel plan;
- Undertake works to Kippendavie Road/Kellie Wynd and Ramsay Drive consistent with the findings of the Council audit of the Traffic Assessment dated 5<sup>th</sup> July 2016;
- Development layout to secure linkages into the consented Sheriffmuir Heritage Trail;
- Treat surface water through SuDS strategy and introduce a perimeter site field drain consistent with the findings of the FRA.

Allan Water Developments (90342)

Insertion of following text within the Dunblane Settlement Statement: “The land at Holmehill provides informal walking routes and amenity space. There is potential for improvements to both access arrangements and the quality of the space. The council will work constructively with the owner to achieve the objective. The redevelopment of the site historically occupied by the villa may assist in achieving these objectives”.

**Summary of responses (including reasons) by planning authority:****Park of Keir Partnership (01320)**

Stirling Council does not agree with the modification seeking to allocate land at Park of Keir for development as sought by the Park of Keir Partnership (01320)

The Proposed Local Development Plan allocates sites for housing, employment and retail use, including sites which may be identified for a mix of these three uses. The majority of the uses proposed at Park of Keir – the tennis and golf centre, golf course, all-weather pitch, hotel, and country park – are not forms of development that the Local Development Plan specifically allocates or identifies upon the Proposals Map. With regard to the proposed housing, the Council does not support housing in this location.

Park of Keir is located in the green belt, countryside and within the eastern part of the Keir Local Landscape Area. An essentially rural landscape, the northern part of the site is open farmland whereas the central and southern section rise to two distinct knolls – Gallow Hill and Knock Hill (Knock Hill Fort is also a Scheduled Ancient Monument) surrounded by woodland. This area has been assessed as sensitive to large-scale development and/or the cumulative impact of smaller development that would 'infill' and suburbanise the open, rural landscape between the settlements of Bridge of Allan to the south and Dunblane to the north. Development of this prominent site would erode the character of the landscape; have a significant visual impact; and adversely affect the Local Landscape Area. In this regard it would undermine the green belt and the role it plays in maintaining the distinct identities of Bridge of Allan and Dunblane.

The housing element of the proposal is included primarily as a means of funding the tennis and golf facility, allowing them to be accessed by the community at lower fees. Nevertheless, the Council's response to Issue 3 demonstrates there is no requirement to identify additional sites, particularly in the green belt, for housing as the Plan allocates a generous supply of housing land. The form of housing envisaged is unlikely to be affordable in the local context or provide a range of housing of different types and sizes, therefore would not meet identified need and demand, including for affordable housing. Furthermore, any residential development at this location would necessitate reliance on the private car to access amenities and services, contrary to the guiding principles for sustainable development.

For these reasons, and consistent with the Council's decision on the planning application (CD89), the proposed modification is not supported.

**Dunblane West and South (including Hillside)****Dandara & Arnbathie Developments (01738)**

Are seeking the allocation of land west and south of Dunblane for a residential-led development of up to 550 units. Within this area, Hillside has been identified as the first phase of development but also capable of being brought forward as a standalone site of 100-130 dwellings in its own right.

The Proposed Plan allocates only a small part of the Hillside site for residential development of 15 units (H137, see also Issue 34 - Dunblane: allocated housing sites), the remainder of Hillside and Dunblane West and South is retained in the green belt. The

Council does not support the modification of the Plan to identify the larger Hillside site or Dunblane West and South for development.

Arguments concerning housing land supply and the requirement to allocate additional land for housing development are dealt with under Issue 3 – Setting the Land Requirement for Housing.

The issue of the longer-term growth of Dunblane was addressed during the Examination of the adopted Local Development Plan (CD03 – Issue 42) in the consideration of a number of suggested sites (identified by CD31). The Reporter acknowledged that the expansion of the town was “highly constrained”: by cultural heritage features; environmental and landscape considerations; and infrastructural capacity issues and town centre congestion and stated these constraints were important collectively and “justify the LDP approach to Dunblane, which is to focus on consolidation and infill development, as opposed to major growth”, noting the plan prefers to stimulate growth elsewhere.

The Reporter concluded that reversing that approach in favour of growing Dunblane risked jeopardising delivery of the fundamental Local Development Plan strategy and it was appropriate for the planning authority to have opposed the totality of the proposed additional sites in the short-term. It is the Council’s contention that this position and approach remains valid.

The purpose of this review of the Local Development Plan has primarily been to address a (relatively) modest shortfall in the housing land supply in the short-term and within a timeframe that limits the scope for unplanned, unallocated sites coming forward via the development management process. While sites on the edge of Dunblane could supplement the housing land supply, without the type of fully transparent, co-ordinated, comparative and wide ranging evaluation of options envisaged by the Reporter at the previous Examination it would be inappropriate to release one or more of these proposed sites at this time. This is particularly true as this Proposed Local Development Plan identifies a generous housing land supply.

While choosing not to allocate sites on the edge of Dunblane, the Reporter did conclude that ‘Hillside’ (CD44 – ref. SS34) “could be developed as a self-contained and discreet extension to the town in a space that was clearly envisaged as a potential extension to the recent Douglas Place/Lindsay Brae estate” (CD03, p.450). The extent of the site referred as Hillside in this instance coincides with the site allocated by this Proposed Plan as H137.

It is not accepted, as intimated by Dandara & Arnbathie Developments, that this acceptance of the merits of this site would suggest that the strategic growth of Dunblane should be accommodated to the south or that the Council has “patently ignored the comments of the Reporter at the previous Examination in public”.

Subsequent to the adoption of the Local Development Plan, Dunblane West and South, incorporating Hillside, was submitted at the 'Call for Sites' stage in December 2014 and subject to a detailed site assessment, set out in Appendix A of the Main Issues Report (CD07). The site at Hillside was deemed consistent with the Plan’s Vision and Spatial Strategy and, taking account of the findings of the other assessment criteria, it was concluded the site should be identified as an additional housing allocation option in the Main Issues Report. The site was shown with an indicative capacity of 100 units.

With regard to the wider development to the west and south of Dunblane, it was considered that over 500 houses at this location would have significant adverse impacts on the landscape setting, character and identity of Dunblane, particularly on the southern approach to the town.

Dandara supported the allocation of the Hillside site for housing in its response to the Main Issues Report, submitting that the site is capable of delivering around 130 units in the short-term to meet the requirement to release additional housing land. Conversely, the majority of the 106 submissions received relating to the site objected to the development of the site and/or raised a number of specific concerns (these are summarised within CD23).

Of all the acknowledged constraints to growth within Dunblane the potential for new housing in Dunblane is significantly constrained by school capacity at both primary and secondary stages. Existing primary school capacity in Dunblane is limited, but planned development identified within the Proposed Plan (amounting to 95 additional units) can be accommodated with minor modifications to existing primary schools, Dunblane Primary School and Newtown Primary School.

The Council remains of the view that the assessment of both the larger West and South Dunblane and Hillside sites set out in the Main Issues Report are valid, but that the scale of development envisaged by Dandara & Arnbathie Developments and the extent to which a larger allocation at Hillside can operate as a 'standalone' development; the potential loss of woodland; and impact, in landscape terms, of the required access to the site from the B8033 directly over the area marked as the 'Wanderwrag Strip' raise concerns.

In response to the Main Issues Report, the promoters of the Barbush site sought to increase the size of the site identified in the Main Issues Report for 30 houses to include the entire site designated for Employment & Retail in the adopted Local Development Plan, creating a residential capacity of up to 100 units. In view of this, assessing the sites at Barbush and Hillside together and in the context of the education constraints, the Council considers that the site at Barbush is preferable for residential development. The principle of development at Barbush is already established in the adopted Local Development Plan and the site falls within the settlement boundary and is brownfield land. It thus adheres to the Spatial Strategy development approach for Dunblane which is to focus on consolidation and infill development.

Clearly, an important factor in choosing not to allocate the larger Hillside site and/or Dunblane West and South is education capacity. Dandara & Arnbathie Developments have submitted an Education Impact Assessment which concludes that the development of 129 dwellings at Hillside Dunblane can be accommodated within Dunblane Primary School with a minor adaptation to the school but that the school would require to be extended to accommodate the entire Dunblane West and South site, or a new primary school provided. In terms of secondary education, the Assessment concludes any development of over 60 dwellings in Dunblane will require mitigation measures in the form of an extension of the high school. The inclusion of Dunblane West and South would require a larger extension. To deliver the class room extensions the applicant would make appropriate proportional financial contributions towards the provision of additional accommodation necessary to accommodate the projected increase in school rolls and gift land adjacent to the school. Tighter control over placing requests would also contribute to the solution.

The Council has undertaken its own modelling as part of the Local Development Plan process. Focusing on secondary provision, the existing commitment within Dunblane requires phasing to ensure that there is sufficient capacity at the High School. This is reflected in the Key Site Requirements for the Barbush site. The school currently has a roll of 847 with a maximum capacity of 950. The roll projection model shows that the roll at Dunblane High will reach capacity at 2021 (due in part to additional housing, but also pupil products from primary pupils).

Options have been explored to increase the capacity at Dunblane High School, but the site is limited and therefore opportunities for increased capacity are also limited. Development of the larger Hillside site (129 units) or Dunblane West and South (an additional c.420 units) is not included in the projection model and additional accommodation would be required to meet this development, but given the aforementioned challenges of the site, the Council believes that a viable solution to provide increased capacity is not currently available.

With regard to the landscape impact of proposed development, south of the Wanderwrag Woods and the Wanderwrag Strip the boundaries of the Local Landscape Area, designated by Stirling Council, and the Designed Landscape, defined by Historic Environment Scotland (previously Historic Scotland) are contiguous. The review of existing sites on the Inventory of Gardens and Designed Landscapes and/or the removal of a site from the Inventory is in the remit of Historic Environment Scotland.

While physically separated from the rest of the designed landscape by the A9, it remains a parkland landscape of high quality, with mature parkland trees and woodlands. Despite its separation, it is important in the context of the overall designed landscape.

SPP requires planning authorities to protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance. Inclusion within a Local Landscape Area is one means of doing this. SPP also states the purpose of identifying areas of local landscape value should be to safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or promote understanding and awareness of the distinctive character and special qualities of local landscapes; or safeguard and promote important local settings for outdoor recreation and tourism. In this context it is considered the land in question is important and valued locally in addition to being an important setting for outdoor recreation.

Additionally, the 2009 Stirling Green Belt Study (CD11) found that, land to the south of Dunblane, between Dunblane and Bridge of Allan, plays an important role in maintaining their separate and distinctive identities. This is particularly important given the road and rail links between the two settlements. The network of paths and proximity to both settlements mean that this area is of importance for recreation. Overall, Dunblane's location within the valley of the Allan Water means it is largely hidden and has little or no visual relationship with surrounding settlements and this is identified as an important quality. Development to the south of Dunblane, as proposed by Dandara & Arbathie Development, would undoubtedly erode these qualities.

Access to the Hillside site from the B8033 along the Wanderwrag Strip – as proposed – is particularly relevant in considering the landscape impact of development in this location. Additionally it raises questions as to the connectivity and interrelationship

between the proposed site and the remainder of Dunblane, including the town centre. Vehicular access to the adjoining Douglas Place and Argyle Way would be preferable in this regard, however, the scale of development proposed would have an impact on the existing road network.

To summarise, the allocation of Dunblane West and South, including Hillside, is not supported because the Proposed Plan identifies a generous housing land supply on alternative sites; the scale of green belt release would be contrary to the Plan's Spatial Strategy approach in Dunblane; development of up to 550 houses would require an extension to Dunblane High School which, at this time, the Council considers is not feasible; and development, particularly to the south of Dunblane, would have significant adverse impacts on the landscape setting, character and identity of Dunblane.

Consequently any modification of the Plan in respect to Dunblane West and South and Hillside is opposed.

### Kippendavie Mains

Kippendavie Group Trust (90070) seek the removal of land at Kippendavie Mains from the green belt and allocation of the site for residential and employment development with an indicative capacity of 165 residential units. The Council does not support this modification.

Issues discussed in relation to Dunblane West and South and regarding the housing land supply; Plan's Spatial Strategy approach in Dunblane; education capacity; and impact on the landscape setting, character and identity of Dunblane equally apply to the consideration of this site.

While the 2012 Proposed Plan did exclude an area of the Kippendavie Mains site, immediately to the east of Kellie Wynd, from the green belt and allocate it as a Period 2 (2024/34) housing site, in examining the Plan the Reporter concluded that housing site should be deleted and the proposed green belt boundary amended to include and cover the site (CD03). It is not considered that circumstances have changed to the extent that would justify the reversal of this decision.

In reaching this conclusion, the Reporter remarked the proposed development would spread the town up west-facing hillsides and into the countryside and in this direction would be highly exposed in views across the town and create an imprecise and unsustainable urban boundary. Supplementary Guidance SG03: Green Belts (CD09) notes that the green belt surrounding Dunblane is important in maintaining the nucleated and secluded character of the settlement and that the green belt to the east of the town is important to maintaining this historic settlement form within the valley landscape, reinforced by the significance of the Battle of Sheriffmuir in this area. It is considered that the objectives of the Green Belt in this location would be undermined as a result of this development in this location. Development would sit higher than the current extent of the settlement and be visually prominent.

This issue of education capacity has been addressed in specific regard to this development in the assessment of the concurrent planning application (ref. 13/00453/PPP). The response from the Council's Education Service noted Newton Primary School currently has a roll of 386 pupils with a maximum capacity of 434 pupils and optimum planning capacity of 378. As such, the school is already operating above

the optimum planning capacity for a 14 classroom school. The school could utilise an additional classroom which would take the capacity to 459 and an optimum planning capacity of 399, but this would not meet the Council's policy on the provision of general purpose spaces and would normally only be done in exceptional circumstances to accommodate pupils. In this case a pupil product of between 50 and 80 pupils would be expected from this development depending on the house size. Such a pupil product could not be accommodated within the existing school building – the school would require substantial changes to accommodate such pupils, and in a school running at high levels of capacity this would be operationally challenging.

Alongside housing, the other built element of the proposals for the Kippendavie Mains comprise a 'Park Centre': a grouping of new timber and stone barns which will comprise a garden centre, heritage park trail centre, four office and craft workshops with associated car parking and access from the A9. In general terms, SPP adopts a 'town centre first' approach that considers the health and vibrancy of town centres and states the planning system should apply a town centre first policy when planning for uses which attract significant number of people, including retail and offices. It is considered this proposal does not provide a thoroughly robust assessment to demonstrate that an out-of-centre location could be supported or that there would be no significant adverse effect on the vitality and viability of Dunblane town centre.

In summary, a modification to the Proposed Plan to allocate Kippendavie Mains for residential and employment development – and the exclusion of significant area of land from the green belt – is not supported because: the Proposed Plan identifies a generous housing land supply on alternative sites; development would be contrary to the Plan's Spatial Strategy approach in Dunblane; there is insufficient education capacity at primary and secondary schools and significant challenges to addressing this; development would be visually prominent, have significant adverse impacts on the landscape setting, character and identity of Dunblane and undermine the objectives of the green belt. Furthermore, the employment and retail elements proposed are contrary to the 'town centre first' principle which seeks to protect the vitality and viability of town centres.

### Glen Road

Kippendavie Group Trust (90070) are seeking the removal of land at Glen Road from the green belt in order to support land use changes that may arise through the implementation of the town centre action plan, tourism and leisure strategies and to respond to future housing needs. The Council opposes this modification.

Notwithstanding the effective housing land supply, addressed with Issue 3, no requirement for land for town centre, tourism and leisure uses has been identified and, indeed, certain tourism and leisure developments would be permissible within the green belt.

The site marks a clear demarcation between the urban area and scattered steadings within a rural landscape beyond, a situation strengthened in some regard by piecemeal, ribbon development along Glen Road in recent years. The green belt in this location is noted as important in protecting the character and setting of Dunblane and it is considered any significant development upon this site would be incongruous.

Land east of Perth Road at Dunblane New Golf Club

Similarly, Kippendavie Group Trust (90070) seek the removal of land east of Stirling Road at Dunblane New Golf Club from the green belt to support the role and function of the town centre.

It is recognised that the site represents a sustainable location close to town centre services and amenities, including public transport. However, this is somewhat undermined by the significant tree belt along Perth Road and change in levels. As such, it is difficult to envisage how the site would complement the town centre. Indeed, there is the potential that development could undermine the vitality and viability of the town centre.

This is a prominent site within Dunblane, very visible from Perth Road, and provides an important part of a wider 'green' backdrop from views within the town and Conservation Area. An incursion into the green belt at this location would be detrimental to Dunblane's character, setting and identity.

For these reasons the modification to remove the site from the green belt is not supported.

Holmehill

The modification sought by Allan Water Developments (90342) seeks a reference within the Dunblane Settlement Statement to the redevelopment of the site historically occupied by Holmehill House; specifically that such redevelopment may facilitate the improvement of access to Holmehill and the quality of open space provision. The Council does not agree with the proposed modification for the following reasons:

Holmehill is designated by the Proposed Local Development Plan as a Green Corridor and an Open Space Audit site. The site is also located within the Dunblane Conservation Area.

The Conservation Area Character Appraisal for Dunblane (CD40), adopted as Supplementary Guidance SG07, describes Holmehill as a significant landscape feature and prominent natural landmark in Dunblane which creates a green heart to the centre of the town and a wooded backdrop in many views to, from and within the conservation area. Holmehill has influenced the form of development of the town and provides a strong green edge to two distinct character areas within the Conservation Area: the historic core and Cathedral – the old medieval urban form consolidated and rebuilt into the 19th century; and the Victorian suburbs, centred round the Dunblane Hydro and later 19th century villa development.

The site of the former Holmehill House, which was demolished in 1980, shows no evidence of being previously developed as the land has returned to a natural state. It is not the case, as with other brownfield sites, that development would ameliorate an existing blight or have a positive impact on the appearance of the site. On the contrary, a number of development proposals for Holmehill have been rejected by the Council as it was considered that development may have a significant adverse effect the amenity, outdoor recreation, landscape and nature conservation value of Holmehill to the detriment of its role within the local green corridor network and Conservation Area.

In this context, it is not considered appropriate to refer to the redevelopment of the site historically occupied by the villa. It has not been demonstrated how such a development would accord with the provisions of the Local Development Plan, particularly in respect to the importance of Holmehill within the Dunblane Conservation Area and local green network.

### **Reporter's conclusions:**

#### Introduction

1. A number of representations have proposed the allocation of additional sites at various locations in or around Dunblane. With the exception of Holmehill and Park of Keir these are all located close to but outwith the current settlement boundary of Dunblane. Three of these proposed sites (Dunblane west and south, Hillside and Kippendavie Mains) are proposed for housing and to a certain degree raise similar issues. I have firstly considered the specific merits of the proposed allocations at Holmehill (paragraphs 2 – 8), Park of Keir (paragraphs 9 – 18), Glen Road (paragraphs 19 – 22) and Land east of Perth Road (paragraphs 23 – 26). I have then considered the common issues associated with Dunblane west and south, Hillside and Kippendavie Mains (paragraphs 27 – 40), before considering the specific merits of these three sites.

#### Holmehill

2. The planning history of the site is not in dispute. The woodlands which have developed from the policies around the original Holmehill House are very much in evidence, although there are few signs of the location of the house itself.

3. I note the appellant's comments in relation to the Section 50 agreement made in 1987 setting out the intention to replace the demolished house with an office building. This agreement was made 30-years ago, and was set within a very different policy context to that of the present day. Consequently, I have not given this any particular weight.

4. During my site inspection I observed the prominence of Holmehill within the landscape and as a feature within the Dunblane Conservation Area. Its importance in providing a natural backdrop to the town is set out in supplementary guidance (SG07) for the Dunblane Conservation Area, which has been adopted by the council. As such, I consider the site to be highly sensitive to landscape changes.

5. The site is identified as an open space audit site and a green corridor within the proposed plan. As such, use of the area would be subject to Policy 1.3 Green Infrastructure and Open Space. This policy clearly provides for safeguarding of open space and features that contribute to the green network. The area is obviously valued as greenspace that can easily be accessed from the town centre. I note that the paths across the site form part of the Core Path Network.

6. The modification to the proposed plan suggested by Allan Water Developments would establish a link between redevelopment of the site and access arrangements and management of the open space of the site. It is difficult to see how development of part of the site, with associated introduction of access roads and vehicle movements, would achieve the objectives of Policy 1.3 of the proposed plan.

7. The proposed amendment suggests an addition to the supporting text within the settlement statement, rather than as a specific addition to the site allocations. As such, I do not consider that it would make a strong addition to the proposed plan. Policy 1.3 part (e) already allows for financial contributions to be sought for open space and green infrastructure. Consequently, I can see no additional benefit from including the proposed text.

8. In conclusion, given the site's importance within the landscape and value as an open space, I do not consider it appropriate to allocate it for development or to link management of the area to its future development. In any case, the proposed local plan already includes a policy that would allow funding for open spaces to be sought, without the need to tie this to development.

#### Park of Keir, Dunblane

9. The area known as Park of Keir has been the subject of a recent planning appeal (PPA-390-2042) in relation to a proposed development comprising, amongst other elements, a sports centre, hotel, footpaths, landscaping and enabling housing.

10. The Scottish Ministers accepted and agreed with the reporter's conclusions that the proposed development did not comply with the development plan. However, Ministers considered that there were material considerations which indicated that planning permission in principle should be granted. These related to the weight to be given to the economic value of the proposed development and the regional and national importance of the sports facility. Consequently, the Scottish Ministers have announced that they are minded to grant planning permission in principle subject to conditions and the conclusion of a planning obligation or other suitable legal agreement. The planning obligation should (a) commit the developer to make contributions to affordable housing and education provision in the area in line with the council's supplementary guidance; (b) include an agreement that no further residential development will take place on the wider site; and (c) set out arrangements to ensure that the sports facilities are accessible to the general public and with a pricing structure that ensures that the facilities are affordable.

11. Formal planning permission will not be granted until the legally binding agreement has been concluded to the satisfaction of Scottish Ministers and a three-month time period has been allowed to enable the relevant planning obligation to be completed to Ministers' satisfaction.

12. Notwithstanding the decision of the Scottish Ministers, I have considered the merits of allocating this site within the proposed plan, in case it is not possible to agree the relevant planning obligation within the required timescale and/or any consent that may be issued subsequently lapses.

13. Following a request for further information, Stirling Council has confirmed that it remains firmly of the view that this site should not be allocated as a development opportunity within the proposed plan. It considers that if any consent issued were to subsequently lapse, then retention of green belt status would provide an appropriate level of protection from potential impacts arising from any future development proposals.

14. The council has indicated that the main elements of the proposed development are for sports facilities, a hotel and country park, which are not forms of development for which sites are specifically allocated or included on the proposals map. Whilst I accept

that this is the case, there would be nothing to prevent the council from allocating a site for these purposes, if it so chose. The council has also indicated that it does not support housing in this location.

15. The proposed site lies south and east of Dunblane extending from open farmland north of the Keir roundabout southwards towards Bridge of Allan. It is within the Core Area of the settlement strategy of the proposed plan. Visually, the southern boundary of the proposed site appears closer to Bridge of Allan than the northern boundary does to Dunblane, but it clearly lies outwith the settlement boundary of either town.

16. The preferred development approach for Dunblane is urban consolidation involving the use of vacant and brownfield land and property; provision of high-density, mixed-use development; and maximisation of connectivity by walking, cycling and public transport. A similar development approach is also favoured for Bridge of Allan. Whilst the proposed site lies adjacent to main roads, and there is some provision for cycling, it comprises areas of open farmland, fields, woodland and hedgerows. Consequently, I do not consider that it meets the requirements of the proposed settlement strategy as it does not represent urban consolidation, or use of brownfield or vacant land, nor would it maximise connectivity by walking, cycling or public transport.

17. The location of the proposed site is within the green belt lying between Dunblane and Bridge of Allan. It also lies within the Keir Local Landscape Area. Supplementary guidance SG03 for green belts, which has been adopted by Stirling Council, states that the green belt to the south of the settlement plays an important role in maintaining the distinct identity of Dunblane from Bridge of Allan. Development of this area would act to bisect the green belt between Dunblane and Bridge of Allan. It would be visually prominent within the landscape and would result in a change from a rural setting to a suburban one. Development of the proposed area would effectively move the settlement boundary of Dunblane significantly closer to Bridge of Allan. This would act to 'blur' the boundaries between the two settlements, reducing the distinction between the separate communities of Dunblane and Bridge of Allan.

18. For these reasons, I accept the view of Stirling Council that the site should not be allocated within the proposed plan.

#### Glen Road, Dunblane

19. The map accompanying the representation from Kippendavie Group Trust shows two areas of land adjacent to Glen Road. One lies directly adjacent to the settlement area, and was referenced as DUN02 in the Main Issues Report. The second area lies between Kippenross Home Farm and Kippenrait Cottages and was referenced as DUN03 in the Main Issues Report. Although the council's response refers to a singular 'site', following a further information request it has confirmed that its comments relate to both proposed areas.

20. The representation proposes removal of each area from the green belt in order to support land use changes that may arise in the town centre and to respond to future housing needs. I find it difficult to envisage how either proposed site could support town centre functions. They are at some distance from the town centre, and are accessed from a fairly narrow road, not particularly suited to public transport or high levels of vehicle movement. No evidence of need for additional town centre land has been put before me.

21. Dwellings extend along Glen Road from the town, but the density of development decreases with distance from Dunblane. The nature and pattern of development, coupled with the presence of trees, hedgelines, stone walls and farms, creates an area of transition from urban to more rural areas. The development of either proposed area for town centre uses would cause a significant change to the landscape and character of the area, inconsistent with the aims of the green belt. Likewise, development for housing would alter the rural character of the area. The green belt around Dunblane is important in maintaining the historic settlement form within the valley landscape. Allocation of these sites would further expand development out of the valley. In addition, removal of the proposed sites from the green belt would create an inner boundary that is convoluted and difficult to defend.

22. For the reasons set out above, I do not support removal of land on Glen Road from the green belt for allocation for town centre or housing use.

#### Land east of Perth Road at Dunblane New Golf Club

23. The area proposed for exclusion from the green belt lies adjacent to Perth Road and is bordered on its eastern side by tennis courts at the northern end and development associated with Ochloch Park at its southern end. The land to the west and south of the proposed site are also part of the green belt. In my view, removal of this small section of land would semi-isolate a narrow strip of green belt along the River Allan to the west of the proposed site, resulting in the creation of an inner boundary to the green belt, which would be convoluted, poorly defined and difficult to defend.

24. The representation from Kippendavie Group Trust suggests that the land could be used to support the role and function of the town centre. I accept the view of Stirling Council that the site is in a sustainable location close to the town centre and public transport. However, the site is currently separated from the town centre by the Perth Road, which is a busy, dualled, thoroughfare. I also observed a significant difference in levels between the proposed site, Perth Road and the town centre. Given the physical characteristics of the proposed site, I accept that it is difficult to envisage how the land could be used to support the role and function of the town centre. No evidence of a need for additional land to support the town centre has been placed before me.

25. The location of the proposed site, on the south-eastern flank of Dunblane, means that it has some prominence in the landscape. During my site inspections I noted that it forms a particularly visible part of the view from the housing areas on the slopes to the west of Stirling Road.

26. In conclusion, I can see no benefit or justification for excluding the proposed area of land from the green belt.

#### Sites around the perimeter of Dunblane: Dunblane west and south; Hillside; and Kippendavie Mains

27. These three sites have been the subject of representations promoting their allocation for housing within the proposed plan. Two of these sites (Hillside and Kippendavie Mains) have been the subject of recent appeals, both of which have been refused.

28. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this Examination, where it has been concluded that the number of houses to be built during

the period of the plan is likely to fall short of the housing supply target for the plan. In that context, I have given serious consideration to the case for allocating additional sites for housing in the plan area.

29. The proposed sites would be capable of supporting sizeable developments, in the order of 50+ dwellings, with one (Dunblane south and west) identified as being able to accommodate up to 500 dwellings. Whilst the shortfall identified at Issue 3 provides an opportunity to look again at proposed sites, the cumulative scale of development represented by these three proposed sites far exceeds any identified shortfall. Each proposed site lies around the perimeter of Dunblane, within the green belt. Considered together, these proposals create pressure to substantially increase the settlement area to the west, south, northeast and east of Dunblane. Thus, irrespective of the merits of individual sites, these proposals raise similar questions concerning the direction (s) of any future expansion of the settlement boundary to accommodate the future growth of Dunblane, and the location of the green belt.

30. During the examination of the extant plan, the reporter concluded that allocation of additional sites, which would expand the settlement edge of Dunblane, risked jeopardising delivery of the fundamental local development plan strategy. Whilst the reporter expressed support for refusal of the totality of additional sites in the short-term, they did identify that in the long-term it was likely that there would be pressure for growth in Dunblane. They concluded that the physical constraints around the settlement would tend to focus attention on those areas subject to unresolved objections. Further, they concluded that as it was unlikely that all the areas could be supported, it would be for the planning authority to make choices in developing a strategic approach for subsequent reviews of the local development plan. In order to achieve this, the reporter recommended that a “fully transparent, co-ordinated, comparative and wide-ranging evaluation” was undertaken.

31. The Spatial Strategy of the proposed plan identifies Dunblane as lying within the Core Area, and the preferred development approach is urban consolidation. This acts to focus attention on opportunities within the existing developed area as opposed to expanding the settlement boundary. The proposed plan does make provision for strategic development and sustainable expansion of some communities, but Dunblane is not one of these. Thus, any proposed sites outwith the settlement boundary would not be consistent with the proposed Spatial Strategy.

32. The proposed allocations all lie within the green belt. The purpose and function of the green belt is set out in Policy 1.5 of the proposed plan and is supported by supplementary guidance (SG03), which has been adopted by the council. The function of the green belt is to protect and enhance the quality, character, landscape setting and identity of the settlement. It is also recognised as important in providing opportunities for outdoor recreation, maintaining biodiversity and enhancing the quality of life. The green belt to the north and south of Dunblane is considered to have an important role in maintaining the distinct identity of Dunblane from Ashfield and Bridge of Allan. To the east, the green belt is considered important to maintain the historic settlement form within the valley landscape. It also recognises the significance of the Battle of Sheriffmuir. A review of the green belt was carried out to inform the preparation of the extant local development plan and further modifications to the boundary were made during the examination of that plan.

33. For the most part, the inner boundary of the green belt closely follows the edge of

the built-up area. Whilst I have no doubt about the importance of the green belt in protecting and enhancing the landscape quality and special character of Dunblane, I find that the rationale for the location of the inner boundary lacks clarity in some areas. The resultant boundary appears somewhat arbitrary and convoluted in places (particularly in the south and west), and has resulted in some areas that appear partially surrounded by dwellings and hence semi- isolated from the main bulk of the green belt. The proximity of the inner boundary to the developed edge means that it reduces the opportunity for strategic development anywhere around the edge of the settlement.

34. The potential for sites on the edge of Dunblane to supplement the housing land supply has been recognised by the council in its response to representations. However, the council is reluctant to release sites until it has undertaken the comparative evaluation of options as recommended during the previous examination.

35. The proposed plan has been prepared primarily to address a shortfall in the housing land supply that resulted from the extant plan. Given this recognised shortfall, it is unfortunate that the council has not carried out the comparative evaluation of options envisaged by the previous examination, however it is understandable given the relatively short time between adoption of the extant local plan and preparation of the proposed plan.

36. Having reviewed the information before me, I conclude that little has changed since the previous examination of proposed sites around Dunblane and where changes have occurred, these are not so great as to undermine the conclusions of the previous examination. The Spatial Strategy, comprising urban consolidation, is substantially the same as that set out in the existing plan. In the long term this is likely to lead to a barrier to expansion of the settlement as all available sites within the settlement area are developed. Consequently, there is still a need to carry out a transparent and comparative assessment of the potential for expansion of Dunblane to inform future iterations of the local development plan. Without prejudice to any evaluation that Stirling Council may subsequently conduct, it is possible that the preferred solution may allow for growth on all sides, but not to the degree currently envisaged by any single proposal.

37. In reaching my decision, I have considered the representation from Dandara Limited and Arnbathie Developments Limited, which suggests that the reporter's comments in relation to Hillside, included in the report of the examination of the extant plan, can be interpreted as favouring growth to the south of the town. I do not agree with this interpretation; I consider the comments were specifically targeted in relation to a small, discrete allocation and not the general principle of development in this area of the town.

38. Any evaluation of the direction for future strategic growth will, as a necessity, require a further review of the green belt boundary around Dunblane in order to ensure that it is clearly defined, using the criteria set out in Scottish Planning Policy. In the absence of a review of the preferred future direction (if any) for strategic growth of Dunblane, I do not consider it appropriate to undertake a wholesale review of the green belt boundary as part of this examination. In any case, whilst it has been proposed that some sites should be removed from the green belt, no alternative settlement or green belt boundaries have been put before me.

39. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. For the reasons

identified above, I do not consider that any of the three proposed sites should be allocated until the comparative assessment of the direction (s) for strategic growth of Dunblane.

40. I have provided further consideration of the specific representations in relation to each of the proposed allocation below.

#### Dunblane west and south

41. This large site comprises the roughly triangular shaped area of undeveloped land to the south of Dunblane, which is defined by the A9 to the West, the Park of Keir roundabout to the south and the B8033 to the east. It also includes the narrow strip of undeveloped land lying between the A9 and the western edge of Dunblane. The proposed area would represent a significant strategic expansion of Dunblane, capable of accommodating in the region of over 500 dwellings. A masterplan has been produced, which encompasses the smaller area identified as Hillside, which has been allocated within the proposed plan (see Issue 34) and a 'larger' Hillside site, which is also subject of unresolved representations and which I consider further in its own right (see paragraphs 52 - 63).

42. My conclusions about the general principle of allocating additional sites adjacent to Dunblane within the green belt are set out in paragraphs 27 – 39. In summary, the proposed allocation does not satisfy the requirements of the proposed development approach for Dunblane as it would represent a significant expansion of the settlement, rather than urban consolidation. In addition, the proposed allocation lies wholly within the green belt and would not satisfy the requirements of Policy 1.5 of the proposed plan or supplementary guidance (SG03) adopted by the council.

43. Part of the identity of Dunblane is linked to its location within the valley of the Allan Water. The proposed allocation, which is likely to require a new or upgraded road access from the B8033, would result in a substantial expansion of the urban area out of the river valley and down the slope southwards to the Keir roundabout and loss of green belt. Alone, this would represent a substantial reduction in the separation between Dunblane and Bridge of Allan. However, I am also required to consider the development in combination with the proposed developments at Park of Keir, for which the Scottish Ministers have recently indicated they are minded to grant planning permission in principle (see paragraphs 9 - 18). These two major developments would adjoin each other, separated only by the Keir roundabout. In my view, the cumulative effect would be to substantially move the boundary of Dunblane southwards close to the northern boundary of Bridge of Allan, reducing the separation and distinction between the two settlements.

44. Much of the southern portion of the proposed site lies within the Keir Local Landscape Area and a site included by Historic Environment Scotland on the Inventory of Gardens and Designed Landscapes (Keir). In their representation, Dandara Limited and Arnbathie Developments Limited object to the inclusion of this land within the designated areas.

45. Identification of areas for inclusion on the Inventory of Gardens and Designed Landscapes is the responsibility of Historic Environment Scotland, and is not within the control of the council. Consequently, the council is not in any position to remove this site from the inventory, even if it were minded to do so.

46. Scottish Planning Policy (SPP) includes a requirement to protect and where appropriate enhance gardens and designed landscapes included in the Inventory. The designation of a Local Landscape Area, supported by supplementary guidance, seems an appropriate policy mechanism to fulfil this requirement. Even if Stirling Council were minded to amend the boundary of the Local Landscape Area, it would still be required to fulfil the requirements of Scottish Planning Policy (SPP) in relation to the designed landscape.

47. I accept that the A9 acts to create some visual separation between the land within the proposed allocation and the 'western' portion of the Local Landscape Area and Designed Landscape. However, the Local Landscape Area extends for a substantial distance eastwards beyond the proposed allocation and it retains some features of the designed landscape. Development of the proposed site would remove a significant area from the northern part of the Local Landscape Area, and reduce the connection between the areas lying around Keir House and land lying to the east of the A9, M9 and Keir roundabout. It seems obvious to me that development of this area resulting in the partial fragmentation of the Local Landscape Area, would detract from the value of the designated site as a whole.

48. The proposed allocation includes areas of agricultural land, hedgerows, woodland, rough ground and access tracks. Much of this area is poorly visible from the A9 owing to the difference in levels and presence of woodland along the road's edge. The landscape and visual assessment provided with the representation refers to a basin-like topography, which could accommodate some development. However, the site is clearly visible on approaches to Dunblane from the south, including Bridge of Allan. The representation included a masterplan for the area, supported by a landscape and visual assessment. These documents acknowledge the sensitivity of views from the southern side and some accommodation to minimise the effects on these views has been made. In my view, these show that some small level of development may be able to be accommodated adjacent to the existing settlement edge at the top of the slope, without adverse effects on the landscape. However, I consider that the proposed scale of development, including the new road access and resultant loss of rural character would result in adverse effects on the landscape and detract from the Keir Local Landscape Area and Keir Designed Landscape.

49. I accept that issues related to maintaining core paths and informal access routes, maintenance of woodland, and areas of ancient woodland, noise from the A9 and transport are not insurmountable and could be addressed through careful design and secured through planning conditions.

50. The council has indicated that it does not think that schools in Dunblane have capacity to accommodate the level of development that could be accommodated at this site. Whilst I accept that providing adequate capacity would be challenging, I consider that workable solutions could be identified. Consequently, I do not consider educational capacity alone a sufficient reason to not allocate the site.

51. The representation argues that a strategic approach is required for long term growth. Strategic housing land supply has been considered under Issue 3, and it has been concluded that a potential shortfall exists, in terms of this plan. The proposed allocation is under the control of housebuilders Dandara Limited and Arnbathie Developments Limited and hence I consider that there is interest in developing the site. Consequently, it could provide a valuable contribution to housing. However, other sites and policy

mechanisms have been identified to address the predicted housing shortfall identified under Issue 3. Large-scale strategic development around Dunblane does not form part of the proposed settlement strategy during the period of the proposed plan. The allocation of this site would result in a significant loss of green belt. When considered in combination with the recent decision at Park of Keir, the loss of green belt would lead to a reduction in the separate identities of Dunblane and Bridge of Allan. Whilst there may be a requirement to allow strategic growth of Dunblane in the future, the direction (s) for this growth need to be determined through a comparative assessment of the options. Consequently, I do not support allocation of this site within the proposed local plan.

### Hillside

52. This site encompasses, but is larger, than the 'smaller' Hillside site which has been allocated within the proposed plan and which I have considered under Issue 34. This 'larger' Hillside site has been identified as being able to accommodate c. 100 dwellings, which would make an important contribution to the housing provision. I accept that this 'larger' Hillside site could be considered for development in its own right or could form the first phase of a larger development of land to the west and south of Dunblane. For the avoidance of doubt, in this section I have considered the merits of the 'larger' Hillside site in its own right. Paragraphs 41 - 51 set out my consideration of the merits of the more extensive west and south Dunblane proposed allocation.

53. During the examination of the extant local development plan, the reporter dismissed requests to allocate various areas of land to the south and west of Dunblane, but did identify an area at 'Hillside' as having potential to be a self-contained, discrete unit. However, it appears to me that there has been some confusion about the area to which the reporter was referring. The 'larger' Hillside site was included within each option of the Main Issues Report, but following the consultation process it was not included within the proposed local development plan, although the 'smaller' Hillside site for 15 dwellings was included. Having reviewed the information presented to me, I consider that the 'smaller' Hillside site, considered as part of Issue 34 of this examination, would best fit the description of a self-contained area. By contrast, the 'larger' Hillside site would require ancillary developments, principally in the form of a new access to the B8033. These would act to increase the area over which effects of development were experienced.

54. The proposed allocation lies adjacent to, but outside, the settlement boundary. The northern part of the proposed site would be bordered to the northeast and west by existing developments, and so could be considered as urban consolidation. However, the bulk of the site to the south is clearly beyond the settlement edge and would represent a strategic expansion of Dunblane, which is at odds with the preferred development approach for Dunblane (see paragraph 31).

55. The proposed allocation lies within the green belt. As discussed in paragraph 32, the inner boundary of the green belt around Dunblane appears to be defined by the limit of current development, using property enclosures to define the area. In consequence, the boundary is somewhat irregular, resulting in some areas of green belt surrounded on two or three sides by development, creating an impression of partial isolation. However, I do not consider that this detracts from the strong policy requirements set out in Policy 1.5 of the proposed plan and supplementary guidance adopted by the council (SG03) to safeguard the green belt from developments that would undermine their core role. The proposed allocation would result in the loss of a sizeable area of land, which forms an important function in maintaining the separate identity of Dunblane.

56. In my view, effects on the green belt would be exacerbated by creating a new access from the B8033 to the proposed site. Whilst such an approach may reduce concerns about traffic within Dunblane and the residential areas adjacent to the proposed allocation, it would increase the visibility of the development.

57. The southwestern portion of the site lies within the Keir Local Landscape Area and Keir Designed Landscape. My views on this are set out in paragraphs 46 - 47. However, I accept that the incursion into the Local Landscape Area and Designed Landscape is significantly less than that from the proposed Dunblane west and south site and it would not cause the same degree of fragmentation. In addition, the boundary of the Local Landscape Area and Designed Landscape are indistinct on the ground. Consequently, I accept that it might be possible to incorporate these features within any development proposal that were brought forward.

58. In terms of accessibility, I accept that the 'larger' Hillside site is within walking distance of Dunblane primary school. However, I have reservations about the general accessibility of the proposed new development, given the need to establish the main access via the B8033. I consider that this would act to isolate the proposed development from the rest of the settled area.

59. Dandara Limited and Arnbathie Developments Limited have suggested that Barbrush has been allocated for housing at the expense of this 'larger' Hillside site, and that loss of Barbrush for business and commercial use could limit the strategic growth of Dunblane.

60. As discussed under Issue 34, I accept that there is little interest in the commercial or business use of the Barbrush site. That site lies within the settlement boundary of Dunblane, does not lie within either the green belt or a Local Landscape Area, and the principle of development has already been accepted. During my site inspection I observed that the Barbrush site is predominantly flat and that access to the road network is in place. By contrast, the 'larger' Hillside site lies adjacent to, but outwith the settled boundary and is within the green belt. The western portion of the site lies within the Keir Local Landscape Area and Keir Designed Landscape, and would encroach on an area of woodland (although I accept that some of this could be accommodated within the proposed design). Part of the site is on a slope. The proposed access to the site from the B8033 would also require substantial works. Consequently, on balance I consider increasing the capacity of the Barbrush site to be preferable to the larger Hillside site as it avoids effects on woodland, landscape, and green belt and directs development to a site where the principle of development has already been agreed and road access is already in place.

61. As noted in connection with the larger Dunblane west and south site (see paragraph 50), the council has raised concerns about school capacity in Dunblane, particularly secondary provision. Looking at the council's projections for school rolls, I accept that additional capacity would be required to accommodate pupils from housing at the 'larger' Hillside site, if this were to be developed alongside the proposed allocation at Barbrush. Even if the Barbrush site were not allocated for housing, some mitigation would still be required. Whilst I accept that providing additional capacity to accommodate the combined effects of both Barbrush and the 'larger' Hillside site would be challenging, I do not consider it an insurmountable problem or a main reason for refusing allocation of the 'larger' Hillside site.

62. I note that the representation from Dandara Limited and Arnbathie Developments Limited suggests that Hillside should be allowed to develop to provide infrastructure that is limiting the long-term strategic growth of Dunblane. I accept that issues relating to infrastructure, particularly school capacity, have been raised by the council in their responses to some proposed allocations. However, I do not see this as an argument in favour of allocating Hillside; the preferred settlement strategy for Dunblane is currently one of urban consolidation. If strategic expansion, including supporting infrastructure, is to occur in the future, this will need to be informed by a comparative assessment of where this can best be accommodated.

63. In conclusion, strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In that respect, I find that the increase in allocation at Barbrush better meets the requirements of the settlement strategy and would avoid effects upon the green belt, Keir Local Landscape Area and Keir Designed Landscape.

#### Kippendavie Mains, Dunblane

64. This proposed site would adjoin the northeastern edge of Dunblane and would extend from the A9 in the north to an area east of Leighton Court in the south. The representation envisages that land adjacent to the A9 would be developed for a new garden centre, rural office space and a base for the Sherrifmuir Heritage Trail. The middle and southern portions of the proposed site would be developed in phases for a range of housing totalling in the order of 165 units.

65. There is no doubt that the scale of the proposed development would add to the provision of houses, including affordable housing, in an area which has been identified as 'highly pressurised'. Also, the submission of an application for planning permission in principle (albeit that this was refused at appeal (DPEA reference: PPA-390-2052) demonstrates that there is interest in developing this site.

66. The proposals would result in an expansion of the settlement boundary of Dunblane, contrary to the settlement strategy of the proposed plan (see paragraph 31).

67. Much of the proposed site lies within the green belt. A review of green belt boundaries was carried out prior to the preparation of the extant local plan. This suggested that the inner green belt boundary to the east of Dunblane could be "formed by areas of woodland and tree belts beyond the settlement edge, below Landrick and Dykedale." This was amended by the reporter during the examination of the extant plan, to more closely reflect the extent of existing development. This decision appears to me to have been made, partly, to prevent establishing a presumption as to the direction in which any future expansion of Dunblane should be made (see paragraphs 27 - 39) and partly to establish a clearly identifiable and defensible boundary.

68. One of the stated functions of the greenbelt around Dunblane is to maintain the distinct identity of the settlement, including the historic form within the valley landscape. It also recognises the significance of the Battle of Sherrifmuir. The proposed site is on a slope to the east of Dunblane and lies within the area identified as the Battle of Sherrifmuir on the Inventory of Historic Battlefields. In relation to the landscape aspects; I consider that some development could be accommodated on the lower slopes below the existing woodland at the southern end of the proposed site. However, based on my

own observations and the Landscape and Visual Impact Assessment report appended to the representation, it appears that development on the higher slopes and north of the Dykedale Road would be more prominent in the landscape. In my view, this would expand the settlement area significantly beyond its hidden position within the valley of the River Allan and would detract from the special qualities of Dunblane.

69. I note that the majority of the area identified for development adjacent to the A9 lies outwith the green belt boundary. Nevertheless, it lies on land above the settlement and from my observations provides an important role in obscuring views of Dunblane from the A9 and helping to retain its discrete identity within the valley.

70. The council has referred to its 'town centre first' principle, which is a well-established principle. The representation has not provided any information about the need or demand for an out of town location for the proposed uses. However, it is not uncommon for garden centres to be in such locations.

71. In relation to the Historic Battlefield, I do not consider that development at the proposed site would have an adverse effect upon the interpretation of the battle field.

72. Based on the Transport Assessment provided with the representation, I accept that workable travel and transport solutions would be required. This includes the provision for active and public transport.

73. The council considers that there are constraints to development as a result of school capacity. In this instance, it has referred specifically to capacity at Newton Primary School. Whilst I consider that educational capacity may present challenges, I do not believe these challenges are insurmountable and do not form part of my reason for not allocating this site.

74. In conclusion, I do not support inclusion of the area identified as Kippendavie Mains within the proposed plan. Although the review of strategic housing land supply under Issue 3 has concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment leads me to conclude that allocation of this area for development on the scale proposed would represent a strategic expansion of Dunblane to the east, which is clearly at odds with the settlement strategy of the proposed plan. There may be some potential for future growth to the east of Dunblane, however, it is important that all potential areas are subject to a comparative assessment to ensure that development is directed to the right locations. This is a task best undertaken by the planning authority, which can facilitate local participation.

**Reporter's recommendations:**

No modifications.

<b>Issue 36</b>	<b>Durieshill</b>	
<b>Development plan reference:</b>	H057, R10 and B09	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Robert Martin (01715)                  William &amp; Ann Brown (01719)                  Scott Fowler (01724)                  Springfield Properties plc (01733)                  Heather Macgowan (01748)                  Story Homes (01749)                  William Turnbull (01754)                  BDW Trading Ltd (01756)                  Hallam Land Management (01781)                  Wallace Land Investments (90048)                  Falkirk Council (90063)                  SEPA (90175)                  The Woodland Trust Scotland (90684)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Allocations H057, R10 and B09 which together comprise Stirling's Major Growth Area at Durieshill	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Principle of Development &amp; Delivery of Site</u></p> <p>BDW Trading (01756), Story Homes (01749), Wallace Land Investments (90048), Hallam Land Management (01781), William Turnbull (01754) and Robert Martin (01715)</p> <p>All make comment relative to the principle of development at the location, and the delivery of the site.</p> <p>BDW Trading (01756)</p> <p>Object to the allocation of H057 and consider that it is in a remote, isolated and unsustainable location, which will require a significant level of additional investment and infrastructure to deliver. Whilst acknowledging that a Proposal of Application Notice (PAN) has been submitted by a recognised housebuilder, they consider that it is not appropriate to rely on one site to make such a significant contribution to the housing land supply, and query whether the site is, or will be, effective.</p> <p>Story Homes (01749)</p> <p>Question the delivery and effectiveness of H057, highlighting a lack of progress to date, and the significant infrastructure required as set out in the Durieshill Settlement Statement (page 158 – 159).</p>		

## Wallace Land Investments (90048)

Whilst accepting that the site at Durieshill is likely to remain an allocation, question the delivery, effectiveness and contribution it will make over the Plan period, citing the lack of progress to date and the fact that it does not have planning permission. Consider that further sites within the Core Area will have to be allocated.

## Hallam Land Management (01781)

Object to the allocation at Durieshill, stating that despite the site having had Council support since 2003, no progress has been made in terms of realising development at this location. Consider that the time has come for the Council to replace this site with other alternative allocations.

## William Turnbull (01754)

Makes comment relative to the site selection of Durieshill, querying its location to the south of the motorway. In this respect reference is made to a previous 'Major Growth Area Appraisal Report'. Several selective quotes are made from the document as regards the potential traffic, landscape and cultural heritage impacts of development at this location and the new and upgraded infrastructure required. Focus is given to the fact that some parts of the assessment highlighted potential issues or problems arising with the site.

Robert Martin (01715) - Confirms that he is happy for his land to continue to form part of the site.

Impacts of Development

Scott Fowler (01724), Falkirk Council (90063), The Woodland Trust Scotland (90684), Heather McGowan (01748) and William & Ann Brown (01719)

All make comment as to the potential impact associated with development of the site.

Scott Fowler (01724), Falkirk Council (90063) and William & Ann Brown (01719)

All raise concern regarding the potential impact on the local road network.

Scott Fowler (01724) and William & Ann Brown (01719)

Query how the A872 (Denny Road) can accommodate the likely additional traffic associated with the scale of development envisaged.

## Falkirk Council (90063)

Voice concern regarding the impact on this road, and additionally the A9 corridor to Larbert. They cite several recent developments and state that these have already resulted in a significant increase in traffic using the local network.

William & Ann Brown (01719) - Query the capacity of the nearby M9 interchange to accommodate significant cumulative traffic increases.

Scott Fowler (01724) and Heather McGowan (01748)

Raise concern regarding the potential loss of views, and privacy likely to be experienced by nearby properties, both stating that building on the hillside would be inappropriate.

Heather McGowan (01748)

Raises concerns regarding the impact of development on health provision and elderly care, and queries what provision the Council have made for this.

Scott Fowler (01724)

Raises concerns regarding the impact a new village would have on properties which currently experience a countryside setting and character.

William & Ann Brown (01719)

Raise concerns regarding the impact of development on wildlife, the values of surrounding properties and Mains Gas Pipeline.

The Woodland Trust Scotland (90684)

Object to the Plan allocation at Durieshill citing concerns as to its potential to cause damage to and/or loss of areas of ancient woodland.

#### Flood Risk

SEPA (90175)

Make comment in respect of surface runoff flooding. See Issue 64 for a summary of their representation, proposed modifications and Council's response.

#### Developer Contributions

Springfield Properties Ltd (01733)

Whilst supporting the allocations H057, B09 and R10 at Durieshill, Springfield Properties Ltd make reference to potential developer contributions. See Issue 10 for a summary of their representations, proposed modifications and Council's response.

Falkirk Council (90063)

Modifications sought are specific to seeking developer contributions relative to the site. A summary of these comments, modifications sought, and the Council's response are contained within Issue 10.

#### Detail of Proposals

William Turnbull (01754), Heather McGowan (01748), and William & Ann Brown (01719)

All make comment in respect of the detail, or lack thereof, of proposals.

William Turnbull (01754)

States a wish to make comment on wildlife, birds, mature trees and rookery, should development proceed.

Heather McGowan (01748)

References the content of the current, non-statutory guidance document 'SG08a: Stirling's Major Growth Area – Durieshill' (CD29), and states that any work would have to be undertaken so as to ensure there was no subsidence, and that in addition to pedestrians and cyclists, the development would have to provide safe passage to horse riders.

William & Ann Brown (01719)

Query who will be accommodated within the new development, and state that in order for them to suggest any modifications to the Plan, they would first need to have sight of detailed drawings relative to layout, shopping centre, access roads, treatment plants, electrical substations and flood water run-off during construction.

**Modifications sought by those submitting representations:**

Principle of Development & Delivery of Site

BDW Trading (01756)

Request that the Council recognise the non-deliverability of Durieshill and concentrate growth to the south-east of the A91, allocating Gartclush Farm (either in part or whole) as part of H055 South Stirling Gateway.

Story Homes (01749)

Request that the extent of the contribution made by Durieshill over the Plan period to 2027 be reconsidered, and that the Proposed Plan's ambitions in relation to the numbers and phasing at Cushenquarter (H069) be revised.

Wallace Land Investments (90048) - Request that site at Back O'Muir Farm be allocated within the Proposed Plan.

Hallam Land Management (01781) - Request deletion of the site at Durieshill and allocation of land for residential purposes at Whins of Milton for up to 250 units.

William Turnbull (01754) - No modifications specified.

Robert Martin (01715) - No modifications specified.

Impact of Development

Scott Fowler (01724)

Requests that the Plan indicate an area of land immediately to the south of existing properties at the 'Smallholdings' where it is stipulated no buildings can be located.

Heather McGowan (01754)

Requests that the boundary line of the new village should not include buildings on the north facing hillside adjacent to the M9.

The Woodland Trust Scotland (90684) - Requests that the site at Durieshill is not taken forward.

**Summary of responses (including reasons) by planning authority:**

Principle of Development & Delivery of Site

BDW Trading (01756), Story Homes (01749), Wallace Land Investments (90048) and Hallam Land Management (01781)

All query the ability of Durieshill to deliver the housing numbers required by the Plan, and help maintain an effective 5 year housing land supply. The detail of these comments relative to housing numbers, and the Council's response are contained within Issue 3 and are not repeated here, suffice to say the Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement.

The fact that the site at Durieshill has not produced 'numbers' to date, or that significant infrastructure will have to be delivered as part of the development is not in dispute. However, the site is identified as Stirling's Major Growth Area within the current LDP, allocated for 2,500 houses and associated uses. It appears within the agreed 2016 Housing Land Audit as being effective within the Plan Period (CD20). The Housing Land Audit process will continue to monitor its precise delivery. The site is subject to Proposal of Application Notice(s) by recognised house builders – Springfield Homes (PAN-2016-004) (CD95).

As outlined within page 19 the draft Action Programme (CD17) an Infrastructure Working Group has been established by the Council to assist in the delivery of strategic development sites, such as South Stirling Gateway and Durieshill. To date this Group has held meetings held individually and collectively with land owners and house builders involved in the South Stirling Gateway site. Although in its infancy it is anticipated that this will continue, with a similar approach currently adopted and underway relative to Durieshill.

The Council remain of the view that the site is deliverable, and in an appropriate location within the Core Area, where an appropriate landscape fit for the new village can be achieved, linkages to surrounding settlements can be delivered and, through the Masterplanning and planning process, impacts mitigated. It's inclusion within the overall Spatial Strategy is considered consistent with paragraph 53 of SPP (CD02) and consequently do not agree to modify the Plan in respect of the representations made by BDW Trading (01756), Story Homes (01749), Wallace Land Investments (90048) and Hallam Land Management (01781) in this regard.

The sites promoted by BDW Trading (01756), Story Homes (01749), Wallace Land Investments (90048) and Hallam Land Management (01781) are assessed within Issue 45, Issue 43, Issue 45 and Issue 52 respectively.

William Turnbull (01754)

The document referenced within this representation relates to a time when the Council was considering several potential locations for the 'Major Growth Area' required through Proposal HP3 of the Clackmannanshire and Stirling Structure Plan (CD66). This involved appraisal of several different sites and locations, and which sought to interrogate the advantages, and disadvantages, of all sites. As the representation notes, this inevitably highlighted issues with Durieshill, as it did all other alternative sites. However, the process by which Durieshill was determined as Stirling's Major Growth Area has been fully assessed and ratified through the Development Plan Examination process, and separate legal challenge. The Council consider that delivery of a new village at Durieshill remains an important, and appropriate element of the Proposed Plan's Spatial Strategy, and is consistent in this respect with paragraph 53 of SPP (CD02). As such the Council do not agree to modify the Plan in response to this representation.

#### Impacts of Development

Scott Fowler (01724), Falkirk Council (90063), William & Ann Brown (01719)

The fact that development at Durieshill will have an impact on the local road network, including the nearby motorway interchange, is not disputed. As outlined in the Transport Background Documents (CD15) a transport appraisal of the Proposed Plan sites - inclusive of Durieshill - has been undertaken in line with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG).

This highlights which transport interventions are necessary to ensure that the growth promoted within the Plan can be accommodated within the Plan area's strategic and local transportation networks – this includes both the Pirnhall Motorway Interchange and the A872. These are clearly highlighted on the Durieshill and Stirling Settlement Proposals Maps. As is made clear within the Durieshill Key Site Requirements, contributions will be expected towards works required to mitigate these impacts.

Going forward, through the planning application process the submission of a Transport Assessment will be required. This will have to consider in detail the impact of development on the road network and appropriate mitigation. As current non-statutory guidance SG08a – Stirling's Major Growth Area: Durieshill (CD29) outlines within paragraphs 2.15-2.16 this assessment will be expected to include consideration of local roads into Denny and Torwood, and that it will be prepared in consultation with Falkirk Council.

It is therefore contended that the Proposed Plan, and future planning application process, will ensure that traffic impact, and required mitigation, will be adequately considered and addressed. The Council therefore does not consider that the Plan requires to be modified in light of the representations made.

Scott Fowler (01724) & Heather McGowan (01748)

Loss of view is not material planning consideration and therefore the Council do not agree to modify the Plan in respect of these representations.

The comments made relative to building on the north facing hillside near the 'homesteads' and M9 are noted. The Key Site Requirements (page 161), outline the need for a

Masterplanned approach to development of the site. It is through this, and the subsequent planning application process that areas for built development will be properly identified, assessed and agreed, relative to a range of issues, including topography and material impacts (such as privacy/daylighting) on neighbouring properties. Neighbouring owners/occupiers and other local residents and interest groups will have the opportunity to comment on this matter, and account must be taken of their comments prior to the final determination of any planning application. It is therefore not considered necessary to modify the Plan in response to these representations.

Heather Macgowan (01748)

The fact that the development will have an impact on health and care provision is not in dispute. The Key Site Requirements (page 161) require the inclusion of health provision within the village centre. Appropriate proposals, and level of provision, in this regard will be taken forward within the developer, in consultation with the NHS, at the appropriate time. Furthermore, in line with Policy 2.2: Planning for Mixed Communities and Affordable Housing and Policy 2.3: Particular Needs Housing & Accommodation, the developer will be required to provide a range and mix of house types and tenures, which will be expected to address accommodation needs of the elderly. The Council therefore do not consider it necessary to modify the Plan in response to this representation.

Scott Fowler (01724)

The fact that development at Durieshill will alter the currently countryside character of the area is not in dispute. However, this is considered inherent with any large scale development proposal, and the allocation at Durieshill is not considered unique in this regard. The required Masterplanning process, and the subsequent planning application process, will assess the detail of the proposals to ensure that the development has an appropriate landscape fit, and does not have an unacceptable impact on surrounding properties. As noted above, this process will include opportunities for interested parties to submit comment and have them considered. The Council do not consider it necessary to modify the Plan in response to this representation.

William & Ann Brown (01719)

The impact on property values is not a material planning consideration. In respect of the potential impact on wildlife, the Key Site Requirements (page 161 -162) draw attention to the more significant, but potentially resolvable, environmental issues. The site is not

subject to any formal designations in this respect. The Plan emphasises the importance of environmental sustainability, and it will be for the planning application process to consider the merits, or otherwise of detailed proposals in respect of the relevant Plan policies. These Key Site Requirements also set out the need for a masterplanned approach to development, and current SG08a: Stirling's Major Growth Area – Durieshill (CD29) provides further guidance in this regard. Paragraph 2.23 highlights the constraints relative to the High Pressure Gas Main. This is something that will have to be addressed by the developer through the masterplan process, but is not considered something which questions the principle of the allocation. The Council therefore do not agree to make modifications to the Plan in respect of this representation.

The Woodland Trust Scotland (90684)

The Key Site Requirements (page 161) require development to retain and appropriately manage mature trees, shelter belts and woodlands of conservation and landscape value. The current associated guidance SG08a: Stirling’s Major Growth Area – Durieshill (CD29) includes within it a schematic layout, which seeks to retain the existing woodland features. It is considered that through the Masterplanning process and subsequent assessment of planning application(s) the ancient woodland referred to can be suitably safeguarded without the need to remove the allocation from the Plan. The Council therefore do not agree to make modifications to the Plan in respect of this representation.

Detail of Proposals

William Turner (01754), Heather Macgowan (01748) and William & Ann Brown (01719)

All refer to a range of detailed matters such as access, design, layout, house tenure, drainage and electricity infrastructure, impacts on wildlife, compliance with SG08a, and state a desire to provide further comment when more information is available. There will be a requirement addressed all these issues at the planning application stage. At which point neighbouring owners/occupiers and other local residents and interests groups will be afforded the opportunity to comment, and account taken of their representations prior to the final determination of the application. It is therefore considered unnecessary to modify the Plan in response to these representations.

**Reporter’s conclusions:**

Principle of Development

1. A number of representations have questioned the allocation of the Major Growth Area at Durieshill.
2. Durieshill is a significant site to the south of the M9 and the city, and is expected to accommodate up to 2,500 homes and associated uses including two primary schools and a high school. A Proposal of Application Notice has been submitted by a house builder but no planning application has been submitted to date.
3. The objections to the allocation relate to its location, required infrastructure and lack of progress since 2003. All suggest that the site should not be relied upon to deliver homes in this plan period. Representations suggest that alternative sites should be allocated to compensate for the predicted shortfall in delivery from Durieshill in the plan period, and a number of sites in the plan area have been nominated instead. Each of those sites is addressed separately at the appropriate issue in this examination.
4. I note from the council’s Further Information Request response that estimated delivery from the Major Growth Area at Durieshill is 912 homes in the period from 2018 to 2027. Given that it is mid-2017, I believe the programming for this site is ambitious, but overall an output of an approximate average of 100 homes per annum might be achieved, if there is sufficient interest from multiple housebuilders.
5. Although the council has been promoting Durieshill since 2003, and to date progress has been acknowledged to be limited, I find that in the overall context of the Spatial Strategy of this plan, and the contribution to the housing land supply, it remains

appropriate to allocate this site for residential development in this plan. The Spatial Strategy is addressed at Issue 1 of this examination, and I acknowledge that a number of representations made here at Issue 36 are complemented by those made at Issue 1.

6. I find that the question of the allocation of Durieshill and potential alternatives is premature in relation to this plan. The council advises that an Infrastructure Working Group has been established. A housebuilder is on board and states it is progressing with development proposals. Although the site has been allocated for some time without delivering homes or infrastructure, based on the council's evidence, I conclude that the site can be considered effective for this plan period.

7. Although the process through which Durieshill has been allocated is acknowledged, it does not preclude the re-assessment of the requirement for a new settlement as part of the Spatial Strategy of the plan, nor indeed the location of such a settlement. That process was not carried out by the council in the preparation of this plan, on the basis that the council considers that sufficient land for housing has been identified and that the allocation of Durieshill, having been through a lengthy development plan and legal process, is appropriate. Scottish Planning Policy (SPP) paragraph 53 is quoted by the council in support of its position. I find that paragraph 53 supports new settlements. A number of representations have been made seeking the allocation of sites which could deliver a similar number of homes, but which are not supported by the council (Issues 45). My conclusions on these sites are set out in full at Issue 45, but in relation to Durieshill, my general conclusion is that these sites do not appear to be majorly constrained in terms of access and infrastructure (subject to the necessary assessments) but are not required in terms of the housing land supply for this plan.

8. Should no further progress be made in delivering the new settlement at the end of this plan period, then the next local development plan could consider the question of a new settlement and its potential location, as a period approaching 20 years could be construed as being sufficient to enable a site to demonstrate its effectiveness or otherwise. My conclusion that the site be considered effective for the purposes of this plan should not imply that it should be considered effective indefinitely.

9. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, additional sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site leads me to conclude that it is effective.

10. A representation also questions the allocation of the site based on a document used to assess potential major growth areas which was part of the now superseded Clackmannanshire & Stirling Structure Plan. Where relevant, the issues raised in the representation have been addressed above.

11. The support of the landowner is noted.

12. I recommend no modification to the plan.

#### Potential Impact of Development

13. Several representations are made regarding the potential impact of the major growth area. The representations made generally object to the allocation of the site for

housing, for a variety of reasons.

14. The majority commented on the ability of the local road network to cope with increased traffic, and in particular about the access to the A892 Denny Road at peak times. Concerns regarding the potential cumulative impact on the area are also expressed in terms of traffic and road capacity on the A9, and at the M9 junctions and slip roads.

15. The Local Development Plan states that a transport appraisal has been carried out which identifies any required mitigation measures. Any development proposal for the site will need to be accompanied by a Transport Assessment and I find that in terms of transport and the potential impact on the local road network, these are matters that can be addressed at planning application stage. Supplementary Guidance SG08a Stirling's Major Growth Area: Durieshill sets out the expected parameters of that assessment, which is to include potential cumulative cross-boundary impacts on the road network. I am satisfied that no modification to the plan is required.

16. There is no evidence before me to demonstrate that any of the community facilities such as healthcare, education and leisure would not be made available to the residents of Durieshill. The proposed village centre specifically mentions health provision and leisure, and a community campus of 2 new primary schools and a high school are also key site requirements as set out on page 161 of the proposed plan. In this regard, I am satisfied that the matters raised in the representation are addressed in the proposed plan, and recommend no modification.

17. In relation to the issue of flooding, Scottish Environmental Protection Agency did not object to the inclusion of this site for residential development in the proposed plan, but did request that additional text be added to the key site requirements, to address the potential issue of surface water runoff. SEPA provided the suggested modification and the council agrees that the plan should be modified accordingly (Issue 64 Flood Risk Management). The text as suggested is as follows: "*Appropriate mitigation measures are implemented to reduce the risk of surface water runoff*" should be added to the key site requirements. I recommend that the plan be modified accordingly.

18. Matters such as the location of the pipeline, detailed layout, landscape setting and countryside character, wildlife, equestrian and pedestrian safety are most appropriately addressed during the masterplanning stage of any development proposal, as the level of detail required to meaningfully address such concerns is not available to me in this plan examination. I am satisfied that those raising such valid concerns will have the opportunity to address them during the consultation processes associated with any development proposal. I recommend no modification to the plan.

19. The Woodland Trust objects to the allocation of the site, based on concerns for the potential of the development to cause damage to and / or the loss of ancient woodland at Plean Bank Wood 2b which is adjacent to the allocation and Engine Wood, Muir Wood, Unnamed Wood, Avenue Wood and Auchenbowie Wood, all of which are located within the allocation boundary.

20. The council states that the matter is already addressed in the key site requirements, and through the masterplanning process where ancient woodland can be safeguarded.

21. I find that ancient woodland is not specifically mentioned in the key site requirements

for Durieshill, and in order to fully reflect the importance of retaining and / or minimising damage to such areas, I am recommending that bullet point 4 on page 161 be modified with the addition of the words “Ancient woodland,” as the first two words.

22. Representations raise the issue of appropriate developer contributions for this site, and such matters are fully addressed at Issue 10 of this examination.

23. There were a number of non- planning matters raised in representations, which have not been material to my conclusions.

**Reporter’s recommendations:**

1. Add the text “*Appropriate mitigation measures are implemented to reduce the risk of surface water runoff*” to the key site requirement after bullet point 6 on page 162 of the Proposed Plan.

2. Add the words “Ancient woodland, “ as the first two words to bullet point 4 on page 161 of the Proposed Plan.

<b>Issue 37</b>	<b>Fallin</b>	
<b>Development plan reference:</b>	Fallin Settlement Statement and Proposals Map (pp 164-169) H077 - East Fallin B03 - Polmaise Park	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
William Perrie (01711) Ogilvie Homes Ltd (01722) Nicola Kelly & James Clark (01740) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	The Fallin Settlement Statement and Proposals Map sets out the approach to development in Fallin, and shows the site boundaries, phasing , estimated capacities and key site requirements for site allocations H077 - East Fallin and B03 - Polmaise Park	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>H077 - East Fallin</u></p> <p>William Perrie (01711) - No problems with new housing being built but hope views of the Ochils will not be obstructed.</p> <p>Ogilvie Homes (01722)</p> <p>Fully support its continued inclusion as Housing Site H077 in the Proposed LDP</p> <p>SEPA (90175)</p> <p>Surface water hazard identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.</p> <p><u>B03 - Polmaise Park</u></p> <p>Nicola Kelly and James Clark (01740)</p> <p>Oppose allocation. Traffic build up outside at peak times. Noise and disruption during construction and afterwards. Block sunlight from back garden and property. Adverse effect on area. Already numerous empty units that could be put to use rather than build another.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>H077 - East Fallin</u></p> <p>William Perrie (01711) - None specified</p>		

B03 - Polmaise Park

Nicola Kelly and James Clark (01740)

Would like to see proposal take up less area and encroach less on the representees' house and neighbouring properties. Also shouldn't encroach on the Miners' memorial.

**Summary of responses (including reasons) by planning authority:**

H077 - East Fallin

William Perrie (01711)

The Proposed Plan prioritises the importance of design, urban design and placemaking. The Council is currently considering an application for planning permission in principle for this allocation (ref. no. 15/00146/PPP, as yet undetermined) (CD75). As a neighbouring proprietor, Mr Perrie will be directly notified of any detailed planning application and will be able submit comments across a broad range of planning and environmental criteria, with the Council obliged to take account of any concerns raised. However, a general principle in the determination of planning applications is there is no right to a view. Due consideration will though be given to the extent new buildings might dominate or overwhelm existing houses.

B03 - Polmaise Park

Nicola Kelly and James Clark (01740)

The Proposed Plan prioritises the importance of design, urban design and placemaking. As a neighbouring proprietors Ms Kelly and Mr Clark will be directly notified of any detailed planning application and will be able submit comments across a broad range of planning and environmental criteria, including the matters raised in their representation, with the Council obliged to take account of any concerns raised.

**Reporter's conclusions:**

H077 – East Fallin

1. The principle of residential development on site H077 is not an issue before the examination. I am satisfied that the development management process is capable of ensuring an acceptable layout and design suited to both the site and the neighbouring land uses. Indeed, it is a specific key site requirement that the development must “front on to Main Street, and be well-integrated with the existing buildings on the street”.
2. As explained by the council, the planning process is not intended to protect private views. However, when development is proposed, it is necessary to consider any environmental impacts, including visual impact, that could result as a consequence of the implementation of that development. In this context, the council has drawn attention to existing houses in the proximity of site H077 and also referred to the need to take account of comments submitted in respect of any planning application. I agree that these considerations would inform the development management process and protect existing residential amenity in the proximity of the site.

3. Insofar as the Scottish Environment Protection Agency has identified a surface water hazard, I note that under Issue 64, Key Site Requirements Relating to Flood Risk, the council has proposed a further insertion requiring appropriate mitigation measures. For the avoidance of doubt, this requirement is recommended as a modification below.

**B03 – Polmaise Park**

4. Site B03 is proposed for Class 4, Business Use, which is defined as a use “which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.” In principle, therefore, I consider that the allocation is acceptable. Any future development on the site would take its place in a section of the A905, Main Street, where already a variety of commercial, social and residential uses are to be found.

5. Although concern has been expressed about potential levels of traffic, I have no information to suggest that vehicle movements generated by the site would be of an unacceptable level. The council has not indicated that the A905 at this location would not be capable of coping with site traffic.

6. It has also been suggested that there is no need for this site whilst other commercial properties lie vacant. I have been provided with no definitive information in this respect but believe a range of commercial opportunities should be made available and, on the face of the matter, this site appears to be well-located.

7. Clearly, any detailed proposals would require to take into account neighbouring land uses. In particular, it would be important to protect the established amenity of residential properties, including the recently constructed houses in Alexander McLeod Place. It would also be important to ensure the Miners’ Memorial suffered no untoward impact. These are aspects of a future development that would require assessment under the development management process. I am satisfied that this procedure is capable of leading to an acceptable outcome in terms of the nature of any future Class 4 development on the site and the existing neighbouring land uses, including the memorial.

**Reporter’s recommendations:**

I recommend the following modification be made:

In the Fallin Settlement Statement development schedule, under site H077, East Fallin, add the following bullet point (the 12<sup>th</sup>):

Appropriate mitigation measures are to be implemented to reduce the risk of surface water run-off flooding.

<b>Issue 38</b>	<b>H098 – Menzies Terrace, Fintry</b>	
<b>Development plan reference:</b>	Fintry Settlement Statement (pp 170-173) H098 – Menzies Terrace	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Fintry Community Council (90086) SEPA (90175) G W Burton (90837) Alexander Elliss (00327) Sandra Kinnear (00329) Thomas Day (00331) Thomas S Macadam (00666) Liz Steele (00841) James Kinnear (00842) Terry Baitrum (00862) Michelle Baitrum (00868) John Laing (00870) Sian Hume (00871) Danny Hume (00873) Mrs E McGuire (00878) James Nolan (00879) Ann Nolan (00880) Ruairi J Doyle (00881) Joanna A A Doyle (00882) Cara A Doyle (00883) John G Doyle (00884) Hendy Spence (00885) Paul Spence (00886) Carole Nicolson (00888) Robert Nicolson (00890) Ian Borland (00892) Martyn Pairman (00893) Diane Pairman (00894) Amanda Agnew (00895) David Agnew (00896)</p>	<p>Andrew McLeod (00901) Andrea Gil (00908) Peter Rowe (00914) Walter Ewing Weir (00917) Marjorie Weir (00918) Mrs M Ferrie (00925) D Ferrie (00926) Jean M Gibb (00934) Richard P B Gibb (00935) T Walters (00936) Dorothy Macadam (00938) Ronald Garvie (00939) Jacqueline Garvie (00941) Mrs M A Burton (00942) Helen Barclay (00947) Ewan Waddell (01302) Angela May (01723) Linda Pearson (01726) June Muirhead (01728) Sandra Smith (01729) Stuart Higgins (01731) Katherine Cowtan (01736) Edward Brooker (01772) Iris Brooker (01773) Gaynor Allan (01774) Helen Munro (01775) David Kinnear (01776) Julia Brooker (01777) Lauren Pike (01778) Allan H Murray (01779) Agatha Day (01780)</p>	
<b>Provision of the development plan to which the issue relates:</b>	The Fintry Settlement Statement sets out the approach to development in Fintry. The H098 – Menzies Terrace site is the only residential development allocation.	
<b>Planning authority's summary of the representation(s):</b>		
<p>61 responses have been received in response to the proposed Local Development Plan consultation, and are summarised below.</p> <p>Fintry Community Council (90086)</p> <p>Fintry Community Council conducted a survey of residents. The results showed that the</p>		

majority of Fintry residents were against as many as 40 houses proposed. There is a preference for less houses. Residents also expressed concerns about flooding in the area and access through the estate.

#### Local residents

56 responses from local residents objected to the H098 - Menzies Terrace housing land allocation for one or more of the following reasons:

- i) Flood Risk, with references made to:
  - a) Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a sustainable risk based approach to manage flooding. Stirling Council has a duty to exercise its functions with a view to manage and promote sustainable flood risk management. Continuing to allocate the H098 could be construed as exacerbating an already unmanageable situation surrounding the site.
  - b) Village in narrow section of valley floor where water gathers from surrounding hills. Flooding takes place on an annual basis. Historic patterns of development avoid areas of flood risk. Some neighbours have already carried out unauthorised land raising. Climate change can only worsen the situation.
  - c) Site uphill from Menzies estate. The area floods severely from outflow of Culcreuch Castle pond.
  - d) Regular occurrences of flooding of properties and gardens in the Menzies estate. (supported by photographs). Regular flooding on Kippen Road at junction with Menzies Avenue preventing access. Cars have been damaged and residents unable to get to and from work (supported by photographs). Artificial river banks at Fintry Sports Club and the South Gate Lodge of Culcreuch Castle now direct water toward the Menzies estate.
  - e) Flooding can be due to saturated ground conditions as well. Another problem is drainage can be via cundies, the location of which is unknown. If this network was to be disrupted it could cause catastrophic problems for existing houses.
  - f) Privately financed drainage have already been implemented in the adjoining field. The pipe, which joins existing drainage at the head of Menzies Terrace, passes through the north western part of H089.
  - g) Potential risk to flooding should be fully investigated and mitigation measures put in place.
  - h) Proposed development will have to have a drainage scheme that is integral to an overall improvement scheme for the village, otherwise further flooding will occur.
  - i) An independent flood risk assessment is vital and should have been done prior to the land being discussed for building - which would have saved time, money and distress.
  - j) Will the burn be removed?
  - k) Existing properties can have difficulty securing adequate flood insurance. If development increases flood risk this could leave houses uninsurable and severely devalued.
  - l) If development proceeds and existing properties are flooded Stirling Council will be held liable and could be subject to legal proceedings to recover all costs.
- ii) Waste Water Treatment Works (WWTW)
  - a) Sewage problems exist at present and any additional housing will make matters worse, including local wildlife. There is serious concerns about the capability of the WWTW to accommodate the present needs of the village, never mind a further 40

houses.

- b) Scottish Water's comments in the settlement statement that there is capacity should be verified by an independent consultant.
- c) Scottish Water do not intend to upgrade WWTW, therefore additional housing will only make matters worse - 80% increase relative to the Menzies estate and 25% relative to the village as a whole.
- d) In times of flooding the WWTW backs up resulting in raw sewerage in surrounding land, private gardens and surcharging into residents housing. This is a serious health risk, particularly for children, and also affects local wildlife.

iii) Adverse impact on village character and amenity with references made to:

- a) Will affect rural character of village which will end up more like a town.
- b) Any development should protect significant trees.
- c) Menzies Estate designed to allow every house to back onto farmland or parkland. This will be taken away.
- d) The development will impinge on the Local Landscape Area and historic setting of Culcreuch Castle.
- e) Site contains historic remains of a lade and waterways built for Culcreuch Mill. These features, along with two oak trees, should be preserved and included in any site layout plans.

iv) Scale of Development

- a) Previous advice that further house building would be limited has been disregarded and even more houses built.
- b) A development of 40 houses (wherever they are placed in Fintry) is excessive, and does not constitute 'modest' development as laid out in the Spatial Strategy in the Local Development Plan.

v) Nature Conservation

- a) This area is a nature corridor, with pine marten, woodpecker, peregrines, sparrow hawks and merlin. It is a unique habitat for toads and newts and other key nature species.
- b) Endrick Water is a spawning ground for salmon and a European 'Special Area for Conservation.'
- c) Trees and hedgerows are home to wild animals, and the whole area provides a safe and natural walking and play area away from roadways which contribute to the local amenity.
- d) Object to the felling of the mature trees.
- e) Felling will have the negative effect of adding up to four thousand litres per day to the present water table.

vi) Access and Transport

- a) Roads leading into Fintry already poor quality and inadequately maintained. Will not cope with any increases in traffic.
- b) Menzies Terrace has poor visibility with Menzies Avenue.
- c) Demand Responsive Transport does not provide a satisfactory public transport solution for the village. Recent revisions have made it even more unsuitable. Any contribution should instead be directed towards provision of a regular scheduled

service. This would help those in low income households in the proposed affordable houses without car access.

- d) Access via Menzies Terrace is too narrow and it will be too busy. Not suitable for construction traffic. Used by children to play and cyclists. Construction traffic should take access via the Culcreuch Castle estate.

vii) Infrastructure

- a) No shops in the village.
- b) No capacity at Balfron High School.

viii) Other comments

- a) Part of the map shows an area in a privately owned garden.
- b) Existing properties would require a property inspection prior to any digging/piling/drainage work to establish baseline for structural conditions of existing houses.
- c) Due to large increase in wood burning stoves in the village, sensible to designate the area a smokeless zone before more houses are built. On a calm winter's day air quality already bad in the valley bottom.
- d) Council documents hint at a lack of organised food areas. Future planning should allow and reflect this.
- e) Village does need housing for elderly residents, e.g. 2 bedroom bungalows to free up family homes and allow long standing residents to continue to live in the village.

Letter of Support

Three letters of support from local residents have been received, referring to one or more of the following matters.

- a) Affordable housing will attract young people with children and support local primary school and nursery. It would also provide an opportunity for local residents to remain in the village rather than go elsewhere. Population growth would also potentially expand village amenities such as a shop/post office and bus service.
- b) The site is discrete and could be expanded further in the future.
- c) The building of smaller houses would allow long term residents to downsize but still remain in the village.

SEPA (90175)

- a) Support the inclusion in the Key Site Requirement for a Flood Risk Assessment to be undertaken, development on the functional flood plain to be avoided, and the identification that water resilient materials and measures may be required.
- b) Support the fact that early contact is required with Scottish Water regarding foul connection and capacity as this informs developers that there may be a need for additional expenditure to achieve a sewer connection at this site.

**Modifications sought by those submitting representations:**

Fintry Community Council (90086)

Reduce the number of houses proposed. Add a reference to address flooding issues.

Suggested Modifications on other representations

- a) Due to significant flooding issues and well established capacity issues with the Waste Water Treatment Works the H098 site should be removed from the Stirling LDP.
- b) Reduce scale of allocation to maximum of 20 units.
- c) There should be a guaranteed commitment to address known sewage treatment and drainage infrastructure issues before any increase to number of homes.
- d) Local access routes should be upgraded before construction traffic and another 40 houses allowed to add pressure onto local roads.
- e) Alternative access via the Culcreuch Castle estate would alleviate access issues.
- f) Finalisation of plan should be delayed to allow investigation of more appropriate sites. Village survey favoured developments of 2-5 houses, possibly with own mini-sewerage system, and also supportive of more social and affordable housing.
- g) There should be an alternative access during the construction period.
- h) Site drainage scheme should be integral to an overall improved village scheme for the village, to reduce flood risk.
- i) As a minimum public transport should be provided to and from Balfroun to provide access to regular scheduled services to Glasgow and Stirling.
- j) There should be minimal development of new housing in Fintry.
- k) Far fewer buildings built on higher ground only.
- l) Whole area made a smokeless zone before development.

**Summary of responses (including reasons) by planning authority:**

The H098 – Menzies Terrace housing allocation Fintry accords with the key objectives of the Proposed Plan’s Spatial Strategy for the wider Rural Villages Area, to provide:- “Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy” (Table 1, pages 16-17). It is part of the established supply being one of numerous site carried forward from the current adopted Plan into the Proposed Plan with appropriate updated programming and subject to a range of site specific key site requirements. With reference to Housing Land Audit 2016 (CD20) the site remains 'effective' in accordance with criteria set out in Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits. It also features in the Strategic Housing Investment Plan.

With references to the concerns raised in the representations:

i) Flood Risk

The Proposed Plan's Primary Policy 5: Flood Risk Management, supported by Supplementary Guidance SG18 Planning and Flood Risk Management (CD84), sets out comprehensive advice and guidance on managing flood risk. Section (a) states:

"(a) the Council will take a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change."

Section (c) (iv) states development proposals:- "... shall not increase the risk of flooding elsewhere."

This policy and guidance reflects the Council's statutory duties to promote sustainable

flood management and ensure development plans contribute to sustainable development. It also accords with relevant national flood risk management policy and guidance, as set out in Scottish Planning Policy and relevant publications by SEPA. The Council is also a responsible authority under the Flood Risk Management (Scotland) Act 2009 and has a key role in the preparation, implementation and review of strategic and local flood risk management plans.

Key site requirements for the allocation include a Flood Risk Assessment (FRA), Drainage Impact Assessment and the provision of multifunctional open space SuDS south of Menzies Terrace. Early contact with Scottish Water is also advised. Finally there is also a requirement for alternative emergency secondary access to ensure safe passage during times of flood.

In response to the representations the Council also sought confirmation of the most up to date position of Scottish Water and the Council's Flood Co-ordinator (CD55 and CD56). As can be seen it remains the case there are no 'in principle' objections to the housing allocation, subject to the submission and approval of the above mentioned assessments and subsequent implementation and long term future maintenance of the approved flood and drainage mitigation schemes, as determined by the assessments. These assessments and mitigation schemes will also be open to public scrutiny via the planning application process. It is also the case that site size (4.1 ha) will trigger a Pre-Application consultation which again provides an opportunity for local residents and the prospective developer to discuss flood risk management issues.

Following from the above and having due regard also to the concerns and supporting evidence included in the representations, the Council is of the opinion there is sufficient current appreciation of flood risk and drainage issues to justify the continuing allocation of site H098 for housing development. Local residents can however be reassured these matters will thoroughly appraised at the planning application stage. Prior to any planning permission being granted it will have to be fully demonstrated flood risk and drainage issues have been properly addressed.

#### ii) Waste Water Treatment Works (WWTW)

With reference to CD55 Scottish Water have confirmed the there is sufficient waste water treatment capacity for 40 houses. As already noted the submission of a Drainage Impact Assessment is a key site requirement, and Scottish Water are also encouraging early (i.e. pre-application) contact. Whilst confirming occasional winter time flooding of the WWTW they haven't been aware of the flooding impacting properties before. As with flooding issues these matters will be the subject of more detailed consideration at the planning application stage. Again it will have to be demonstrated they can be satisfactorily resolved prior to any planning permission being granted.

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and delete the H098 allocation for flood risk and drainage reasons.

#### iii) Adverse impact on village character and amenity and iv) Scale of development

The Proposed Plan's policies and guidance prioritises the importance of design, urban design and placemaking.

The site area is approximately 4.1 ha. If developed in line with the identified capacity this

gives a development density of c.10 units per ha. The adjacent Menzies estate comprises 59 no. well-spaced detached houses, the majority of which benefit from generous sized curtilages. Site area is approximately 6.8 ha giving a development density of 8.7 units per ha.

Though on rising ground site gradients are gentle. It is relatively secluded from most public viewpoints, sitting as it does beyond established frontage development on Kippen Road and the Menzies and Culcreuch Avenue estates. Development would be most prominent from the southern Culcreuch Castle access road, as anticipated by the key site requirements, which stipulate the creation of a new settlement edge and the preservation of the setting of the listed castle. This would also help minimise impacts on the Local Landscape Area.

Taking account of all of the above the Council is of the view that the scale of development is in keeping with the approach of the Spatial Strategy to provide for "..... small scale expansion of existing villages ....". It is also comparable to the scale of allocations identified for the other 'Western' villages. Development density will be in keeping with the Menzies estate and allows direct impacts on existing houses to be minimised. At the planning application stage detailed site design and layout will be assessed against placemaking policies and guidance. Notified neighbours and the wider community will have the opportunity to comment on the submission and make representations, which will have to be taken into account in the determination of the application.

Regarding the development of alternative sites, earlier site assessments have demonstrated there are limited development options within the village once due account is taken of all planning and environmental constraints. Developing several smaller sites would also be likely to provide limited or no affordable housing.

With these safeguards in mind the Council considers it appropriate for the Proposed Plan to continue to identify the H098 allocation without any modification to the site area, programming or key site requirements.

#### iv) Nature Conservation

The site comprises of generally open pasture land of little intrinsic biodiversity value. Recreational use is likely to be low key and informal, e.g. dog walking. A key site requirement specifies that all trees on the site should be surveyed and those of any value retained. Attention is also drawn to the nearby Endrick Water Special Area of Conservation.

#### v) Access and Transport

Vehicular and pedestrian access is taken from Kippen Road via Menzies Avenue and Menzies Terrace. The estate houses are all detached, have wide feus and extensive set back. This allows generous curtilage parking, thereby minimising on street parking along the roads serving the H098 allocation, to the benefit of public safety. The routing of construction traffic will be a consideration at the detailed application stage and can be controlled via planning conditions. Concerns regarding access being impeded by flood water will be addressed through the requirement to provide an emergency access. In turn this would also serve residents on the Menzies Estate, as and when the Kippen Road junction is impeded by flood water.

The Council acknowledges there is no scheduled public transport service, a situation only partially offset by the availability of demand responsive transport. Incoming residents are therefore likely to be highly dependant on private motorised transport. The Fintry Development Trust also promotes Fintry Energy Efficiency Transport (FEET) to address low carbon transport in the Fintry community. This includes a car club, electric vehicle, bike hire, bike maintenance and public transport.

Additional traffic generated by the development is unlikely to be at a sufficient scale to result in a material deterioration in road surfacing quality.

Overall access and transport issues are not deemed to be of sufficient weight in themselves to warrant deletion of the allocation or a reduction in site size.

vi) Infrastructure

The Council acknowledges the village does not have a permanent local shop. It is understood however the Fintry Sports and Recreation Club runs a 'club shop' supplying newspapers, magazines and basic groceries such as fresh bread, dairy products and eggs. A mobile post office is also available twice weekly in the club car park. There is sufficient capacity in Fintry Primary School to accommodate the 'pupil product' arising from the allocation. Secondary capacity at Balfron High School is dependant on progress with other developments in the 'Western' villages catchment. Nevertheless at this time secondary school capacity is unlikely to become so constrained as to preclude development of the site.

vii) Other concerns

Other matters that have been raised, e.g. inaccurate site boundaries, impacts of construction works on structural integrity of existing buildings, pollution from wood burning stoves, need for allotments and house types can either be addressed at the detailed planning application stage or are outwith planning control.

Taking account of all the above matters the Council concludes it is appropriate to continue to allocate the H098 Menzies Terrace site and therefore does not propose to modify the Proposed Plan.

The allocation was also considered at the Examination of the current adopted plan (CD03, pp 273-290) with submitted representations referring to similar concerns to those summarised above. Overall the Reporter concluded: "..... site H098 is capable of providing an acceptable development spread over periods 1 and 2, 2010-19 and 2019-24. The allocation should therefore be retained in the local development plan along with the additional requirements suggested by the planning authority to provide appropriate safeguards."

**Reporter's conclusions:**

1. The current, adopted local development plan includes site H098, Menzies Terrace, as a housing site with 20 units scheduled for 2010-19 and 20 units for 2019-24. The site is not contained within the Fintry settlement boundary.
2. The proposed plan also contains the H098 allocation although the indicative total of 40 units has a revised schedule with 33 units for 2015-2022 and 7 units for 2022-2027.

The site is within the settlement boundary and is also shown to be subject to Policy 9.1 as a designated Local Landscape Area.

3. The site was considered in the examination of the adopted local development plan when that document was under preparation. Many of those submitting representations at the time of the previous examination have confirmed that their opinions remain unchanged. Additional representations have also been lodged. For the most part, the representations object to the proposal in a range of respects.

4. The local development plan review process provides an opportunity to re-assess policies and land use allocations. Unresolved representations must be taken into account during the examination process. As indicated, in this case, many of the concerns previously expressed have been raised once more. It is important nevertheless to consider the representations afresh although it is significant that the principle of the residential use of site H098 has been established through the current local plan. Any changes of circumstances in the intervening period could be crucial although, in planning terms, the period between the adoption of the current local development plan and this examination is relatively short.

5. Fintry lies within the Rural Villages Area and is designated as a Tier 4 village. Controlled small-scale expansion is anticipated consistent with size and role within the settlement hierarchy. The Visual and Spatial Strategy Background Report (CD21) explains that Tier 4 and 5 settlements in the Rural Villages Area have “the potential to play an important but more modest role” and “will accommodate a small share of the additional development, the aim of which is more about sustaining them [the Tier 4 and 5 settlements]”.

6. The council believes that the scale of the proposal accords with the spatial strategy although a number of representations dispute this contention. In my opinion, the construction of a 40-house development is at the upper end of a “modest” or “small-scale” expansion of Fintry which has a population of approximately 690. However, this total is proposed over a 10-year period from the current time and I am therefore prepared to agree with the council that, in terms of scale, site H098 does not conflict with the spatial strategy.

7. In reaching the foregoing conclusion, I have taken account of the location of the site which I consider to represent an infill form of development, largely between existing houses to the north and south. In turn, houses built on the site would not result in a significant visual impact on the setting of the village. Indeed, I believe that the development could integrate well without appearing as a contrived village expansion to the detriment of the character of Fintry.

8. Additionally, I regard the requirement to make a significant contribution towards the provision of affordable housing to be a beneficial aspect of the proposal.

9. Despite the infill nature of the proposal, development would take place on land currently within a designated Local Landscape Area. Policy 9.1 sets out protective measures in such areas. Clearly, the loss of any part of a Local Landscape Area should not be contemplated lightly. However, I consider that the loss of this land from the Local Landscape Area would not be significant in a wider context. A specified “key site requirement” is the need to retain all trees of value. In itself, this measure would ensure that important trees are not lost. I therefore believe the development would fulfil the

policy requirement to not adversely affect the Local Landscape Area. In any event, I consider the impact of any loss to local landscape would be offset by the contribution of housing, especially affordable housing, to the spatial strategy.

10. I also recognise that the loss of land to development can have an impact on ecology and note the variety of wildlife that has been referred to in the representations. However, this is not a site protected under a specific nature conservation designation, even at local level, such as a local nature conservation site under Policy 8.2. Neither have any adverse representations been received from nature conservation organisations. Of course, all European protected species are protected in their own right under the Habitat Regulations. If necessary, the council would require a potential developer to undertake protected species surveys as indicated in Primary Policy 8.

11. The proximity of the Endrick Water Special Area of Conservation is recognised in the key site requirements in order to protect the integrity of this internationally important designation. The species which constitute the special interest of the Special Area of Conservation are susceptible to reduced water quality and it is therefore crucial to maintain the standard of the water environment.

12. Cultural and built heritage is also a matter to be taken into account, particularly in terms of Culcreuch Castle, a Category A listed building. I have given further careful consideration to the impact on this nationally important building and its setting. As was concluded at the time of the previous local development plan examination, I believe that a combination of landscaping and planting and a carefully designed layout with development focussed in the western part of the site would ensure that there would be no significant adverse impact on Culcreuch Castle. The importance of the building is reflected in a key site requirement.

13. Other aspects of built heritage to which reference has been made include remains of a lade and waterways built for the Culcreuch Mill but these do not appear to have statutory protection and I conclude that there is no justification for preservation.

14. Concern has been expressed about inadequate infrastructure including shops, education, roads, transport and drainage. The council accepts the restricted retail facilities in Fintry but has drawn attention to some local provision for limited shopping and the mobile post office service. Fintry Primary School would have places available and, although there is some pressure on Balfron High School, secondary education provision is not regarded as an overwhelming constraint. Access to the development, including access by construction vehicles, is not regarded by the council to be a significant problem. Similarly, the council argues traffic generated by the development would not have a significant impact on the local road network.

15. The council has recognised the shortcomings in public transport provision and accepts that demand responsive transport does not offset the lack of scheduled bus services. I agree that the restricted modes of transport available are a disadvantage, not only in terms of the development of site H098 but also in respect of the existing village. It appears that this issue has been recognised and addressed by the Fintry Development Trust which has promoted a range of transport initiatives including a car sharing scheme.

16. Clearly, sustainable development should provide a range of modes of travel and therefore the situation in Fintry is far from ideal in this respect. I have assessed this matter against the advantages to be derived from the development which, as previously

explained, would include affordable housing. I believe there would also be a degree of economic benefit to the local economy as a consequence of site construction and subsequent incoming residents. On this basis, I am prepared to accept the council's contention that transport issues, including construction traffic and longer term additional traffic generation, are of insufficient weight to warrant the deletion of the allocation.

17. As indicated by the council, Scottish Water has confirmed that Fintry waste water treatment works has the capacity to accommodate the proposed development. Additionally, I note a drainage impact assessment would be necessary in order to ensure that, if required, mitigation would be implemented to protect the sewer network. This is a prudent approach.

18. Flooding potential is a widespread concern. It is feared that flooding problems experienced in the existing residential development at Menzies Terrace, Menzies Crescent and Menzies Avenue would be exacerbated.

19. I note that the Scottish Environment Protection Agency flood map does not show site H098 to be at risk due to either river or surface water flooding. However, a section of the B822, including that part of the road in the vicinity of the access to the Menzies estate, is identified as having a high likelihood of river flooding. This particular problem has been raised by a number of those making representations.

20. As the council explains, the proposed plan contains a comprehensive flooding policy, Primary Policy 5: Flood Risk Management. The policy confirms a precautionary approach in respect of flood risks from all sources including fluvial and pluvial flooding, which are of relevance in this case. The policy further stipulates that development shall not increase the risk of flooding elsewhere.

21. In addition to the policy requirements, the key site requirements include the need for a flood risk assessment, early contact with Scottish Water in terms of "foul connections and capacity", a drainage impact assessment and an emergency secondary access. The emergency access may be required at times when the junction with the B822 is impassable due to flooding from the Endrick Water. Indeed, the emergency access may be of benefit to existing residents should flood water prevent the use of the junction to the Menzies estate.

22. The response of the council's Flood Co-ordinator is especially important, confirming that the site is not within a functional flood plain. Nevertheless, the potential current access difficulties are recognised. The probable requirement for mitigation, especially during the construction phase, is emphasised with a need for strict conditions and maintenance schedules. It is not suggested that the site is undevelopable and, significantly, the Flood Co-ordinator believes the development of the site could reduce flood risk to existing properties.

23. In respect of flood potential, I acknowledge the concerns of those who have made representations but conclude that the site allocation is justified subject to the specified key requirements and the application of Primary Policy 5.

24. Overall, having noted the concerns of those making representations (including some matters not normally associated with the planning process), I conclude that whilst the site suffers from certain constraints, these are not of sufficient weight to justify the deletion of the allocation from the proposed plan.

**Reporter's recommendations:**

No modifications.

<b>Issue 39</b>	<b>Fintry Settlement Boundary</b>	
<b>Development plan reference:</b>	Fintry Settlement Statement (pp.170 -173)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
June McMurtie (01376)		
<b>Provision of the development plan to which the issue relates:</b>	The Fintry Settlement Statement sets out the approach to development in Fintry. The Countryside Policy Boundary distinguishes the built up limits of the village from the 'Countryside' beyond.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Settlement boundary incorrectly drawn as it excludes private garden of 50 Main Street. Consequently garden ground lies outwith the village and is covered by Policy 9.1 Local Landscape Area.</p> <p>Both house and garden should be included within the Fintry village boundary. This would reflect the actual landscape character of the curtilage as a landscaped garden. The adjacent unmanaged woodlands to the west are more representative of the policy intent.</p> <p>The boundary of the Endrick Water SSSI also follows the boundary of and excludes the garden of 50 Main Street.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>The settlement boundary of Fintry be modified to include, within the village boundary, the private garden ground of no. 50 Main Street, as per attached plan.</p> <p>Delete Policy 9.1 Local Landscape Area from the private garden of No. 50 Main Street, Fintry.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>A site inspection has verified the rear curtilage of 50 Main Street has the appearance of an established private garden. A level, mostly slabbed, area at the rear of the house falls off steeply towards a lower 'woodland' style garden extending to the southern bank of the Endrick Water, through which runs various paths, sections of which are stepped.</p> <p>This land is however included in the Endrick Water SSSI.</p> <p>That the settlement map of Fintry defines this land as 'countryside' and that it lies within an SSSI and Local Landscape Area does not prejudice its continuing use as private garden.</p> <p>The Council also intends to review all countryside policy boundaries on a systematic basis</p>		

to support preparatory work for the next plan review to ensure the proper alignment of settlement boundaries with physical features on the ground.

The Council therefore does not agree to modify the plan in this regard.

#### **Reporter's conclusions:**

1. The proposed boundary of Fintry at the west end of Main Street reflects the boundary shown in the current, adopted local development plan. However, the council states that the land to the rear of 50 Main Street, which is mainly beyond the settlement boundary, "has the appearance of an established private garden".
2. Having viewed the site from the opposite bank of the Endrick Water, I do not share the council's opinion that the area has the appearance of an established private garden. Two paths lead down from the rear of the house towards the river bank but, apart from these features there is nothing to suggest the land is maintained or enjoyed as a garden.
3. Although Ms McMurtie indicates that the land is not within the Endrick Water Site of Special Scientific Interest (SSSI), the council states that this is not the case. The scale of the map accompanying the SSSI citation is such that it is not possible for me to determine the precise boundary of the designated area. However, the regulatory procedure in respect of specified operations requiring consent would apply no matter the position of the settlement boundary.
4. The extension of the boundary as required would involve the loss of a small area of "countryside" which at this point is designated as part of a Local Landscape Area. I can accept that an adjustment to the boundary would have an insignificant impact on both the countryside and the Local Landscape Area. However, the council indicates that a review of countryside policy boundaries is intended and this would ensure the "proper alignment of settlement boundaries".
5. The forthcoming review will permit a further assessment of the situation and provide the opportunity for any boundary adjustments considered to be necessary. In the meantime, in view of the nature of the ground, I conclude the boundary should remain as indicated in the proposed plan.

#### **Reporter's recommendations:**

No modifications.

<b>Issue 40</b>	<b>Killearn</b>	
<b>Development plan reference:</b>	Killearn Settlement Statement and Proposals Map (pp.178-183) H102 – Blairessan H157 – Killearn Hospital/B47 Killearn Hospital Rural Activity Area	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Sir Archie Edmonstone &amp; CALA Homes (00819)                  Land &amp; Property Holdings Ltd (01479)                  Ian &amp; Emily Skinner (01752)                  Graeme &amp; Angela Cousland (01753)                  Mactaggart &amp; Mickel (01770)                  Selborne Developments Ltd (90045)                  Strathblane Community Council (90102)                  SEPA (90175)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The Killearn Settlement Statement and Proposals Map sets out the approach to development in Killearn, and shows the site boundaries, phasing, estimated capacities and key site requirements for site allocations H102 - Blairessan and H157/B47 - Former Killearn Hospital.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Non-Allocated Site - Ibert Farm</u></p> <p>Sir Archie Edmonstone and CALA Homes (00819)</p> <p>Sir Archie Edmonstone (landowner) and CALA Homes (development partner) request the Plan be modified to allocate land at Ibert Farm, Killearn for housing development, as shown on the accompanying location plan. Site area c. 5.6 ha and could accommodate 60 market houses and 20 affordable units (i.e. 33%, in line with the Plan's affordable housing policy). Disappointed Council not allocating further housing land in Killearn. Focus remains on two sites - H102 Blairessan and H157 Former Killearn Hospital. Acknowledged H102 will shortly contribute a much needed, but insufficient, 30 units. H157 has so far failed to generate market interest, offers no current prospect of development and would not create a cohesive and organic expansion.</p> <p>The MIR site assessment (Ref: KIL01) concludes Ibert Farm should not be allocated. In response to concerns raised:</p> <p>a) Vehicular Access: Discussions are advancing with third parties and confident an improved access can be provided.</p> <p>b) Minor surface water drainage issues: These have been now been addressed. There is capacity for waste water disposal.</p> <p>c) No need for larger scale allocations outwith the core area: Stirling Council historically failed to deliver annual housing completions in line with local plan targets. To remedy</p>		

current shortfall marketable, deliverable and commercially viable sites such as Ibert Farm must be allocated. Once current H102 allocation built out no other allocation likely to be brought forward in the Plan period, creating further pressure on local housing supply. Whilst distant from Stirling, village well connected to wider area, with strong road and bus links. 'Network Centre' of Balfron only 2.5 miles away and wider locality home to vibrant and sustainable communities. Further development of commercial scale housing ensures services such as local retailers and schools remain vibrant. CALA also challenge view that development outwith Stirling core area has limited marketable appeal; they see strong and immediate demand and keen to bring forth phased development at earliest opportunity, comprising 60 private market plus 33% affordable housing (20 units), these affordable homes further helping to maintain economic diversity and community sustainability.

d) Education: Suggested pressure on the local education service is contestable. If no development forthcoming at site H157, primary school capacity remains available. Balfron High School currently has a falling roll and can accommodate additional pupils.

e) Cultural Heritage: Developer keen to ensure development is transitioned and harmonious with surrounding historic environment. If development not allowed to sit adjacent to the conservation area impossible to create organic cohesive development of the village. Sensitive design is key and will emerge through later stages of the planning process.

It is concluded this site is the right site for further development of the community of Killlearn. Sensitive phased development can contribute valuable housing units through the local plan period. There is no viable justification for not including a further allocation and respectfully request the local authority reconsiders its approach.

#### Non-allocated site - Drumtian Road

Land & Property Holdings Ltd (01479)

Land and Property Holdings Ltd. promoted the site at the MIR stage. That submission is summarised in this representation. The site is an appropriate addition to Killlearn's housing land supply in a location which will not be to the detriment of the village's character or landscape setting. In response to the Council's assessment of the site's suitability for development (CD08):

a) New LDP must allocate a more generous housing land supply, both large sites, but also emphasis on smaller, easier to develop sites that can quickly meet demand.

b) Very little new development since the 1990's, reflected in Killlearn's ageing population and declining school roll. Benefits of new housing recognised in MIR Spatial Strategy. Previous Draft LDP considered allocation of 56 houses to be "fully justified" by the Council and "modest" by the Reporter examining the plan.

c) Only six of these houses have been built. Given current land supply comprises one 30 unit site there therefore is a shortfall of 20 units, based on Council's own figures. Further sites therefore need to be allocated to meet previously supported requirement for 50 units.

d) Supply also inadequate to meet Plan's aspiration for a generous housing land provision. This site will contribute to a more generous and diverse supply.

e) Development fully accordant with the Vision, Spatial Strategy and Settlement Hierarchy of the present adopted LDP, rolled-forward unchanged into the new plan.

f) Site “effective”, i.e. capable of being developed within the plan period; only minor resolvable development constraints; well-located with shops, services and community facilities accessible on foot; contained by surrounding topography and with good landscape setting; will not intrude in views to and from village; development could reflect character of Drumtian Road; not extend housing further into the countryside than nearby Blairessan allocation; no impact on the character or visual amenity of Killearn.

There then follows commentary on each criteria in the site assessment. Amongst other matters:

a) Landscape impact: Assessment ignores the ridge and quarry wall on the site’s northern boundary that effectively screens it from open land to the north.

b) Historic Environment: Development would not affect the function or appearance of the ‘leafy rural road’, rather existing tree cover and hedges provide a setting or new development, as they do for existing houses in Drumtian Road.

c) We are unaware of the Integrated Habitat Network.

d) Transport: Drumtian Road is a public road and a footway could be provided.

e) Social and economic assessment: ‘Commuter village’ status should not preclude further development.

#### H157/B47- Former Killearn Hospital

Ian and Emily Skinner (01752)

a) Property within the boundary of the H157 site. Request removal of Essangel Cottage and neighbouring Orchardwell Cottage from the site allocation.

b) During development access should not be restricted.

c) Adequate buffer zones should be provided between house and new buildings, that may also be rather large and a little overwhelming. Should be no closer than 10-15 metres.

d) Potential health and safety concerns when the land is cleared.

Graeme and Angela Cousland (01753)

a) Owners of Orchardwell Cottage and request it be removed from the allocated site.

b) During remediation and redevelopment access to the front and rear of should be constantly maintained. This is especially important for emergency access.

Selborne Developments Ltd (90045)

The former Killearn Hospital Site is the largest brownfield site in the Stirling Council Area.

Selborne Developments Ltd. supports site designations H157 and B47, reflecting ongoing dialogue with the Council. Formal Pre-Application Consultation carried out and 'PAC' Report attached to representation. Public consensus that site requires remediation, and redevelopment with housing along with some business, leisure and tourism.

In response to each key site requirement:

- a) Accept need for planning and development brief.
- b) Notes residential development of 70 private houses may generate sufficient site development value to allow the implementation of a remediation strategy.
- c) No issues with the provision of other business, leisure and tourism uses, community services and small scale retail.
- d) No issues in principle with the requirement to link the site with the established adopted footway network, although should be recognised physical and land ownership constraints may need to be considered.
- e) A contribution towards affordable housing could be provided but flexibility required. Strict application of the Council's existing affordable housing policy would render the scheme unviable. Scottish Government guidance (PAN 02/2010) requires affordable housing policy to be flexible and realistic, taking into account development viability. Any contribution to be subject of negotiation and site treated as an exception due to the unique remediation costs. On-site affordable homes to buy (2 bed cottage flats) for which no other provision is being made in Killearn, maybe an option, in addition to the 70 private homes.
- f) Site layout, siting and design matters can be addressed in the planning and development brief/design statement and as part of any future planning application.
- g) Account will be taken of existing TPO.
- h) Foul and surface water drainage would be treated to the relevant standards of Scottish Water and SEPA, via upgraded waste water treatment works.
- i) No part lies on the functional flood plain or has ever been subject to flooding, therefore there should be no need to undertake a detailed flood risk assessment for development on this site.

Strathblane Community Council (90102)

Strathblane Community Council supports appropriate redevelopment of this difficult brownfield site. Although outwith the Strathblane Community Council area, development will affect the wider rural villages area, both in positive terms (enhanced housing, affordable housing contribution, commercial and care facilities, local employment) and in negative terms such as increased traffic during construction and upon completion, and diversion of resources from the villages themselves. Strathblane Community Council therefore asks all the local communities be fully involved in the consultations towards any future development, not just the local Community Council.

SEPA (90175)

Surface water hazard identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

H102 - Blairessan

Mactaggart and Mickel (01770)

As the preferred site developer Mactaggart and Mickel support the Blairessan allocation. Following detailed assessment considered the site can comfortably accommodate 37 units, as opposed to the 30 units allocated within the Proposed Plan. An application for planning permission for 37 units will be submitted and approved before the adoption of this next LDP, however Mactaggart and Mickel request allocation reflects what is possible at the site.

**Modifications sought by those submitting representations:**

Non-Allocated Site - Ibert Farm

Sir Archie Edmonstone and CALA Homes (00819)

An allocation for further housing should be made at site KIL01.

Non-Allocated Site - Drumtian Road

Land & Property Holdings Ltd (01479)

Allocate site as an effective addition to Killearn's housing land supply.

H157/B47- Former Killearn Hospital

Ian and Emily Skinner (01752)

Two properties - Essangel Cottage and Orchardwell Cottage - should be removed from the site allocation.

Graeme and Angela Cousland (01753)

Request Orchardwell Cottage be removed from the allocated site.

Selborne Developments Ltd (90045)

a) Amend 2nd and 3rd bullet points to refer to '70 private residential units'.

b) Amend 4th bullet point to recognise there may be physical and/or land ownership constraints to the provision of a footpath connection adjacent to the village.

c) Amend 5th bullet point to recognise any affordable housing contribution would have to be subject to negotiation and this site can be treated as an exception due to the unique high costs of remediation. Contributions in line with normal policy requirements could undermine development viability. The provision of on-site affordable homes to buy should

also not be discounted.

d) The 9th bullet point should be deleted as no part of the site lies within potential flood affected areas and there should be no requirement to undertake a flood risk assessment.

Strathblane Community Council (90102)

Strathblane Community Council asks that all the local communities be fully involved in the consultations towards any future development, and not only the community council in whose area the site strictly lies.

H102 – Blairessan

Mactaggart and Mickel (01770)

The indicative housing units outlined within the Plan should be increased 37 to reflect what can be accommodated at the site following detailed assessment of the site by MacTaggart and Mickel.

#### **Summary of responses (including reasons) by planning authority:**

The Council considers the housing allocations for Killearn represent the most sustainable pattern of growth for the village and fully accord with the key objective of the Proposed Plan's Spatial Strategy for the wider Rural Villages Area, to provide:- "Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy" (Table 1, pages 16-17). With reference to the present Examination Issue 3 – Setting the Land Requirement for Housing the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

There is therefore no demonstrable need for the Proposed Plan to allocate further housing land in the village. With respect to the identified sites:

H102 - Blairessan - With reference to Housing Land Audit 2016 (CD20) the site is deemed to be 'effective' in accordance with criteria set out in Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits. This status is further supported by the recent application for planning permission (ref. no: 16/00784/FUL (CD85)).

H157/B47 - Former Killearn Hospital Killearn - Following detailed discussions between the site owner and Council officers between June 2015 and February 2016 the Planning Service prepared a Planning Overview - Former Killearn Hospital Killearn (February 2016) (CD30).

This sets out significant planning and environmental issues associated with the redevelopment of this derelict and contaminated site. Amongst other matters:-

Para 3.3 states: "It was concluded, based on provisional/indicative costings for site remediation and re-development, that a 70 unit residential development may generate sufficient site development value to allow the implementation of a remediation strategy."

Para. 3.5 states: "The Council acknowledges the significant environmental and amenity

benefits associated with the remediation of the asbestos based contamination, and the removal of a range of long standing prominently located abandoned and derelict buildings."

Para 3.7 states: "To allow a full and proper assessment of the various planning and environmental issues discussed above it is necessary for a formal application for planning permission in principle to be submitted. The submission should take full account of the requirements of the Local Development Plan and all matters specified in this overview. The application would also be informed by the statutory pre-application consultation."

Following from this the opportunity was taken to update the Proposed LDP to reflect the findings and conclusions of the Overview. This in turn allows neighbours, the local community and key agencies to comment on the changes. However in light of the identified constraints and other consideration the site is not deemed to be effective at this time and therefore does not contribute towards the Plan's 2015-2027 housing land supply. It is however recognised that this could change as the result of the submission of a planning application along with supporting technical information.

With reference now to the specific representations:-

#### Non-Allocated Site - Ibert Farm

Sir Archie Edmonstone and CALA Homes (00819)

Following from the above commentary the Council considers the significant scale of the proposed allocation would seriously compromise the objectives of the Spatial Strategy in relation to the sustainable expansion of the rural villages. Issue 3 Setting the Land Requirement for Housing also demonstrates the Proposed Plan identifies a generous supply of land for housing, in line with the requirements of SPP. Consultation with the Council's Education Service indicates limited capacities at Killearn Primary School and Balfron High School. The scale of development at both the Blaressan and Killearn Hospital sites is manageable, though phasing on the hospital site may be necessary. Whilst the Council acknowledges the site is non-effective the representation from Selborne Developments Ltd and the recent Pre-Application Consultation (March 2016) indicate that development potential is being actively pursued. A further 80 units will however require an extension to the Primary School.

Site specific information in support of the allocation has also been carefully considered. In general this seeks to allay concerns raised in the MIR site assessment (albeit for a larger site) in respect of, for example, access, flooding and placemaking considerations (CD07, Annexe A, pp 184-185).

Notwithstanding a reduction in area, in the opinion of the Council the site remains elevated, relatively exposed and lacking well defined physical boundaries, especially to the east and south. As noted in the site assessment it lies in the Southern Hills Local Landscape Area which, at this locality, provides a characterful setting for the village. In relation to the historic environment:- "Careful consideration should be given to the scale, layout and design of new development relative to the rural village setting of the Killearn Conservation Area.'

The present site also forms part of a larger area considered at the Examination of the current adopted plan (CD03, pp 292-319). The above mentioned spatial strategy and

placemaking concerns were fully recognised by the Reporter who declined to modify the plan and allocate the land for housing development.

The Council acknowledges there appears to have been progress in resolving access and drainage concerns, however, notwithstanding the reduction in site area, the Council considers these concerns remain valid.

Overall the Council concludes there is insufficient justification to modify the Plan and allocate the site for residential development.

#### Drumtian Road

Land & Property Holdings Ltd (01479)

The Council acknowledges the site is substantially smaller than Ibert Farm and, consequently, environmental, placemaking and infrastructure impacts are proportionately less. However the Spatial Strategy promotes the "Controlled small-scale expansion of existing settlements ...". Ad hoc/piecemeal releases of smaller sites around the perimeter of the village would significantly undermine this approach, and a number of potential sites can be readily identified. For instance, at the 'Call for Sites' stage, two small sites were submitted for consideration at Lampson Loan (KIL03) and Lampson Road (KIL04) (see CD07, Appendix A, pp 188-191).

Cumulative small scale releases would also give rise to pressures on school capacity comparable to a larger 'single site' release, hence the need to control the scale of smaller sites release via the development plan process.

With reference to the site assessment the suitability of the site in placemaking terms can also be questioned. Commentary in the representation that these can be addressed has been noted but are deemed to be of insufficient weight to justify an allocation contrary to the requirements of the spatial strategy. The Council also disputes the suggestion there is now a shortfall in housing land for the village. Whilst agreeing the proposed plan stage for the current adopted plan (October 2012) did indicate a higher total of 56 units the Examination (CD03, pp 292-319) concluded, on the basis of a thorough assessment of spatial strategy, housing land supply, placemaking and other environmental considerations, that further development in Killearn should be limited to the H102 Blaressan allocation.

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and allocate the site for residential development.

#### H157/B47- Former Killearn Hospital

Ian and Emily Skinner (01752) and Graeme and Angela Cousland (01753)

The Council agrees to the request from these parties to exclude their owner-occupied semi-detached houses and gardens from the site allocation, so as to reflect patterns of local landownership. Following from this the Council would have no objection to such a change being made by the Reporter if this is considered appropriate. It is considered that this would constitute a minor technical amendment and would not change the underlying aims of the allocation to facilitate the remediation and redevelopment of this contaminated site.

Other amenity and access concerns can be addressed during the preparation of the Planning Brief and determination of planning application(s) for site redevelopment and it is therefore not considered necessary to alter the plan in this regard.

Selborne Developments Ltd (90045)

The Planning Overview (CD30), Proposed Plan allocation and key site requirements all support the 'in-principle' redevelopment of the site. Para 1.4 of the Overview references Planning Advice Note 33 - Development of Contaminated Land (October 2000) – Development Plans, para. 4, which states:

"Planning authorities should not be deterred from allocating contaminated land for development on the grounds that a high level of remediation would be required for the new use, e.g. housing. Where there are high remediation costs they may be more easily borne by a new high value use, though other planning considerations will also be relevant in allocating sites and determining applications. There may however be situations where the anticipated benefits of remediation are significant enough for them to take priority over other policy objectives and a high value end use is essential to make remediation viable."

At this stage however there remains considerable uncertainty over certain key aspects of the proposal, e.g. costs associated with the removal of large quantities of asbestos containing materials, costs of ground remediation and whether surplus soil material can be deposited on land adjacent to the allocated site (comprehensive, statistically robust sampling program required), costs and feasibility (e.g. land ownership) of connecting footway towards Killearn. As highlighted in para. 3.7 of the Overview, already referenced above, planning and environmental issues associated with this complicated site can only effectively be progressed 'in the round' through detailed consideration of, and consultation on, a formal planning application. This would include a fully costed and independently audited remediation strategy that will allow a full assessment to be made of the extent to which overall development viability may be affected by the key site requirements set out in the Proposed Plan, alongside other planning and environmental issues highlighted in the

#### Planning Overview

In order to safeguard its position the Council therefore does not agree to the request by Selborne Developments to modify any of the bullet points set out in the key site requirements.

Strathblane Community Council (90102)

The Council supports Strathblane Community Council's request for local communities to be fully involved in the consultations for this site. It is considered however that established procedures for publicising applications, such as the Council's weekly planning schedule, e-mailed directly to all community councils and public notices, will provide sufficient notice of any application, and allow the Community Council, if it so wishes, to submit comments on the proposal.

#### H102 – Blairessan

Mactaggart and Mickel (01770)

At the time of writing the Council has been actively involved in pre-application discussions

with Mactaggart and Mickel regarding the design and layout for the site, along with other planning considerations such as provision of affordable housing. The developers themselves have also now hosted two public meetings and actively sought community views on the merits of their proposal. The Council acknowledges the most up to date layout received in early September 2016 shows 37 units. Nevertheless in an e-mail dated 9 September 2016 the Council advised:-

i) The Local Development Plan identifies the capacity of the site at 30 units. Whilst it is acknowledged final unit numbers will be determined by the site design process, impact on the amenity of surrounding properties and other matters such as infrastructure considerations and, in this case, the setting of the conservation area, there is nevertheless a community expectation that the LDP figure will more or less adhered to. The increase to 37 units should therefore be fully justified. Following from this the Council wishes to reserve its position on the acceptability or otherwise of the increase in unit numbers.

With this in mind the Council is of the opinion that until such time as the final capacity of the site is determined through the development management process and the determination of by the recent application for planning permission (ref. no: 16/00784/FUL (CD85)).then it would be inappropriate to modify the plan in the manner suggested.

### **Reporter's conclusions:**

#### Introduction

1. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this examination where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. In that context, serious consideration has been given to the case for allocating additional sites for housing in the plan area. However, in terms of the spatial strategy, Killearn lies within the "Rural Villages Area" as defined in the proposed plan and is designated for "Sustainable Expansion". Sustainable expansion involves the concentration of development within settlements with "controlled small-scale expansion of existing settlements consistent with their size and role in the settlement hierarchy". Killearn is identified as a "Tier 4" settlement in the five-tier hierarchy.
2. The Visual and Spatial Strategy Background Report (CD21) explains that Tier 4 and 5 settlements in the Rural Villages Area have "the potential to play an important but more modest role" and "will accommodate a small share of the additional development, the aim of which is more about sustaining them [the Tier 4 and 5 settlements]". The Killearn Settlement Statement reflects the Background Report and indicates that the village has the potential for "modest amounts of new development". The schedule of development sites included with the Settlement Statement and Proposals Maps identifies one site for housing: H102, Blairessan (30 units) which is the subject of a representation dealt with below.
3. Additionally, site H157, Killearn Hospital, is allocated as a housing site in conjunction with site B47, Killearn Hospital Rural Activity Area. An indicative capacity is not shown although the key site requirements refer to "residential development of up to 70 units". This site is also the subject of a representation dealt with below.
4. Site H157 is separated from the village of Killearn. The report of the examination of the current local development plan identified a number of factors which the reporter

believed would make it very difficult for new housing to achieve social and community integration and connectivity with Killearn village. I share this opinion but, nevertheless, should houses be constructed on site H157, there would be some implications for the village. In particular, the council has drawn attention to the likely impact on the primary school. To some extent, therefore, the identification of the Killearn Hospital site for residential development requires this potential to be taken into account when assessing other possible housing land put forward for village expansion.

#### H102 – Blairessan

5. There has been significant progress in respect of this site involving pre-application discussions, community involvement, and the submission of a detailed planning application. The application includes a site layout with 37 housing units. Despite the reference to pre-application discussions, I have no indication from the council whether or not the submitted layout is acceptable, at least informally. Indeed, the council has referred to the need to assess the proposal against possible impact on amenity, infrastructure implications and the setting of the conservation area which bounds part of site H102. These are matters which the council argues could affect the layout and, in turn, the eventual number of houses.

6. The indicative figure in the development schedule attached to the Killearn Settlement Statement is not binding and the granting of planning permission is the appropriate manner in which to establish the definitive capacity of the site. Whilst the proposed total of 37 houses is some 23% more than indicated in the proposed plan, I do not consider an additional 7 houses to be particularly significant, especially if it is shown that the proposal meets the key site requirements included in the proposed plan and is satisfactory in all other planning respects.

7. The development management process will take its course and I am prepared to accept the council's opinion that the proposed plan should not be changed to reflect the terms of the planning application.

#### H157/B47- Former Killearn Hospital

8. The council is content to remove the two existing semi-detached, privately-owned properties from within the boundaries of sites H157 and B47. I do not think the continued inclusion of these properties within the boundaries of the development sites would have any practical significance in the long term. However, the semi-detached pair is visually separate from the surrounding land and I am prepared to accept that a boundary adjustment to exclude the two houses would not prejudice the redevelopment of the former hospital site and would provide peace of mind for the owners.

9. Concerns expressed by the owners about the impact of new development on existing residential amenity, the precise location of a proposed roundabout and maintaining access during development are all valid considerations. However, these are matters which should be taken into account when detailed proposals are being prepared. I have no reason to believe that a satisfactory design solution could not be achieved and there is no requirement at this time to modify the proposed plan in these respects.

10. The report of the examination of the current local development plan (CD03) concluded that in the face of development uncertainties at the site of the former hospital, particularly in respect of the cost of remediation, it would be unwise to specify an

indicative capacity. Since the adoption of the current plan, there have been discussions between council officials and the potential developers leading to the preparation of a Planning Overview of the site (CD30).

11. The Planning Overview indicates an agreement that a “development of 70 residential units may potentially generate sufficient site development value to allow the implementation of a remediation strategy”. This agreement appears to be reflected in the key site requirements contained in the proposed plan where it is stated that “Based on provisional/indicative costings for site remediation and re-development, residential development of up to 70 units may generate sufficient site development value....”

12. Selborne Developments Ltd is seeking a change whereby the key site requirements would specify “70 private residential units”. Additionally, although the key requirements refer to “off-site affordable housing”, it is explained that the site itself may be suitable for this category of residential development. Selborne Developments require any such on-site provision to be in addition to the 70 private houses specified.

13. It appears to me that, despite the extensive discussions that have taken place, some fundamental uncertainties remain:

- although the proposed plan refers to “provisional/indicative costings” the council maintains there is still considerable uncertainty over the costs associated with asbestos removal and ground remediation; the council believes a detailed remediation strategy is required to allow a full assessment of the overall remediation viability;
- although the Planning Overview specifies “a development of 70 units”, the proposed plan imposes a clear cap by stating “residential development of up to 70 units”;
- the question of affordable housing has not been resolved; the key requirements require a contribution for off-site affordable housing; the council explains that the location is not suited to on-site affordable housing; on the other hand, as explained, Selborne Developments believes that affordable housing could be provided on-site and that this element of the residential development should be in addition to the 70 private houses;
- in terms of the pre-application consultation report that accompanies the representation, there is a further variation in the number of houses proposed; the public presentations during May 2016 involved a proposal for up to 58 house plots (although self-build plots are no longer intended), 38 affordable houses and 7 live/work units.

14. No information has been provided to suggest a formal planning application has been submitted.

15. Clearly, in order for development to proceed, the site must be viable and the principal consideration in this respect is the extra-ordinary cost of remediation. This cost remains unclear. The number of houses required to secure viability is significant because of the sensitive countryside location of the site: a balance must be struck. Should Selborne Developments wish to proceed with the provision of on-site affordable housing, particularly at the level indicated in the consultation report, the visual impact of the development is likely to be significantly increased.

16. To some extent, in terms of the text which could be confidently included in the proposed plan, the situation has not progressed significantly beyond the provisions set out

in the current local development plan. However, to reflect the agreement referred to in the Planning Overview, I think the proposed plan should specify “70 units” and omit “up to”. As in the case of all other housing sites in the proposed plan, this total would be indicative. In turn, the total would be subject to a degree of flexibility, particularly as it is derived from “provisional/indicative costings” and “may generate sufficient site development”. I believe it is reasonable to assume that this total would also be acceptable to the council in terms of the sensitive location of the site and is in accordance with the level of development to justify the restoration of the site. In any event, an indicative number of housing units is not shown in the phasing column which simply states “TBC” which, presumably, means “to be confirmed”.

17. No justification for the provision of affordable housing on the site has been provided and I accept the council’s argument that the relatively remote location of the site is not suited to this type of housing. In turn, I do not think it necessary or appropriate to refer to “private residential units” in the key site requirements. In effect, with off-site affordable housing provision, the 70 units specified would have the status of private residential units.

18. On the basis of the foregoing, the bullet point reference to off-site affordable housing is appropriate. There is not a requirement to make any adjustment. As explained in Issue 10, the council recognises the importance of commercial viability when assessing planning obligation levels. Indeed, this will be a consideration in the forthcoming review of supplementary guidance. Viability is undoubtedly a central issue for site H157 and I am satisfied that this would be a valid consideration in discussions concerning the level of any contribution towards the provision of affordable housing. Again, as explained in Issue 10, this approach would accord with the “reasonableness” test set out in Circular 3/2012 whereby planning obligations should be reasonable in the circumstances of the particular case.

19. I regard the requirement for a footpath link between the site and the village of Killearn to be important and recognise that physical and ownership constraints could be encountered. Nevertheless, as explained in the key site requirements, the planning authority is intending to prepare a planning and development brief/design statement in consultation with the prospective developer. The collaborative procedure to be undertaken in the preparation of the document would provide the opportunity to examine any issues involved in the provision of the footpath link and, hopefully, enable a satisfactory route to be determined. On this basis, I conclude there is no requirement to modify the bullet point regarding the footpath provision.

20. Although Selborne Developments believes that no part of the site lies within potential flood affected areas, the Scottish Environment Protection Agency identifies the area as being in an area where there could be a surface water hazard. Accordingly, the ninth bullet point should remain with a requirement for a flood risk assessment.

#### Non-allocated Site - Ibert Farm

21. As explained above, Killearn is a Tier 4 settlement within the spatial strategy. Development in settlements at this level in the hierarchy is expected to be modest and intended to be of a sustaining nature. In recent years, new development in Killearn has been limited but, in my opinion, there is no visual evidence that the village has become moribund. To the contrary, the village appears to be well-maintained and thriving. The proposed development on allocated site H102, Blairessan, is the subject of a detailed planning application. As explained above, 37 houses are proposed compared with an

indicative total of 30 in the proposed plan. The application has not yet been determined and whilst the granting of planning permission does not guarantee implementation, I believe there is a reasonable prospect of that site being the subject of house-building in the relatively near future. This would provide the degree of modest development envisaged in the spatial strategy.

22. Additionally, although currently regarded a non-effective, the site of the former Killearn Hospital is allocated for substantial residential development under H157. The hospital site is not part of the village but, nevertheless, is within the general locality. It is intended to provide a linking footpath and this would bring a degree of integration, albeit limited. Children living at the former hospital site would attend Killearn primary school and this would provide a further community link. Whilst early development of site H157 may be regarded as unlikely, the allocation does provide the prospect of some 70 houses in the locality of Killearn. I consider it relevant to take this potential into account when assessing development proposals for the village itself.

23. The development site now proposed at Ibert Farm is significantly smaller than the site considered when the current local development plan was under preparation and the site contained in the Main Issues Report (CD07a & b) for the proposed plan. Nevertheless, the revised site extends to some 5.6 hectares and could accommodate an estimated 60 market houses and 20 affordable units. In my opinion, even setting aside the former hospital site, development on this scale could not be regarded as modest and would be contrary to the objectives of the spatial strategy.

24. In terms of the individual merits of the site, it is proposed to expand the village along a boundary where the existing edge of Killearn nestles against the foot of the rising ground on which it is intended to build. The current boundary compliments the landscape setting of this part of the village which is within the Southern Hills Local Landscape Area. This natural relationship would be lost by the creation of a new boundary running from north to south towards the crest of the hill.

25. The proposed development would not relate well to the existing village as it would not represent a natural extension. Indeed, I believe houses on the site would create an uncomfortable and dominant interface with a significant length of the eastern boundary of the conservation area. There would appear to be little prospect of any natural linkages between the village and the proposed site along that boundary.

26. Although confidence has been expressed in the representation that an improved access could be provided, no details have been supplied. The lack of any indication to demonstrate how the access problem might be overcome leads me to conclude that this aspect of the proposed development remains a serious constraint.

27. All-in-all, I conclude that the development of the site would be contrary to the spatial strategy and, in any event, the land is not appropriate for a housing development. Furthermore, no convincing evidence has been provided to overcome concerns about access. The proposed plan should not be modified in respect of this representation.

#### Non-allocated site - Drumtian Road

28. The site extends to 0.77 hectares although no indicative capacity has been provided. Nevertheless, even a relatively small number of houses does not lead me to reconsider my previous general conclusions in respect of the impact of development on the spatial

strategy.

29. Although the council draws attention to the potential cumulative impact of a number of peripheral small sites, I believe each site should be assessed on its own merits and the allocation of one site does not point to the designation of other sites for housing.

30. In terms of the site at Drumtian Road, Land and Property Holdings Ltd argues that the edge of the former quarry would significantly restrict views of the site. It is suggested that the site is adjacent to land that has already been allocated for housing development. (Site H102, Blaressan.) This is not an accurate claim. The Blaressan site occupies a wedge of open land between existing developed parts of Killearn but there a substantial strip of land is to be retained between the new housing and Drumtian Road.

31. There is only one existing house on the same side of Drumtian Road as the proposed housing site. This property is set in spacious grounds and there is an intervening area of land between it and the proposed site. Although the former quarry face provides a visually retaining feature in some views, it does not represent a natural edge to the village. In effect, the proposed site would represent a small housing enclave that would not be well-related to the existing village boundary or the boundary once site H102 has been developed. In terms of place-making, I therefore regard the Drumtian Road site as being unsuited to residential development.

32. Overall, in terms of both the spatial strategy and the individual merits of the site, I conclude that the land should not be allocated for residential development.

#### **Reporter's recommendations:**

I recommend the following modifications be made:

1. In the Proposals Map for Killearn:

amend the boundary of sites B47 and H157 to exclude the semi-detached properties known as "Essangel Cottage" and "Orchardwell" (including the curtilages).

2. In the proposed development schedule for Killearn, under the Key site requirements for sites H157, Killearn Hospital, and B47, Killearn Hospital Rural Activity Area:

amend "up to 70 units" in bullet points 2 and 3 to "70 units".

<b>Issue 41</b>	<b>Kinbuck</b>	
<b>Development plan reference:</b>	Kinbuck Settlement Statement (pp.184-185) and Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
A P Anderson (01727)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of a site out with the settlement boundary of Kinbuck.	
<b>Planning authority's summary of the representation(s):</b>		
<p>A P Anderson (01727)</p> <p>Provide history of the site, including evidence to support the view that the site can be classed as brownfield. Notes that the site extends to c. 31 acres however do not propose development on the entire site. Propose to develop the south/west part of the site fronting the road, c. 5 acres, with the remainder being remediated and returned to viable agricultural land. An alternative to this would be to plant a woodland and to form an amenity/informal recreational resource for the village. Consider that this smaller area has the capacity to accommodate c. 10-15 dwellings, which can include an element of affordable housing.</p> <p>Consider that the site has no biodiversity or cultural heritage designations of interest, and is located well away from the flood plain of the Allan Water. Acknowledge that the current LDP does not identify the site for development, nor does the Proposed Plan. State that this site has only recently become available for development and therefore not included in previous stages.</p> <p>Cite SG10 Housing in the Countryside, specifically the provision of Brownfield sites, which allows for development where there is evidence of sustained former use and that the site cannot easily or readily be returned to a more natural state. The applicants consider that this site would meet this provision as there have been similar sites that have been developed in the Stirling area under this policy.</p> <p>State that the site will be the subject of a planning application in due course.</p> <p>The submission assumes that there will be need to identify further sites in the local area for housing and the subject site should be one of them.</p> <p>Submit evidence that the site is effective with reference to the current effectiveness criteria as listed in PAN 2/2010. With reference to 'marketability', which is considered separately in light of the forth coming Planning Delivery Advice: Housing and Infrastructure (currently published in draft format), the applicants consider that there is little doubt that the development would be attractive development given its proximity to Dunblane.</p>		

<b>Modifications sought by those submitting representations:</b>
A P Anderson (01727) - Include the site as a housing allocation.
<b>Summary of responses (including reasons) by planning authority:</b>
<p>The submitted site has been the subject of a pre application enquires in May and July 2015 from the landowner A P Anderson regarding development of the site for c. 3 units (CD27). Mr Anderson was informed at this stage that it would be unlikely that any application for housing on this site would be supported. As noted by the applicants the site does not feature as an allocation in either the adopted or proposed LDP and would therefore be assessed under Policy 2.10: Housing in the Countryside. Mr Anderson was also advised at this stage that the Council was of the opinion that whilst there is some evidence of previous non-agricultural use the site is not in such a poor condition that it cannot easily or readily be returned to a more natural state. In this regard, the criteria set out in the policy would not be satisfied.</p> <p>The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.</p> <p>In addition, the Council does not consider this site appropriate for development of the scale proposed. The site would appear remote from the village and as an isolated development in the countryside.</p>
<b>Reporter's conclusions:</b>
<ol style="list-style-type: none"> <li>1. The strategic housing land supply is examined under Issue 3, where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. However, this has no relevance to the prospects for residential development in Kinbuck because of the status and location of the village which is a Tier 5 settlement within the Rural Villages Area and is designated for "Rural Development". Table 1: Spatial Strategy Development Approach, defines rural development as "limited infill within settlements", a "dispersed development approach in the countryside" and "development to support rural economic activity".</li> <li>2. In any event, irrespective of strategic land supply considerations, the required residential allocation of the land at Kinbuck is not justified for the following site-specific reasons.</li> <li>3. As implied by its Tier 5 status, Kinbuck is a very small village comprising, for the most part, a line of predominantly residential development to the north-east of the B8033. In physical terms, the southern extremity of the settlement is very clearly formed by the Stirling-Perth railway line. At the time of my site inspection, a site within the village appeared to be subject to development and this would seem to represent development of an infill nature in accordance with the designated status of Kinbuck.</li> <li>4. The allocation of a site for 10-15 houses to the south of the railway line would be contrary to the spatial strategy as set out within the Rural Villages Area insofar as the scale and location of the development would be at odds with both the concept of infill and</li> </ol>

a dispersed development approach. There is no suggestion that the houses would support rural economic activity. The level of development proposed would be out of scale with Kinbuck and would have little physical or visual relationship with the existing village. I therefore agree with the council that housing at this location would be largely be viewed in isolation in the countryside.

5. I have noted the argument in terms of the “sustained former use” of the site but I do not believe that this consideration outweighs the spatial strategy concerns I have discussed above. In any event, as pointed out by the council, the visual condition of the site is not so degraded that houses would either justify or provide wider environmental benefits.

6. I have also noted the claim that the site is “effective”. Once more, however, this does not persuade me to set aside matters related to the spatial strategy and the site characteristics.

**Reporter’s recommendations:**

No modifications.

<b>Issue 42</b>	<b>Kippen</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Kippen Settlement Statement (pg 186 – 189)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Richard Waddell (00357)            CALA Homes (West) Ltd (01606)            Scottish Natural Heritage (SNH) (90033)            Kippen Community Council (90093)            SEPA (90175)            CALA Homes (West) Ltd (01338)            Alan &amp; Val Beaton (01508)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to allocated sites H103 – Burnside and non-allocated sites out with the settlement boundary of Kippen.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>H103 – Burnside</u></p> <p>Richard Waddell (00357)</p> <p>Questions the need for 'so called' affordable housing but acknowledges the need for Council housing.</p> <p>Raises concern over the release of a greenfield site.</p> <p>Considers that the School and Doctors Surgery are at capacity and raises concern over the impact of the development and states that traffic within in the village is a concern and that there has been a cut to bus services.</p> <p>CALA Homes (West) (01606)</p> <p>Consider that there is a shortfall in the 5 year effective housing land supply and submit that their site could deliver sooner than programmed in the Proposed Plan. On this basis they will be submitting a planning application for the site in 2017.</p> <p>SNH (90033)</p> <p>The proposed development could impact on the settlement of Kippen and the Local Landscape Area boundary. Concerned that the Key Site Requirements do not make reference to green networks or links to the existing housing adjacent to the site.</p> <p>Kippen Community Council (90093)</p> <p>Support the allocation of the site, on the basis that the development should include an element of affordable housing for local people and make a reasonable contribution to the</p>		

somewhat limited areas of usable public open space within the village envelope.

SEPA (90175)

Support the allocation.

Non-Allocated site: Fintry Road

CALA Homes (West) Ltd (01338)

Request that the submitted site is considered for allocation and a consequential change to the Countryside Policy Boundary. Submit that at 3.65 Ha the site could accommodate around 60 units, with associated landscaping and access. There would be an affordable housing contribution in line with the affordable housing policy and this could be provided onsite or as a contribution to allow affordable housing elsewhere.

Consider that the site is a natural extension to the existing village and would make a valuable contribution to providing high quality housing in the area. The site is currently open field and in agricultural use. Consider that the site is surrounded by existing built form. Attach a Masterplan showing the surrounding land uses and that the site would sit effectively within the area without comprising the landscape setting to the north. Site provides an opportunity to create a strong attractive edge to the urban area by filling in a 'gap' between the existing built form and the natural landscape to the north.

Consider that a sympathetically designed development on this site would relate well to the existing houses on Fintry Road, effectively providing continuation of the built form without unduly affecting the landscape setting.

Development of the site would protect the village centre by sustaining local facilities such as businesses and the school and ease local housing need and demand as per the Spatial Strategy.

Non-Allocated site: Maryhill

Alan and Val Beaton (01508)

Consider that the site is compatible with the broad strategy and relevant detailed policies of the Proposed Plan; the concerns raised in the site assessment at MIR stage can be addressed; free from any significant constraints; and the site can therefore become effective during the period of the Proposed Plan. The MIR identified a shortfall in housing land and that this is a material consideration.

Submit justification that the site is compliant with the Spatial Strategy and detailed policies within the Proposed Plan and that the site could be developed within the first 5 years of the plan and submit justification in line with the Tests of Effectiveness as set out in PAN 2/2010. In terms of Placemaking, the representation contends that the site represents a modest expansion into the Countryside and would relate well to the existing built form.

Representation contends that there would be little impact on the Southern Hills LLA, within which the site sits.

**Modifications sought by those submitting representations:**

H103 – Burnside

Richard Waddell (00357)

No specific modification requested but it can be inferred that the representation is not supportive of the allocation.

CALA Homes (West) (01606)

Amend the phasing in the settlement statement land supply table, and Appendix A, to identify the site in Period 1 Phase 1 (2017-2022), rather than Period 1 Phase 2 (2022-2027).

SNH (90033)

- To minimise the impacts on the settlement of Kippen and the LLA boundary, the Key Site Requirements should be amended to add the following text:  
"Development at this location should carefully consider the impact on the setting of Kippen and on the Local Landscape Area Boundary."
- The Key Site Requirements should be amended to add the following text:  
"Development should ensure green networks surrounding the proposed development are maintained and improved and links with the existing housing development are carefully integrated."

Kippen Community Council (90093)

No specific modification requested but it can be inferred that the representation seeks a change to the Key Site Requirements to include affordable housing and open space.

Non-Allocated site: Fintry Road

CALA Homes (West) Ltd (01338)

Remove the site from the Countryside Policy Boundary and allocate for housing.

Non-Allocated site: Maryhill

Alan and Val Beaton (01508)

Remove the site from the Countryside Policy Boundary and allocate for housing.

**Summary of responses (including reasons) by planning authority:**

H103 – Burnside

Richard Waddell (00357)

The site is included as a Period 2 allocation in the adopted LDP (CD01, pg 183). While not a full allocation, Period 2 allocations signal the scale and direction of future growth in the plan area. The Proposed Plan seeks to bring forward development of the site and make it

an allocation. The Plan supports the reuse of Brownfield sites, however the Spatial Strategy acknowledges that limited greenfield release is required to meet the Housing Land Requirement in full.

No concerns have been raised by the Council as Education Authority or the NHS regarding capacity of the school or the health centre and transportation are content with the proposal.

The Council therefore does not agree to modify the plan in this regard.

CALA Homes (West) (01606)

The representation seeks to amend the phasing of the site due to a shortage in 5 year effective supply of housing land. Housing land supply is considered in detail in Issue 3. Notwithstanding the separate issue of housing land supply, it is not considered necessary to amend the phasing of the allocation. There is considered to be an appropriate level of land release in Period 1 Phase 1 to meet the Housing land Requirement and requirement for a 5 year effective supply at adoption.

The Council notes the intention of the applicants to submit a planning application in 2017 for the site. If this application is submitted and approved, the phasing of the development will be accurately reflected in the next Housing Land Audit.

The Council therefore does not agree to modify the plan in this regard.

SNH (90033)

The Council notes the comments from SNH and agrees in principle with the comments made. With regard to the modifications proposed, it is considered that the Proposed Plan has sufficient policy wording to ensure that these are key considerations should a planning application be submitted. Specifically:

- Primary Policy 1: Placemaking  
*Specifically, (b) Be of quality, having regard, to any relevant design guidance, landscape character guidance, conservation area character assessments and settlement statements;*
- Policy 1.1: Site Planning  
*Specifically, the siting, layout and density of new development should; contribute towards or create a coherent structure of streets, spaces and buildings; respect, complement and connect with its surroundings; be safely accessed; and create a sense of identity within the development;*
- Policy 1.3: Green Infrastructure and Open Space; and
- Policy 9.1: Protecting Special Landscapes  
*Specifically (b) Development proposals will only be supported where it can be demonstrated that: (i) The landscape character, scenic interest and qualities for which the area has been designated will not be adversely affected.*

Satisfaction of these policies will ensure that the setting of the village and the LLA are appropriately taken account of, as will the need to connect with surrounding development. The Council therefore does not agree to modify the plan in this regard.

Kippen Community Council (90033)

Policy 2.2: Planning for Mixed Communities and Affordable Housing sets out the contribution that would be expected for affordable housing and how this would be expected to be delivered. Figure 8, pg 38, of the plan identifies Kippen as a Highly Pressured Area, as such Table 6: Affordable Housing Calculation identifies that for this site there would be a requirement for 33% of the units to be made available for affordable housing. It would also be a requirement that this would be on site, given that the allocation is for 30 units.

The design and layout of the site would be expected to provide appropriate levels of open space, in line with Policy 1.3: Green Infrastructure and Open Space and SG02 Green Network (CD05).

The Council therefore does not agree to modify the plan in this regard.

Non-Allocated site: Fintry Road

## CALA Homes (West) Ltd (01338)

The representation seeks to remove the site's existing Countryside designation and replace it with a housing allocation. The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.

The site itself, whilst not been considered at Call for Sites or MIR stage of this plan, has been considered before, as part of the adopted LDP process. Site assessments at the time concluded that the site was not appropriate for development due to the likely impact on the Conservation Area (CD06). The assessment also considered that development would be incongruous with the existing pattern of development in the village and would have significant landscape impacts. The Conservation Area Appraisal for the village identifies the site as being important to retaining the character of the rural landscape setting of Kippen. There are also concerns over the loss of key views to and from the settlement due to the elevated position of the site (CD28, pg16).

The Council considers that these comments are still valid and would reiterate that the site is not desirable due to likely impacts on the Conservation Area and the setting of the village.

The Council therefore does not agree to modify the plan in this regard.

Non-Allocated site: Maryhill

## Alan and Val Beaton (01508)

The representation seeks to remove the sites existing Countryside designation and replace it with a housing allocation. The site was previously assessed at MIR stage (ref KIP03). The site assessment (CD08, page 13) concluded that the site could not be supported for development, primarily due to the sites topography, remoteness from the settlement and that development would sit significantly higher than surrounding properties. This height difference is considered to have a negative impact on the setting of the village when

viewed from the south and on the setting of the Local Landscape Area.

From a placemaking perspective, the Council disagrees with the representation which states the site would sit well with existing properties. The access to the site and a change in levels signifies a transition to the Countryside, where the pattern of development becomes much more dispersed. In this regard, developing the site for 4 units would not reflect this more rural character.

The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.

The Council therefore does not agree to modify the plan in this regard.

### **Reporter's conclusions:**

#### Site H103 – Burnside

1. Findings in relation to housing land supply in Stirling are set out at Issue 3 of this examination where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. In that context, serious consideration has been given to the case for allocating additional sites for housing in the plan area. However, in terms of the spatial strategy, Kippen lies within the "Rural Villages Area" as defined in the proposed plan and is designated "Highly Pressured" in relation to affordable housing. Kippen is identified as a "Tier 4" settlement in the five-tier settlement hierarchy.
2. The Visual and Spatial Strategy Background Report (CD21) explains that Tier 4 and 5 settlements in the Rural Villages Area have "the potential to play an important but more modest role" and "will accommodate a small share of the additional development, the aim of which is more about sustaining the Tier 4 and 5 settlements". The Kippen Settlement Statement reflects the Background Report and indicates that the village has the potential for one development site which is brought forward from the previous local development plan, and acknowledges the high percentage of affordable homes already provided in the village. The schedule of development sites included with the Settlement Statement and Proposals Maps identifies one site for housing: H152, Burnside (30 units) which is the subject of representations dealt with below.
3. The site at Burnside is located to the south of Kippen, on land south of a predominantly residential area and north of playing fields. The proposed plan allocates the site for housing with an indicative capacity of thirty housing units during the period 2022 - 2027.
4. The representation from Cala Homes West seeks to have the site allocated for development in Phase 1 of the plan period 2015 – 2027, sooner than shown in the proposed plan. The council argues that there is already an appropriate supply of housing land in the plan period, and therefore a change in phasing is not justified. However, I note that the council takes a pragmatic view and indicates that should planning permission be granted in the near future, the changed situation, including phasing, would be acknowledged in the housing land audit. The council suggests that in this plan, the site should be noted as an area where potential future growth may take place, to be confirmed

by a future LDP review.

5. I find that council appears to agree that the site is an appropriate site for development in the village, subject to a satisfactory resolution of any flood related issues and foul drainage capacity. I note the concerns expressed by representations in relation to capacity at the health centre / primary school, but in the absence of any evidence that such capacity issues exist, I am satisfied, as is the council, that any such issues could be addressed at the development management stage. Concern regarding the release of green field land is also expressed, but I am satisfied that it has not been demonstrated that suitable brownfield sites are available within the settlement.

6. SNH has raised issues in relation to placemaking and local landscape boundaries. I am satisfied, as is the council, that this plan makes adequate provision for such matters to be fully addressed through the proper assessment of any development proposal. Accordingly, I conclude no modification to the plan is required in this regard.

7. Apart from the issue of housing land supply, there appear to be no other matters which impact on the effectiveness of the site.

8. On balance therefore, and based on the conclusion reached at Issue 3 of this examination, I conclude that the site be allocated for residential development of 30 homes in Phase 1 of Period 1 in this plan. This allocation will provide homes for the local market in Kippen, and in a location which is considered appropriate. The council's pragmatic approach to the site is noted, but I conclude that it would be sensible to bring forward the delivery of the site to meet the identified shortfall in housing land, which is in accordance with the conclusions reached at Issue 3 of this examination.

9. I recommend that the plan be modified. The table on page 188 should be amended with the number 30 moved from the Phase 2 third column to the Phase 1 second column.

10. There will be a consequential amendment in Issue 3 as a result of the above recommendation, where Appendix A: Schedule of Development Sites 1. Housing Sites Kippen should be amended by moving the number 30 from column 6 to column 5.

#### Non-allocated site: Fintry Road

11. This is a site of some 3.65 hectares, to the west of the village and outside the settlement boundary.

12. The representation is seeking the allocation of the subject site for residential development. No supporting information has been submitted with the representation, except for an outline "masterplan" which does not include any indicative layout, transport appraisal, programming, landscape assessment or any of the information that might be expected to comprise a masterplan. The site has not been assessed through either this plan preparation process or the Strategic Environmental Assessment process associated with this plan. It has been considered previously, during the preparation of the current local development plan, but was not thought appropriate for residential development.

13. The site lies in the countryside, and so would be subject to Policy 2.10: Housing in the Countryside (Issue 7 of this examination). Based on the limited information before me and on my site visit, I cannot see where the criterion as set at parts (i) to (vi) a and b of Policy 2.10 could be met by this proposal. The representation suggests that the site is an

“infill” site and is “surrounded by existing built form”. From my site visit, I have concluded that these suggestions are erroneous. The site is open agricultural land, with no built elements to the west or to the north. The eastern boundary is partially adjacent to houses on Scott Brae, and the southern boundary of the site is formed by the B822, which does have development on the opposite side of the road, but none on the boundary with this site. It cannot be considered an infill site, nor is it surrounded by existing development.

14. The previous assessment of this site, undertaken [by the council / as part of the local development plan examination concluded that it would have a significant impact on the landscape and on the conservation area setting of Kippen. I would concur with that assessment. Regardless, in relation to this plan, I consider that there is insufficient information before me to properly assess the potential allocation of this site.

15. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of the particular merits of this site leads me to conclude that an allocation for residential development is not justified.

#### Non-allocated site: Maryhill

16. The representation relates to a site to the south-west of Kippen, at Maryhill and is seeking an allocation for residential development. The site extends to some 1.61 hectares, and it is suggested that it could accommodate four homes at low density. A development for four houses in the countryside could be assessed under Policy 2.10 Housing in the Countryside. However, in view of the terms of the representation, it is necessary to consider whether a formal residential allocation would be justified.

17. I note from my site visit the change in levels as one moves south from the village, and the site sits in an elevated position, visible from both the south and the north, with views into and out of the nearby conservation area. The site is open agricultural land, with no built elements to the east, west or south. The northern boundary is formed by the garden ground of an adjoining detached dwelling.

18. The site lies in the countryside, and if a planning application were submitted would be subject to Policy 2.10: Housing in the Countryside (Issue 7 of this examination).

19. The assessment of this site during the previous plan examination concluded that it would have a significant adverse impact on the landscape and on the conservation area setting of Kippen. On the basis of my site visit, I would concur with that assessment. In particular, the topography of the site signals the transition to countryside, and the settlement boundary at this point appears logical and defensible. I find that the potential impact on the setting of, and views to and from, the conservation area would not be positive, as the character of the landscape would be lost to development, and the open aspect from the conservation area to the countryside would be removed. I believe even a low-density development would have this undesirable impact.

20. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site leads me to conclude that an allocation for residential development is not justified.

21. In turn, I conclude that the site is appropriately allocated under the countryside policy and there should be no modification.

**Reporter's recommendations:**

I recommend the following modification be made:

Amend the table on page 188 by moving the number 30 from the Phase 2 third column to the Phase 1 second column.

There will be a consequential amendment in issue 3 as a result of the above recommendation, where Appendix A: Schedule of Development Sites 1. Housing Sites Kippen should be amended by moving the number 30 from column 6 to column 5.

<b>Issue 43</b>	<b>Plean</b>	
<b>Development plan reference:</b>	Plean Settlement Statement and Proposals Map (pp.190-195) H069 – Cushenquarter H072 - Touchill H073 – Main Street	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Simon Young (01457) William Simpsons (01716) Story Homes (01749) Hallam Land Management (01781) SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	The Plean Settlement Statement and Proposals Map sets out the approach to development in Plean , and shows the site boundaries, phasing , estimated capacities and key site requirements for site allocations H069 – Cushenquarter H072 – Touchill	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Settlement Statement and Proposals Map</u></p> <p>Hallam Land Management (01781)</p> <p>As well as Touchill (H072) the Council proposes the allocation of a further site in Plean on land at Cushenquarter (LDP Ref: H069) which is expected to deliver 100 units in phase 2 of the plan. The Proposed LDP directs a significant number of homes towards Plean, a small rural village which has significant challenges in terms of its drainage, sewerage and waste management infrastructure. It is also contended that there are significant marketability issues in Plean and the allocation of almost 300 homes extends way beyond what this small village with limited supporting services can sustain. Moreover, it also extends beyond the level of opportunity which house builders will respond to at this location. The Council are simply directing too much growth to the eastern villages which have been proven to be ineffective and these sites should be replaced with sites in more marketable areas, particularly in Stirling.</p> <p><u>H069 – Cushenquarter</u></p> <p>Simon Young (01457)</p> <p>Stays directly opposite the proposed site and strongly objects, for the following reasons:</p> <p>Value of property will drop significantly, due to adverse impacts on privacy and extensive views, including that of Plean Castle. States that neighbouring houses have already been sold or are up for sale due to the development proposals.</p> <p>Concerned that the affordable housing element of the development will increase anti-social behaviour, putting his property at risk.</p>		

Of the view that since the opening of Forth Valley Royal Hospital, Larbert, in conjunction with slip roads being created at Glenbervie, Main Street/A9 Plean is now congested which additional new development will only add to. Mr Young has had to create a turning area for car because reversing onto the road was no longer safe. Adds that lorries from Norbord also use this road as a shortcut to the motorway network making it a very dangerous road as does a dip in the road.

Does not want a roundabout nearby as this will bring increased air pollution as a result of queuing traffic in the vicinity of his house.

Has concerns about flooding at this site and is of the view that the schools and local health centre cannot accommodate this level of growth. Is of the view that alternative sites elsewhere are better suited to this type of development.

William Simpsons (01716)

The H069 Cushenquarter site borders William Simpsons Care Home and Respite and Day Care Centre. There are 64 long term care beds for residents with many different mental health diagnoses. It is important that developers and prospective home owners understand the nature of the services provided and that residents have freedom of movement within the grounds and in the wider community. Is of the view that the facility has enjoyed long term peaceful isolation and that if change is proposed then new neighbours will require to understand that residents could be both visible and audible from their new homes and gardens.

Story Homes (01749)

Story Homes have an interest in the H069 Cushenquarter site. The Proposed Plan programmes the site to deliver 100 units in phase 2 (2022-2027) of Period 1. This is a unique regeneration opportunity for Plean and Story are committed to bringing this site forward in a shorter timescale.

The site is considered to be fully effective in terms of tests set out in PAN2/2010. The site is allocated in the adopted Plan, with zero units programmed for Period 1 and 500 units in Period 2 (post 2024). Story Homes considers the adopted LDP position site is more reflective of its potential contribution towards the housing land supply in Stirling, in particular the significant five year shortfall, than is the case with the allocation in the Proposed Plan.

There is no justification for a less ambitious approach. Story Homes will be bringing forward a planning application for a first phase of 300 houses within the overall context of the 500 house allocation included in the adopted LDP. This approach is justified on the basis of Primary Policy 2 and Policy 2.1 of the adopted Local Development Plan which supports advancing development from Period 2 where existing sites prove ineffective. The 2015 HLA confirms there is a shortfall in the effective five year housing supply, with a total of 3.2 year's supply.

The most recent discussions between Stirling Council and Homes for Scotland in relation to the emerging 2016 HLA (September 2016) confirm the Cushenquarter site is effective, and capable of delivering units within Period 1. Document 1 demonstrates 157 units are deliverable mostly within Period 1.

**SEPA (90175)**

Surface water hazard identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

**H072 - Touchill Farm**

Story Homes (01749)

The deliverability of this site is at best questionable and at worst unrealistic during the Plan period to 2027. There has been continuing marketing of the site and there remains no interest from any house builder or developer in bringing forward the site for development. It is unclear why the 2015 HLA was as optimistic with its phasing for this Stirling Council owned site. With reference to PAN 2/2010 the site clearly fails the marketability test and likely to fail a number of other tests for effectiveness.

Hallam Land Management (01781)

Object to the allocation of land at Touchill Farm (LDP Ref: H072). This site is expected to deliver 167 units. However at the time of writing remains no indication of this site coming forward despite it having been the subject of a marketing campaign. Clearly this site is not marketable and should not be considered as being effective.

**H073 Main Street**

Story Homes (01749)

Allocation is questionable in terms of its effectiveness despite being included in the five year land supply. There are no signs of any housebuilder interest more than two years after the approval of planning permission.

**Modifications sought by those submitting representations:****Settlement Statement and Proposals Map**

Hallam Land Management (01781)

Firstly, the Proposed LDP should be amended with the Core Area re-focussed on Stirling and its immediate surrounds. The removal of the eastern villages from the Core Area would reduce the Proposed LDP's reliance upon non effective sites within this area. We consider that the Proposed LDP should be amended by either deleting the aforementioned allocations in their entirety or by significantly reducing the number of allocations at these peripheral locations.

**H069 – Cushenquarter**

Simon Young (01457) - None specified.

William Simpsons (01716) - None specified.

Story Homes (01749)

The reintroduction of the capacity of 500 units for the Cushenquarter (H069) site in accordance with the adopted LDP, 300 of which should be included within Phase1 (2015-2022) and 200 in Phase 2 (2022-2027), and the updating of the Key Site Requirements associated with the allocation in the Settlement Statements and Proposals Maps.

H072 - Touchill Farm

Story Homes (01749)

Re-phasing of the contribution from the Touchill Farm site (H072), with all of the site programmed for Phase 2 of the Plan period, if not Period 2 (post 2027).

H073 Main Street

Story Homes (01749)

Due to concerns raised regarding effectiveness site should be reconsidered in terms of its realistic delivery both within the Plan period as a whole, and within the five year period.

**Summary of responses (including reasons) by planning authority:**

Settlement Statement and Proposals Map

Hallam Land Management (01781)

Concerns raised regarding the role of the eastern villages in the Spatial Strategy are addressed in Issue 1 Vision & Spatial Strategy.

H069 – Cushenquarter

The site at Cushenquarter Farm was assessed at the Call for Sites stage (see CD07 - Main Issues Report Appendix A Site Assessments pp 206-207). The overall assessment notes the site is identified in Period 2 (2024/2034) in the adopted Plan to support the regeneration objectives of the spatial strategy. However some development can be supported in Period 1, but initially limited to 100 units on account of significant schools and infrastructure constraints and the need to co-ordinate development phasing with other allocations. The assessment includes commentary on matters referred to in the representation, such as flood risk, placemaking, landscape impact, transportation and infrastructure implications. Whilst a range of planning and environmental issues were identified, overall, the site was deemed to be an appropriate local development plan housing site.

These matters will also be thoroughly appraised at the planning application stage. As a neighbouring proprietor, Mr Young will be directly notified of both 'in principle' and 'detailed' planning applications, and will be able to submit comments across a broad range of planning and environmental criteria, including those mentioned in the representation, with the Council obliged to take account of any concerns raised.

## William Simpsons (01716)

The Council notes the concerns raised. As a neighbouring proprietor the Home will be directly notified of both 'in principle' and 'detailed' planning applications. These will show the relationship of new houses, gardens and open spaces to the Home's own buildings and outdoor spaces. Account will require to be taken of any comments received from the Home operator or any residents regarding impact on privacy and amenity.

## Story Homes (01749)

The site at Cushenquarter Farm was assessed at the Call for Sites stage (see CD07 - Main Issues Report Appendix A Site Assessments pp 206-207). The overall assessment notes the site is identified in Period 2 (2024/2034) in the adopted Plan to support the regeneration objectives of the spatial strategy. However some development can be supported in Period 1, but initially limited to 100 units on account of significant schools and infrastructure constraints and the need to co-ordinate development phasing with other allocations.

Following from this the site featured in options 1 and 3 in the MIR's Table 6 Additional Housing Allocation Options – Period 1 (p.40). The MIR states (p.37):

"Options 1 and 3 also present a modest allocation of new housing at Cushenquarter, Plean. Again, this scale of development has been determined due to the constraints that exist within Plean Primary School. This site is already identified in the Adopted LDP (ref: H069 East Plean) for Period 2 i.e. 2024 to 2034, and can therefore start to feature in this LDP in terms of suitable allocations up to 2027."

The allocation was subsequently included in the Proposed Plan with the 'balance' of the site identified for development in Period 2 (2027/2037), capacity to be confirmed (tbc). The key site requirements also notes Period 2 development to be determined at a future LDP review and will be subject to satisfactory education solution being found.

In determining the scale of additional housing development appropriate for Plean to meet the wider regeneration objectives of the Spatial Strategy account also requires to be taken of the H072 Touchill Farm allocation. The site has planning consent for 167 units. With reference to the Housing Land Audit 2016 (CD 20) this site is considered to be effective within 5 years as all tests have been met. To improve site marketability and attract a developer to the site advance infrastructure works have already taken place and approvals given to amend conditions.

The Council's Education Service has indicated that an extension to the primary school in Plean will be required to accommodate LDP growth shown in the allocations at Touchill Farm (consent for 167 units) and Cushenquarter (allocation of 100 units, Period 1 – Phase 2). After this extension (i.e. four classrooms) the primary school cannot be extended further meaning that an alternative solution for any further development at Cushenquarter needs to be found.

Given the education constraints the Council maintains it is appropriate for the Proposed Plan to show only limited development potential at Cushenquarter within period 1, and to programme this capacity for Phase 2 (2022/2027). The assertion that in recent discussions Homes for Scotland and the Council have agreed the site is effective and capable of delivering units in Phase 1 (2015/2022), is incorrect. The table in 'Document 1' was subject

to further discussion between the parties on 28<sup>th</sup> October 2016. In relation to SC252 – East Plean (i.e. Cushenquarter) the Council expressed reservations about the programming as shown in Document 1. It was therefore agreed there should be no change in programming (as shown in the adopted plan), as reflected in the 2016 Housing Land Audit.

The Council is aware that Story Homes, in partnership with Persimmon Homes, intends to submit planning applications for the site. Pre-application consultation procedures for major applications have commenced, and a community consultation event took place in September 2015. The Council has also had several pre-application meetings with the developer and has responded to an EIA Screening Opinion request (CD54).

It remains the case however that whilst the general principle of large scale residential development complies with the wider regeneration objectives of the Spatial Strategy, in relation to Plean there is continuing uncertainty over its scale, location and programming. The determination of forthcoming planning applications will allow these issues to be considered in much more detail. In the meantime the Council is of the view it is appropriate to retain the scale and programming for H069 Cushenquarter as set out in the Proposed Plan, and therefore does not propose to modify the Plan.

The issues raised in respect to housing land supply are discussed in detail in Issue 3.

#### H072 - Touchill Farm

Story Homes (01749) and Hallam Land Management (01781)

The Council does not own this site.

As highlighted in the Council's response to H069 – Cushenquarter the H072 - Touchill Farm allocation features in the Housing Land Audit 2016 (CD 20). This site is considered to be effective within 5 years as all tests have been met. To improve site marketability and attract a developer to the site advance infrastructure works have already taken place and approvals given to amend conditions.

Following from this the Council remains of the view it is appropriate to continue to allocate the site in the Proposed Plan and keep to the programming set out in the Settlement Statement. It therefore does not propose to modify the Proposed Plan in this regard.

#### H073 Main Street

Story Homes (01749)

The allocation features in the Housing Land Audit 2016 (CD 20) and is considered to be effective as all the relevant tests have been met.

Following from this the Council remains of the view it is appropriate to continue to allocate the site in the Proposed Plan and keep to the programming set out in the Settlement Statement. It therefore does not propose to modify the Proposed Plan in this regard.

#### **Reporter's conclusions:**

#### Settlement Statement and Proposals Map

1. The strategy of directing growth to the eastern villages is disputed in a representation

requiring that sites in the eastern villages should be replaced with sites in more marketable areas, particularly Stirling. Villages such as Plean are challenged in terms of infrastructure, marketability, and services.

2. Plean is within the Core Area and is a Tier 3 settlement, as identified in the Spatial Strategy of the proposed plan. It is also identified as a Regeneration Priority Area in Table 1 of the plan.

3. I find that although sites that have been allocated in Plean could cumulatively accommodate over 300 homes, that is entirely in accordance with the stated aims of the Spatial Strategy Development Approach on page 16 of the proposed plan, which is to assist areas of deprivation and to provide a more balanced population, to create environmental improvements and local employment, and to maximise the connectivity of these areas.

4. I appreciate that the market may be slow to adapt to such areas, but I find the interest and commitment shown to allocated sites in Plean in this plan examination demonstrates that the industry can adapt and is actually doing so. The socio-economic needs of areas such as Plean need to be addressed, and the planning system can assist in delivering better outcomes for villages in need of regeneration. Removing housing allocations from Plean and replacing them in more marketable areas could have a negative impact on the realisation of the aims of the Spatial Strategy and would not facilitate the regeneration of the village. On this basis, there should be no modification to the plan.

#### H069 Cushenquarter

5. The site is greenfield in character, to the east of Plean, with a capacity in total of some 500 homes. It is allocated in the current local development plan for development of 500 homes post-2024, and in the proposed plan for development of 100 homes in Phase 2 of Period 1, 2022 to 2027. In the proposed plan, any post-2027 capacity is to be confirmed and would be subject to the resolution of any education capacity issues. The council's response to Further Information Request 14 indicated that it envisaged no change to the programming of the site.

6. A nearby resident, Mr S Young, has made representations regarding the potential impact on his home. Some of the matters raised, including those involving property values and loss of views, are not usually material to the planning process and so I have not had regard to them in my conclusions. Issues raised relating to transport, air quality, noise and services capacity were assessed during the Main Issues Report (CD07b) and overall, the site was found to be appropriate for housing. The issues raised by Mr Young would be addressed at the planning application stage, where more detail would be available, and where another opportunity for consultation would be afforded to him. Accordingly, there is no requirement to modify the plan.

7. Concern has been expressed by the operator of the existing care home to the south of the site in relation to the potential for residents of the home to be visible and audible from any new homes. The concern relates to the limiting impact this may have on residents who currently enjoy freedom of movement because of their relatively isolated location at the edge of the village.

8. The council notes the concerns of the operator, and says that at the planning application stage, account would have to be taken of the potential impact on residents'

privacy and amenity.

9. I note that the Key Site Requirements for H069, Cushenquarter, do not include specific mention of appropriate boundary treatments for the proposed phases of the development of the site. I appreciate that this is a matter that could be addressed at planning application stage, but for completeness, and in response to the valid concern raised in the representation, I conclude that an additional key site requirement should be added to page 193 of the proposed plan as follows: *“Buffer strip and structural planting required on the boundaries to the William Simpsons Home.”*

10. Two housebuilders, Story Homes and Persimmon Homes are promoting the site. In the initial representation, it was suggested that the site could deliver 300 homes in Phase 1 of Period 1 of the proposed plan, and 200 homes post-2027 in Period 2. Development on the scale proposed would, it is suggested, contribute towards the shortfall in the five-year effective housing land supply. The site is considered effective, with no limitations on delivery in the first phase of the plan.

11. The council considers that the schools and services infrastructure in Plean are constraints to delivery from this site, and that only 100 homes could be completed during Phase 2 of Period 1. Further delivery would be subject to a satisfactory resolution of education issues in the catchment areas.

12. During this examination, correspondence was received from Persimmon Homes, suggesting that the pupil product ratios utilised by Stirling Council to determine school capacity had changed. Those changes had resulted in an increase in capacity at Plean Primary School, and so the site at Cushenquarter could now deliver up to 198 homes in Phase 1, and the pupils from those homes would be capable of being accommodated in the four-classroom extension proposed for the primary school. Stirling Council’s education department has confirmed the revised capacity at the primary school in an email exchange with Persimmon Homes, which was submitted as part of the correspondence referred to above.

13. The council was offered an opportunity to comment on the revised pupil product ratios, in Further Information Request 23, and confirmed that the ratios had been revised and would be used to assess planning applications in Stirling. No specific comments on Plean or sites in Cushenquarter were received, which suggests that the revised ratios will be universally applied to all development proposals.

14. I find that the change in the pupil product ratios is material, as it directly addresses the education constraints the council identify as limiting development potential at the site. I have offered the parties an opportunity to comment, and the contents of those comments are noted. Some of the responses are wider ranging than this particular site, and are addressed at Issue 3 of this examination.

15. I consider that it is not unreasonable to anticipate that 198 home completions in Period 1 of Phase 1 to 2022 could be achieved on this site, given that there are two housebuilders involved in the promotion of the site and that the planning application process is underway. I am content that the primary constraint to the site has been resolved for the first 198 homes, but acknowledge that there are other infrastructure matters which would need to be addressed in any application assessment process. However, it has not been suggested that these matters would constitute an insurmountable constraint. The education capacity post-2022, or following the completion

of 198 homes at Cushenquarter, remains to be resolved. I am satisfied that the overall capacity of the site is some 500 homes, as set out in the adopted plan. The remaining 300 (approx.) homes could be delivered at a rate of 30 homes per annum, and so I conclude that 150 homes could be delivered in Phase 2 of Period 1, and 150 homes in Period 2. That assumed rate of completion is more conservative than that set out in the representation from Story Homes, but I conclude that it more accurately reflects the potential constraint of education capacity post-2022.

16. Given the identified shortfall in housing land, a matter discussed in detail at Issue 3 of this examination, and the evidence before me in relation to school capacity, I conclude that it would be appropriate to modify the table on page 193 of the proposed plan by inserting 200 in Phase 1 column two, and 150 in Phase 2 column 3, and 150 in Period 2 column 4. The text on page 191, paragraph 1 should be modified accordingly.

#### H072 Touchill Farm

17. This greenfield site lies to the south-west of Plean, in an elevated position to the rear of established residential development and the primary school. It has an estimated capacity of 167 homes and has planning permission. It is allocated for residential development in the proposed plan, with 78 homes in the period 2015 to 2022 and 89 in the period 2022-2027.

18. The effectiveness of the site is questioned in representations, as it has been marketed for some time with no evident interest from housebuilders. The reprogramming of the site is sought, with delivery suggested as being more appropriate in Phase 2 or even Period 2 of the proposed plan.

19. The council advises that the site is not in council ownership as suggested in representations. The site has planning permission, I am advised by the council that basic advance infrastructure works have been carried out on site and approval given to amended conditions to the planning consent.

20. In response to Further Information Request 14, the council has amended the programming of Touchill Farm to 18 units in the period 2015 to 2022, and 149 homes post 2022 in Phase 2 of Period 1. That programming change and its implications for delivery of homes is addressed at Issue 3 of this plan examination.

21. I find that although no housebuilder interest is evident through this plan examination, the site has the benefit of an extant planning permission. The tests of effectiveness, at set out in Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits, appear to be met, and I have no evidence before me which demonstrates that the site is not capable of delivering 18 homes in Phase 1 as envisaged in the revised programming table which will form Appendix 1 of the local development plan. I note the marketing campaign for the site has not been successful to date, but the site continues to be marketed and so it may be sold during the plan period. I consider that the programming of the site is now more conservative, and reflective of the fact that a housebuilder is not involved. I recommend that the table on page 194 of the proposed plan be amended to reflect the council's revised programming for the site as set out in its response to FIR 14 in Issue 3. It would be appropriate to modify the table on page 193 of the proposed plan by inserting 18 in Phase 1 column two, and 149 in Phase 2 column 3.

H073 Main Street

22. The effectiveness of site H073 has been questioned, on the basis that planning permission was granted two years ago and to date, there appears to be no housebuilder interest in developing it for homes.

23. The site is greenfield land, lying to the west of Main Street in Plean. It is adjoined to the north and south by existing development. It is allocated in the proposed plan for housing, with 16 homes in the period 2015-2022.

24. I find that although no housebuilder interest is evident through this plan examination, the site has the benefit of an extant planning permission. The tests of effectiveness, as set out in Planning Advice Note 2/2010, Affordable Housing and Housing Land Audits, appear to be met, and I have no evidence before me which demonstrates that the site is not capable of delivering 16 homes as envisaged. No modification to the plan is justified.

**Reporter’s recommendations:**

I recommend the following modifications:

1. In the Plean Settlement Statement, under the schedule of sites, an additional key site requirement (the 6<sup>th</sup>) be inserted to site H069, Cushenquarter, (page 193 of the proposed plan) as follows:

- *“Buffer strip and structural planting required on the boundaries to the William Simpsons Home.”*

2. In the Plean Settlement Statement, under the schedule of sites, modify the development phasing for site H069, Cushenquarter, (page 193 of the proposed plan) as follows:

Period 1		Period 2
Phase 1: 2015/2022	Phase 2: 2022/2027	2027/2037
200	150	150

3. The text on page 191, sentence 1 of paragraph 1 should be deleted to reflect the changed phasing, and replaced with the following text: *“Site H069 Cushenquarter has been allocated for an initial development of 200 homes In Period 1 of Phase 1 and 150 homes in Period 2 of Phase 1. Post-2027, 150 homes are programmed for completion.”*

4. In the Plean Settlement Statement, under the schedule of sites, modify the development phasing for site H072 Touchill Farm, (page 194 of the proposed plan) as follows:

Period 1		Period 2
Phase 1: 2015/2022	Phase 2: 2022/2027	2027/2037
18	149	

<b>Issue 44</b>	<b>Stirling - Allocated Housing Sites</b>	
<b>Development plan reference:</b>	Stirling Settlement Statement (pp.196-229) and Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>River Forth Fisheries Trust (01757)  Forth District Salmon Fisheries Board (01758)  SEPA (90175)  Bryan &amp; Patricia Jackson (00701)  Peter Gilmour (01755)  Rev Alan &amp; Margaret McKenzie (01718)  Brett &amp; Adele Manson (01704)  Martin McCrae (01713)  Ogilvie Homes Ltd (90321)  SNH (90033)  James Simpson (01709)  The Woodland Trust Scotland (90684)  Gerald Halas (01239)  Allan Water Developments (90342)  Maureen Watt (01708)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>This issue relates to 10 allocated sites within the settlement boundary of Stirling: H028 – Riverbank Works, H034 – Forthside Phase 2, H050 – Viewforth, H054/B06 – Former Kildean Auction Market, H053 – Area 23 Former Kildean Hospital, H058 – Newpark Farm, H061 – Area 8 Raploch Schools, H119 – Craigforth, H130 – Milne Park Road, H142 – Former MFI.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>H028 – Riverbank Works</u></p> <p>River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)</p> <p>Raise concern that the development's impact on the adjacent River Forth have not been adequately addressed. Specific concerns that development of the site could have an adverse impact on the spawning ground and habitat for Salmon, Sea Trout, Lamprey and Eel in the River which is a Special Area of Conservation and would be contrary to the Habitats Directive.</p> <p>Concerned that as some parts of the site are in the flood plain, development would lead to the loss of ability of site to flood, therefore causing an adverse impact on the channel contrary to the Flood Risk Management Act 2000.</p> <p>The site is known to have invasive non-native species such as Giant Hogweed and Himalayan Balsam. Any development could spread these species to new areas.</p> <p>Additionally, Forth District Salmon Fisheries Board (01758) raise concern that there may be an impact on adjacent fishing rights and commercial operations of proprietors of the</p>		

Forth District Fishery, contrary to the Wild Fisheries Reform draft legislation.

Consider that if the development was to proceed, the Council would be acting contrary to the Water Framework Directive (Directive 2000/60/EC), transposed into Scottish Law via the Water Environment and Water Services (Scotland) Act 2003; Habitats Directive (Directive 92/43/EEC), transposed into Scottish Law via the Conservation (Natural Habitats) Regulations 1994; Flood Risk Management (Scotland) Act 2009; Wildlife and Natural Environment (Scotland) Act 2001; and the Wild Fisheries Reform (Draft Legislation)

SEPA (90175)

Support the Key Site Requirement to determine the final site capacity once an FRA has been undertaken to determine the developable area.

Support the Key Site Requirement for a buffer strip from the watercourse as these measures will help protect and improve the water environment. This is in keeping with the Authority's duty as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to exercise the designated functions so as to secure compliance with the requirements of the Water Framework Directive.

#### H034 – Forthside Phase 2

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

Raise concern that the developments impact on the adjacent River Forth have not been adequately addressed. Specific concerns that development of the site could have an adverse impact on the spawning ground and habitat for Salmon, Sea Trout, Lamprey and Eel in the River which is a Special Area of Conservation and would be contrary to the Habitats Directive.

Concerned that as some parts of the site are in the flood plain that development would lead to the loss of ability of site to flood, therefore causing an adverse impact on the channel contrary to the Flood Risk Management Act 2000.

The site is known to have invasive non-native species such as Giant Hogweed and Himalayan Balsam. Any development could spread these species to new areas.

Additionally, Forth District Salmon Fisheries Board (01758) raise concern that they currently hold hereditary rights for netting in this area, which could be adversely impacted by this development.

Consider that if the development was to proceed, the Council would be acting contrary to the Water Framework Directive (Directive 2000/60/EC), transposed into Scottish Law via the Water Environment and Water Services (Scotland) Act 2003; Habitats Directive (Directive 92/43/EEC), transposed into Scottish Law via the Conservation (Natural Habitats) Regulations 1994; Flood Risk Management (Scotland) Act 2009; Wildlife and Natural Environment (Scotland) Act 2001; and the Wild Fisheries Reform (Draft Legislation)

H050 – Viewforth

Peter Gilmour (01755)

Supports in general the allocation for housing but considers that there should be a strong element of affordable housing to reduce Stirling's shortage of affordable housing.

With regards to the Link road, considers that in the interest of Road Safety and Noise reduction that the road is speed restricted to 20mph and weight restricted to avoid Heavy Goods Vehicles using a steep incline.

SEPA (90175)

Recommend that appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

H054/B06 – Former Kildean Auction Market

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

Raise concern that the developments impact on the adjacent River Forth have not been adequately addressed. Specific concerns that development of the site could have an adverse impact on the spawning ground and habitat for Salmon, Sea Trout, Lamprey and Eel in the River which is a Special Area of Conservation and would be contrary to the Habitats Directive.

Concerned that as some parts of the site are in the flood plain that development would lead to the loss of ability of site to flood, therefore causing an adverse impact on the channel contrary to the Flood Risk Management Act 2000.

The site is known to have invasive non-native species such as Giant Hogweed and Himalayan Balsam. Any development could spread these species to new areas.

Additionally, Forth District Salmon Fisheries Board (01758) raise concern that there may be an impact on adjacent fishing rights and commercial operations of proprietors of the Forth District Fishery, contrary to the Wild Fisheries Reform draft legislation.

Consider that if the development was to proceed, the Council would be acting contrary to the Water Framework Directive (Directive 2000/60/EC), transposed into Scottish Law via the Water Environment and Water Services (Scotland) Act 2003; Habitats Directive (Directive 92/43/EEC), transposed into Scottish Law via the Conservation (Natural Habitats) Regulations 1994; Flood Risk Management (Scotland) Act 2009; Wildlife and Natural Environment (Scotland) Act 2001; and the Wild Fisheries Reform (Draft Legislation).

SEPA (90175)

Support the Key Site Requirements that and FRA needs to be undertaken to identify the functional flood plain and what water resilient materials and measures may be required.

Support the requirement to treat foul and surface water drainage to the relevant standards of Scottish Water and SEPA.

Support the safeguarding of the waste management infrastructure.

Recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

Bryan and Patricia Jackson (00701)

Raise concern that the development of the site will lead to further flooding of their property. Consider that recent development on part of the site has led to surface water and that this was a contributing factor to the last flooding of their house.

Concerned that there is a conflict of interest as the Council is understood to be involved in the development of the site and it is the Council that will be approving their own plans and flood prevention measures.

Raise concern over the impact of the development on wildlife and fishing. Consider that if contaminated water runs down to the Forth it would impact on the River.

Consider that the development would infringe on the Forth walk and that there is no requirement for the business aspect of the allocation, citing the occupancy rate of a nearby Business Park. Related to this, the representation suggests there are other sites in the Stirling Area which could be used for development, including offices belonging to the Council.

#### H053 - Area 23, Kildean Hospital

Rev Alan and Margaret McKenzie (01718)

Support in general the allocation for housing but consider that the Key Site Requirements should be amended to include the former wards, stone "villas", to the side and rear of the hospital building as they are considered to be attractive and have potential for development. Raise general concern as to how the density of 30 units will be achieved.

#### H058 – Newpark Farm

Brett and Adele Manson (01704)

Considers that the previously made derelict sites at Gateside and Greystale Roads should be utilised for housing rather than allowing this development on greenbelt.

Seeks further clarity on the specific proposals for the site and further clarification on impacts on education provision in the area and what playspace/recreational facilities will be provided.

Raises concern over current road infrastructure and its ability to cope with increased traffic and considers it irresponsible of the Council to develop this site and its associated impact on wildlife and urbanisation of the green belt. Raises serious concerns over how the Council will manage this.

Martin McCrae (01713)

Considers that the site should not be developed as it is farmland and is concerned over

recent loss of farmland and greenbelt to housing in the area and the future availability of farmland for food production.

Suggests alternative use of the site as a small holding for young people to develop crofting skills.

Ogilvie Homes (90321)

Reiterate the comments from the reporter at the examination of the adopted LDP. The Proposed Plan at the time indicated a capacity of 100 units at the site. The reporter concluded that "in principle, the site may be capable of accommodating more homes than H058 identifies" and that "the figures in the Existing and Future Land Supply table of the LDP are clearly marked indicative housing units...Neither the LDP nor the planning authority response to the representation suggests that the figures must be adhered to rigorously. This position remains to be finalised once a precise form of development emerges."

The representation generally supports the Council's position to revise the indicative capacity of the site to 175 from 100 in the adopted LDP and the 150 proposed in the MIR. The representation seeks to increase the capacity of the site further in line with the planning application currently under consideration (Ref 15/00669/FUL).

Consider that SG08 St Ninians (Cultenhove) Development Framework supports a higher level of development and that the 185-190 units proposed can be comfortably accommodated below the envisaged capacity.

Consider that the development of the site for the density proposed is in line with the sustainability principles of SPP and the Spatial Strategy of the Proposed Plan.

The site is recognised under the Spatial Strategy as a Regeneration site, but the site represents strategic development and therefore should be afforded priority over other sites by increasing the allocation for this site. This will allow for a level of development in numbers and density commensurate with achieving regeneration objectives.

Consider that the development layout demonstrated through the planning application process demonstrates the design led approach to the site in line with placemaking and Designing Streets policies.

The application shows a considerable extent of open space, which is considered to exceed the Council's own policy requirements and the National Playing Fields Standards. Submit that this further demonstrates that 185-190 units would not be overdevelopment of the site.

Attach an extract of the Supporting Planning Statement for the Planning Application (Ref: 15/00669/FUL) and Ogilvie's MIR representation.

SNH (90033)

Submit that the site is potentially sensitive given the possible impact on the setting of and views from the Bannockburn Memorial Historic Landscape, Battlefield and Monument. Note the Key Site Requirements but that this could be expanded to take account of views from the landscape of the Battle of Bannockburn.

Consider there is potential for the development to present a coherent extension to the settlement and also to provide increased green infrastructure, however note that there is no reference in the Key Site Requirements for such provision.

SEPA (90175)

Support the Key Site Requirements that and FRA needs to be undertaken to identify the functional flood plain and what water resilient materials and measures may be required.

Recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

H061 – Area 8, Raploch Schools

James Simpson (01709)

Does not specifically object to the use of the site for housing, however raises concern about the loss of greenery.

Consider that it is important to preserve the natural aesthetics of the area and that it would a loss to the community should trees lining Raploch Road be cut down.

SEPA (90175)

Recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

H119 – Craigforth

The Woodland Trust Scotland (90684) - Raise concern that the allocation of this site will have an impact on the Existing Ancient Woodland.

SEPA (90175)

Support the Key Site Requirements that and FRA needs to be undertaken to identify the functional flood plain and what water resilient materials and measures may be required.

Recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

SNH (90033)

Note that on page 206, the paragraph on 'Raploch' contains a reference to the mature Oak Woodland at Craigforth being a Site of Specific Scientific Interest (SSSI). This woodland is not designated and SSSI.

H130 – Milne Park Road

Gerald Halas (01239)

Does not object to the proposal but comments that he would expect previous planning decisions on the site would be upheld. Namely that "...the housing development will be

strictly two stories in keeping with the adjacent housing and because the ground is elevated to the parkland to the south. The previous use of the builder's yard will require a planning condition relating to removing any contamination on the site."

H142 – Former MFI

Allan Water Developments (90342)

Support the allocation for residential use and agree that this is a reasonable and acceptable land use for the site but consider that the LDP should offer flexibility in allowing retail development, either as a standalone development or in association with residential development. Submit that previous planning approvals support this position.

Provide information on the sites history, specifically that it has been mostly cleared for nearly a decade and was previously occupied by a range of buildings. An MFI furniture warehouse was a major use on the site.

SEPA (90175)

Support the Key Site Requirement that early contact with Scottish Water regarding foul water connection. Considers this requirement, alongside Policy 3.2 (a) ensures the risk of environmental pollution is minimised. This is in keeping with the Authority's duty as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to exercise the designated functions so as to secure compliance with the requirements of the Water Framework Directive.

Recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff.

Maureen Watt (01708)

Supports the principle of the development and welcomes the fact that something will finally be done about the 'eyesore' of the former development but asks for due consideration to be given to privacy of neighbouring properties in the layout of the site.

**Modifications sought by those submitting representations:**

H028 – Riverbank Works

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

Remove the site from the Proposed Plan. If the site does not get removed, access considerations should be implemented to ensure there is no negative impacts on the Forth District Fishery.

H034 – Forthside Phase 2

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

Remove the site from the Proposed Plan. If the site does not get removed, access considerations should be implemented to ensure there is no negative impacts on the Forth District Fishery.

H050 – Viewforth

Peter Gilmour (01755)

No specific modification stated, however it is inferred that there should be affordable housing on the site and that there should be speed (20mph) and weight restrictions (with reference to Heavy Goods Vehicles) on the link road in the interests of road safety and noise reduction.

SEPA (90175)

SEPA recommend that appropriate mitigation measures are implemented to reduce the risk of surface water runoff and the Council satisfies itself with any surface management proposals.

H054/B06 – Kildean

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

Remove the site from the Proposed Plan. If the site does not get removed, access considerations should be implemented to ensure there is no negative impacts on the Forth District Fishery.

SEPA (90175)

SEPA have recommended appropriate mitigation measures are implemented to reduce surface water runoff flooding and that the Flood Prevention Authority satisfies itself with any surface water management proposals.

Bryan and Patricia Jackson (00701)

If the allocation is not removed, there should be a reduction in the site area and the allocation located to the eastern portion near the college.

H053 - Area 23, Kildean Hospital

Rev Alan and Margaret McKenzie (01718)

- That consideration be given to developing the main building of the former Kildean Hospital as a community asset, as used at present by Stirling Community Enterprise.
- Additionally, It is inferred that the Key Site Requirements be amended to include reference to the retention of the stone built "villas", former wards of the hospital.

H058 – Newpark Farm

Brett and Adele Manson (01704)

- Removal of the allocation from the site designated and replaced with an allocation to the existing areas of Gateside and Graystale Roads.
- Requires further information on exactly the type of housing proposed.
- Requires information on the urbanisation of rural land and infrastructure information to be made available to local residents.

- Would like to see an increase of, upgrade of current, community facilities.

Martin McCrae (01713) - Removal of the allocation.

Ogilvie Homes (90321)

- Amend the land supply table in the settlement statement to allocate the site for 185 units.
- Alternatively the numbers should be adjusted to reflect the number of housing units approved under 15/00669/FUL should it differ from the 185 quoted in this submission.

SNH (90033)

- Amend the Key Site Requirements to read "...ensuring views of and from the Bannockburn Monument are taken into account in the layout and design of the development..."
- Add an additional Key Site Requirement to require that "development should make provision for new infrastructure."

SEPA (90175)

SEPA have recommended appropriate mitigation measures are implemented to reduce surface water runoff flooding and that the Flood Prevention Authority satisfies itself with any surface water management proposals.

#### H061 – Area 8, Raploch Schools

James Simpson (01709)

No specific modification requested, however it is inferred that the representation seeks a change to the Key Site Requirements to include provision to protect the existing trees on the site.

SEPA (90175)

SEPA recommend that appropriate mitigation measures are implemented to reduce the risk of surface water runoff and the Council satisfies itself with any surface management proposals.

#### H119 – Craigforth

The Woodland Trust Scotland (90684) - Request removal of the site.

SNH (90033) - Remove reference to the SSSI at Craigforth.

SEPA (90175)

SEPA have recommended appropriate mitigation measures are implemented to reduce surface water runoff flooding and that the Flood Prevention Authority satisfies itself with any surface water management proposals.

H130 – Milne Park Road

Gerald Halas (01239)

No specific modification is proposed, however it is inferred that the Key Site Requirements should take account of previous planning decisions.

H142 – Former MFI

Allan Water Developments (90342)

- Within the table on page 212 amend column 1 to insert "Maitland Crescent" between "H142" and "Former MFI". In column 5 insert a 3<sup>rd</sup> bullet point as follows. "Alternative development potential for retail development. See R25"
- Within the table on page 215 add a new line after R11. In column 1 of this line add "R25 Maitland Crescent, Former MFI". In column 2 "up to 4,650 sq m retail floorspace. In column 3 (no text). In column 3 insert a bullet point as follows. "Alternative development potential for residential development. See H142."

SEPA (90175)

SEPA have recommended appropriate mitigation measures are implemented to reduce surface water runoff flooding and that the Flood Prevention Authority satisfies itself with any surface water management proposals.

Maureen Watt (01708)

No specific modification requested, however it is inferred that the representation seeks a change to the Key Site Requirements to take account of existing properties in the layout of the site.

**Summary of responses (including reasons) by planning authority:**

H028 – Riverbank Works

The Council considers that it has met its statutory functions as required under the relevant laws with regard to the allocation of this site. SEPA, as the statutory consultee support the allocation of this site. An FRA is a requirement of this site to determine the developable area, this assessment will also identify what specific mitigation measures will be required.

Issues of contamination on the site and what remediation will be required is a matter for detailed consideration of any planning application on the site. It is not considered that access to the river will be an issue due to the requirement for a buffer strip along the watercourse.

The Council therefore does not agree to modify the plan as requested.

H034 – Forthside Phase 2

The Council considers that it has met its statutory functions as required under the relevant laws with regard to the allocation of this site. SEPA, as the statutory consultee support the allocation of this site. In addition the site benefits from an extant planning permission. The

allocation in the LDP reflects the extent of the approved, but as yet unbuilt, planning application (CD76).

The Council therefore does not agree to modify the plan as requested.

#### H050 – Viewforth

The Council has an affordable housing policy, Policy 2.2, which states where and when affordable housing will be required and how it would be expected to be delivered. With reference to this site there would be a requirement for the provision of 25% of the units to be affordable, with the expectation that this would be delivered on site.

With regards to the comments on the link road, these are noted. However, this is not considered to be a matter for the Proposed Plan. Detailed consideration of the road design, layout and appropriate speed/weight constrictions will be undertaken by the transport team in the event that a planning application is submitted.

The Council therefore does not agree to modify the plan as requested.

The modification requested by SEPA is dealt with in Issue 64.

#### H054/B06 – Kildean

The Council considers that it has met its statutory functions as required under the relevant laws with regard to the allocation of this site. SEPA support the Key Site Requirements as listed in the Proposed Plan, however they have recommended that appropriate mitigation measures are implemented to reduce surface water runoff and that the Council are satisfied with surface water management proposals.

The allocation benefits from a Planning Permission in Principle which was granted on appeal in 2014 (CD77). This application considers many of the points raised above and these are covered by the conditions attached to this permission. At the examination of the adopted LDP this site was considered, with the reporter concluding that the, then, recent appeal decision took sufficient account of issues surrounding flooding and the impacts on the River Forth. It is also noted that conditions to maintain the Riverside Path and access to the Salmon Fishery have been applied to this permission (CD03 pg 453 - 458).

The Council notes the issues regarding surface water flooding raised by SEPA (90175) and Bryan and Patricia Jackson (00701). The issue raised regarding flooding being caused by recent development on other parts of the site are not matters that can be directly addressed through this allocation in the Proposed Plan. However, future development will require to be considered against the policies in the development plan and the approved Planning Permission in Principle. It is agreed that appropriate mitigation measures will be required, in regard to surface water, and this will be assessed fully under any future planning application.

The Council therefore does not agree to modify the plan as requested.

The modification requested by SEPA is dealt with in Issue 64.

H053 - Area 23, Kildean Hospital

The general support for the allocation is noted. At present the site is owned by the NHS who in turn let the former hospital buildings to the Raploch Urban Regeneration Company. It is unknown if this arrangement will continue when the site becomes available for development.

The site is considered to have potential to accommodate a range of house types, whilst retaining the "C" listed buildings, amounting to approximately 30 units. This is an indicative figure and the final numbers may vary once an appropriate design has been agreed. The Category C listing does not extend to all buildings on the site.

However, it is envisaged that the potential retention of all buildings on the site and the relationship between any new build element with the listed building are issues that will be explored by the preparation of a Planning Brief (To be prepared).

The Council therefore does not agree to modify the plan as requested.

H058 – Newpark Farm

The Council considers that in line with the Spatial Strategy and the need to meet the Housing Land Requirement in full, it continues to be appropriate to identify this site for development. Full justification for the release of greenfield sites can be found in the Housing Background Report.

In line with SG08 St Ninians (Cultenhove) Development Framework (CD19), this site has been allocated to provide an element of market housing in the area and to support the wider regeneration of Cultenhove. The SG, and in turn the Proposed Plan, identifies the vacant sites referred to in the representation for development as part of H059 – Cultenhove. The Council has been committed to, and remains committed to, the fulfilment of the regeneration aims and the proposals in the SG. Significant progress has been made on bringing the vacant sites back into active residential use. Stirling Council and Forth Housing Association have recently completed on developments at Cultenhove Crescent and developments were under construction, at the time of writing, by Forth Housing Association on sites at Cultenhove Place and Earlsburn Avenue (CD20). There remains a commitment to bring forward the remaining vacant sites in the area and discussions are ongoing between the Council, Forth Housing Association and developers to bring them forward as soon as possible. It is anticipated that planning applications will be submitted in early 2017 for the remaining areas.

In 2015 a planning application (CD78) was submitted. At the time of writing this application had not been approved. Further information on the design, layout and house types have been submitted as part of this application. It is not for the Proposed Plan to specify this on the proposal maps.

The Council therefore does not agree to modify the plan as requested by Brett and Adele Manson (01704) and Martin McCrae (01713)

With regards to the comments from Ogilvie Homes (90321) about increasing the indicative allocation numbers in the land supply table, the Council would submit that there is no need for this to be reflected in the Proposed Plan. The Council has been clear that the figures identified in the adopted LDP are indicative and have never prejudiced a planning

application that can satisfactorily demonstrate a higher number. This approach was endorsed by the Reporter at the previous examination who concluded that it would be for a planning application to demonstrate this and proposed no modification to the plan on this matter (CD03 pg 490).

When the Main Issues Report was being prepared, discussions on the site with Ogilvie Homes were advanced and a PAN had been submitted, initially proposing up to 200 units (CD79). To reflect the discussions and to signify to both the community and the developer that in principle an increase in density was considered acceptable, the site was identified in all 3 options to be increased to 150 units (CD07 pg40). Ogilvie Homes made representation to the MIR that this was a positive step but sought a further increase (CD23, pg 105). Whilst the Proposed Plan was being prepared the planning application was submitted. As Ogilvie recognise there has been discussion regarding the final site layout and density, reflected in the reference to 185-190 units. It has become clear that it is now down to fine detail over the design and layout to precisely define the number of units on the site, rather than a question of the site being able to accommodate a higher density. In this regard the Proposed Plan allocation was amended to 175 units. Again this is to signify the indicative number that can be supported.

The Council would reiterate the previous comments from the reporter of the last examination, that these are indicative numbers only and that final numbers will be finalised when a precise form of development emerges. In this regard, as the planning application is still under consideration it is not appropriate for the Proposed Plan to identify unit numbers as that precise form of development has not yet been agreed. The Council would reiterate that this lower number would not prejudice a higher number being approved and it will be for the next Housing Land Audit to reflect the numbers from the approved application.

The Council therefore does not agree to modify the plan as requested.

The modification requested by SEPA is dealt with in Issue 64.

#### H061 – Area 8, Raploch Schools

The comments regarding the protection of existing trees in general is an approach that is supported by LDP policies. The trees are not protected through a Tree Preservation Order, therefore it is not considered to be a Key Site Requirement. However, this is an issue that will be explored further through consideration of a detailed design submitted in a planning application.

The Council therefore does not agree to modify the plan as inferred.

The modification requested by SEPA is dealt with in Issue 64.

#### H119 – Craigforth

The allocation at Craigforth does not include the ancient woodland in front of Craigforth house. The planning permission that exists through 07/00673/OUT and extended most recently by 13/00803/FUL (CD80) which expires in 2017, allows for a mixed use development in principle that surrounds the ancient woodland. No detailed applications exist for this site and when such an application comes forward for this site, the relationship between the development and the woodland will be considered in detail. A Key Site

Requirement for the development of this site identified in the LDP states that evaluation and mitigation of the potential impact on views from Stirling Castle and the Old Town ridge over the wooded Craigforth and the Carse will be required.

The Council therefore does not agree to modify the plan as requested.

The Council appreciates SNH pointing out an error in the text. In the interests of clarity the Council would offer no objection, if the reporter was so minded, to amending the text as requested.

#### H130 – Milne Park Road

The comments regarding the previous planning decisions are noted. The planning application being referred to is assumed to be 11/00305/FUL (CD81). This was an application jointly submitted by the landowner and Bett Homes. Bett Homes subsequently withdrew from the process and the landowner could not provide the required details to progress the application. The application was subsequently refused and there has been no further application submitted for this site.

Notwithstanding this, it would be for future planning applications to take account of the relationship between proposed and existing developments. Any conditions that require contamination to be removed will be assessed and applied if appropriate through this process. It is considered there is a sufficient policy framework that covers these matters and it is unnecessary to repeat these in the Key Site Requirements.

The Council therefore does not agree to modify the plan as inferred.

#### H142 – Former MFI

The support for the identification of the site for residential use is welcomed and acknowledged. With specific regard to the modifications sought from Allan Water Developments (90342), account of retail provision was carefully considered prior to its identification in the MIR as a potential change of allocation to housing. The site assessment concluded that it was an appropriate location for residential use and that due to the slowdown in demand for larger retail units in the Stirling area that it would be of amenity benefit to the community to develop the vacant site in the shorter, rather than longer term. It was considered that this would be more likely be as a result of residential led development rather than retail and thus was presented in all 3 options in the MIR (CD07, pg 244). It should be noted that there was positive response to this change, with the allocation receiving community support, subject to concerns over detailed design matters (CD23, pg 103). It should also be noted that no representation was received from Allan Water Homes in this regard and indeed the applicants submitted a planning application (15/00581/FUL) for "Proposed development of 21 houses, 24 flats and 4,000sqft of retail space, with associated roads, boundary treatment and landscaping" towards the end of the MIR consultation period (CD82).

This application was generally accepted in principle, however specific concerns were raised over the density, design and layout of the development. The application has subsequently been withdrawn. The matters raised in the representation by Maureen Watt (01708) regarding specific design and layout are considered to be matters for a detailed application and will be fully considered in line with the Proposed Plan policies at this stage.

It is accepted that retail and/or residential schemes have both been shown support in the

past. The latest application for the extension to time of planning application 09/00278/PPP for the erection of a supermarket was 13/00410/FUL (CD83) and this permission expired on the 15<sup>th</sup> August 2016. It is clear that securing an operator to pursue the site as a retail allocation has had little success. Given that the permission in principle was originally consented 6 years ago and the site has lain vacant for around 10 years the Council considers it appropriate to explore the use of the site for residential use.

Given the site's past history, the Council may accept an element of retail on the site given its location within the local St Ninians Network Centre. Indeed, this was demonstrated through the recent application which supported the 4,000sqft of ground floor retail space fronting Glasgow Road. The Council does not however consider that it is still appropriate to pursue the identification of the site for entirely retail use. It is a prominent site in the local area and fronts a main approach to the centre of Stirling and it is considered important to develop the site sooner rather than later. It is considered that a 'dual' allocation of the site for an 'either/or' development would lead to uncertainty for the community and would raise concern over the effectiveness of the site with regard to future programming of development through the Housing Land Audit or the Retail Monitoring Report. In this respect the Council considers that although allocated as a housing allocation, there would be an element of policy support through Policy 2.8: Sites suitable for a mix of uses to explore an element of retail use within future planning applications.

Therefore the Council does not agree to modify the plan as requested.

The modification requested by SEPA is dealt with in Issue 64.

### **Reporter's conclusions:**

#### H028 – Riverbank Works

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

1. I note that the key site requirements set out clearly the flood risk to this site and recognise that the developable area could be significantly constrained. This would be determined by a flood risk assessment to be undertaken when a development comes forward for planning permission. The key site requirements state that development on the functional flood plain should be avoided. The allocation of the site has been supported by SEPA.

2. Any issues of contamination and remediation would be considered as part of any planning application for the site. This, taken together with the need for a 20 metre buffer strip along the river bank, would ensure that the representees' concerns are fully addressed. I do not consider any modification is required.

#### H034 – Forthside Phase 2

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758)

3. The original planning permission for this site (CD76) was granted in 2006 and the proposed site HO34 is for phase 2 of that development. The permission was subject to comprehensive conditions to safeguard, among other things, the concerns of the representees. I note the development is supported by SEPA.

4. Irrespective of whether the site is allocated in the proposed plan, the development can proceed under the terms of the permission. There is thus no justification for any modification.

H050 – Viewforth

Peter Gilmour (01755)

5. The council has explained that there will be a requirement for 25% affordable housing under the terms of policy 2.2. It is anticipated that these homes will be delivered on site. There is no need for any modification to the proposed plan.

6. Matters of restrictions on speed and weight are for consideration under relevant traffic legislation and do not affect this examination.

SEPA (90175)

7. This representation is considered under Issue 64.

H054/B06 – Former Kildean Auction Market

River Forth Fisheries Trust (01757), Forth District Salmon Fisheries Board (01758),

8. The key site requirements set out on page 213 note that the site was under construction at February 2016. It was obvious from my site inspection that a very high proportion of the development has already been completed, with further construction actively under way.

9. The key site requirements provided for flood risk assessment and relevant measures to ensure the protection of the Firth of Forth SPA. The planning permission for the site (CD77) also contained comprehensive conditions that deal with the issues raised, and this was considered by the reporter at the current local development plan examination, following which the site was allocated.

SEPA (90175)

10. This representation is considered under Issue 64.

Bryan and Patricia Jackson (00701)

11. The council considers this matter cannot be directly addressed through the allocation in the proposed plan, and I accept this. The council has undertaken to consider the matter fully in relation to any future planning application.

12. Taking all these matters into account I find no requirement to modify the proposed plan.

H053 - Area 23, Kildean Hospital

Rev Alan and Margaret McKenzie (01718)

13. The matters raised in this representation are ones that would properly be considered

in the preparation of a planning brief for the site. I see that this is included in the key site requirements on page 209 of the proposed plan. Accordingly, I find that no modification is necessary to deal with this.

#### H058 – Newpark Farm

Brett and Adele Manson (01704), Martin McCrae (01713)

14. The council has provided a comprehensive explanation of the background to this area and the importance of supplementary guidance on the St Ninians (Cultenhove) Development Framework (CD19). This does not need repeating here. I note that a planning application for the site is under consideration and I do not find any need to modify the plan in this respect.

Ogilvie Homes (90321)

15. This representation is essentially about the number of houses to be constructed on the site. An indicative number of 175 is set out in the proposed plan. The representation requests a modification to 185 units but I consider an increase in 10 is one that could be acceptable within a planning application, subject to appropriate justification. The representee would not therefore be prejudiced by maintaining the proposed figure. There is no need for any modification.

SNH (90033)

16. The council has not responded to this representation which seeks a minor modification to ensure that views *from* (my emphasis) the Bannockburn Monument are taken into account as well as those of it. I saw at my site inspection that some tree planting has already taken place to provide for future screening when looking from the monument. This reflects recognition of the importance of the landscape framework. In view of the importance of the monument within the local landscape I consider the modification would be appropriate.

17. The key site requirements include compliance with SG08 Cultenhove Development Framework and this makes provision for new infrastructure in the area. No further modification is required.

SEPA (90175)

18. This representation is considered under Issue 64.

#### H061 – Area 8, Raploch Schools

James Simpson (01709)

19. I note the trees are not covered by a tree protection order. The council has explained that the question of their future would be considered when a detailed design is submitted as part of a planning application. Also, the key site requirements include considering the impact on the setting of Stirling Castle, of which the trees are a part. I do not consider any modification is required.

SEPA (90175)

20. This representation is considered under Issue 64.

H119 – Craigforth

The Woodland Trust Scotland (90684)

21. The council notes that the allocation does not affect the ancient woodland in front of Craigforth House and also points out the existence of a planning permission for the allocated site. There is thus no justification for removing the allocation from the proposed plan.

SEPA (90175)

22. This representation is considered under Issue 64.

SNH (90033)

23. This representation concerns the inaccurate description of the Craigforth woodlands as a site of special scientific interest and the plan should be modified to correct this.

H130 – Milne Park Road

Gerald Halas (01239)

24. I note that a previous planning application for the site was never progressed, following the withdrawal by the building company. The application was subsequently refused. I accept the council's view that it is a matter for a future application to consider the relation of the site to the surrounding development. I also accept that issues with regard to contamination would be dealt with by condition within the policy framework of the proposed plan. No modification is therefore required.

H142 – Former MFI

Allan Water Developments (90342)

25. This site is located in what appears to be a significant position with access to the main A872 Glasgow Road, a primary traffic artery into Stirling from the south. It is perhaps somewhat surprising it has been vacant for some 10 years, despite a number of planning applications during that time.

26. The council has set out a comprehensive history of the site during that time, which includes an apparent difficulty in bringing any retail development to fruition. Given the support for residential development in the course of the main issues report the council's proposal for a residential allocation is understandable.

27. I have considered the council's position and note the reference to policy 2.8 regarding mixed uses. This provides for mixed uses on sites close to and easily accessed by major public transport routes and nodes within the core area. This could provide a route to a proportion of retail development on the site despite its allocation for residential development.

28. Taking this into account I accept the council's arguments and find that no modification is necessary.

SEPA (90175)

29. This representation is considered under Issue 64.

Maureen Watt (01708)

30. As the council points out, matters relating to design, including the privacy of neighbouring properties, would be dealt with as part of the detailed consideration of a planning application. This would be done within the framework of the overall plan policies. There is no need for any modification.

**Reporter's recommendations:**

I propose the following modifications:

1. Under the key site requirements for site HO58 on page 210, in the third sentence of the second bullet point insert "and from" after the words 'views of'. The sentence should read: "Other measures include ensuring views of and from the Bannockburn Monument are taken into account in the layout and design of the development and other landscaping measures including tree planting."
2. On page 206 under Raploch – ii) after Craigforth delete: ', also designated a Site of Special Scientific Interest'.

<b>Issue 45</b>	<b>Non-allocated Sites - Back O'Muir Farm and Gartclush Farm</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Stirling Settlement Statement (pp.196-229)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Wallace Land Investments (90048) BDW Trading Limited (01756)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of sites out with the settlement boundaries of Stirling.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Wallace Land Investments (90048)</p> <p>Submit that the approach and methodology used by the Council to arrive at the housing supply requirement is fundamentally flawed and requires to be reviewed and revised to ensure compliance with the requirements of SPP.</p> <p>The Proposed Plan fails to make suitable provision for the allocation of sufficient housing land and does not ensure a 5 year supply of housing. This is compounded by the fact there is currently a significant shortfall in the 5 year effective housing land supply.</p> <p>The Spatial Strategy set out in the Proposed Plan will fail to deliver sufficient effective housing sites. As a consequence an alternative strategy to allow new effective allocations requires to be brought forward. This should follow the logical steps as shown in diagram 1 of SPP.</p> <p>(Further comments are made in reference to vision and spatial strategy and housing land supply, however these are summarised under Issue's 1 and 3 respectively.)</p> <p>The site at Back O'Muir Farm is immediately effective, lies within the Stirling Core Area and avoids any loss of Green Belt land. The site promotes sustainable development and should be allocated for c795 residential units. It is considered this site supports and compliments the South Stirling Gateway development. The development will provide for a mix of uses which will lead to the creation of a range of onsite employment opportunities to meet the futures needs of the community. The proposed development is considered to be compliant with the terms of the Spatial Strategy of the Proposed Plan.</p> <p>Submit that the site meets the Tests of Effectiveness as set out in PAN 2/2010.</p> <p>Consider that the nature and character of the site is such that it is capable of absorbing development without giving rise to any adverse landscape impacts. Note the DTA Landscape Capacity Report (1999), prepared in relation to the identification of the preferred location for the Major Growth Area, which concluded that this part of the Council area has the ability to accept additional development without giving rise to adverse</p>		

landscape impacts.

Access to the site can be achieved over land falling under the control of the promoters of the site.

In relation to the sustainable development principles as set out in SPP, paragraph 29, it is submitted that there would be a net economic benefit by way of job creation of around 249 jobs. Submit a supporting Economic Benefits Statement highlighting increased Council Tax Revenue and the estimated spending power as a result of occupancy of the development. Submit that the development is supported by a design framework and that any subsequent application will be accompanied by a Masterplan that will detail the manner in which the proposed development will address and respond to the "6 qualities of successful places." The proposed development will contribute full to the provision of those various terms of infrastructure which are required in order to ensure the sites successful delivery. Maximum sustainable use can be made of that infrastructure that is required to support the delivery of the South Stirling Gateway development. The proposed development will deliver significant new green infrastructure, which will be of benefit in terms of both increasing access to the surrounding countryside and in respect of bio-diversity enhancement. A supporting Strategic Environmental Assessment has also been submitted.

Raise concern over the South Stirling Gateway allocation to deliver in full the allocation as proposed in the Proposed Plan. Acknowledge the locational advantages of the site but submit that if the vision for development within this part of the plan area is to be fully realised to the maximum advantage of the area, it will be necessary for additional land to be brought forward to both compliment and assist in the delivery of this development. Refer to a constraints analysis of Stirling by NLP which shows that Stirling is fairly constrained to the north, east and west and by Local Landscape designations. Submit that the best and least constrained growth of Stirling, avoiding flood risk and impacts on the Green belt or Local Landscape designations, is within the countryside designation and on land at Back O'Muir Farm. To that end submit that the allocation of the site compliments and supports the South Stirling Gateway allocation.

Dependent upon the extent of any shortfall arising from South Stirling Gateway allocation and any other shortfalls from the Core Area there exists the possibility to link any release of land at Back O'Muir Farm with land lying to the east, at Gartclush Farm. The representation therefore adds support to the separate submission relating to the allocation of that site.

Submit further supporting information including an assessment of the Housing Land Supply and an indicative Development Framework.

BDW Trading Limited (01756)

Object to the non-inclusion of the site at Gartclush Farm in the Proposed Plan and seek removal of its inclusion within the Countryside Policy Boundary. Support the inclusion of South Stirling Gateway but encourage the Council to extend the major growth of Stirling to both sides of the A91. Currently in area of open farmland, the site lies south of the settlement of Bannockburn immediately adjacent to the former Bannockburn Hospital. The site is identified as being comprised of a phase 1 of c16.5 hectares, with future phases of up to 51.2 hectares. The Phase 1 element is the subject of this representation.

Also support the release of land at Back O'Muir Farm by Wallace Land. Consider that allocation of both sites, in tandem with South Stirling Gateway (see Issue 54), will create a logical extension to the settlements of Stirling and Bannockburn. The M9 prevents significant additional growth and thus prevents coalescence with Plean in the south east.

The site would be developed over a number of phases and be informed by a Masterplan led approach. Indicative Masterplan submitted shows how the wider site, including later phases and land at Back O'Muir Farm, could be utilised for a mix uses including, residential, business and tourism and leisure. Submit that the site could form an attractive and effective extension to South Stirling Gateway. The initial phases, fields 6 and 8 in the Masterplan, would deliver 500 units within the first 10 years of the plan. The site can demonstrate deliverability within a 5 year period and could address the current housing land shortfall.

Access is proposed to be taken from the A9 Falkirk Road and additional access could be provided from an additional access point from the proposed roundabout on the A91 to serve South Stirling Gateway.

Consider that the A91 corridor is a location supported by housebuilders to deliver growth and that involvement of national developers demonstrates this. Appropriate therefore to consider the site effective and marketable.

The site is not considered to have any significant environmental constraints and this is supported by a constraints analysis produced by NLP.

Consider the site to be a viable alternative to Durieshill, which despite its continued non delivery is still allocated in the Proposed Plan. Durieshill is remote and requires significant infrastructure investment. The site is unsustainable and places considerable doubt on the deliverability of the site. Despite a PAN now being submitted by a major housebuilder, the representation contends that it is not appropriate or good business acumen to rely on one single site to make a significant contribution to the housing land supply, particularly in light of its history in failing to deliver. Consider that Durieshill does not meet the Tests of Effectiveness as set out in PAN 2/2010.

**Modifications sought by those submitting representations:**

Wallace Land Investments (90048)

Allocate the submitted site at Back O'Muir Farm for c795 units.

BDW Trading Limited (01756)

- That the Council should concentrate growth within South Stirling Gateway and on land to the south east of the A91.
- Recognise the non-deliverability of Durieshill.
- Allocate the subject site at Gartclush farm, either in whole or in part.

**Summary of responses (including reasons) by planning authority:**

Wallace Land Investments (90048), BDW Trading Limited (01756)

The Council is of the opinion that sufficient effective land has been allocated to meet the

Housing Land Requirement and therefore the sites are not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3. Issues relating to the deliverability of Durieshill and South Stirling Gateway are discussed in detail in Issues 36 and 54 respectively.

Back O'Muir Farm was assessed at the call for sites stage (CD07, pg 114) and was not presented as an option in the MIR. It should be noted that at that time the site was being promoted for c600 units. The site assessment concluded that the site would represent a strategic 'jump' of the A91 and further expand built development into the countryside. The Council does not agree that release of this site would complement the adjacent South Stirling Gateway development. The allocation of this site would be premature in advance of strategic Proposed Plan allocations being built out, particularly at South Stirling Gateway and Durieshill. The site assessment also notes that development of the site would impact on the designations of the Battle of Bannockburn and Battle of Suchieburn. The development also lies over the cleared town of Muirton and archaeological remains in the immediate environs. Development of the scale proposed would impact on the setting of these features and the A listed Bannockburn House.

Similarly the site at Gartclush farm was assessed at the call for sites stage (CD07, pg 110) and was not presented as an option in the MIR. It should be noted that at that time the site was being promoted for c1500 units. The site assessment concluded that the site would represent a strategic 'jump' of the A91 and further expand built development into the countryside. The Council does not agree that release of this site would complement the adjacent South Stirling Gateway development. The allocation of this site would be premature in advance of strategic Proposed Plan allocations being built out, particularly at South Stirling Gateway and Durieshill, although it is noted that Gartclush Farm is seen as an alternative to Durieshill. The support from BDW Trading Limited for the inclusion of South Stirling Gateway in the Proposed Plan are noted.

Both sites fall within L18 Sauchenford/Castleton Valley Fringe, as identified by SG28 – Landscape Character Assessments (CD12, pg113). Notwithstanding the presence of Cowie within the area and busy roads, the assessment notes that the area is still predominantly agricultural and characterised by dispersed farms, scattered houses or small groups of house. This can be clearly seen by the small scale development directly to the south of the sites around Sauchenford Holdings. Whilst there is intense pressure for residential and commercial development around the south and east of Bannockburn there is only some potential to absorb carefully scaled, sensitively sited and designed development. There is however a risk of erosion of the rural character and increased suburbanisation close to settlements and road corridors. In this regard the Council remains of the opinion that development of the sites would be undesirable from a landscape point of view and would be visually unattached to the existing urban area. The A91 forms a strong urban edge to the city and there is no need, in terms of the Spatial Strategy, to expand the built form further into the countryside.

In terms of sensitivities of the landscape to further change, it is not accepted that a development of c795 units at Back O'Muir and/or c500-1200 units at Gartclush Farm, alongside related employment uses and associated infrastructure, would have no adverse impacts. Further consideration in this regard has to be given to the impact of cumulative development in the area. The South Stirling Gateway Masterplan (CD13) includes provision of a new landscape belt along the A92 to reinforce existing landscaping and provide a strong natural edge to development and Stirling at this point. In this regard the

Council is not persuaded that development of either the subject sites would complement South Stirling Gateway or add to a robust and strong containment of the urban area. The proposed site boundaries appear to be delineated for the most part on ownership rather than to take account of any natural landscape or physical barriers.

Cumulatively, or separately, the developments would be considered Strategic Development and require significant investment in infrastructure by way of new schools, community facilities and transport enhancements. The representations do not fully address these constraints, particularly education. The South Stirling Gateway allocation of around 800 units requires onsite provision of a Primary School, whilst secondary provision has been considered in the context of a cumulative impact from allocations in the Proposed Plan (CD14). It is unclear how development of the sites could be accommodated within this context. Development of the scale envisaged on both subject sites would require a further single and double stream primary school. Further consideration would have to be given to secondary provision as there would be significant pressure on both the existing secondary school at Bannockburn and the proposed high school at Durieshill.

A transport technical note is submitted as part of the representation to Back O'Muir Farm detailing that planned upgrades to the A91 to service the South Stirling Gateway development, and wider enhancements as part of the measures required to facilitate the build out of allocations in the Proposed Plan, could be utilised by the subject site. This approach is also endorsed by BDW Trading in respect of Gartclush Farm which state access could be taken from the A9 and additional access could be provided by utilising the proposed access to South Stirling Gateway. A full Transport Assessment has not been submitted for either site. The interventions referred to in the representation were identified in the DPMTAG/Transport Background Report (CD15) to enable the delivery of the allocations in the Proposed Plan. The subject sites are not allocated in the Proposed Plan, therefore their cumulative impact on the road network has not been assessed.

BDW Trading, in suggesting that Gartclush Farm should replace Durieshill have not indicated how the transportation and education implications might be addressed. The Proposed Plan's Spatial Strategy relies on a new Secondary School, and new Primary School, at Durieshill to accommodate LDP growth. No indication of how Gartclush Farm or any other allocations would address this.

The Council notes the economic argument put forward by Wallace Land Investments and while the economic benefits of a site being allocated is part of the overall assessment, it is not accepted that the economic advantages outweigh the disadvantages outlined above.

The Council therefore does not agree to modify the plan as requested.

**Reporter's conclusions:**

1. Two representations have proposed the allocation of two additional sites, adjoining each other at Back O'Muir Farm and Gartclush Farm. Both sites lie to the south-east of Stirling, to the east of the A91 and south of the Falkirk Road (A9). Both sites are independently proposed for housing and other complementary uses and to a certain degree raise similar issues. I have considered the common issues associated with these sites.

2. Findings in relation to housing land supply within the Stirling local development plan

area are set out at Issue 3 of this Examination. This has concluded that the number of houses to be built during the period of the plan is likely to fall short of the housing supply target for the plan. In that context, I have given serious consideration to the case for allocating this site for housing.

3. The spatial strategy of the proposed local development plan and representations on that matter have been addressed at Issue 1 of this examination. The proposed plan identifies both sites as being outside the settlement boundary of Stirling, and within the Countryside Policy area (Policy 2.9 and Policy 2.10). The Stirling South Map 3 as contained in the proposed plan on page 227 illustrates the Countryside Policy Boundary and both sites lie within that boundary. The proposed development approach for such areas is generally of facilitating rural development.

4. The proposed sites are both greenfield and appeared to be in agricultural use at the time of my site visit. The area in general is rural in nature, with some small holdings to the south east of the proposed sites. I do not consider that either site represents economic development in the countryside or housing in the countryside as envisaged in Policies 2.9 and 2.10, and so I conclude that residential development on either site, on the scale sought in the representations, would be contrary to the proposed plan.

5. The proposed sites lie south of the A9 and to the east of the A91 and South Stirling Gateway strategic release area. I accept that when South Stirling Gateway is developed, Back O' Muir could be within walking distance of the services and amenities of that development, including easy access to public transport. Should Back O'Muir be developed, then the site at Gartclush would consequently be within walking distance of such services and amenities. The Stirling settlement strategy criterion of maximisation of connectivity by walking, cycling and public transport may be met by both sites, depending on the progress of South Stirling Gateway.

6. Both sites are being promoted by developers, who state that both sites could be immediately effective and developed within a 2-year period following a grant of planning permission. In total the sites could accommodate up to 1,045 homes, in Phase 1 Period 1 of the proposed plan. Back O'Muir would accommodate 795 homes, and phase 1 of Gartclush could accommodate 500, which I have pro-rated to 250 for Phase 1 of the proposed plan. I accept that these sites could make a valuable contribution to addressing the recognised shortfall in the five-year effective housing land supply, including the provision of affordable housing.

7. Neither site lies within the boundary of the green belt in Stirling but both are within the Battle of Bannockburn and Battle of Sauchieburn designated areas.

8. Both sites were assessed as part of the council's call for sites stage, and neither was progressed to Main Issue Report stage. Both were considered to represent a "strategic jump" of the A91 in this location, and both were considered to be premature in advance of the strategic locations of Durieshill and South Stirling Gateway being delivered.

9. The proposed sites both lie within the L18 Sauchenford / Castle Valley Fringe, as set out in the Landscape Character Assessments (CD12). The landscape assessment concluded that there is some potential to absorb carefully scaled development in this area. The council considers that the A91 is a strong urban edge to the city and that cumulatively or individually, neither site would be acceptable from a landscape point of view. However, from my site visit, I consider that development of both or either site could

be carefully scaled and sensitively sited and designed, and so could minimise any potential adverse impacts on the landscape character of the area. If both or either site were to be developed, then I conclude that although the landscape character may change, this change could be potentially be managed to a satisfactory outcome.

10. I have also considered the effects of the proposed sites upon the designation of the battlefields of Bannockburn and Sauchieburn. I do not have an assessment of the potential impacts on the battle sites from any party, and so am not able to determine if the potential impact of either or both development would be acceptable.

11. Bannockburn House is a Category A listed building, which lies to the south of the site at Back O' Muir. The existing access track to Bannockburn House is from the A91 and the proposed development would adjoin the listed building grounds and garden area to the east. The potential solution for mitigating against any potential impact on the listed building is not before me in this examination, but I do not consider that it is an impossibility to design a layout which would protect the setting of the listed building.

12. The issue of services, and education provision, has been raised by the council, which considers that the proposals have not demonstrated how demand for education provision would be addressed, either individually or cumulatively.

13. The representation from Gartclush Farm suggests that it is a suitable alternative to the major growth area at Durieshill, which lies on the southern side of the M9 motorway. Durieshill is expected to deliver a new high school and South Stirling Gateway to deliver a double stream primary school. Neither representation addresses how or where the additional educational demand arising from the proposed developments might be accommodated.

14. I consider that although the issue of education capacity and demand has not been fully addressed in the representations, this is a matter which could be resolved if a planning application were to be progressed and detailed plans produced. Any proposal for over 1,000 homes, as these two cumulatively are, would need to demonstrate that education capacity was available or could be made available to meet the demand created.

15. A transport technical note was submitted in support of Back O'Muir Farm, but transport has not been specifically addressed in the Gartclush representation. There are upgrades proposed for the A91, and in addition it is suggested that access to the sites could be taken from the A9. As the sites are not allocated in the proposed plan, the potential cumulative impact on the road network has not been assessed by the council.

16. I find that although a full Transport Assessment has not been carried out to accompany the representations, this is a matter which could be resolved if a planning application were to be progressed and detailed plans produced. Any proposal for development on this scale, would need to be accompanied by a Transport Assessment.

17. In its representation, Wallace Land Investments has referred to Scottish Planning Policy at paragraph 29, in relation to sustainable development. It considers that the site is in a sustainable location, would deliver economic benefits and would deliver new green infrastructure and this together with the sustainability of the proposal would outweigh any effect on the local environment.

18. Scottish Planning Policy does set a presumption in favour of development that contributes to sustainable development. Further clarification is provided in paragraph 28, which expresses *“support for economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the long term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*

19. In summary, Back O’Muir is within the Core Area, the site is relatively close to good transport links, could be developed fairly rapidly, and would make a contribution to the effective housing land supply, in an area for which there is demand for housing. On the other hand, I do not consider that its allocation at this point in time would meet the requirements of the settlement strategy for the reasons set out above, nor is it required to meet the shortfall in housing land, as alternative sites have been identified in this examination to address that shortfall. Consequently, I do not agree that the proposal meets the requirements of sustainable development as set out in Scottish Planning Policy.

20. Gartclush Farm was not accompanied by a reference to Scottish Planning Policy at paragraph 29, in relation to sustainable development, but I reach the same conclusions in regard to it as I do above in relation to Back O’Muir.

21. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. Consequently, I do not support the addition of these sites to the proposed local development plan.

**Reporter’s recommendations:**

No modification.

<b>Issue 46</b>	<b>Non-allocated Site - Broadleys Farm</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Stirling Settlement Statement (pg 196 – 229)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Taylor Wimpey (01741)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of a site out with the settlement boundary of Stirling.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Taylor Wimpey (01741)</p> <p>Object to the non-inclusion of the site in the Proposed Plan. Consider that the site, part of the Springkerse area, has seen extensive development over the last 10 years and has been considered as a natural extension to Stirling through previous local plans and the Proposed Plan.</p> <p>Agree with the representation on housing land supply from Homes for Scotland (see Issue 3) and cite the Report of Handling for the application at Airthrey Kerse (see Issue 27) to support the view that the Council does not have a 5 year effective housing land supply, which is contrary to Scottish Planning Policy. Consider that the Tests of Effectiveness, as set out in PAN 2/2010, have been met. The site is therefore in compliance with SPP. Consider that the Council is not adhering to the principles of the 'plan-led system' and should not be allowed to adopt a Local Development plan that does not provide a generous supply of housing nor has enough effective land to ensure a 5 year supply.</p> <p>Submit that the site, of c58 acres, could accommodate approximately 200 units, subject to further masterplanning and detailed design. And that the site could deliver units within the 5 year period.</p> <p>A new access, in the form of a roundabout, would be formed from the A9 which runs to the east of the site. It is stated that this access would also serve a new public car park and visitor memorial to the Battle of Bannockburn, which took place within the vicinity of the site. A secondary access could be formed to the north of the site creating a potential link to the existing employment allocations to the north (B13).</p> <p>Consider that the development allows the opportunity to create a sustainable extension to the settlement boundary. Refute the Council's site assessment (at MIR) which stated the site should not be allocated due to its visibility from the A91, that housing here would appear too detached from the urban area, and that the site has associated transport issues. The concept plan shows that these issues could be addressed. Measures proposed include landscape and tree buffers, to create a new sustainable urban edge and a large area of open space will be retained to provide amenity space. In terms of transport, the connection to the allocations to the north will make the site well connected, thus the</p>		

transport impact will be reduced because new infrastructure for the sites to the north will be able to be utilised and improved by the subject site.

State that the site is considered greenbelt, however the site does not present "real value in terms of landscape and so on", and that it is evident from the allocations to the north of the site that this area has been considered suitable for development and expansion.

With regards to the location of the Battle of Bannockburn, it is recognised that the subject site is wholly located within the Inventory Map. Note the reporters comments to the adopted LDP, when this site was also considered, the "boundary also identifies some main locations where evidence of the battle either exists or may exist." State that during the years of promotion no hard evidence of the battle having occurred on land under their client's control has been found.

Submit supporting evidence including a site analysis and Masterplan showing how the site could be developed; A transport and Access Appraisal Report; An archaeological report; Engineering drawings and Historical maps; A planning consultant report (prepared for the representation to the Proposed Plan in 2012); and a separate Site Masterplan.

**Modifications sought by those submitting representations:**

Taylor Wimpey (01741)

Allocate the site for development of 200 units in the Local Development Plan.

**Summary of responses (including reasons) by planning authority:**

Taylor Wimpey (01741)

The site at Broadleys Farm has been subject to repeated assessment, having been assessed during the adoption process of the current adopted Local development Plan (CD06) and was submitted at Call for Sites stage pre MIR for the Proposed Plan (CD07, pg 236). Each assessment has concluded that, for a variety of reasons, the site is not suitable for development and there is no justification to remove the site from the Green Belt. This position was reinforced by the report of examination to the current LDP, where the reporter concluded the site should not be developed (CD03, pg 493)

The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.

Due to site topography and landscape buffers, recent developments to the north at Springkerse do not appear visually attached to the subject site. As yet unbuilt allocations would not change this relationship when eventually developed. The area to the north has predominantly industrial, commercial and retail uses, as do the sites to the immediate north of the site. The area has historic small scale, isolated (from each other) pockets of housing. The Council does not consider this site suitable for residential expansion on the scale proposed.

Previous site assessments have concluded that the site would not form a sustainable expansion or new settlement edge and allocation of the site would lead to an isolated

development viewed in the context of a more rural location. This is despite the site's close proximity to a dense residential and industrial/commercial area. As can be seen from the analysis submitted as part of the Site Analysis and Masterplan document (pages 5-8) the site is bounded by the A91 to the south/east, the main railway to the west and a landscape buffer to the north. The railway is well screened from views west of the A91 by a tree belt. In this regard the site does not lend its self to be viewed in the context of an urban environment, indeed very little of the city can be seen from the site. This is limited to glimpses of residential development to the south and east, the chimney stack from the Stirling Hospital and longer views of the Castle and the Top of the Town. The site's visual separation from the rest of Stirling is further reinforced when viewed from Millhall Road to the north. Here, an existing strong landscape buffer will continue to screen proposed development on site B13 from the subject site, and the A91 beyond. Views of the site from Pike Road to the west are again screened significantly by a strong landscape buffer, with only glimpses through gaps in some small areas to the railway and the subject site beyond.

In terms of the sites designation as Green Belt, SG03 Green Belts (CD09, para 3.3) explains that the function of the Green Belt in this location is to allow appreciation of the historic settlement pattern, protect the associations with the site of the Battle of Bannockburn, and is important for settlement character and identity. It plays an important role by protecting the carse from inappropriate development and in providing physical separation between Stirling, Fallin and Bannockburn and perceptual separation of Stirling and Fallin. The area includes core path and cycle links between Stirling and Fallin and there is potential to enhance this open space role.

There is no information submitted, in terms of landscape and Green Belt need, which persuades the Council that the site's development on this scale could be mitigated.

The site, as noted in the representation, is wholly within the inventory site for the Battle of Bannockburn. This is a statutory designation. The representation submits that there is little agreed evidence that the site contains the site of day 2 of the battle. An archaeological report provides support to this argument, suggesting that the site played a peripheral role. However, this information is disputed, as the report has not been updated to take account of recent research which lends support to the area being the most likely scene of day 2 of the battle. The site is recognised by the statutory designation as being key to the understanding of the battlefield. Given the national historical significance of the battle, a precautionary approach should be applied. SG24 An Introduction to Battlefields and Planning in Stirling (CD10 para 3.18) explains that the site's open nature is key to an understanding of the battlefield area. There is potential to destroy objects associated with the battlefield.

It is also noted in the representation that reference is made to a new public car park and memorial for the Battle of Bannockburn. No further information is provided and it is unclear what form this memorial would take. The maps used in the site analysis are inconsistent on this matter. The memorial is shown on page 18 of the site analysis and Masterplan document as "A new battle memorial is formed". This area is out with the redline boundary and is on the site of the former bing from the Polmaise Colliery, presently woodland. The Masterplan on page 25 then shows the area as 'future development' and nothing on the diagram suggests how access to the site would be achieved, nor the location of the proposed public car park.

The principle of a memorial in this general vicinity is supported (CD10 para 3.18), however

it is difficult to envisage what form this would take in the identified location. Similarly, in the context of the proposed residential use of the site, it is difficult to understand how the memorial would aid to the understanding of the nature of the battlefield given that the immediate view would be dominated by c200 houses.

The Council is not persuaded that development pressures are of sufficient weight to justify the release of a key Green Belt site especially given its historical importance.

The Council therefore does not agree to modify the plan as requested.

**Reporter's conclusions:**

1. In terms of the spatial strategy, Broadleys Farm lies within the core area where a three-strand development approach is to be applied: urban consolidation, strategic development and regeneration. Strategic development is intended to meet, amongst other things, housing and longer-term growth needs. The principle focus for strategic expansion is to be on Durieshill (a new settlement) and South Stirling Gateway. Reference is also made in Table 1 to Millhall/Crookbridge/Broadleys. The spatial strategy section of the Stirling Settlement Statement identifies commercial development opportunities at Crookbridge and Millhall but there is no mention of Broadleys. The development schedules include sites B12, Broadleys B Expansion, and B13, Broadleys Extension Area, both of which involve employment uses and lie to the north of the Broadleys Farm site. The Broadleys Farm site itself is designated green belt on the Stirling – Central – Map 2 and Stirling – South – Map 3.
2. Strategic housing land supply has been considered under Issue 3 where it is concluded that the number of houses to be built during the period of the plan is likely to fall short of the housing supply target for the plan. In that context, serious consideration has been given to the case for allocating additional sites for housing in the plan area. Broadleys Farm is one of the sites considered but other sites and policy mechanisms have been identified to address the shortfall
3. I note that the examination of the current local development plan included consideration of the Broadleys Farm site. The previous reporter undertook a thorough assessment of the historic interest of the site in respect of the Battle of Bannockburn, with the site lying wholly within the designated boundary on the Inventory of Historic Battlefields map. It is clear that the antiquity of the battle has resulted in many details of the action being difficult to determine with any great degree of accuracy, especially in terms of specific location. However, the reporter pointed out that not only is the battle of historic importance but that “it is hard to think of another battlefield that is of equal significance in the national psyche.” I fully concur with this opinion.
4. I have noted the archaeological report that accompanies the representation and, as already indicated, I accept the lack of definitive interpretation of many aspects of the Battle of Bannockburn. Nevertheless, the council emphasises the statutory protection afforded to the site and, despite the measures proposed to provide a further memorial, believes that a precautionary approach is justified.
5. I consider that the value of the site is such that the council is correct to argue the need for a precautionary approach. I also share the opinion that the scale of development proposed would inevitably impact on the open aspect of the site to the significant detriment of the potential for understanding and interpreting the Battle of

Bannockburn. Scottish Planning Policy requires planning authorities to seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory.

6. As indicated, the site is designated green belt. In the opinion of Taylor Wimpey: “Although the land is still considered green belt the site does not present real value in terms of landscape and so on...” I find such a generalised and vague statement to be of very limited value in any assessment of the role of the green belt at this location. On the other hand, the council has set out the functions served by the green belt at Broadleys Farm.

7. Scottish Planning Policy indicates that a green belt can support a spatial strategy by directing development to the most appropriate locations and supporting regeneration. I believe this to be a function of the green belt at this location. Whilst the landscape attributes of the site are not of the highest standard, I consider that this area of green belt protects and enhances the character, landscape setting and identity of Stirling, again in accordance with the guidance in Scottish Planning Policy. I agree with the council that despite the proximity of the urban area, the residential development of the site would not relate well to existing housing. There would not be a strong visual or physical relationship and, perhaps, the proposed principal access to the A91 to the east demonstrates this lack of connectivity. All-in-all, development would not create the sense of place sought by Scottish Planning Policy and this provides further justification for retaining the green belt designation.

8. Overall, in terms of strategic housing land supply, heritage, landscape setting and place-making, the allocation of the site for residential development cannot be supported and the green belt designation should be retained.

**Reporter’s recommendations:**

No modifications.

<b>Issue 47</b>	<b>Stirling Non-allocated Site - Croftside Farm</b>	
<b>Development plan reference:</b>	Spatial Strategy & Stirling Settlement Statement and Proposals Maps	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Bellway Homes Ltd & Muirhead Family (01750)		
<b>Provision of the development plan to which the issue relates:</b>	Spatial Strategy & Stirling Settlement Statement and Proposals Maps, and their non-allocation of site at Croftside Farm.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Bellway Homes &amp; Muirhead Family (01750)</p> <p>Object to the Proposed Plan and seek a modification to it to include allocation of a site at Croftside Farm. The site extends to approximately 1.3 hectares, and is promoted for circa 30 units.</p> <p>They make comment in respect of the Proposed Plan and the Housing Land Supply, and contend that the Council has failed to meet its housing land requirement in full. (see Issue 3 for a full summary of these comments, modifications sought, and Council's response in this respect).</p> <p>They argue that the promoted site meets the test of effectiveness contained within PAN 2/2010: Affordable Housing and Housing Land Audits (CD46) and contend that it should be allocated in order to help address this perceived shortage in numbers.</p> <p>They contend that the site would form a logical extension to H055 South Stirling Gateway, in which they have an interest. In support they argue that there are no landscape features effected by development, nor would any views of Cat Craig be impacted, and that an appropriate boundary to the site can be provided by way of the existing topography.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Bellway Homes &amp; Muirhead Family (01750)</p> <p>Request that the Proposed Plan be modified so as to allocate the promoted site for residential development comprising 30 units, with appropriate Key Site Requirements (unstipulated).</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>The Council do not consider that the site promoted should be allocated within the Proposed Plan for residential use.</p> <p>The site is located within the countryside and designated Green Belt. It was promoted in</p>		

response to the Council's Main Issues Report (MIR). The site was not taken forward within the Proposed Plan as in the Council's opinion - as expressed through the Additional Site Assessments, June 2016 (CD08) (pages 19 – 20) and Summary of Main Issues Report Representations (CD23) (pages 131 – 132) - the current extent of H055 South Stirling Gateway is the most appropriate in terms of its north-western extent.

Physically it is defined by an established vehicle track, stone wall and core path, which it is contended is a more established, effective, defensible and appropriate long-term countryside and corresponding Green Belt boundary, than the change in topography referred to in the representations.

Furthermore the extent of the current H055 allocation allows Croftside Farm steading and Craighford House to remain visible and obvious as rural buildings within the landscape. The allocation of the Green Belt in this location is reflective of the Council's opinion of the importance of retaining a green wedge in this location, forming part of a Green Network linking Cat Craig, the Bannock Burn with the wider Battle of Bannockburn & Sauchenford landscapes and which provides an important counterbalance to, and separation of, existing, and proposed urban areas.

It is considered that the release of the land in question would lead to an unacceptable erosion into this area.

In light of the above, and the fact that through Issue 3 the Council has demonstrated that the Proposed Plan allows for a generous housing land supply, the Council do not agree to modify the Plan in response to this representation.

**Reporter's conclusions:**

1. This representation relates to an unallocated site at Croftside Farm, which lies to the east of the A872, immediately to the south of the built-up area of Stirling. To the north is open pasture land, to the east is the farm yard and house, and to the south is an access road to the farms and the boundary of the Stirling Gateway Major Release Area (H055).

2. The site extends to some 1.3 hectares and lies within the green belt. The site appears to be in agricultural use at the time of my site visit. It is generally flat at the southern end, rising to the north.

3. A comprehensive report is submitted in support of the representation, addressing matters such as environment, transport, and infrastructure. In addition, the report addresses matters that arose following the council's assessment of the site as part of the Main Issues Report and associated Strategic Environmental Assessment during the preparation of this plan.

4. It is argued in the representation that the allocation of this site for 30 homes would assist the council in addressing the shortfall in housing land in the plan period. It is argued that the site is effective, and that no additional infrastructure is required to deliver the homes.

5. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site leads me to conclude that an

allocation for residential development is not justified for the reasons set out below.

6. From the submission, and the conclusions reached at Issue 3 of this examination, it seems to me that the fundamental issue is should this site be removed from the green belt and included within the Stirling settlement boundary as a residential allocation?

7. The site is stated to be a potential extension of H055, associated with the council's ongoing development strategy for the area, and that when H055 is complete, there will be major development to the south and east of the site.

8. The council considers that the green belt in this location defines the city boundary, is visually prominent and is part of a green gateway to the city. The proposed development would not have a positive impact on the green belt.

9. I find that there is significant development proposed for this part of Stirling, which will give rise to major changes to the built and natural environment, and such changes naturally call into question the purpose of designations such as green belts. The questions that arise include where an appropriate boundary would be, what the function of the green belt is in this location and how the proposed development could impact on the green belt.

10. I note from my site visit that approaching the site from the south, on the Glasgow Road (A872), there is a definite sense of a boundary to the city, reinforced by the break in development from the motorway to the south until the car dealership to the north is reached.

11. The proposed allocation would, I find, lessen that defined boundary at this point and would be contrary to Scottish Planning Policy paragraph 51 which refers to "*establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.*". I consider that the proposal would not provide a clearly identifiable visual boundary in this location, and would have a negative impact on the existing well defined green belt which has clear boundary markers. Pirnhall Road to the south of the subject site is, I consider, a defensible and defined boundary to the green belt in this location, and when South Stirling Gateway is built out, Pirnhall Road would be the north-western boundary of the built-up area.

12. Scottish Planning Policy at paragraph 49 also recognises a green belt designation can support the spatial strategy by "*protecting and enhancing the character, landscape setting and identity of the settlement;*" In this respect, I find that the proposed allocation would negatively impact the character and landscape setting of the city by reducing the definition of the established visual boundary markers in this location, specifically by extending development north of Pirnhall Road without a clearly definable boundary. Pirnhall Road provides that marker, and I conclude that a residential allocation would not be a suitable alternative.

13. Overall, I conclude that there is no justification for altering the boundary of the green belt in this location. The provisions of Scottish Planning Policy paragraphs 49 and 51 are met by the green belt designation, and the allocation of this site for new homes would serve to reduce to the defined boundary in this location.

14. I have considered the issues of heritage, sustainable development, social and

economic impact, and transport as set out in the representation, but none of these issues cumulatively or singularly, has persuaded me that the negative impact on the green belt can be counterbalanced. In turn, I conclude the required residential land allocation is not justified.

**Reporter's recommendations:**

No modifications.

<b>Issue 48</b>	<b>Non-allocated Site - South Kildean</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Stirling Settlement Statement (pp.196-229)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
CCG (Scotland) Ltd (01617)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of a site out with the settlement boundary of Stirling	
<b>Planning authority's summary of the representation(s):</b>		
<p>CCG (Scotland) (01617)</p> <p>This submission is further to the representation provided at MIR which proposes a mixed use development, providing economic and tourism opportunities, sustainable new housing in a marketable location and land for a new major heritage park. This met the aims of the emerging City Development Framework (CDF).</p> <p>A further concept plan has now been submitted as part of this submission to the Proposed Plan, which also includes an Economic Benefit analysis and considers that the site offers potential for significant economic tourism investment for Stirling, whilst also addressing a shortfall in generous supply of effective housing land. The analysis highlights that at least 267 jobs would be created during the construction phase, with 1,156 jobs from the finished development. The submission seeks the confirmation of the principle of the development that is of potentially national importance and offers a way to deliver key elements of the CDF to be delivered.</p> <p>The current concept Masterplan for Stirling Western Gateway, as termed by the promoters, shows 458 new homes; 40 ha for a City Park/Heritage Park; 7,000 sqm tourist hub (potentially a major visitor centre/restaurant/retail facility); a 120 bed hotel; 16,200 sqm office floor space; 1,000 sqm retail; land for a new motorway junction and slip road; and a relocated Park and Ride (650 spaces), coach park and viewing areas. The Masterplan remains flexible at this stage, dependent on the ambition displayed by stakeholders. The development would enable new infrastructure proposed by the CDF. In addition the site could provide land for a new primary or secondary school and consider that the site provides the Council a further option should Durieshill not deliver at the expected rate.</p> <p>Support general principles of the Spatial Strategy, however consider that there must be a focus on delivery and this can be achieved by promoting mixed use communities in marketable areas. Providing ambitious and sustainable residential allocations in several locations, in those areas with a strong market and prospect for delivery, will greatly enhance delivery rates.</p> <p>Strongly disagree with the methodology and approach used by the Council with regards to interpreting the HNDA. Consider that the Council has effectively 'written-off' years of under</p>		

delivery of housing land since 2010. Strongly object to a new revised methodology being introduced in the Proposed Plan and not at the MIR stage.

Propose that Stirling Western Gateway be allocated to assist in the security of supply by providing housing in a marketable area. The unique opportunity of the site could offer a range of benefits to create a new gateway of national importance.

(Further comments are made in reference to housing land supply, however these are summarised under Issue 3)

**Modifications sought by those submitting representations:**

- Recalculation of the housing land figures using a methodology that is fully compliant with SPP and takes into account the last 5 years of unmet need. Consider that an 18-20% should be applied to the Housing Land Requirement to protect against under delivery.
- Allocate the land at South Kildean as the Stirling Western Gateway as a mixed use development in line with the concept Masterplan.

**Summary of responses (including reasons) by planning authority:**

CCG (Scotland) (01617)

The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore the site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply and the Spatial Strategy are discussed in detail in Issues 3 and 1 respectively.

The Council remains of the opinion set out in the MIR site assessment (CD07, pg 230) that the site is not suitable for development in landscape or visual terms due to its location within a key area of open space that is important to protect the setting of Stirling Castle, the sweep of the carse to the base of the Castle Crag and the setting of Craigforth Crag. The site is very sensitive to development in this regard and would not easily read as an extension to Raploch. The site would negatively impact on the setting of the adjacent Stirling Town and Royal Park Conservation Area; the setting of King's Park Wall (B listed); the setting of the historic Royal Park; and the setting of the A listed and Scheduled Stirling Castle and King's Knot.

The site falls within L2 Carse West of Stirling, as identified by SG28 – Landscape Character Assessments (CD12, pg 24). The assessment notes that the carse in this area is highly visible from the M9 and key historic viewpoints to and from Stirling Castle. The site would require significant structure planting in order to screen development. This approach would not be considered appropriate for this sensitive landscape area.

The representation confirms there would be issues of school capacity to accommodate the development and a school would likely have to be provided. As noted in the Education Background Report (CD14) a cumulative approach has been taken to project future requirements for the School Estate to accommodate planned growth. This site has not been allocated for development and the site has not been included in these calculations and would require a separate education solution.

The benefits proposed by the development in relation to the CDF are noted, however the

Council is of the opinion that the site is not required to deliver the aspirations of the City Deal bid. The CDF (CD41, pg 15) seeks infrastructure enhancements within the vicinity of the site and the creation of a City Park and funding is sought to deliver these elements through the city deal without the release of additional land for housing and/or employment use. The CDF notes the historic value of the area to the setting of the City and the potential to attract further economic investment by way of a tourist attraction. The creation of the City Park and road realignment allows for the creation of a new gateway to the city from the west. In this regard it is not considered by the Council that allocation of the wider site for a mixed use development would help to support this aim.

The economic benefits of the site and the contribution to the housing land supply do not outweigh the detrimental impacts of the site in landscape, historical and visual terms. The site is highly sensitive to development and allocation of the site would be at odds with the placemaking and conservation of natural and built heritage aims of the Proposed Plan.

The Council therefore does not agree to modify the plan as requested.

**Reporter’s conclusions:**

CCG (Scotland) (01617)

1. The council has set out clearly above its views on the location of this site in relation to the setting of Stirling Castle and King’s Knot, a scheduled ancient monument and category A listed building; the setting of the King’s Park Wall, a category B listed building; the setting of the historic Royal Park; and of the Stirling Town and Royal Park Conservation Area.
2. Stirling Castle ranks as one of the most important historic buildings and scheduled ancient monuments in Scotland. Its location on top of Castle Crag, overlooking the carse, is potentially unmatched by any similar structure elsewhere in Scotland.
3. The development proposed would be located in a position that would be damaging to this setting, and I do not consider that any potential planting could provide mitigation for this. I accept fully the council’s concerns about the sensitivity of the site and the negative impact that any development here would have in landscape, historical and visual terms. I also accept that these impacts would not be outweighed by any economic benefits the proposals may bring.
4. The strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of the proposed plan other sites have been identified to address this shortfall. In any event my assessment above, which concurs with that of the council, leads me to conclude that the site is not an appropriate one to be included in the proposed plan. No modification is needed.

**Reporter’s recommendations:**

No modification.

<b>Issue 49</b>	<b>Non-allocated Sites - Land at Pirnhall</b>	
<b>Development plan reference:</b>	Spatial Strategy & Stirling Settlement Statement and Proposals Maps	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
James McDonald & Peter Drake (01725)		
<b>Provision of the development plan to which the issue relates:</b>	Spatial Strategy & Stirling Settlement Statement and Proposals Maps, and their non-allocation of site at land at Pirnhall.	
<b>Planning authority's summary of the representation(s):</b>		
<p>James McDonald &amp; Peter Drake (01725)</p> <p>Seek to promote two areas of land for allocation within the Proposed Plan for residential use.</p> <p>Site to the north of the Pirnhall Motorway interchange extends to approximately 2.75 acres, has above ground evidence of the old gate lodge associated with Bannockburn House. Note that the site is in close proximity to the housing allocation H055 South Stirling Gateway.</p> <p>Site to the south of the M9 motorway extends to approximately 15 acres, and note that it is in close proximity to H057 Durieshill.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>James McDonald &amp; Peter Drake (01725)</p> <p>The sites promoted as allocated within the Plan for residential purposes.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>James McDonald &amp; Peter Drake (01725)</p> <p>The Council do not consider that either of the sites promoted should be allocated within the Proposed Plan for residential use.</p> <p>The site to the north of the Pirnhall Interchange is located within the countryside and designated Green Belt. Its proximity to the allocation of H055 is not in dispute. However, it is contended that the southern boundary of site H055 is the most appropriate 'stop' for residential development at this location. The boundary follows the existing route of Pirnhall Road, which allows for an area of open space that provides an important role in setting back the site from the Pirnhall Motorway Interchange, and which will provide a strong visual edge to residential development at this point. This would be diluted by residential development on the promoted site.</p>		

It is also contended that the amenity of the site is limited due to its location immediately adjacent to, and lower than, the embankments to the Pirnhall Motorway Interchange and A91. As indicated within the Proposed Plan, Stirling – South – Map 3 (page 226-227) and the South Stirling Gateway Masterplan (CD13) much of this area is also identified for a new park and ride site, which is considered the appropriate use for this area of land. These factors combined are considered to result in a site would appear an incongruous pocket of residential development with limited amenity.

The existence of a former, single, residential unit on part of the site is noted, however this in itself is not considered sufficient to warrant allocation of the wider site for residential use, nor allocation of the site of the previous house.

The Council would contend that allocation the site to the south of the M9, located within the countryside, for residential use would result in an unacceptable level of harm to Bannockburn Wood, which links with woodland forming part of the old policies of Bannockburn House. This could conflict with the thrust of both existing LDP policies and that of the Proposed Plan in respect of protecting areas of woodland contrary to current LDP policy in respect of woodland. Furthermore it is considered that this woodland has an important role in the setting and containment of the major growth area at Durieshill. Expansion of residential development into this area is therefore not supported.

In light of the above, and the fact that through Issue 3, the Council has demonstrated that the Proposed Plan allows for a generous housing land supply, the Council do not agree to modify the Plan in respect of this representation.

#### **Reporter's conclusions:**

1. This joint representation relates to two unallocated sites, one to the north of the M9 motorway at Pirnhall, and one to the south of the motorway, north of the plan allocation at Durieshill H057.
2. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of these sites leads me to conclude that an allocation for residential development on either of these sites is not justified.

#### Site to the North of Pirnhall

3. The site extends to some 1.11 hectares and lies within the green belt to the south of the city of Stirling. It is immediately adjacent to the south-eastern boundary of the South Stirling Gateway allocation (H055, B10 and R09), which is for housing, employment and retail. The site had accommodated the former gatehouse to Bannockburn House. I note at page 227 of the proposed plan that the site is within the green belt but also has a \*P&R notation, which I understand to be a park and ride facility associated with South Stirling Gateway H055. I also note that the south-eastern boundary of the site has an allocation relating to the proposed dualling of the A91.

4. I find that in relation to this examination, the fundamental issue is whether the land to the north of Pirnhall should be removed from the green belt and incorporated within the Stirling settlement boundary as part of H055 South Stirling Gateway or as an allocation for residential development.

5. An allocation for residential development is sought. No supporting information has been submitted with the representation, nor has the site been assessed through either the plan preparation process or the Strategic Environmental Assessment process associated with the plan.

6. Based on the limited information before me, and my site visit, I consider that no justification has been provided for altering the green belt boundary in this location, and in relation to this site. The existing Pirnhall Road is a logical and defensible boundary for the green belt in this location, and there is an existing band of woodland on the site which forms a barrier to both the A91 and the M9. Despite the lack of supporting information, I agree with the council that the issue of residential amenity would need to be carefully addressed at this location should a development proposal be submitted.

7. The site has the potential to be developed in relation to the proposed Park & Ride facility associated with South Stirling Gateway, and this may be an appropriate use of this site, and of one that is located within the green belt.

8. I recommend no modification to the plan.

Site to the South of the M9

9. This site extends to some 6.07 hectares, and lies to the south of the M9 motorway, and to the immediate north of the Durieshill Major Growth Area (H057, B09 and R10) which is allocated in the proposed plan. The Sauchenford Road runs to the south of the site. The site appears to comprise of the Bannockburn Wood, linked to Bannockburn House and policies and pasture.

10. An allocation for residential development is sought. No supporting information has been submitted with the representation, nor has the site been assessed through either the plan preparation process or the Strategic Environmental Assessment process associated with the plan.

11. The site lies in the countryside, and so would be subject to Policy 2.10: Housing in the Countryside (Issue 7 of this examination). Based on the limited information before me and on my site visit, I cannot see where the criteria as set out at parts 9i) to (vi) a and b of Policy 2.10 could be met by this proposal.

12. I accept the council's statement that the woodland will have a role in the setting of the Major Growth Area. In addition, I find that despite the lack of supporting information, it seems to me that the issue of residential amenity would need to be carefully addressed at this location, should any development proposal be submitted. The combination of these issues, and the lack of accompanying information leads me to conclude that the allocation for residential use of the site in this plan is not appropriate.

13. I recommend no modification to the plan.

**Reporter's recommendations:**

No modifications.

<b>Issue 50</b>	<b>Non-allocated Site - Wester Cornton</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Stirling Settlement Statement (pp.196-229)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Muir Homes Ltd (01739)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of a site out with the settlement boundary of Stirling.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Muir Homes (01739)</p> <p>Submit that the site lies out with the defined Stirling Settlement Boundary, is designated as Green Belt and is impacted by the safeguarding proposal for the section of the new link road to the north of Stirling, including a new road bridge across a live railway which will allow replacement of an existing level crossing at the north end of Cornton Road.</p> <p>The proposed development has been reconsidered in light of renewed interest from the developer to progress the site and that Network Rail have now progressed plans to replace the Cornton level crossing. The proposed new road link dissects the site and creates 2 distinct parcels of land. It is considered that this outcome effectively limits the future use of the sites for agricultural use.</p> <p>Consider that the proposed development considers these parcels jointly, whilst retaining a sufficient corridor to provide the safeguarded road link. The development recognises the existing built form of the area, including the railway and development to the south and west of the site. Consider that the presence of HMP and YOI Cornton Vale fundamentally impacts the character and appearance of the area by already introducing significant urban development in the immediate area. Housing developments to the north and south of the site provides further context for further built development in the area.</p> <p>The indicative layout for the site provides for 87 houses, with a mixture of market and affordable tenures, public open space, SUD's provision, significant area of new woodland along the railway boundary and to the north of the site. The layout also shows the retention of the existing farm house at the core of the development. Access to the north site would be provided from Cornton Road and access to the south site provided from Easter Cornton Road. Consider that the character of the section of Cornton Road north of the new access to the new rail bridge will be significantly altered.</p> <p>Development of the site represents an appropriate form of sustainable and accessible development that supports the Vision, Spatial Strategy and Settlement Hierarchy within the Proposed Plan. The site would also positively support the placemaking agenda and the ongoing regeneration of Cornton (H060). Whilst the development would add to the provision of green infrastructure, green corridors, woodland coverage and related impacts of biodiversity and amenity within the local area, potential issues relating to flooding and</p>		

education require to be addressed.

Whilst the Council considers that sufficient housing land has been identified, consistent findings of the Housing Land Audits indicate otherwise. Support the submissions of Homes for Scotland (01391) on housing supply matters. Consider it is clear that additional allocations of housing land will be required to the success of the LDP development strategy. Accept that the Core area is generally considered the most sustainable approach to delivery and the focus of additional allocations to address shortfalls. Support the city vision.

In relation to Green Belts, submit that Green Belts must be designated in line with the provisions in SPP and should be defined using clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads. Cite the Councils SG03 Green Belts that confirms this approach.

The area of green belt within which the site sits has a range of sustainable built development already established. Consider that it is unclear what role the Green Belt is designed to play in this location. The proposed new railway bridge and link road will further undermine the role of the Green Belt in this area.

Note that the H060 allocation allocates only affordable housing and submit that the site would assist in delivering the regeneration aims of Cornton by widening the housing base in terms of quality and tenure. Housing led or supported regeneration is a tried and tested approach in such circumstances and the introduction of additional mixed tenure housing will assist with the underlying Scottish Government objective of supporting sustainable mixed communities in such areas.

Consider that the development of the site would have some impact on the setting of Stirling but that this is more than off-set by the positive benefits arising from the proposals.

Submit supporting evidence including the site location plan, the proposed Cornton Replacement Railway Crossing, an indicative site layout plan and an effectiveness assessment. The site effectiveness statement considers the site against the Tests of Effectiveness as set out in PAN 2/2010. It concludes that all tests can be met and therefore be fully effective subject to further demonstration related to flood risk and education capacity.

**Modifications sought by those submitting representations:**

Muir Homes (01739)

- The subject site should be included within the defined settlement area of Stirling.
- The subject site should be removed from the proposed Green Belt.
- The subject site should be allocated for residential development in support of the emerging Local Development Plan's Spatial Strategy, the further regeneration of the Cornton Area, and the required delivery of new homes to serve the identified community needs.

**Summary of responses (including reasons) by planning authority:**

Muir Homes (01739)

The subject site was submitted at the Call for Sites stage, pre MIR. A detailed site

assessment was carried out and the assessment raised a number of concerns that did not support the site for development (CD07, pg 226).

With respect to flooding, SEPA commented that an FRA would be required to assess the impact of flooding to the site from all sources as the site is considered to be at medium to high risk of flooding from surface water and fluvial (part). Flooding could impact on the River Forth causing the backing up of watercourses within the site. It is noted that the representation takes into account the risk of flooding and that an FRA is required to further demonstrate the site's effectiveness. In this regard the Council cannot comment on this aspect as the detailed technical considerations of flood risk, and the associated impact on the design, density and layout of the site have not yet been assessed.

As noted in the Education Background Report (CD14) a cumulative approach has been taken to project future requirements for the School Estate to accommodate planned growth. This site has not been allocated for development and the site has not been included in these calculations and would require a separate education solution. As it stands, Cornton Primary School has no spare capacity and while Wallace High School has some limited capacity, the school's catchment area is subject to development pressures from other allocated sites. Muir Homes note that this issue still requires to still be addressed.

One of the key constraints affecting the site is the requirement to safeguard land for the provision of the replacement railway crossing. At the time of the site assessment this was noted as a key constraint that precluded development of the site. The precise route of the railway bridge and road is becoming clearer and in this regard the representation has submitted a layout based on this up-dated position.

The representation's comments regarding the benefits to the Cornton Regeneration area by allocating the site are broadly supported, in that such an approach to tenure mix is common and has been used in other areas of the authority to support wider regeneration aims.

The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan.

Notwithstanding the constraints above, which could arguably be overcome, the site faces a significant issue from its location in the Green Belt. As noted in the representation the immediate area has development to the south by way of housing and the HMP/YOI Cornton to the west. Rather than this giving justification for further built development and the erosion of the Green Belt, as suggested by Muir Homes, the Council maintains the view of the site assessment that the character of the area further underlines the need to protect the remaining Green Belt from undesirable development. Development of the site for housing would remove the open aspect to the east over the railway line and beyond to Causewayhead and remove any sense of visual separation between Cornton and Bridge of Allan. This would fundamentally alter the role and function of the Green Belt in this area as described in SG03 Green Belts (CD09, para 3.5-3.6). Whilst the introduction of a new road bridge over the railway may have an impact on this setting, it is not considered to be as significant an impact as housing, especially as these proposals would be developed in tandem, compounding the impact, and give the area a much greater urban form than present. The Green Belt is also important in this area to protect views to/from the Wallace Monument and Stirling Castle.

Consideration in this regard also has to be given to other potential sites in the area and the cumulative impact on the Green Belt. Whilst the Proposed Plan does not allocate any sites in the immediate vicinity, the Council is under significant pressure to release further sites from the Green Belt in the Airthrey Kerse area. An application for 600 homes for the site to the east of the railway at Airthrey Kerse is currently at appeal after being refused by the Council. That site and the site at Westerlea, to the north east of the subject site, are discussed further in Issue 27. Whilst not allocated in the Proposed Plan the Council would raise significant concerns over the cumulative impact of the proposals should they materialise, as the developments would have a significant detrimental impact on the Green Belt and its role to protect the historic setting and separation of the communities of Bridge of Allan and Causewayhead. The cumulative impact of the development would amount to undesirable urban sprawl.

The Council therefore does not agree to modify the plan as requested.

*For the information of the reporter, it should be noted that an application (16/00802/FUL) for the replacement Cornton Rail Crossing was validated on 7<sup>th</sup> December 2016.*

**Reporter's conclusions:**

1. Strategic housing land supply has been considered under Issue 3 and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of the site leads me to conclude that allocation for residential development is not justified. In this respect, the fundamental issue is whether the land should be removed from the green belt and incorporated within the Stirling settlement boundary.
2. Muir Homes Limited believes the role of the green belt to be unclear at this location especially because of the range of built development within the vicinity. Indeed, it is claimed, the argument for the retention of the designation will be weakened further when the new road link, including a bridge across the railway line, has been built to replace Cornton Road. The proposed road link would further diminish the already limited agricultural potential of the two fields proposed for residential development.
3. The council explains that the green belt between Bridge of Allan and Causewayhead [Cornton]/Stirling ensures the separate identities of the communities are maintained and that access to open space in this area can be enhanced. In turn, it is important to retain the remaining green belt at this location. The use of the site for residential purposes would remove any sense of visual separation between Cornton and Bridge of Allan fundamentally altering the role and function of the green belt in this vicinity. Indeed, the council believes the incursion of Cornton custodial institution is itself a reason for restricting the level of further development in the vicinity. Whilst the new link road and bridge would have an impact on the setting, this would not impose the level of urban form that would result from a housing development.
4. Scottish Planning Policy indicates that a green belt can take various forms. In this case, I believe the green belt provides a wedge between Stirling to the south and Bridge of Allan to the north. The wedge can be appreciated at the location and is also seen to good effect in the view from the Wallace Monument to the east, a very popular visitor attraction. At Cornton Road, where re-designation is required, the wedge shrinks to a corridor or strip, both of which, despite limited size, can be regarded as appropriate spatial forms of green belt. The strip is narrow but nevertheless crucial in maintaining physical and visual

separation between separate and identifiable communities. Again, the wider view from the Wallace Monument, clearly demonstrates the spatial disposition of the urban areas and green belt at this point. In protecting the identities of the two communities the green belt also contributes significantly to maintaining the setting of the urban areas. I note that Muir Homes accepts that development would have an impact on the setting of Stirling. No details have been provided of the claimed enhanced access to open space but nevertheless I consider that the functions of the green belt that I have identified are, in themselves, of great importance.

5. The Cornton prison complex extends over most of the green belt to the west of Cornton Road. Nevertheless, there is a very limited housing frontage to Cornton Road, whilst much of the complex is set back thereby reducing the immediate visual impact. Clearly, the presence of these buildings in the green belt cannot be denied but I agree with the council that this adds to the value of the remaining green belt at this location. I also share the council's opinion that the housing development proposed would provide an impact of a significantly greater urban character than currently exists.

6. The construction of the proposed link road, including a bridge over the railway would have a visual impact and this is acknowledged by the council. I also accept this to be the case. However, by comparison, I consider that the impact of the road and bridge would fall far short of the impact of housing in urban terms. Indeed, the illustration of the landscaped road provided in the representation demonstrates that the motorist passing along this route may well gain a more positive green belt impression than at present.

7. In terms of green belt, therefore, I conclude that the loss of the proposed housing site, even including new woodland and a green corridor, would have an unacceptable adverse impact and therefore could not be justified.

9. Additionally, flood risk would appear to be a constraint. The assessment contained in the Main Issues Report states the site is at medium-to-high risk of flooding as a consequence of surface water and, in part, due to fluvial flooding from the River Forth. A flood assessment risk would therefore be necessary. School capacity issues were also identified.

10. Muir Homes accepts that potential flooding issues and education capacity would need to be addressed. Whilst provision can usually be made for education infrastructure I am reluctant to pursue the development of a site where there is a medium-to-high risk of flooding. Irrespective of my conclusions on the green belt designation, I believe that more flood risk details would be required in order to progress further with the proposed housing land allocation.

11. Overall, I conclude that the required changes to the proposed plan cannot be supported.

**Reporter's recommendations:**

No modifications.

<b>Issue 51</b>	<b>Non-allocated Site - Lower Milton</b>	
<b>Development plan reference:</b>	Spatial Strategy (Appendix A) & Stirling Settlement Statement and Proposals Maps	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
CALA Homes (West) (01606)		
<b>Provision of the development plan to which the issue relates:</b>	Spatial Strategy & Stirling Settlement Statement and Proposals Maps, and their non-allocation of site at Lower Milton.	
<b>Planning authority's summary of the representation(s):</b>		
<p>CALA Homes (West) (01606)</p> <p>Seek a modification to the Proposed Plan to include allocation of their site at Lower Milton for 35 units.</p> <p>They submit an assessment of the Housing Land Supply, and contend that the Council has not met its housing land requirement in full. (See Issue 3 for a full summary of their comments, modifications sought, and Council's response in this respect).</p> <p>They argue that the site would help the Council address this perceived shortage in numbers; submit a statement of Site Effectiveness, which they contend demonstrates the site meets tests of effectiveness contained within PAN 2/2010: Affordable Housing and Housing Land Audits (CD46); and state that existing infrastructure can accommodate the scale of development proposed.</p> <p>They make reference to the Council's assessment of the site within the Main Issues Report (CD07, page 102 – 103), the conclusions of which did not support the inclusion of the site for residential purposes within the Proposed Plan. To address this assessment they submit a 'Development Framework Report' in support of the site. This document assesses the context of the site relative to issues such as the historic environment, visual and landscape impact, and transport, and concludes by setting out a 'framework' for the layout of the site.</p> <p>They state that whilst the site is not allocated within H055 South Stirling Gateway, it forms part of the Masterplan area.</p> <p>It is contended that this addresses the concerns raised within the MIR assessment; demonstrates that the site can adequately accommodate development without undue impacts; and that given the sustainable nature of the site relative to walking routes, public transport and local services and amenities, the site should be supported.</p>		

<b>Modifications sought by those submitting representations:</b>
<p>CALA Homes (West) (01606)</p> <ul style="list-style-type: none"> <li>• Amend Stirling Settlement Statement and Maps to include Lower Milton within the Settlement boundary of Stirling;</li> <li>• Amend the table within the Stirling Settlement Statement to include allocation of Lower Milton for 35 units within Phase 1 (2010/2022) with inclusion of Key Site Requirements relative to archaeological investigations; flood risk assessment; provision of riverside walkway; and the provision of buffer strips to watercourse.</li> <li>• Amend the Stirling Proposals to reflect page 19 of the submitted Development Framework Report;</li> <li>• Amend Appendix A: Schedule of Development Sites, Table 1: Housing Sites to include Lower Milton.</li> </ul>
<b>Summary of responses (including reasons) by planning authority:</b>
<p>CALA Homes (West) (01606)</p> <p>The Council do not consider that the site promoted should be allocated within the Proposed Plan for residential use.</p> <p>The site is located within the countryside and designated Green Belt. The urban boundary of Stirling is located to the north of the promoted site, and is defined at this point by the Bannock Burn and its riparian woodland. This is considered a visual strong, physically defensible and appropriate boundary for both the city and Green Belt at this point. Allocation of the promoted site would considerably weaken this position, with the proposed woodland planting, concealing rear gardens, considered a poor alternative.</p> <p>The site forms part of a visually prominent and important area of rural green space on the approaches into Stirling. Its open nature allows for a green gateway into the city. Its part in a wider Green Network linking Cat Craig, the Bannock Burn, with the wider Battle of Bannockburn &amp; Sauchenford landscapes provides an important counterbalance to, and separation of, existing, and proposed, urban areas.</p> <p>Whilst the site may have appeared within the wider Development Framework (CD67) and Masterplan (CD13) areas associated with H055 South Stirling Gateway, this was in recognition of its importance as open space as described above, and its position within inter-visible views between Cat Craig and the Bannockburn Monument. Neither of these documents supported development of the site.</p> <p>The Council would contend that development of the promoted site would appear as an incongruous, visually prominent pocket of isolated development, physically unrelated or integrated into existing residential areas, and would lead to the erosion of an important area of Green Belt. Notwithstanding the arguments put forward in relation to its proximity to walking and public transport routes, nor the content of the supporting information submitted, it is contended that the assessment, and conclusions, contained within the MIR (CD07, page 102-103) remain valid.</p> <p>Consequently, in light of the above, and the fact that through Issue 3 the Council has demonstrated that the Proposed Plan allows for a generous housing land supply, the</p>

Council do not agree to modify the Plan in response to this representation.

**Reporter's conclusions:**

1. This representation relates to an unallocated site at Lower Milton, which lies to the east of the A872, to the south of the Bannock Burn, to the east is the golf course and to the south is open pasture land.
2. The site extends to some 3.2 hectares and appears to be in agricultural use at the time of my site visit. It is generally flat at the northern end, rising to the south and east. I note that the site is fully within the green belt as set out in the proposed plan.
3. It is argued in the representation that the allocation of this site for 35 homes would assist the council in addressing the shortfall in housing land in the plan period. It is argued that the site is effective, and that no additional infrastructure is required to deliver the homes.
4. A comprehensive "Development Framework Report" is submitted in support of the representation, addressing matters such as environment, transport, economic and social issues and addressing matters that arose following the council's assessment of the site as part of the Main Issues Report and associated Strategic Environmental Assessment, during the preparation of this plan.
5. Strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site leads me to conclude that an allocation for residential development is not justified for the reasons set out below.
6. From the submission, and the conclusions reached at Issue 3 of this examination, it seems to me that the fundamental issue is; should this site be removed from the green belt and included within the Stirling settlement boundary as a residential allocation?
7. The site is stated to be an infill site, associated with the council's ongoing development strategy for the area, and that there is development to the north and west of the site.
8. The representation states that there is no longer a justification for retaining the green belt in this location, due to ongoing development in the area. The green belt in this location is stated to be remnant and redundant in terms of Scottish Planning Policy (SPP).
9. The council considers that the green belt in this location defines the city boundary, is visually prominent and is part of a green gateway to the city. The proposed development would not have a positive impact on the green belt.
10. I find that there is significant development proposed for this part of Stirling, which will give rise to major changes to the built and natural environment, and such changes naturally call into question the purpose of designations such as green belts.
11. I note from my site visit that approaching the site from the south, on the Glasgow Road (A892), there is a definite sense of a boundary to the city, reinforced by the break in development from the business park to the west until the car dealership to the east is

reached. Similarly, in approaching the site from the north on the same road, the tree cover and open land comprising the site provide a definite point at which the city is left behind. I appreciate that the business park to the west is reached at the Milton roundabout, but until that point is reached, the gap in the built environment is notable.

12. The proposed allocation would, I find, lessen that defined boundary at this point and would be contrary to Scottish Planning Policy paragraph 51 which states “*establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.*” I consider that the proposal would not provide a clearly identifiable visual boundary in this location, and would have a negative impact on the existing well defined and functional green belt.

13. The proposed extension to the business park (B10) is to take place to the west and south of the subject site, and will not encroach into the existing gap in built development to the north, nor will it impact on the visual boundary markers of the established green belt.

14. South Stirling Gateway (H055) is a major component of the spatial strategy for Stirling and is located to the south east of the site at Lower Milton. Part of the H055 allocation will be adjacent to the Glasgow Road, but will be some considerable distance south of the proposed site, and south of the Milton roundabout. In terms of the green belt, I do not consider that it will impact on the established visual boundary markers in the way that the proposed site has the potential to do so.

15. Scottish Planning Policy at paragraph 49 also states that greenbelt may be designated to support the spatial strategy by “*protecting and enhancing the character, landscape setting and identity of the settlement; and....*” I find that the proposed allocation may negatively impact the character and landscape setting of the city by reducing the definition of the established visual boundary markers in this location. The Bannock Burn and woodland provide these markers, and I conclude that a residential allocation would not be a suitable alternative.

16. Overall, I conclude that there is no justification for altering the boundary of the green belt in this location. The provisions of Scottish Planning Policy paragraphs 49 and 51 are met by the green belt designation, and the allocation of this site for new homes would serve to reduce to the defined boundary in this location.

17. I note that the site does form part of the masterplan area for H055. However, I also note that it was included as agricultural land at Figure 22 Masterplan Layout in the approved masterplan for South Stirling Gateway.

18. I have considered the issues of heritage, sustainable development, social and economic impact, and transport as set out in the representations, but none of these issues cumulatively or singularly, has persuaded me that the negative impact on the green belt can be counterbalanced.

19. I recommend no modification to the plan.

**Reporter’s recommendations:**

No modification.

<b>Issue 52</b>	<b>Non-allocated Site - Whins of Milton</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103) and Stirling Settlement Statement (pg 196 – 229)	<b>Reporter:</b> Sinéad Lynch
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Hallam Land Management (01781)		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to the non-allocation of a site out with the settlement boundary of Stirling.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Flood Risk</u></p> <p>The submission is accompanied by a full Flood Risk Assessment which confirms that flooding is not a barrier to development and recommends the inclusion of a standoff area from the Bannock Burn as incorporated into the submitted Masterplan.</p> <p><u>Water quality</u></p> <p>The MIR identifies that development could give rise to sewerage network issues at the Bannockburn storm treatment works and a buffer to the Bannock burn would be required. Scottish Water have been contacted to establish if a network constraint exists, although a response has not yet been received. The submission notes that if a constraint is identified and a Drainage Impact Assessment is required, this study will be commissioned at an appropriate time and any mitigation measures will be undertaken to provide capacity to serve the development.</p> <p><u>Green Belt</u></p> <p>In terms of the Green Belt, the submission does not agree with the findings of the MIR site assessment. The Council acknowledges the weak boundary at this point in the Stirling Green Belt Landscape Study (2009) and considers that this is addressed by landscape improvement rather than development. The submission questions this approach as they are unsure how the Council will seek to achieve this as they are unaware of any proposals to undertake landscape improvements to the subject site. Development of the site will allow for a Landscape Strategy to be implemented and assist the Council's aspirations for landscape improvement and consolidate the settlement boundary. The submission also notes that sections of the Green Belt to the north and south of the site were deleted following the last LDP review.</p> <p>Consider that while the site comprises a number of agricultural buildings, adjoining land containing development of business and retail will have an urban appearance. The B10 allocation for employment use suggests the Council has concluded that the impact of these buildings would have an acceptable impact on the landscape setting of Stirling and Bannockburn. As industrial buildings are of a much larger scale than homes they will have a larger impact on the landscape. Consider that this position contradicts the comments on</p>		

the site assessment of the subject site. Submit that it is the land west of the Bannock Burn and New Line Road, rather than land west of the Glasgow Road, that provides the landscape setting for Stirling and Bannockburn. On this basis any potential impacts could be adequately mitigated through a sensitive landscape strategy.

The Council's description in the MIR of the site performing an important role as informal open space implies a site that is publically accessible and which is used by the community for recreation. The submission states that the site performs no such purpose as it is in private ownership. The site therefore cannot be considered as open space and there would be no loss of open space. On the contrary development of the site will provide areas of open space which will create new recreational opportunities for the local community on a site where no such opportunities presently exist.

### Placemaking

The Council's site assessment considers that the sporadic nature of development to the west of Glasgow Road allows the site to play an important placemaking role by providing a visual link to the countryside and Bannockburn Battlefield from eastern areas, including Cat Craig. Development therefore of the subject site would result in this important feature being lost. However, the submission considers that there is a relatively continuous line of development that is not sporadic, with the principle gaps being where the subject site meets Glasgow Road and land south to the Prinhall Business Park. This area is however allocated as B10 for employment development, which suggests that placemaking aims would not be compromised by development on the western side of Glasgow Road.

### Landscape impact

Consider that the Council accepts the subject site is not within any designated special landscape and acknowledge that the LVIA indicates that the proposal presents only a small extension of the urban edge and would not alter the views from and between heritage features and Cat Craig. The Council responded that this is partly on the basis that Cat Craig remains tree covered and comments that this is unlikely to remain the case. The developers are unclear why this would be the case as they are not aware of any tree felling and that Cat Craig represents ecological and landscape value. Notwithstanding this, the submitted LVIA confirms that the proposals would have minimal impact, particularly when considered alongside B10 and the retail development under construction.

### Historic environment

In terms of the site's designation within the Battle of Bannockburn inventory, the submission does not agree that this is a barrier to development, citing existing and planned development within the inventory area. Consider that the Council's specific concern in relation to views to and from Cat Craig and the setting of the A listed Bannockburn monuments have been given careful consideration within the attached submission and visualisations. These demonstrate that these heritage features would not be significantly impacted by development.

The submitted visualisations provide clear evidence that development of the subject site would be viewed in the context of the existing and planned developments along Glasgow Road. As such the site would not interfere with views from Cat Craig or views from the Bannockburn Monument. Consider that rather than having a negative impact on the historic environment, the development provides opportunities to expand the existing

Bannockburn Heritage Trail with interpretation installations to aid the heritage of the Bannockburn area. The submission confirms that the client would undertake extensive archaeological site investigations which would further help with understanding of the Battle of Bannockburn.

Biodiversity

The Masterplan shows the provision for a landscape buffer along the Bannock Burn and this has been defined with reference to the requirements of the submitted Flood Risk Assessment and Ecology Report.

Social and economic assessment

The submission notes the comments in the site assessment that limited capacity exists at Borestone Primary and Stirling High School's due to capacity pressure from other developments and the building of a new high school at Durieshill. School capacity issues require further consideration with the Council and mitigation or developer contributions need to be agreed. However, consider it is not appropriate for the Council to constrain development within the Core Area due to reliance upon a site which is not considered to be effective.

Summary

Object to the site not being included in the Proposed Plan. Consider that the site is exceptionally well contained by surrounding topography and road infrastructure and represents a logical settlement extension. The site should be viewed as infill as it is situated between residential development to the north and existing and allocated development to the south.

Consider that the site is capable of being developed and refute the reasons for the sites non allocation.

**Modifications sought by those submitting representations:**

Release the site at Whins of Milton from the Green Belt and allocate for residential development for up to 250 units.

**Summary of responses (including reasons) by planning authority:**

Flood Risk

The Council welcomes that a FRA has been carried out and its findings have been taken into account in the Masterplan.

Water quality

The comments in the site assessment are a result of consultation with Scottish Water. The Council notes the recent contact with Scottish Water to establish the exact nature of the constraints and any mitigation measures that may be required.

Green belt

The submission states that the Council acknowledges the weak boundary in this area in the Stirling Green Belt Landscape Study (2009) (CD11) and that landscape improvement rather than development is best to address this issue. The developer considers that this could be done by allocation of the site. It is important to note that the reference in the Green Belt Landscape Study (2009) of a weak boundary refers to where the Green Belt boundaries "adjoin garden boundaries and provide a stark settlement edge." (CD11 pg 42). It is considered that a new landscape buffer as opposed to additional housing development would best address this.

With reference to the allocation of B10, this site is identified in the existing adopted LDP and is being carried forward into the Proposed Plan. It forms part of the South Stirling Gateway (H055) allocation. The Council does not consider it has been contradictory in its allocation of this site and comments regarding the subject site. The Stirling Green Belt Landscape Study (2009) (CD11, pg 42) notes that "there are limited opportunities for additional development to improve the existing settlement edge without further reducing the role of the landscape." The study then goes on to note that "development could potentially be accommodated to the south west of Bannockburn, whilst maintaining settlement setting and identity." In this regard the area to the south, the B10 allocation (effectively an extension to an existing business park), is less sensitive to change and was considered suitable to fulfil the delivery of the spatial strategy and was therefore removed from the Green Belt. The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and that the subject site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. There is therefore no justification to remove the site from the Green Belt.

The site may be in private ownership and not considered as former open space, however there is public access to the site via the public path that runs along the northern boundary of the site, where there is no fence and access to the field can be easily gained. In this regard the area functions as informal open space as described in the MIR site assessment (CD07, pg 100) and is important in maintaining the Green Belt. However, the Council is clear that open space is not the primary function of the site due to its private ownership.

Placemaking

The Council disagrees with the submission's assertion that there is a relatively continuous line of development along Glasgow Road. It is clear that development here is sporadic and provides a clear visual link to the countryside and Bannockburn Battlefield from eastern areas. As discussed above under Green Belt, the B10 allocation, to the south of the subject site, is less sensitive to change and therefore plays a lesser role in achieving the wider placemaking aims of the area.

Landscape impact

The MIR site assessment (CD07, pg 100) concludes that the proposed mitigation measures are not sufficient to substantially reduce the visual impact of the development. This still remains to be the case. Some tree felling has taken place on Cat Craig due to a previous lack of woodland management that is now beginning to be addressed. The exact extent of the tree felling required to maintain the woods in an appropriate condition is unknown at present as the management is ongoing.

The development, which the representation considers does not significantly alter sightlines between the monument and Cat Craig, is not the only important viewpoint and landscape feature. It is the cumulative impact of the clear sightline to Cat Craig and the relatively open nature of the landscape in between, and immediately south of the monument, that contributes to the landscape features of the area. As explained further below, under the Historic Environment comments, it is this landscape that contributes to an understanding of Day 1 of the Battle of Bannockburn. The submitted visuals in the Landscape Response document confirms that while a sightline above the development may be maintained, the development would appear prominent in the foreground and significantly alter the landscape to its detriment by introducing a more urban environment to the area, changing its character. With reference to B10, it is clear that development of this allocation places even greater importance on maintaining the open nature of the subject site. It should also be noted that the visuals provided of B10 in the Landscape Response document should be treated as very indicative as the Council has yet to receive a planning application showing how the allocation will actually look. Additionally the South Stirling Gateway Masterplan (CD13, pg 35) expects that new employment buildings will "take the form of pavilions, located and designed so as to minimise visual impact, and allow, where possible views westwards, towards the Battlefield..." Additionally to "minimise the overall height of the buildings, development should seek to locate housing for plant and machinery off the building wherever possible,"

#### Historic environment

The Council remains unconvinced that the site requires to be released from the Green Belt. As stated above, the designation afforded to the site is to protect the significant historical importance of the site, particularly the role it plays in understanding the Battle of Bannockburn. SG24 An Introduction to Battlefields in Stirling (CD10, pg 19) explains that the open nature of the land between the Bannockburn Monument and Cat Craig are essential to interpreting and understanding Day 1 of the battle.

The Council disputes that the development of the subject site would be viewed in the context of existing and planned developments, this is due to the scale and nature of the proposals. Whilst there may be scope within the masterplan to expand the existing heritage trail to aid interpretations of the heritage features of the area, this would seem to be at odds with development of 250 houses, which the Council maintains would actually detract from interpretation and have a significant detrimental impact on the understanding of the events of day 1 of the battle.

#### Biodiversity

The Council notes that the Masterplan provides a landscape buffer along the Bannock Burn and the inclusion of a SUDs pond.

#### Social and economic assessment

The Council, through the Proposed Plan, has expressed a commitment to deliver the Durieshill allocation. A developer has been identified who is progressing with development of the site and a PAN has been submitted. In this regard the Council is confident of the delivery of the new high school at Durieshill that is required to unlock capacity for committed development in the south and west of the Core Area. Durieshill is further discussed in Issue 36. As noted in the Education Background Report (CD14) a cumulative approach has been taken to project future requirements for the School Estate to

accommodate planned growth. This site has not been allocated for development, therefore the site has not been included in these calculations and would require a separate education solution.

### Summary

The Council does not agree that the site is suitable for development on the basis of significant visual impact on heritage and landscape features. The site cannot be viewed as infill as submitted by the representation and would represent a significant erosion of the Green Belt, contrary to its aims, in this location. There is no justification at the current time under the Proposed Plan's Vision and Spatial Strategy to release the site for development. The Council is of the opinion that sufficient effective land has been allocated to meet the Housing Land Requirement and therefore this site is not considered necessary to deliver the Spatial Strategy of the Proposed Plan. The issues raised in respect to housing land supply are discussed in detail in Issue 3.

The Council therefore does not agree to modify the plan as requested.

### **Reporter's conclusions:**

1. This representation relates to an unallocated site at Whins of Milton, which lies to the west of the A872 Glasgow Road and to the north of the Bannock Burn.
2. The site extends to some 12.3 hectares and lies within the green belt. The site appears to be used as a harness racing track and grazing land at the time of my site visit. It is generally flat.
3. An allocation of this site for up to 250 homes is sought and it is argued that the site is effective, and that no additional infrastructure is required to deliver the homes.
4. A comprehensive submission is made in support of the representation, addressing matters such as flood risk, heritage, green belt matters. In addition, a masterplan is submitted which assesses matters that arose following the council's assessment of the site as part of the Main Issues Report and associated Strategic Environmental Assessment during the preparation of this plan.
5. From the submission, and the conclusions reached at Issue 3 of this examination, it seems to me that the fundamental issue is should this site be removed from the green belt and included within the Stirling settlement boundary as a residential allocation?
6. The site is stated to be an infill site, associated with the council's ongoing development strategy for the area, and that there is development to the south and north of the site.
7. The representation states that there is no longer a justification for retaining the green belt in this location, due to ongoing development in the area. The green belt in this location is stated to be remnant in nature and redundant in terms of Scottish Planning Policy. The boundary is considered weak at this point, and development of the site would allow landscape improvements to take place. Land west of the New Line Road (which lies to the west of the site) is considered suitable for the green belt in this location, rather than land west of the Glasgow Road.

8. The council considers that the green belt in this location defines the city boundary, is visually prominent and is part of a green gateway to the city. The proposed development would not have a positive impact on the green belt. The conclusions of the Stirling Green Belt Landscape Study (CD11) support the allocation of sites H055 and B10 which form the South Stirling Gateway major growth area. A new landscape buffer would be more appropriate than new residential development in the location of the subject site.

9. I find that there is significant development proposed for this part of Stirling, including H055 & B10 South Stirling Gateway which will give rise to major changes to the built and natural environment, and such changes naturally call into question the purpose of designations such as green belts. The questions that arise include where an appropriate boundary would be, what the function of the green belt is in this location and how the proposed development could impact on the green belt.

10. I note from my site visit that when approaching the site from the south, on the Glasgow Road (A872), there is a definite sense of a boundary to the city, reinforced by the break in development from the business park to the west until the car dealership to the east is reached. Similarly, in approaching the site from the north on the same road, I find the definite gaps in the built environment reinforce the boundary. I appreciate that there is a brownfield site on the western side of the Glasgow Road, but, regardless, the gap in the built environment is notable.

11. The proposed allocation would, I find, lessen that defined boundary at this point and would be contrary to Scottish Planning Policy paragraph 51 which states "*establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.*". I consider that the proposal would not provide a clearly identifiable visual boundary in this location, and would have a negative impact on the existing well defined green belt.

12. The proposed extension to the business park (B10) is to take place to the south of the subject site, and will not encroach into the existing gap in built development to the north, nor would it impact on the existing visual boundary markers of the established green belt.

13. South Stirling Gateway (H055) is a major component of the spatial strategy for Stirling and is located to the south east of the site and on the other side of the A872. Part of the H055 allocation will be adjacent to the Glasgow Road, but will be some considerable distance south of the proposed site, and south of the Milton roundabout. In terms of the green belt, I do not consider that it will impact on the established visual boundary markers in the way that the proposed site has the potential to do so.

14. Scottish Planning Policy at paragraph 49 also considers that a green belt can support a spatial strategy by "*protecting and enhancing the character, landscape setting and identity of the settlement*". I find that the proposed allocation may negatively impact the character and landscape setting of the city by reducing the definition of the established visual boundary markers in this location. The A872 Glasgow Road provides these markers in this location, and I conclude that a residential allocation would not be a suitable alternative.

15. Overall, I conclude that there is no justification for altering the boundary of the green belt in this location. The provisions of Scottish Planning Policy paragraphs 49 and 51 are

met by the green belt designation, and the allocation of this site for new homes would serve to reduce to the defined boundary in this location.

16. I have considered the issues of heritage, sustainable development, social and economic impact, flood risk and transport as set out in the representation, but none of these issues, cumulatively or singularly, has persuaded me that the negative impact on the green belt can be counterbalanced by this proposal.

17. Although not raised in the representation, I note that strategic housing land supply has been considered under Issue 3 of this examination and although it has been concluded that a potential shortfall exists, in terms of this plan, other sites and policy mechanisms have been identified to address that shortfall. In any event, my assessment of this site leads me to conclude that an allocation for residential development is not justified. In turn, the proposed plan should not be modified.

**Reporter's recommendations:**

No modifications.

<b>Issue 53</b>	<b>Stirling - Allocated Employment Sites</b>	
<b>Development plan reference:</b>	Sites B13, B14 and B34 within Appendix A: Schedule of Development Sites, Table 2. Employment Sites (pp.104-106) & Stirling Settlement Statement and Proposals Map (pp.196-229)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Blue Water Scotland LLP (01317)  River Forth Fisheries Trust (01757)  Forth District Salmon Fishery Board (01758)  SEPA (90175)  William Oswald (90246)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The issue relates to three sites within the settlement boundary of Stirling allocated for employment development: B13 – Broadleys Extension Area; B14 – Craigforth; B34 – Springkerse Roundabout.	
<b>Planning authority’s summary of the representation(s):</b>		
<p>Blue Water Scotland LLP (01317)</p> <p>Representation concerns the Key Site Requirements for Site B34 – Springkerse Roundabout which state development must: “Evaluate and mitigate potential impact on Battle of Bannockburn Inventory site”. Note that the majority of the site is out with the Inventory of Battlefields boundary; with very slight/minor overlap in the south east edge of the site. The Council’s Archaeological Officer has advised that no archaeological works would be required on site and confirmation has been given by the Council that any future planning application would not require the undertaking of any archaeological evaluation/works. As such, consider the Key Site Requirements for B34 should be updated by the deletion of the requirement to ‘Evaluate and mitigate potential impact on Battle of Bannockburn Inventory site’.</p> <p>River Forth Fisheries Trust (01757) &amp; Forth District Salmon Fishery Board (01758)</p> <p>In respect to B13 – Broadleys Extension Area &amp; B14 – Craigforth raise concern that the impact of development on the adjacent River Forth has not been adequately addressed. Specific concerns that development of the site could have an adverse impact on the spawning ground and habitat for Salmon, Sea Trout, Lamprey and Eel in the River which is a Special Area of Conservation and would be contrary to the Habitats Directive.</p> <p>Concerned also that as some parts of the site are in the flood plain that development would lead to the loss of ability of site to flood, therefore causing an adverse impact on the channel contrary to the Flood Risk Management Act 2000.</p> <p>Note that the site is known to have invasive non-native species such as Giant Hogweed and Himalayan Balsam and that any development could spread these species to new areas.</p>		

The Forth District Salmon Fisheries Board (01758) additionally raise concern that there may be an impact on adjacent fishing rights and commercial operations of proprietors of the Forth District Fishery.

SEPA (90175)

Surface water hazard identified for B13 – Broadleys Extension Area; B14 – Craigforth; B34 – Springkerse Roundabout, among other allocated employment sites. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

William Oswald (90246)

Concerned that site B13 – Broadleys Extension Area, as allocated in the Proposed Plan, includes land not made available for development and considers the site boundary should be amended.

**Modifications sought by those submitting representations:**

Blue Water Scotland LLP (01317)

Delete “Evaluate and mitigate potential impact on Battle of Bannockburn Inventory site” from the Key Site Requirements for B34 – Springkerse Roundabout.

River Forth Fisheries Trust (01757) & Forth District Salmon Fishery Board (01758)

Delete B13 – Broadleys Extension Area & B14 – Craigforth. Should development go ahead, access considerations should be implemented to ensure there is no negative impacts on the Forth District Fishery.

SEPA (90175) - See Issue 64.

William Oswald (90246)

Exclusion of Broadleys Farmhouse and land immediately to the south and west of the farmhouse from Site B13 – Broadleys Extension Area.

**Summary of responses (including reasons) by planning authority:**

B34 – Springkerse Roundabout

The Council’s Archaeologist has confirmed the Key Site Requirement to evaluate and mitigate the potential impact on Battle of Bannockburn Inventory site in respect to Site B34 is not required. As such, there would be no objection to its deletion from the Key Site Requirements on page 219 of the Proposed Plan, if the Reporter is in agreement. This would be a minor change and not alter the proposal.

B13 – Broadleys Extension Area & B14 – Craigforth

The deletion of these two sites from the Plan is rejected by the Council.

A Habitats Regulations Appraisal of the Proposed Plan has been carried out with regard to a number of European sites, including the River Teith SAC (which encompasses part of

the River Forth from its confluence with the River Teith to the railway viaducts 3.4 km to the east).

The Habitats Regulations Appraisal concludes at para 5.11 that, subject to additional mitigation, that the proposals and policies of the Proposed Plan will not adversely affect the integrity of any European site. As such, the Council has exercised its duty in respect to the Habitats Directive.

Flood risk in relation to both sites is recognised by the Proposed Plan and the Key Site Requirements for both sites state a Flood Risk Assessment is required and that development should avoid the functional floodplain.

Furthermore, it is noted there is an extant outline permission for the Craigforth site.

The hereditary rights of salmon fishing proprietors in the Forth District is not an issue that can be addressed, or indeed supplanted, by the planning system.

In summary therefore, the Council considers that the assessments carried out and the provisions of the plan to be applied at the development management stage – alongside other legislative and consenting regimes that are independent of the planning system – will ensure both sites can be developed without detriment to the river network and, consequently, fisheries.

With regard to William Oswald (90246)'s representation concerning B13 – Broadleys Extension Area, the removal of property and land in the ownership of Mr Oswald at Broadleys Farm from the B13 site allocation was considered at the previous Examination (CD03). The Council is of the opinion the Reporter's decision not to recommend any modification remains valid.

The Reporter considered that removal of this land (amounting to some 2 hectares) from B13 is unlikely to prevent wider redevelopment but, in planning terms, it would be preferable if the whole area could be designed and redeveloped for employment use in an integrated manner. This approach, the Reporter concluded, would maximise the use of a relatively limited employment land resource in this location. It is also likely to result in a more efficient site and infrastructure layout.

As landowner, Mr Oswald has ultimate control over whether his land is developed. It is noted that, at this time, it is not Mr Oswald's intention to make this part of the site available. However, this situation may alter in the future and the land could contribute to the range of effective sites identified for business by the Plan. In the context of the wider employment and redevelopment objectives for the area, the employment allocation is the most appropriate: 'de-allocating' this part of the site may open the door for nonconforming uses that may not be able to co-exist with new employment uses around it.

In view of the above, the Council does not support the modification sought.

#### **Reporter's conclusions:**

Blue Water Scotland LLP (01317)

1. I note that the council's Archaeological Officer has advised that no archaeological works would be required on site B34 – Springkerse Roundabout. The council itself has

advised that any planning application would not require proposals for archaeological evaluation or works. In these circumstances the council accepts that its deletion from the key requirements on page 219 would be minor and not affect the proposal. I also accept this and the plan should be modified accordingly.

River Forth Fisheries Trust (01757) & Forth District Salmon Fishery Board (01758)

2. The Habitats Regulations Appraisal carried out by the council in the course of the preparation of the plan has been considered by the reporters and found to be sound. This notes, as the council points out above, that, subject to additional mitigation the proposal will not adversely affect the integrity of any European site. It will also ensure there are no negative effects on the Forth District Fishery.

3. I note that the key site requirements for both sites include a flood risk assessment and that development should avoid the functional flood plain. Also the Craigforth site B14 already benefits from planning permission. I therefore find no justification for removing these sites from the proposed plan.

SEPA (90175)

4. This representation is dealt with under Issue 64 Flood Risk Management. The reporter proposes a modification regarding sites B13, B14 and B34 to provide for mitigation to reduce the risk of surface water runoff as a key site requirement. No further comment is required here.

William Oswald (90246)

5. This representation is concerned solely in removing land and property within the ownership of the representee from the proposed plan. The council has set out the consideration of this with regard to the examination for the current local development plan. The reporter concluded that it would be preferable for the whole of the site to be designed and redeveloped for employment use on an integrated manner. I see no justification for departing from this conclusion.

6. As the council points out the landowner has the ultimate control over the site, and whilst there is no desire to see it developed at this time, the situation could change in the future. As the allocation does not bind the landowner to taking any action regarding the site I am not persuaded there is any justification for modifying the proposed plan in this regard.

**Reporter's recommendations:**

I recommend the following modification:

On page 219 of the proposed plan, under site B34 Springkerse Roundabout, in the key site requirements delete the third bullet point regarding the Battle of Bannockburn inventory site.

<b>Issue 54</b>	<b>South Stirling Gateway</b>	
<b>Development plan reference:</b>	Allocations H055, B10, R09	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Mrs D Russell (01295)                  Avant Homes (01743)                  Falkirk Council (90063)                  Wallace Land Investments (90048)                  SEPA (90175)                  Sportscotland (90178)                  Stafford Trust (90256)                  The Tough Family (90715)                  Tulloch Homes Ltd (90724)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Allocations H055, B10, R09 which comprise the Strategic Development site, South Stirling Gateway.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Impact on sports facilities</u></p> <p>Mrs D Russell (01295)</p> <p>Queries the loss of the existing golf facility at a time when sports participation and healthy lifestyles are promoted, stating that the facility is unique within Stirling. Considers that tennis provision is poor within the area, with a desire from locals to have facilities on their doorstep.</p> <p>Sportscotland (90178)</p> <p>Reference paragraph 226 of SPP (CD02) and note that any planning application which would result in the loss or reconfiguration of the existing golf course facility would require them, as a statutory consultee, to be consulted. They note that the approved Masterplan for the site states that golf facilities will be re-provided on the site, and confirm that in assessing proposals where facilities might be lost, it is generally expected that these will be replaced by a new facility of comparable or greater benefit for sport, or by upgrading an existing outdoor sports facility.</p> <p><u>Retail Allocation</u></p> <p>Avant Homes (01743)</p> <p>Confirm that they have an interest in a portion of the site, which they consider meet with the test of effectiveness as contained within Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits, and the draft Planning Delivery Advice: Housing and Infrastructure. However, state that they do not support part of the site being developed for</p>		

a supermarket, and raise concern with the current Masterplan (non-statutory guidance SG08: South Stirling Gateway Masterplan, CD13) which indicates such provision. They state that as the Proposed Plan Proposals Map no longer shows a specific retail allocation on the land upon which they have an interest, the Masterplan should be altered to reflect this.

Stafford Trust (90256)

Referencing paragraphs 6.21; 6.24 and the Proposed Plan allocation 'R09: South Stirling Gateway – Convenience Superstore, the Stafford Trust confirm that they disagree with such an allocation, stating that there has been no demand from retailers and that they consider continued allocation for a superstore conflicts with paragraph 6.21 - which recognises a fall in demand for larger footprint food stores from retailers. They consider that the retail offer should be determined by the market.

The Tough Family (90715)

Disagree with the R09 allocation, stating that alongside the Stafford Trust they have previously embarked upon an extensive marketing exercise to find a retailer, and it had failed to identify any retail supermarket interest. They consider that given the timeframe over which the site will be developed, it should be left to the market to determine what retail offer comes forward. They state that the site should not be blighted by this requirement, and consider that if retail development does not come forward, their site would be suitable for residential use.

Tulloch Homes (90724)

State that should market forces dictate that a smaller unit than the suggested 4000sqm indicated in the current LDP (CD01) (page 210), that this allows opportunities for alternative development scenarios, including the provision of additional housing.

#### Education Requirement on Site

Stafford Trust (90256) and The Tough Family (90715)

Both dispute the need for a new primary school on site. Both consider that the existing Bannockburn Primary School, and site, has the capacity to support the development.

The Tough Family (90715) state that the requirement is disproportionate and would have a negative impact on the deliverability of the development.

#### Site Numbers

Wallace Land Investments (90048)

Consider that due to the constraints on site, specifically, the topography, ground conditions, and multiple ownership interests, the site is unlikely to deliver the scale of development envisaged. State that this will require the allocation of additional land, and promote their site at Back O'Muir Farm as an extension to H055.

Tulloch Homes (90724)

Consider that through increasing densities, the site can accommodate a great number of houses than the 800 currently indicated within the Proposed Plan, and that such an increase would support making the best use of land.

#### First Key Site Requirement – Compliance with Masterplan

Avant Homes (01743) and Stafford Trust (90256)

Consider that the first Key Site Requirement (page 214) – requiring development proposals to comply with the approved Masterplan to be too strongly worded. Avant Homes (01743) consider that this gives undue importance to the Masterplan. Stafford Trust (90256) consider that in light of representations made in respect of retail and education provision on the site, the Masterplan includes a number of outstanding issues, which require further discussion.

#### Third Key Site Requirement – Neighbourhood Centre

Stafford Trust (90256)

Offer support for the third Key Site Requirement – the creation of a Neighbourhood Centre within the site, and suggest that this would be the most appropriate location of any retail provision on the site.

Tulloch Homes (90724)

Consider that the wording of the Key Site requirement relative to the Neighbourhood Centre is misleading, as it makes mention of the supermarket forming part of it. They contend that this is contrary to the Masterplan, and should be amended

#### Key Site Requirements – Other

Avant Homes (01743)

Recommend changes are made to a number Key Site Requirements, specifically those relative to the creation of a Neighbourhood Centre, and provision of a Park and Ride facility. In addition they suggest a number of additional Key Site Requirements relative to Developer Contributions, Phasing, and the submission of multiple planning applications.

Specifically in respect of Developer Contributions they note that in line with the current SG06: Developer Contributions, contributions will be expected for affordable housing, education and transport. When combined with any abnormal costs specific to the site, this they argue could render the site unviable. They state that in such a circumstance the Council should be prepared to accept contributions below the level stipulated. They reference an appeal Ref: PPA-390-2044, and raise concerns that it took the appeal process to agree on a contribution figure.

Tulloch Homes (90724)

Recommend inclusion of an additional Key Site Requirement relative to existing school capacity.

South Stirling Gateway Masterplan

Mrs D Russell (01295), Avant Homes (01743), Stafford Trust (90256), and The Tough Family (90715)

All make comment on the current approved Masterplan (CD13), which is approved as non-statutory guidance.

Mrs D Russell (01295)

Comments on the position of the proposed playspace as shown within the approved Masterplan, stating that previously this area was considered too far away for local children to use.

Avant Homes (01743)

Consider that any Supplementary Planning Guidance upon which the Council is likely to rely upon when determining planning application(s) should be part of the Proposed Plan. This they state would allow the documents to be given the proper level of scrutiny and examination necessary, and confirm that in light of other representation made in respect of allocations within the site, they consider that the Masterplan requires updating.

They confirm that retail provision aside, they are otherwise generally supportive of the Masterplan approach. Notwithstanding this they outline and reiterate a number of detailed comments previously submitted in response to the Council's consultation exercise on the then draft Masterplan. These comments were made in respect of, the location of access onto the A91; density; house types and storey heights; boundary treatments; developer contributions; and phasing.

Stafford Trust (90256)

State that they are concerned about the prescriptive nature of the Masterplan.

The Tough Family (90715)

State that they consider the text within the Stirling Settlement Statement relative to the South Stirling Gateway Masterplan, and specifically the suggestion that proposals should 'adhere' to it, as being too prescriptive.

General

Mrs D Russell (01295)

States that existing drainage ditches within the site must be retained and maintained as several paths and lanes can be affected by wet weather. Additionally states that prior to any building work commencing on site, detailed surveys will be required due to previous mining in the area.

SEPA (90175)

Made comments in respect of surface water run-off flooding. See Issue 64 for a summary of their representation, proposed modification, and Council's response.

Falkirk Council (90063)

Made comment in respect of the impact on the A872 corridor through Denny and A9 corridor to Larbert. See Issue 62 for a summary of their comments, proposed modification and Council's response.

**Modifications sought by those submitting representations:**

Impact on Sport Facilities

Mrs D Russell (01295)

Requests that more of the existing golf centre be retained and that additional sports facilities be provided for the families within any development.

Sportscotland (90178)

Request that page 19 of the Action Programme (CD17) be amended to include the following text: 'Provision of replacement golf facilities in consultation and agreement with SportScotland'.

Retail Allocation

Avant Homes (01743)

Request that the Masterplan be revised to remove retail provision from the location currently indicated, and upon which they have an interest.

Stafford Trust (90256)

Request that reference to 'Convenience Superstore' be altered to 'Convenience store as part of neighbourhood centre'. This should comprise a small convenience store located within the defined neighbourhood centre, with the consequence that additional residential development be shown on their land.

The Tough Family (90715)

Request that R09 reference be amended to 'Convenience Superstore or Neighbourhood/Local Centre'.

Tulloch Homes (90724)

No modifications stipulated in respect of retail provision.

Education Requirements on Site

Stafford Trust (90256)

Request that requirement for a new primary school on site be removed, and be replaced by a requirement for extension of the existing Bannockburn Primary School.

The Tough Family (90715)

Request the removal of reference to new primary school within the Proposed Plan.

Site Numbers

Wallace Land Investments (90048)

Request that their site at Back O’Muir Farm be allocated for circa 795 residential units.

Tulloch Homes (90724)

Request that housing numbers indicated in Table (page 214) be amended to indicate between 1000 -1200 units, and for the text to be explicit that the phasing shown is indicative.

First Key Site Requirement – Compliance with Masterplan

Avant Homes (01743)

Request either the removal of the Key Site Requirement relative to the Masterplan (page 214) and replacement with a footnote referencing the Masterplan as guidance only, or a revision to the current text to read “Developers should refer to the Development Framework and Masterplan for South Stirling Gateway (SG08) for guidance as to how to frame proposals for their sites. The Council will consider all comments in the Masterplan flexibly and no comments therein are to be taken as prescriptive. The Masterplan requires to be updated to bring it into line with this Plan and this will be actioned as a priority”.

Stafford Trust (90256)

Call for a future consultation exercise by the Council on the Masterplan to address the issues raised.

Third Key Site Requirement – Neighbourhood Centre

Stafford Trust (90256)

No modification stipulated.

Tulloch Homes (90724)

Request that the Key Site Requirement relative to Neighbourhood Centres be revised to read ‘Site to include provision of new primary school, retail superstore and other local services’ rather than current wording which states ‘neighbourhood centre to include.....’

Avant Homes (01743)

Request that the Key Site Requirement relative to the Neighbourhood Centre be amended to read: “Neighbourhood Centre to include provision of a new primary school, retail superstore and other local services. For the avoidance of doubt, any reference to a specific site/location for a supermarket and/or neighbourhood centre in the Masterplan no

longer applies. The Masterplan will be amended in due course to bring it into line with this Plan”.

The Tough Family (90715)

Request that the Key Site Requirement relative to the Neighbourhood Centre be amended to read: “Neighbourhood Centre to include provision of retail superstore or neighbourhood/local retail provision and other local/community services”.

Key Site Requirements - Other

Avant Homes (01743)

Request that the Key Site Requirement relative to the Park & Ride be revised to read: “Park and Ride site to be investigated”.

Request new Key Site Requirements to read:

- “The list of developer contributions, as set out on page 40 of the Masterplan will be agreed in relation to specific planning applications and with reference to SG16 Developer Contributions. No developer will be required to contribute more than is set out in SG16 and will be entitled to pay less, if this sum renders the development financially unviable”.
- “Any referencing to phasing, as set out in the Masterplan, is for guidance only and the exact phasing of sites and infrastructure will be agreed with individual developers/applicants”.
- “The Council will accept the submission of a single or multiple planning application(s) in relation to the site”.

Tulloch Homes (90724)

Request an additional Key Site Requirement which notes that there is existing school capacity which could support initial phases of H055.

Masterplan

Mrs D Russell (01295)

No modifications stipulated.

Avant Homes (01743)

Request that the Masterplan be revised to remove retail provision from the location currently indicated, and upon which they have an interest.

Stafford Trust (90256)

Request future consultation on a revised Masterplan to resolve the issues raised.

The Tough Family (90715)

Request that reference to Masterplan within the Stirling Settlement Statement be revised

to read: 'A Masterplan has been approved for the South Stirling Gateway site (H055, R09, and B10). This will be flexibly applied when proposals come forward from the different landowners on the basis that the main tenants and principles around place-making are achieved'.

### General

Mrs D Russell (01295)

No modifications stipulated.

### **Summary of responses (including reasons) by planning authority:**

#### Impact on sports facilities

Mrs D Russell (01295)

It is considered that the principle of the development of the site, and loss of the existing facility, has been established through the current LDP. As noted however, the Proposed Plan Key Site Requirements (page 214), and existing Masterplan do require the provision of a replacement golf/leisure facility. Whilst the exact nature of this facility is unknown at this time, it could include a mix of leisure/sport facilities, and as it is to be provided on site, will be immediately accessible to residents of the development and surrounding areas. The Council do not agree to modify the Plan in response to this representation.

Sportscotland (90178):

Through H055, R09, and B10 'South Stirling Gateway' is allocated as a Strategic development site for 800 houses, retail superstore, primary school and Class 4 business space within the adopted LDP (CD01). As noted by SportScotland, a Masterplan was prepared and approved as non-statutory planning guidance for the site. The process of adopting the existing LDP, the Masterplan (CD13) and the Main Issues Report preceding this Proposed Plan, involved a number of consultation exercises, including all Key Agencies and other interested parties such as Sportscotland, none of whom raised objections to the allocation at South Stirling Gateway.

The scale of development supported within the adopted LDP, and continued into the Proposed Plan, will inevitably both impact the existing golf facility, and the land available for a replacement facility. Whilst this facility cannot conceivably have the same land take as the existing, the Proposed Plan Key Site Requirements (page 214), and the current Masterplan (CD13) make clear the requirement of a replacement golf/leisure facility as part of the development of the site.

As outlined within the Masterplan (CD13) and the draft Action Programme, the exact nature and detail of this replacement facility will be established through further discussions with the developer/operator as proposals proceed for the site. In this respect, the Council is agreeable to identifying the need for input from SportScotland, within the Action Programme, in the same manner as other Key Agencies/consultees. The Council

however consider that no modification to the Plan in respect of this representation is required.

Retail Allocation

As explained within paragraph 6.21 of the Proposed Plan in order to protect the potential for future growth and a return to demand for a range of retail sites in the Stirling area over the period of the Plan, the Proposed Plan continues with the retail strategy embedded within the adopted LDP, which includes, through R09, the provision of a convenience superstore within the South Stirling Gateway site.

Given the scale of the residential allocation on site through H055; the desire to incorporate an appropriate mix of uses to serve the new community within this strategic expansion of the city; the accessible and walkable nature of the site for communities (existing and proposed) to the south of Stirling/Bannockburn; proximity to the strategic transport network; and lack of any detailed information regarding the marketing exercise referred to in the submissions, it is considered appropriate to retain the R09 allocation within the Proposed Plan.

The shifting nature of the retail market is acknowledged within paragraph 6.21 of the Proposed Plan, as is the fall in demand for larger footprint food stores, mentioned in a number of the representations received. In this respect the Proposed Plan allocation in respect of R09 (page 214) removes reference to a c4000sqm floor space as required by the adopted 2014 LDP. Instead the allocation is for a 'convenience superstore' (floorspace to be confirmed) – but which the Glossary defines as being 2500sqm or above.

## Avant Homes (01743)

Contrary to the comments submitted, through R09, the Proposed Plan does continue to allocate a retail superstore within the 'South Stirling Gateway' Strategic Expansion site. Given this, it is considered appropriate that the current Masterplan, which was prepared to support the adopted LDP, (and any future iteration considered necessary), continues to include provision for a retail superstore. Furthermore, it is considered that the site indicated within the Masterplan for this use is most appropriate, combining a central location within the Development Heart, and proximity to existing communities, with 'visibility' to the wider strategic road network – likely an important attractor for a retailer. The Council does not agree to modify the Plan in response to this representation.

## Stafford Trust (90256)

For the reasons outlined above the Council do not agree to modify the Plan in response to this representation.

## The Tough Family (90715)

A scenario whereby the retail allocation is removed, and any retail provision within the site left entirely to the market, as suggested, is not considered appropriate or adequate to deliver the Council's aims in respect of the site. It is contended that this is best achieved through the allocation as contained within the Proposed Plan. This makes clear the requirement for retail provision within the site, but also allows a degree of flexibility over

the final configuration of this provision. The Council therefore does not agree to modify the Plan in response to this representation.

Tulloch Homes (90724)

As outlined above, the Proposed Plan does allow for a reduction in the retail floorspace on the site. It will be through the planning application process, and the submission and assessment of detailed layout plans, to determine final development configurations on the site. The Council therefore do not agree to modify the Plan in response to this representation.

Education Requirement on Site

## Stafford Trust (90256), The Tough Family (90715)

The Education Background Report July 2016 (CD14) supports the Proposed Plan. It assesses the current position relative to Primary and Secondary capacity and provision, and explains the education solution required in order to accommodate the development promoted through the Proposed Plan – this includes the need for additional, on-site, primary school provision relative to South Stirling Gateway, given the scale of development. As is noted within this document, this will require close working with developer(s). In this respect the draft Action Programme (page 19) outlines that an Infrastructure Delivery Working Group has been established to assist with delivery.

Provision of a new primary school on site is also considered to meet with the Proposed Plan's wider Placemaking aim, providing the strategic development area, and its community, with a 'focus' and mix of use.

The Council therefore do not agree that the Key Site Requirement in respect of on-site primary school is either unnecessary or disproportionate, and consequently do not agree to modify the Plan in respect of the representations made by Stafford Trust (90256) and The Tough Family (90715).

Site Numbers

## Wallace Land Investments (90048)

It is considered that the numbers indicated within the Proposed Plan, and expanded upon within the current Masterplan, are considered appropriate, taking account of the need to consider the provision of areas of open space, addressing topography, ground conditions etc. Furthermore it is not considered that the 'constraints' listed are abnormal to this site in terms of detailed site planning. Nor is it considered necessary, or appropriate to allocate additional land on the opposite side of the A91 to achieve the Plan's aspirations in terms of South Stirling Gateway. The site promoted by Wallace Land Investments is assessed within Issue 45. Consequently the Council do not agree to modify the Plan in response to this representation.

## Tulloch Homes (90724)

The current Masterplan for the site indicates that the site has a variety of character areas, which require different design and density solutions. This, coupled with the requirement

for an appropriate level of open space, including a replacement golf/leisure facility, it is considered that the numbers indicated within the Proposed Plan are appropriate. This does not negate the fact that final numbers on the site will be determined through the

planning application process.

The table on page 214 of the Proposed Plan clearly states 'indicative housing units' in respect of the phasing. In light of the above, and the fact that the Council's response to Issue 3 – Setting the land Requirement for Housing demonstrates that the Proposed Plan identifies a generous housing land supply, the Council therefore does not agree to modify the Plan in response to this representation.

#### First Key Site Requirement – Compliance with Masterplan

Avant Homes (01743), Stafford Trust (90256)

The Council would contend that the wording contained within the Key Site Requirements relative to 'compliance' with the Masterplan is necessary, reasonable and fair. This term is used consistently throughout the Proposed Plan Key Site Requirements when referencing such guidance documents. Whilst the Council agrees that there may be scope for some departures from the Masterplan (and any future iteration of it) as discussions and development progresses, the Masterplan remains a key document in guiding future development. This is considered particularly important in this case, given the multi land owners/housebuilders interest in the site. The Council therefore does not agree to modify the Plan in response to these representations.

#### Third Key Site Requirement – Neighbourhood Centre

Stafford Trust (90256)

The Council note the support for the third Key Site Requirement in respect of the 'neighbourhood centre'. The Council would contend that the existing wording makes clear that the neighbourhood centre includes the retail superstore. The extent of the 'neighbourhood centre' is outlined and described on page 26 of the Masterplan. The Council do not agree to modify the Plan in response to this representation.

Tulloch Homes: (90724)

The Council would contend that it is appropriate for Key Site Requirements to indicate that the 'neighbourhood centre' include the main mix-use elements required through the Plan allocations, including the retail provision. The extent of the 'neighbourhood centre' is outlined and described on page 26 of the current Masterplan. The Council therefore do not agree to modify the Plan in respect of this representation.

Avant Homes (01743)

In respect of the Key Site Requirement relative to the 'neighbourhood centre' the Council would contend that the current Masterplan is reflective of the content and aims of the

Proposed Plan in respect of the site and consequently the proposed additional wording is not considered appropriate. The Council therefore do not agree to modify the Plan in response to this representation.

The Tough Family (90715)

The Council consider that Proposed Plan text relative to the neighbourhood centre

accurately reflect the Plan allocations for the site. The suggested wording, and specifically the inclusion of 'or neighbourhood/local retail provision' is considered to result in a conflict with the Proposed Plan allocation in respect of retail. As such the Council do not agree to modify the Plan in response to this representation.

Key Site Requirements - Other

Avant Homes (01743)

In respect of the Park & Ride, the Transport Background Report (CD15) supporting the Proposed Plan, makes explicit that the proposed Park & Ride form part of the required package of transport improvements and infrastructure. Consequently the wording within the Proposed Plan is considered appropriate, and the Council do not agree to modify the Plan in response to this representation.

The Council consider that the suggested additional Key Site Requirements relative to developer contributions, phasing of sites/infrastructure and the submission of multiple applications are largely reflective of information and guidance provided elsewhere within either the Masterplan or current SG16: Developer Contributions, and therefore do not need to be repeated. Moreover they are not considered to constitute key site requirements per se. The Council therefore do not agree to modify the Plan in response to this representation.

Tulloch Homes (90724)

Whilst the fact that there may be existing school capacity which could support some initial development at the site is not disputed at this time, the dynamic nature of school rolls, and the potential for this to change dependent on when and where development proposals come forward within the Education Core Area mean that the Council consider it inappropriate to provide such a statement within the Proposed Plan. Such an indication would be more appropriately made within associated guidance. Consequently the Council do not agree to modify the Plan in respect of this representation.

Masterplan

The Masterplan (CD13) was approved as non-statutory guidance and is intended to provide detailed guidance and direction relative to the development of the site, including advice and illustration regarding the potential composition and form of uses and buildings. It also provides clarity as regards the further work expected from prospective developers.

Given the strategic nature of the site, scale of development envisaged, and the complexities arising from having multi landowner/developer interest, the Masterplan is considered an important tool in the successful delivery of cohesive development of the site; thereby contributing to the Proposed Plan's aims of an interconnected, high quality, mixed use neighbourhood that sensitively responds to the site and wider context. Its use and role is considered consistent with paragraph 57 of SPP. It's 'place' as non-statutory guidance is clearly set out within Part 8 of the Proposed Plan. As confirmed by paragraphs 140 and 141 of Circular 6/2013: Development Planning such guidance does not have to come forward at the same time as the Proposed Plan, and its content does not form part of the Examination.

Mrs D Russell (01295)

The Council notes the comments made. The location of the main, equipped, play area as indicated in the Masterplan is to allow for it to be accessible from both the new community within South Stirling Gateway, and existing surrounding communities. As expected by the Masterplan, detailed layouts for the site should include within them areas for informal play, the detail of which will be determined through the planning application process. This approach is considered to result in an appropriate level of accessible open space/play space within the development. The Council therefore do not consider that the Plan requires to be modified in response to this representation.

Avant Homes (01743)

As outlined under 'retail allocation', contrary to the comments submitted, through R09, the Proposed Plan does continue to allocate a retail superstore within the 'South Stirling Gateway' Strategic Expansion site. Given this, it is considered appropriate that the current Masterplan, which was prepared to support the adopted LDP, (and any future iteration considered necessary), continues to include provision for a retail superstore. Furthermore, it is considered that the site indicated within the Masterplan for this use is most appropriate, combining a central location within the Development Heart, and proximity to existing communities, with 'visibility' to the wider strategic road network – likely an important attractor for a retailer. The Council does not agree to modify the Plan in response to this representation.

Stafford Trust (90256)

In light of the above responses the Council would confirm that it considers that the current Masterplan is reflective and consistent with the content of the Proposed Plan, and that no changes are therefore required to it at this point. Should this position change in the future, then as with the preparation of any intended planning guidance, the Council would embark upon a public consultation exercise with all relevant parties. The Council consider that no modifications to the Plan are required in response to this representation.

The Tough Family (90715)

The Council notes the commitment from the Tough Family to the principles of the Masterplan. The statement within the LDP reflects the current Masterplan for the site, approved as Non Statutory Supplementary Guidance (CD13) Whilst the Council agrees that there may be scope for small departures from the Masterplan as discussions and development progresses, the Masterplan remains a key document in terms of guiding future development. It is therefore contended that the proposed wording would undermine the role of the Masterplan, and suggest the Council is open to more significant departures. The Council therefore does not agree to modify the Plan in response to this representation.

### General

Mrs D Russell (01295)

The Council note the comments made. The issues raised relative to site drainage and previous mining activity will have to be addressed through the planning application

process, where detailed site surveys and drainage solutions will be expected. The Council do not consider that the Proposed Plan requires to be modified in response to this representation.

**Reporter's conclusions:**

Impact on sports facilities

1. The "South Stirling Gateway" allocation for housing, employment and retail uses (sites HO55, B10 and RO9) has been brought forward from the current local development plan. Although the council argues that the proposed uses have been established through the existing allocation, the review of the local development plan provides the opportunity to re-assess land use policies and proposals and therefore any unresolved representations must be considered on this basis.

2. In this instance, the concept of the proposed development has not been questioned. However, as the masterplan guidance (CD13a) explains, the site currently accommodates the Brucefield Golf Course and Driving Range, a facility which would be lost and for which compensatory provision is required. This process is confirmed in the key site requirements set out in the development schedule attached to the Stirling Settlement Statement in the proposed plan:

"Open space and leisure provision required to compensate for loss of recreational resources ie. golf course ...."

3. In terms of golf, I am satisfied that the proposed plan makes appropriate provision for a golf course but there is no reference to a driving range. Golf courses and driving ranges can operate as a single facility but they often function separately. I therefore consider it necessary to specify a replacement driving range.

4. I note that council has agreed to include a reference in the draft Action Programme to consult sportscotland. Although that document is not before the local development plan examination, the addition to the draft Action Programme would confirm that the procedure to be undertaken would be in accordance with the terms of Scottish Planning Policy.

5. Reference is also made in representations to tennis facilities but no justification has been provided for altering the proposed plan in respect of the South Stirling Gateway proposals.

Retail allocation

6. As indicated above, the South Stirling Gateway allocations have been brought forward from the adopted local development plan. Under allocation R09, the adopted local development plan indicates "Superstore 4,000 sq. m net" and the fourth key site requirement states:

"Neighbourhood centre to include provision of new primary school, retail superstore and other local services."

7. Under allocation R09 in the proposed plan, the entry states "Retail floorspace to be confirmed." The equivalent key site requirement (the third in the proposed plan) is unchanged from the adopted local development plan.

8. The proposals maps in both the adopted and proposed plans do not identify a site for a retail superstore within the H055, B10, R09 allocations.

9. Paragraph 6.21 of the proposed plan refers to council studies into the capacity for further retail floorspace in the Stirling area. The paragraph also recognises changing shopping patterns and, on this basis, I believe that changes could have continued since the most recent study was undertaken in 2011. Representations argue that no interest by supermarket operators has been shown in the site.

10. The council's response to the representations states that the specific reference to 4,000 square metres of floorspace contained in the current plan has been replaced. This is correct but, although the council indicates that the allocation in the proposed plan is for a "convenience superstore", (floorspace to be confirmed)", this is not the case. As explained above, in the Stirling Settlement Statement development schedule, the proposed plan states "Retail floorspace to be confirmed." As also explained, the related key site requirement remains unchanged and refers to a "retail superstore".

11. Reference in the proposed plan to a convenience superstore with the floorspace to be confirmed ("tbc") is contained in Appendix A, Schedule of Development Sites, Retail Sites.

12. Overall, this leads to an unclear situation, particularly as the glossary defines a superstore as having a gross floorspace of more than 2,500 square metres. I believe this definition reduces the flexibility introduced by the indication under R09 that the floorspace is "to be confirmed". The reduction in flexibility would be in both the nature and the extent of future retail floorspace.

13. Insofar as the proposed plan is concerned, the flexibility required would be achieved by removing the reference to "retail superstore" from the third key site requirement to be replaced by "retail floorspace". The nature and quantity of the retail floorspace could then be determined as detailed proposals evolved and in the light of then current shopping patterns.

14. For consistency, it is also necessary to amend the R09 entry in Appendix A, Schedule of Development Sites, by replacing "Convenience Superstore" by "Convenience".

15. I recognise that the South Stirling Gateway Masterplan (CD 13a & 13b) is intended to build on the initial concepts contained in the development framework which itself was prepared to support the adopted local development plan allocation. The masterplan refers to a superstore and identifies a potential location. The masterplan is non-statutory supplementary guidance and, as explained in the introduction to the document, it will be a material consideration in the determination of future planning applications.

16. The masterplan is not before this examination and therefore cannot be the subject of formal recommendations. No doubt, however, the council will consider any impact of the examination report and recommendations on related documents such as the South Stirling Gateway Masterplan.

#### Education requirement on site

17. The third key site requirement requires a neighbourhood centre to include the

provision of a new primary school. Stirling – South – Map 3 Proposals Map shows a primary school within the site under the auspices of Infrastructure Provision: Primary Policy 3.

18. The representations dispute the need for a new primary believing that the existing Bannockburn Primary School has adequate capacity to support the proposed development and land available for an extension if necessary. It is argued that the requirement for a new primary school would have a negative impact on the ability of the site to deliver the development.

19. The council prepared a background report on education (CD14) which indicates that, in general, the capacity of schools has fallen due to changes in class sizes and rationalisation. Bannockburn Primary School is forecast to reach its optimum capacity by 2027. Changes in the catchment areas would not resolve the situation as there is also insufficient capacity on a wider scale.

20. Recognising the scale of the strategic development areas at South Stirling Gateway and Durieshill, the background report indicates that discussions on primary provision will take place with developers of the two sites. Existing primary school provision is unlikely to be able to support these developments over the medium to longer term and additional primary provision will be required.

21. The proposed plan reflects the terms of the background report and the Education Provision section of the Stirling Settlement Statement indicates that for all the developments within the city, a comprehensive solution to education provision is proposed across the area including two new primary schools. One of these schools is within the South Stirling Gateway development allocation.

22. Although the representations believe that existing capacity exists within the existing primary schools, I accept the council has undertaken a detailed assessment to demonstrate that this is not the case, certainly not in the medium to longer term. This is unsurprising as, in my experience, primary school capacity has generally fallen over the years as a consequence of changing education practices. In turn, I accept the council's argument that two new primary schools will be required for Stirling including one to be sited within the South Stirling Gateway development. Accordingly, I accept that the requirement for a new primary school should be included within the Stirling Settlement Statement and Proposals Maps.

Site numbers

23. The indicative housing units shown for site H055 in the development schedule of the Stirling Settlement Statement are:

2015 / 2022: 276  
 2022 / 2027: 400  
 2027 / 2037: 124

24. The representations comprise two opposing points of view. On one hand, Wallace Land Investments suggests that site constraints indicate the scale of development envisaged is unlikely to be achieved. This argument forms the basis of a contention that additional allocations of housing land are required, particularly land at Back o' Muir Farm. This latter matter is dealt with under Issue 45.

25. On the other hand, Tulloch Homes Ltd believes the site could accommodate some 1,000 to 1,200 residential units. The indicative total of 800 units was determined prior to the completion of the masterplan when the school was to be potentially sited at a different location and retail provision was at a higher level than is now likely. In any event, as has been accepted by the council, it is considered that the final figure will be determined in due course through the process of development management. Flexibility is required by Tulloch Homes in terms of the number of houses and phasing.

26. The council relies on the masterplan to inform the prospective total of housing units to be constructed on the site and argues that the indicative total of 800 is reasonable.

27. I consider that the masterplan has approached the development of the site in a comprehensive and careful manner. Landscape character and, importantly, due to links with significant battlefields, heritage and archaeology have been assessed. In the light of these assessments, the approach to density, scale and character was intended to achieve an appropriate development, sensitive to the heritage and landscape constraints. Open areas are of particular importance, particularly in respect of compensatory provision, and the potential for higher-, medium- and low-density development has been identified.

28. All-in-all, I conclude that the masterplan process has led to a justified indicative housing total. I do not accept the assertion that this total might be difficult to achieve, the claim to this effect by Wallace Land Investments being very general in nature and lacking supporting evidence. Equally, there is very little substance in the contention that the total has been understated. I accept that some circumstances have changed such as the potential requirement for land for retail development, but there is little evidence to suggest an increase of 200 – 400 houses is merited.

29. At the end of the day, as recognised by Tulloch Homes Ltd, the final number of house units will be determined following development management procedure. In my experience, there is often an increase in the indicative total although this is not universally the case. As pointed out by the council, the rate of development of the site over three phases must also be regarded as indicative. I think that over a period extending to 2037 such an indicative approach is inevitable. Housing markets over such a long period are difficult to predict with confidence. In turn, a degree of flexibility in phasing can be reasonably anticipated and I conclude there is no requirement to amend the proposed plan in this respect.

#### First Key Site Requirement – compliance with masterplan

30. The glossary defines a masterplan as “A document, usually incorporating a schematic plan, 3-dimensional images, and text, which illustrates and explains how it is intended to develop a site”. I consider the masterplan for South Stirling Gateway falls within the scope of this definition.

31. The use of a masterplan is a generally accepted technique in the development of a large site where complex issues are likely to arise. In this case, the council draws attention to the range of land owners and the interests of various house-builders.

32. The first key site requirement for allocation H055 / B10 / R09 is:

“Compliance with Development Framework and Masterplan for South Stirling Gateway (SG08)”

33. In general terms, I consider that the requirement represents a logical progression from the allocation in the proposed plan to the wider land use concept set out in the development framework and, thereafter, to the schematic guidance in the masterplan. In turn, this “route map” informs the content of planning applications. A co-ordinated approach is particularly important where, as in this case, a variety of land owners and potential developers are likely to be involved.

34. The council agrees that there may be some scope for departures from the masterplan. This is a pragmatic recognition of the likelihood of changes in circumstances during the inevitable long development period involved in the implementation of the South Stirling Gateway project. Indeed, as already discussed, the nature and extent of the retail provision has experienced change in recent years.

35. Helpfully, the council acknowledges the potential for discussion as the development progresses and the possibility of future versions of the masterplan. I believe this to be a positive and realistic approach and see no reason why, at the end of the day, a successful development could not be achieved in accordance with the general principles set out in the original master plan. Adjustments to take account of changing circumstances would be incorporated as part of the ongoing iterative process and I do not believe the terms of the proposed plan are as prescriptive as feared by some.

36. All-in-all, I conclude the first key site requirement should be retained.

#### Third Key Site Requirement – neighbourhood centre

37. The concerns expressed generally relate to the references to the “retail superstore” and “new primary school” within the neighbourhood centre.

38. Retail allocation and education provision have been considered above. I concluded that the third key site requirement should be amended by replacing the reference to the “retail superstore” by “retail floorspace”. This would permit a more flexible assessment of the extent and nature of retail floorspace within the neighbourhood centre. On the other hand, I concluded that the council had justified the need for a new primary school. As the primary school is intended to be at the heart of the community, as described in the South Stirling Gateway Masterplan, reference to the school should be retained in the third key site requirement.

39. On the foregoing basis, I conclude that the changes to the third key site requirement should be limited to that relating to retail floorspace as described above.

#### Key Site Requirements – other

40. Although Avant Homes requires a park-and-ride site to be “investigated” rather than “provided”, the council is adamant that this facility is a fundamental element of the transport infrastructure improvements. I note that the Transport Appraisal (CD15) identifies the South Stirling Gateway as a location for one of two proposed park-and-ride sites. The sites will increase the accessibility to the public transport network and reduce the need for private vehicle access to the core area. The importance of the facility is said to lie in its place as part of a wider package of measures.

41. I believe the provision of a park-and-ride facility at this location would contribute to sustainability and would therefore be in accordance with the guidance contained in

Scottish Planning Policy. The facility represents the clear intention of the council and this key site requirement should remain unchanged.

42. The additional site requirements suggested by Avant Homes generally relate to procedural matters, particularly in respect of developer contributions and the submission of single or multiple planning applications. Whilst procedure is important, the council argues that these are not matters to be included as key site requirements.

43. Relevant information on developer contributions is found in Policy 3.3 which is supported by supplementary guidance SG16. Developer contributions are considered under Issue 10 of the examination and it will be noted that viability is regarded as important in the assessment of potential contributions by a developer. A “blanket” approach will not be adopted by the council.

44. The council has drawn attention to the complexity of the site in terms of land ownership and the potential range of developers. In these respects, the submission of a single planning application in respect of the entire site might be considered unlikely. A range of applications relating different parts of the site and a variety of development proposals could be anticipated. However, no matter the precise nature and pattern of future applications, I agree with the council that this is not a matter for inclusion in the proposed plan as a key site requirement. I have no doubt that, as planning authority, the council is capable of processing the applications submitted, individually or in parallel, in respect of the implementation of the South Stirling Gateway development.

45. The required key site requirement in respect of phasing is also unnecessary. As previously explained, the rate of development should be regarded as indicative. The long development period envisaged, with related uncertainties and possible changes of circumstances, ensures that precise phasing cannot be predicted.

46. Tulloch Homes Ltd requires a qualification in respect of the key site requirement for the provision of a new primary school. The council accepts there may well be some primary school capacity during the initial stages. However, dynamic school roles and the rate and location of development within the site could well influence the phasing of new education infrastructure. In turn, in order to maintain flexibility, I accept the council's argument that the proposed plan should not be altered in this respect.

47. In response to the representations by the Scottish Environment Protection Agency, the council agrees to add an additional key site requirement in respect of surface water run-off flooding. I believe this to be a prudent response. (see also Issue 64)

#### South Stirling Gateway Masterplan

48. Several representations have been submitted which relate to the role of the masterplan (CD13a & 13b) and the contents of the document. However, as explained by the council, this is non-statutory supplementary guidance as indicated in Part 8 of the proposed plan under PP2, Supporting the Vision and Spatial Strategy, SG08 and SG08A. In turn, the masterplan does not form part of the examination other than as a supporting document. On this basis, I have no remit to consider these representations or, more specifically, recommend any modification to the proposed plan as a consequence of the representations.

49. Despite the limitations imposed by the status of the masterplan, several of the

matters raised have been considered above insofar as they also relate directly to the contents of the proposed plan, particularly in respect of the key site requirements.

General

50. Falkirk Council requires an additional key site requirement in respect of traffic impacts on the A9 and A872 corridors and the council indicates that this matter is addressed under Issue 62, Transport Issues and Active Travel. In fact, Issue 10, Policy 3.3: Developer Contributions, considers this representation (see Issue 10, Reporter’s conclusions, paragraph 19) where it is concluded that a modification to this effect is not required in respect of sites H055, B10 and R09.

**Reporter’s recommendations:**

I recommend the following modifications be made:

1. In the Stirling Settlement Statement Development Schedule, under Sites H055, B10, R09, South Stirling Gateway, amend the third key site requirement by deleting “retail superstore” to be replaced by “retail floorspace”

2. In the Stirling Settlement Statement Development Schedule, under Sites H055, B10, R09, South Stirling Gateway, amend the eighth key site requirement by inserting after “golf course”, “ , driving range”

3. In the Stirling Settlement Statement Development Schedule, under Sites H055, B10, R09, South Stirling Gateway, insert an additional key site requirement (the 9<sup>th</sup>) as follows:

Appropriate mitigation measures are implemented to reduce the risk of surface water run-off flooding.

4. In Appendix A, Schedule of Development Sites, section 3, Retail Sites, under reference R09, delete “Convenience Superstore” to be replaced by “Convenience Floorspace”

<b>Issue 55</b>	<b>Stirling City Development Framework (CDF)</b>	
<b>Development plan reference:</b>	Stirling Settlement Statement and associated Proposals Maps (pp.196-229)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>CCG (Scotland) Ltd (01617)  RSPB Scotland (90154)  Scottish Government (90188)  University of Stirling (90324)  Bridget Clark (91154)</p>		
<b>Provision of the development plan to which the issue relates:</b>	The Stirling Settlement Statement and associated Proposals Maps (pp.196-229) which outline the projects contained within the City Development Framework.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Relationship between Proposed Plan and City Development Framework (CDF)</u></p> <p>RSPB Scotland (90154)</p> <p>Object to the Proposed Plan, specifically the Stirling Settlement Statement and associated Proposals Maps insofar as they make mention of the various CDF projects. They consider that these projects have been included within the Proposed Plan without due process.</p> <p>More specifically they take issue with the fact that the CDF and its projects were not contained within the MIR, and only appeared at the Proposed Plan stage. They contend that major new proposals should not be introduced and, referencing paragraph 64 of Circular 6/2013 Development Planning (CD18) state that they consider this contrary to Scottish Government Guidance on the preparation of Development Plans.</p> <p>Additionally they contend that the status of the projects within the Proposed Plan is unclear, and the fact that they do not appear as allocated sites has resulted in these CDF and its projects not being properly assessed through the SEA and HRA process and assessment of the Plan. They make a number of specific comments relative to the content and conclusions made within the Environmental Report and HRA Report.</p> <p>They state that currently the process by which the Council intends to adopt the CDF projects is unclear and unacceptable. In this respect they consider the Plan should either make a general reference to the CDF excluding specific project elements until they have been properly assessed, or these elements should be introduced as detailed proposals, with site allocations to be included in the LDP process.</p> <p>Scottish Government (90188)</p> <p>State that the incorporation of elements of the proposed Stirling City Development Framework (CDF) within the LDP's vision, proposals and spatial strategy is encouraging. In principle, they are supportive of the creation of enabling infrastructure and regeneration</p>		

that would stimulate economic development and allow Stirling to fulfil its role as one of the key drivers of Scotland's economy and as an important hub for culture and tourism as defined in NPF3 (CD68). They encourage the alignment of City Deal proposals with development proposals in Local Development Plans.

CCG (Scotland) Ltd (01617)

Consider that currently there appears to be no tie-in between the CDF and the emerging LDP, and as such this raises questions as to how the ambitions for the City will be realised. They state that their site (Council reference - South Kildean) offers a way to embed in the LDP a route, through the allocation of land, for key elements of the CDF to be delivered.

#### Potential Impacts of CDF Projects

RSPB Scotland (90154)

State that the CDF is of particular concern to their interests due to the inclusion of a barrage proposal, as outlined within the Stirling Settlement Statement (page 199). They consider that a barrage would be extremely damaging to the river environment, and would be highly likely to have an adverse impact on the integrity of Natura 2000 sites within the Stirling Council area, specifically the River Teith (SAC) and potentially the River Forth SPA, and be contrary to the policies contained within the LDP.

Scottish Government (90188)

State that where proposals could have significant environmental consequences on natural and built heritage assets, it is important to ensure they are considered through appropriate planning and strategic environmental assessment processes in order to prevent unnecessary delay or barriers, and to engage stakeholders on the practicalities and potential challenges to delivery.

University of Stirling (90324)

Note that the Proposed Plan (page 200) makes reference of the fact that a series of transport packages will be required to help facilitate development and the CDF – including the provision of new road links. They highlight that one of these, indicated within the Stirling Proposals Map (page 222 – 223, and page 11 of draft Action Programme CD17), is the 'Kildean Link' and state that its provision, and the requirement for developer contributions to aid funding, suggest investment from the 'Airthrey Kerse' site. Contend that this does not appear to fit with the site being shown as Green Belt within the Plan.

Bridget Clark (91154)

Raises concerns regarding the loss of green spaces as a result of providing new roads and car parks, querying whether they will have any benefit, and states that the overdevelopment of the riverside will damage green networks, wildlife habitats and views of landscapes. Considers that it would be better to develop active travel networks which will be an asset to locals and attract visitors and in this regard considers that the language of 'walkways and pedestrian links' does not suggest utility active travel routes suitable for cycling and disabled scooters.

<b>Modifications sought by those submitting representations:</b>
<p>RSPB Scotland (90154)</p> <p>State that all reference to the CDF and its projects should be removed from the Plan.</p> <p>Scottish Government (90188)</p> <p>State that references to the CDF should be retained in the LDP where appropriate and links made to the LDP Action Programme to ensure that the CDF and LDP develop synergies and fully align going forward.</p> <p>CCG (Scotland) Ltd (01617) - Seek inclusion of their site at South Kildean within the Plan.</p> <p>University of Stirling (90324) - No modifications specified.</p> <p>Bridget Clark (91154) - No modifications specified.</p>
<b>Summary of responses (including reasons) by planning authority:</b>
<p>RSPB Scotland (90154)</p> <p>The Council would accept that in line with paragraph 64 of Circular 6/2013: Development Planning major development proposals, such as those envisaged within the emerging CDF, would have been referenced, included and discussed within the Main Issues Report - if they were known and could be reasonably articulated.</p> <p>In this respect the Council embarked upon its review of the current Local Development Plan, in 2015, publishing its Main Issues Report in August of that year. This as noted by RSPB did not contain reference to the CDF, or its projects. At the time the content of the CDF, and the potential detail of the projects had not been committed to by the Council.</p> <p>The CDF Masterplan (CD41), which supports the Council's City Deal bid, was approved by the Council in June 2016. Given this, it was therefore not reasonable for the MIR to include reference or discuss the CDF. Through paragraph 80, Circular 6/2013 (CD18) there is recognition of, and provision made for, circumstances where new elements are introduced at the Proposed Plan stage, stating that Planning Authorities will have to be prepared to justify their position. In this respect the Council would argue one of timing.</p> <p>Furthermore, mindful of the requirements of paragraph 56 of Circular 6/2013 (CD18), which requires LDPs to be properly integrated with strategies affecting the development and use of land, as the Council had by that stage committed to take forward and development the CDF and its projects, it was considered appropriate for the Proposed Plan to start to make reference to them, albeit accepting that these are still in their infancy.</p> <p>At a strategic level, these projects are considered to align with the Proposed Plan's overall Spatial Strategy, promoting Urban Consolidation and regeneration within the City, whilst seeking to enhance Green Networks and Active Travel. For these reasons, it was considered appropriate for the Proposed Plan to make mention of the CDF and its projects within the Stirling Settlement Statement, and provide general 'pinpoints' for potential locations within the associated settlement maps, without formally allocating sites or</p>

boundaries. This approach was considered the most reasonable - striking a balance in terms of meeting the aforementioned requirements of Circular 6/2013, whilst acknowledging the embryonic and developing nature of the projects, and status of the City Deal bid.

The Council fully accepts that further work, and refinement, is required in order to consider and assess the full environmental impacts, and this is also reflected within the Proposed Plan. The Council has conducted a separate consultation exercise in respect of the CDF Masterplan, which included the subjecting it to SEA. The findings of this were published and consulted upon. The Council is currently reviewing the comments raised, including those attached to this representation. Going forward, the intention will be to further refine and consult upon the detail of the projects, following confirmation regarding funding streams.

This will include the carrying out of an HRA and, if necessary, an 'appropriate assessment', if any aspect of the finalised CDF plan and/or individual projects would be likely to have a significant effect on any European site, either individually or in combination with other plans or projects, in view of the site's conservation objectives.

As highlighted in the representation the City Development Framework has also been included in the LDP Environmental Report (June 2016) and the LDP HRA Report (August 2016). With regard to the latter Scottish Natural Heritage have, in accordance with statutory procedures, been consulted. In their response of 22 September 2016 (CD90) they state:

"We agree with the approach taken in assessing the impacts of the PSLDP on the Natura sites identified. We agree with your conclusion (Section 5.11) that the proposals and policies of the PSLDP will not adversely affect the integrity of any European site."

Regarding the CDF they state:

"We note that the City Development Framework will be subject to a separate HRA once more details are known about the potential impacts on the River Teith SAC and Firth of Forth SPA. We are currently in discussions with Stirling Council to advise on the scope and technical details of the HRA."

In light of the above the Council do not agree to modify the Plan in respect of this representation.

Scottish Government (90188)

The comments made in relation to linkages between the Action Programme and CDF in order to build synergies between the two are noted. In this respect the Draft Action Programme (CD17), whilst noting that the proposals are in the early stages does reference the CDF and proposed projects, and start to identify the costs and timescales involved. Schedule 2 of the document outlines a series of projects and further work required to be carried out in consultation with partners to support the evolution of the CDF and its projects. It is anticipated that synergies and linkages between the Plan's Action Programme will be further strengthened in future iterations of the Action Programme, once greater clarity as to funding streams is known. The Council consider that no modifications to the Plan are necessary in response to this representation.

CCG Scotland Ltd (01617)

The Council would point to the Stirling Settlement Statement and associated Maps (pages 196 – 229) and contend that they provide an adequate and appropriate level of cover of the CDF. The suggestion that there is no tie-in between it and the Proposed Plan is therefore not accepted, and consequently no modification to the Plan is considered necessary in response to this representation. The promoted site at South Kildean is addressed in Issue 48.

University of Stirling (90324)

As highlighted within the Transport Background Report (CD15) there are a number of transport improvements which have been shown to be required to accommodate the growth resulting from the development envisaged by the Proposed Plan, and which will also assist in implementing the CDF projects. These improvements, including the Kildean Link Road, are required as a city wide solution to address transport issues, and not necessarily specific to a single site.

As indicated within the draft Action Programme (page 11) the funding of this link road will require a combination of developer contributions and capital investment. In line with the approach taken within Policy 3.3: Developer Contributions, this will likely include contributions from developments within the City Transport Area. Consequently the Kildean Link Road is not required as a result of, or in connection with, a single development, and nor should its inclusion within the proposed transport measures be taken to imply support for development at Airthrey Kerse. The Proposed Plan clearly indicates that this area of land is designated Green Belt, and the safeguarding of land for a potential link road is not considered to conflict with this, or provide support of development at Airthrey Kerse. The Council do not therefore agree to modify the Plan in light of this representation.

Bridget Clark (91154)

The comments in respect of the transport infrastructure are noted. However whilst acknowledging that some additional road infrastructure is needed, it is contended that through the Transport Background Report DPMTAG (CD15) the need for, and benefit of this infrastructure to support delivery of both the Proposed Plan and the CDF is clearly evidenced. Furthermore, it is noted that the development of active travel networks forms a key part of the overall CDF (CD41), and the text within the Proposed Plan relative to the CDF (pages 197 – 200) make numerous references to cycling as part of active travel routes. The Council consider that no modifications to the Plan are necessary in response to this representation.

**Reporter’s conclusions:**

Relationship between Proposed Plan and City Development Framework (CDF)

RSPB Scotland (90154), Scottish Government (90188)

1. These representations focus on the late inclusion of the City Development Framework within the proposed plan when it had not been included in the main issues report. As such there was not any opportunity for public discussion and comment on the framework proposals, nor an adequate assessment through the SEA/HRA process.

2. Paragraph 64 of circular 6/2013 does set out the preference for sites to be put forward at an early stage, so that they can be considered as part of the main issues report. It does not however prevent late submissions and paragraph 80 anticipates circumstances where a particular issue or site arises that was not consulted on at the main issues stage. It states planning authorities should be prepared to justify their position at any subsequent examination.

3. This is the case that has arisen here with the proposed City Development Framework. It is clear from the council's evidence that the framework, which is part of the Government sponsored City Deal programme, post-dated the publishing of the main issues report by nearly a year. In these circumstances the council would have had the choice of putting the framework in the proposed plan as a late inclusion or leaving it out with the prospect of then putting forward proposals immediately after the adoption of the plan that did not have any reference within it. Whilst this may be unfortunate timing a pragmatic approach is sensible in including the framework proposals within the proposed plan.

4. I note that the inclusion of elements of the framework within the proposed plan's vision, proposals and spatial strategy has been welcomed by the Scottish Government. The council acknowledges that the proposals are at an early stage but that the relationship with the plan's action programme will be strengthened in future iterations of the latter.

5. Scottish Natural Heritage has noted that the framework proposals will be subject to a separate HRA when more details are known about the potential impacts on the River Teith SAC and Firth of Forth SPA. The council recognises fully its obligations in this regard and is discussing with Scottish Natural Heritage the scope and technical details of any assessments.

6. I find that on balance the inclusion of the framework within the proposed plan is a preferable way forward to its exclusion and introduction soon after the plan's adoption. In these circumstances I am not persuaded there is any need for a modification in this respect.

CCG (Scotland) Ltd (01617)

7. The main concern of this representation is that the potential site at South Kildean could provide for a key element of the framework to be delivered. I have considered this site under Issue 48 and found it inappropriate for development because of its potential impact on the setting of Stirling Castle and other heritage features and designations. Accordingly there is no justification for any modification to the plan in this respect.

#### Potential Impacts of CDF Projects

RSPB Scotland (90154)

8. The proposal for a barrage is taken from the framework (CD41). The reference to it at page 199 of the plan is taken directly from page 3 of the framework. There does not appear to be any significant expansion of the proposal in the framework other than a reference to it on two of the plans on page 36 in connection with island activity nodes and energy production. The plans are obviously aspirational and diagrammatic as no significant detail appears to be available.

9. In this situation I consider it premature to condemn the proposal before any form of assessment has been carried out, or indeed clear site specific details have been put forward. For any such proposal to be taken forward it would be necessary for the relevant statutory assessments to be carried out. The results of these would influence any final decision as to whether any form of weir or barrier would be taken forward.

10. In view of this I do not consider a case has been made for removing the proposal from the plan.

University of Stirling (90324)

11. The council has explained that the proposed Kildean Link Road is not connected to any specific development site. Rather it appears to me to be a consequence of developments, or proposed developments, in a number of areas in the northern part of Stirling.

12. With regard to the Airthrey Kerse site this is dealt with under Issue 27 of the examination, where the reporter concludes there is no justification for modifying the plan. Accordingly the green belt designation is secure at the present time.

13. No modification is required in relation to the link road.

Bridget Clark (91154)

14. The council has provided a clear response regarding the content of the plan and references to active travel. This is also a key part of the City Development Framework.

15. The need, or otherwise, for more road construction is a frequently raised topic and I understand that as proposed there would be some loss of green space through the proposals. I believe however that the proposed plan strikes a balance between the need for more roads and the promotion of active travel. The design of walkways and pedestrian links would be for consideration at the implementation stage but I have no reason to believe that cycling and disabled scooter needs would not be taken into account.

16. No specific modifications are requested and I do not consider any to be necessary.

**Reporter's recommendations:**

No modifications.

<b>Issue 56</b>	<b>Strathblane and Blanefield</b>	
<b>Development plan reference:</b>	Strathblane and Blanefield Settlement Statement and Proposals Map (pp.230-235) H153 – South of A81	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Westpoint Homes (01745) Strathblane Community Council (90102) SEPA (90175) Gladman Developments Ltd (90350)		
<b>Provision of the development plan to which the issue relates:</b>	The Strathblane and Blanefield Settlement Statement and Proposals Map sets out the approach to development in Strathblane and Blanefield, shows the site boundaries and capacities for site allocations H106 – Campsie Road and H153 – South of A81, and identifies a site for an extension to Strathblane Cemetery.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>H153 – South of A81</u></p> <p>Westpoint Homes (01745)</p> <p>Support the H153 allocation. However as an option in the MIR the identified capacity was 30 units. This has now been reduced to 20 units in the Proposed Plan. The allocation for 30 units should be re-instated. This will allow adjustments to be made in the range and mix of housing types in response to any sudden changes in the housing market.</p> <p>The existing H106 allocation has now been completed demonstrating significant housing need in the locality. H153 is also an effective site and can be brought forward immediately. This also recognises the outcome of productive meetings with the Community Council and Rural Stirling Housing Association.</p> <p>Regarding key site requirements in relation to septic tanks, though some agreements have been reached, site development should not be subject to the co-operation of any third parties. Access and archaeological requirements have now been addressed.</p> <p>Strathblane Community Council (90102)</p> <p>The Community Council has arranged a community panel for ongoing consultation with the developers. Supports 33% affordable housing on site, along with access arrangements that minimise vehicular impacts on Old Mugdock Road and provide for additional pedestrian/cycle access to the A81 and Old Mugdock Road.</p> <p>Landowner has power to provide for a pedestrian footway where Old Mugdock Road meets Milndavie Road and should be pursued, in line with original site promotion. Management of traffic, drainage and contamination during construction also critically important. Loss of woodland should be mitigated, with possible contribution to replanting on a different site.</p>		

**SEPA (90175)**

Flood risk management issue identified. See Issue 64 for summary of SEPA's representation, proposed modification and Council's response.

**Non-Allocated Site - Campsie Road****Gladman Developments Ltd (90350)**

The Proposed LDP2 does not, according the 2015 Housing Land Audit, provide a five-year effective housing-land supply. As such the range and choice of sites should be increased and include land at Campsie Road, Strathblane for residential development for up to 70 units, as supported by the 'Land South of Campsie Road Strathblane Vision Document' submitted in support of the representation. This explains: i) why the site is suitable for allocation and, ii) how it can be developed in keeping with the character of the settlement and the area, without harm to the purpose of the green-belt, the landscape character area or the setting and special interest of the historic environment. It also addresses the previous assessment of the site. In the absence of any updated green belt study since the first LDP, it also assesses potential impacts of the site in more detail than in the most recent MIR report. Finally it demonstrates how the proposal can result in a more effective and robust green belt boundary than currently exists.

The land to the east of the proposed housing site should be removed from the green belt and allocated for an extension to Strathblane cemetery.

This change will make more effective and efficient use of land released from the green belt than the current proposals, and will assist in delivery of the Spatial Strategy and the maintenance of a five-year effective housing-land supply.

The proposed modification will also allow the cemetery to be designed and laid out in a more cohesive and landscape-appropriate manner, better reflecting the existing site boundaries and landscape features and providing more obvious and durable boundaries.

Whilst Strathblane has grown since the adoption of the first LDP, through the development of site H106, and the allocation of site H153, the Proposed LDP2 does not provide for any additional future growth in the village, despite the overall Spatial Strategy being for moderate growth in the Western Villages area. The proposed change will ensure that growth in Strathblane can be delivered in line with, and in support of, the Proposed LDP2 Spatial Strategy.

**Settlement Statement****Strathblane Community Council (90102)**

Introductory settlement description for village should be expanded, to be in keeping with similar descriptions of the other settlements. This matter has been previously raised and the Council has confirmed quoted text is missing. This addresses some concerns, but believe position on the main A81 Trossachs tourist route is significant for planning issues. Mention should also be made of relationship to Stirling and Auchengillan Outdoor Centre.

**Modifications sought by those submitting representations:**

H153 – South of A81

Westpoint Homes (01745)

The unit numbers should be re-instated to 30 residential units rather than 20.

This is an effective short time site and therefore the phasing of the development should be Phase 1 of the Local Plan, i.e. 2015/2022 instead of 2022/2027.

Strathblane Community Council (90102)

Maximise integration by providing through pedestrian access to/from the A81 (bus stops etc.) and Old Mugdock Road (school, shops etc..).

Widen Old Mugdock Road to provide for a pedestrian footway where Old Mugdock Road meets Milndavie Road.

Replacement woodland should be identified and planted.

Non-Allocated Site - Campsie Road

Gladman Developments Ltd. (90350)

Allocate land identified in the Land South of Campsie Road, Strathblane Vision Statement for housing (up to 70 units) and a cemetery (2 ha. plus related infrastructure)

Settlement Statement

Strathblane Community Council (90102)

Expect truncated paragraph to be restored. Position on the main Trossachs tourist route A81 should be mentioned, as should distance from and relationship to Stirling, as is already the case for Glasgow.

**Summary of responses (including reasons) by planning authority:**

H153 – South of A81

Westpoint Homes (01745)

At the time of writing the Council has been actively involved in pre-application discussions with Westpoint Homes regarding site design and layout, along with other planning considerations such as affordable housing provision. An e-mail of 24 June 2016 set out detailed comments on a layout for 19 units, comprising 13 detached 'market' houses and 6 no. semi-detached houses, to be built for and managed by the Rural Stirling Housing Association, a registered social landlord. (CD63 - e-mail and layout plan) Overall the layout and density of development is considered to be generally acceptable and this informed the capacity specified in the Proposed Plan. However a number of siting and design issues have been raised, the resolution of which may result in a potential decrease (or indeed increase) in unit numbers. For example the developer, on some of the plots,

may choose to substitute semi-detached houses for the detached houses shown on the layout plan.

The estimated capacity at the MIR stage was also based on a slightly larger, more regularly shaped site, as shown on the site assessment (CD07, Main Issues Report, Appendix A Site Assessments, pp 252-253).

As with other housing allocations final unit numbers will ultimately be determined through the development management process, which allows full and proper consideration of site design and layout, impact on the amenity of surrounding properties, placemaking, infrastructure considerations, etc. Account will also be taken of the views of notified neighbours and other interested parties such as the Community Council and statutory consultees. As such site capacities specified in the Proposed Plan are only indicative. In saying that there is, nevertheless, a community expectation capacities in the Proposed Plan will more or less be adhered to.

With this in mind the Council is of the opinion that until such time as the final capacity of the site is determined through the approval of a planning application it is inappropriate to modify the plan in the manner suggested.

Regarding the key site requirement relating to septic tanks its intended purpose is to draw attention to a significant, site specific, technical constraint. From amenity and public health points of view this matter clearly needs to be satisfactorily resolved before work commences. That this might involve third party interests is incidental. Progress on archaeological and access issues is noted.

Regarding the request for the site allocation to be placed in Phase 1 2015/2022 housing land supply is considered in detail in Issue 3. There is considered to be an appropriate level of land release in Period 1 Phase 1 to meet the Housing Land Requirement and requirement for a 5 year effective supply at adoption. Any future shortfall in 5 year effective land supply will be identified in the annual Housing Land Audit, which may justify an earlier programming of this site. As noted above pre-application discussions are ongoing and it is anticipated a detailed planning application may be submitted in 2017. If subsequently approved the phasing of the development will be accurately reflected in the next Housing Land Audit.

The Council therefore does not agree to modify the plan in this regard.

Strathblane Community Council (90102)

With reference to CD63 it can be seen from the e-mail the Council is pursuing a footpath connection to Old Mugdock Road (see section 3 - Path connection). The site layout also shows a footway along the A81 site frontage connecting to existing footways to the north. It could therefore be deemed unreasonable to require a further separate footpath connection between plots 15 and 16, particularly as steep site gradients and limited space may preclude construction to an adoptable standard.

Regarding provision of a linking footway in the vicinity of the junction of Old Mugdock Road and Milndavie Road this possibility was suggested at the time Old Mugdock Road was the most appropriate public road from which vehicular access would be taken. However the suggested footway extension does not make good any 'missing link', as no footways exist on any roads south of the Milndavie Road/Old Mugdock Road junction.

Given levels and the possible rebuilding of a substantial stone wall then it may be deemed unreasonable to add further costs to an already technically problematic site. Such details are also better left for discussion at the planning application stage.

The Council does not therefore agree to modify the key site requirements in this respect.

Regarding reinstatement of woodland the Council acknowledges the site was previously wooded, however this mostly comprised of plantation type conifers with little amenity or biodiversity value. Following from this the Council considers there is insufficient planning justification to require compensatory planting to be carried out elsewhere. Options for onsite tree planting and landscaping can however be explored at the planning application stage.

The Council does not therefore agree to modify the key site requirements in this respect.

#### Non-Allocated Site - Campsie Road

#### Gladman Developments Ltd (90350)

That part of the site identified as being suitable for housing development was submitted at the Call for Sites stage. The findings of the site assessment are included in CD07 Main Issues Report Appendix A Site Assessments pp 250-251. For the reasons given the site was not identified as a housing site option for consideration at the MIR stage, with particular weight given to adverse impacts on the integrity of the green belt and landscape setting.

The representation also anticipates a need for further housing land. With reference to Issue 3 the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

Following from the above the Council considers the housing allocations for Strathblane and Blanefield, as shown in the Proposed Plan, represent the most sustainable pattern of growth for the village and fully accord with the key objective of the Proposed Plan's Spatial Strategy for the wider Rural Villages Area, to provide: "Controlled small scale expansion of existing villages, consistent with their limited size and role in the Settlement Hierarchy" (Table 1, pages 16-17). Whilst the H102 Campsie Road is now complete it is recognised as contributing to the Proposed Plan's five year supply (see CD20). H123 was included in all three options identified at the MIR stage. Subsequently brought forward into the Proposed Plan, the site will contribute towards addressing the land supply issues discussed in section 6 of the Proposed Plan - Setting the Land Requirement for Housing, Business and Retail.

In the absence of any demonstrable need for the Proposed Plan to allocate further housing land in the village there therefore is no 'in principle' need to modify the Plan to identify additional land for housing in or adjacent to Strathblane or Blanefield.

The supporting 'Vision Document' seeks to demonstrate the allocation and subsequent development of the site for residential use, with the cemetery extension then re-positioned east of the residential development, can be carried out without harm to the character or setting of the settlement, the landscape character area, visual amenity or the character

and purpose of the green belt. In addition, the site can be developed in a way which respects the historic environment, the setting and character of the village and the setting of the Blane Water and adjacent railway walkway/core path.

As noted in the Vision Document and reflected in the site assessment the site is relatively free from technical constraints, for example associated with flood risk, topography and ground conditions.

Regarding landscape considerations section 3.9 Landscape of the Vision Document specifically states:

"The 2015 Main Issues Report (MIR), in response to a previous promotion of this site (SBL05), identifies a number of landscape and visual matters as being particularly sensitive in reaching the view that the site should not be allocated. However, an earlier report (Strathblane Green Belt Study, 2009) clearly identified the site as having 'potential capacity for development where Green Belt function would be maintained, but local landscape and setting identify issues should be considered.'"

It is not clear however from which part of the Study this statement has been taken (CD32).

Whilst the study identifies a few locations where new development could help create more sustainable, long term boundaries for the settlement, land to the east of Strathblane is not one of them (see para's 6.3 and 6.4). The site is located in the Dunglass Local Landscape Character Area and a summary description and greenbelt recommendations are set out in page 28. The Study notes:-

"The area has a strategic role in relation to the wider setting and identity of Strathblane in relation to the greater Glasgow conurbation. The landscape provides some local context in relation to Strathblane's immediate setting and identity."

It then concludes:

"The area is recommended to be retained as Green Belt."

In identifying the Campsie Road site (STRA04) as a formal allocation in the 2012 proposed plan (i.e. site H106), account was taken of the conclusions of the Green belt study, however:

"..... this site presents one of the best opportunities for providing new housing in close proximity to existing village amenities and meeting some affordable housing needs."

The assessment also noted:

"Additional tree planting on the outer boundary (in addition to existing) would be required to create a permanent new edge to the settlement. This should be considered along with the proposal for an extension to the cemetery in this location." (CD64 - Extract from 2012 Site Assessments)

The allocation of the H106 site in the adopted plan (CD01, pp 226-231) includes key site requirements reflecting these issues. The adopted Plan also identifies the cemetery allocation. With reference to CD65 (e-mail from Stirling Council's Cemeteries Officer) it can be seen the Council remains committed to proceeding with a new burial ground to

serve the community of Strathblane at the location outlined in the Local Development Plan, and land purchase and development costs have been included in the Capital Programme. The project will therefore be implemented within the lifetime of the Plan.

The inherent openness of a cemetery combined with sympathetic tree/shrub planting and boundary treatments, along with the loose configuration of houses on the opposite, north side, of Campsie Road will result in an attractive landscaped 'gateway' when approaching the village from the east and, heading in the opposite direction, a transitional feature between the built up limits of the village to the south of Campsie Road, as defined by the new housing on the H106 site, and the pasture land beyond.

This arrangement also addresses a range of concerns raised in section 3.9 Landscape Section of the Vision Statement.

For example it is stated:

"The now constructed allocation ..... does not provide a robust boundary; just a thin line of planting separates the houses from the adjacent field and no obvious physical or topographic feature provides a strong edge."

The Council is of however of the view this concern would be clearly addressed through the implementation of the cemetery proposal and progressive maturing of on-site landscaping. The pattern of land uses envisaged in the representation would though result in a further 200 metre run of built up frontage development, along with associated street lights, signage and footways, seriously undermining the recognised function of the green belt to protect the setting and identity of the village from the east. As highlighted in the site assessment further urban development at this locus would appear as sprawl into the countryside. Any allocation would also set a precedent in terms of the limit of the village edge which would then place pressure for future development land allocation to the north.

Consideration has also been given to the Section 4.0 - Development Concept of the Vision Document, which sets out how a proposed development framework would address themes of: Integrating with the village; Enhancing landscape quality; Reinforcing local character and, Increasing biodiversity. Notwithstanding this analysis and commitments given to carry out development to high standards of design and contribute towards the implementation of the cemetery these are of insufficient weight to justify an allocation for housing contrary to the Proposed Plan's Spatial Strategy and in the absence of any demonstrable need to identify further land for housing.

As discussed above any housing allocation would also compromise the integrity of the green belt and be detrimental to the attractive landscape setting of the village.

The Council therefore concludes there is insufficient justification to modify the Proposed Plan and allocate the site for residential development and a cemetery extension.

The principle of housing development on land east of Strathblane and south of Campsie Road was also considered at the Examination of the current adopted plan (CD03, pp 332-341 - Allocated Housing Site H106 Campsie Road, and adjacent cemetery extension). The representation proposed the H106 housing allocation be expanded to the east, with the cemetery extension on the H106 site closer to the Church.

The Reporter agreed with the Council's present view the disposition of Site H106 and the

cemetery extension would permit the formation of a strong green belt boundary and that further residential development would have unacceptable impacts.

Settlement Statement

Strathblane Community Council (90102)

The Council wishes to restore the missing text from the settlement statement and is agreeable to mentioning the relationship of the village to the A81 and Stirling.

These changes are considered to be of a minor factual nature and will not change the underlying aims of the Spatial Strategy for the rural villages. To assist the Reporter the following additional wording is suggested to replace the first paragraph of the settlement statement:-

"The conjoined villages of Strathblane and Blanefield lie in valley of the Blane Water to south-west of the Plan area, around 4 miles from the Glasgow conurbation and about 26 miles from Stirling. It straddles the A81 tourist route to the Trossachs. The Campsie Fells and Strathblane Hills, part of the Southern Hills Local Landscape Area, provide an attractive backdrop to the north, whilst to the south lies the rising land of the Muirhouse and Dumbrook Muirs and Mugdock Country Park. The settlement has a population of approximately 2000."

**Reporter's conclusions:**

Settlement statement

1. The council has explained that part of the introductory paragraph was omitted from the proposed plan in error. Re-instatement is proposed and I agree that it is reasonable to restore the missing text.
2. Although the community council also requires various other references in the introductory description, I believe the proposed text, which refers to the route to the Trossachs and the distance to Stirling, provides a satisfactory balance and no further additions are necessary.

**Site H153 – Land south of the A81**

3. The proposed plan shows the indicative number of housing units for the site to be twenty. As the council explains, the final number of housing units will ultimately be determined through the development management process although it is generally expected that the indicative figure would be adhered to "more or less". This is reasonable although, in my experience, it is not unusual for the final number to be greater than the indicative capacity.
4. In this case, states the council, the figure of 30 houses shown in the Main Issues Report has been reduced because the site then identified was larger and of a more regular disposition. Westpoint Homes has prepared a layout plan, albeit remaining indicative, showing a development of nineteen houses. I note that Westpoint Homes refers to the challenges of the site and I can appreciate difficulties resulting from the topography.

5. Whilst I recognise that the planning process remains incomplete, and that the final number of house units on the site is yet to be determined, I consider that the indicative figure of twenty in the proposed plan to be reasonable and a change is not justified.

6. Although Strathblane Community Council has made specific requests in terms of footpath links, I consider that the site requirements are adequately stated in the proposed plan. The reference to the need for a “New footpath connection to be provided into the village” is clear and does not compromise the layout design for this challenging site. Indeed, the indicative layout referred to above shows the potential for footpath connections to the village via the A81 and Old Mugdock Road. Also, as explained, planning procedure is ongoing but I am satisfied that the key site requirements set out in the proposed plan and the development management process would be able secure suitable footpath provision.

7. The community council also requires replacement woodland but I do not consider the proposed residential development provides an opportunity to replace trees lost in the felling that has taken place on site. That process is complete and should not be the subject of retrospective conditions. The site requirements include a stipulation that boundary trees should be retained. This is a reasonable stipulation. Similarly, it can be anticipated that a landscaping scheme, including potential planting, would be a requirement of any planning permission that may be granted. Accordingly, there is no need to modify the proposed plan in this respect.

8. Insofar as the requirements of the Scottish Environment Protection Agency are concerned, the council has confirmed in Issue 64, Flood Risk Management, that a reference to functional flood plains will be added to the site requirements where relevant. A modification to this effect in this case is reasonable.

#### Non-Allocated Site - Campsie Road

9. The findings of the examination in relation to housing land supply in Stirling are set out in Issue 3 where it is concluded that the number of houses to be built during the plan period is likely to fall short of the housing supply target. Nevertheless, the spatial strategy places Strathblane and Blanefield within the Rural Villages Area and designates the village for “Sustainable Expansion”. Strathblane and Blanefield are identified as a “Tier 4” settlement within the five-tier hierarchy. Development is to be concentrated within Tier 4 settlements and should involve controlled small-scale expansion consistent with the size and role of the village within the settlement hierarchy.

10. I believe the recently completed development adjacent to the site in Campsie Road and allocated site H153, South of the A81, represent the level of small-scale expansion envisaged in the proposed plan. On the other hand, “up to 70 dwellings” required for the site in Campsie Road does not fall within the scope of small-scale expansion and would not accord with the spatial strategy. In any event, for the reasons I explain below, my assessment leads me to believe that the site is not suited to residential development.

11. Although Gladman Developments Ltd has argued that the principle of development on the site has been established through the designation of the cemetery extension, I share the council’s opinion that a burial ground is a generally open area. The character and appearance of the cemetery extension could not be compared with the visual impact of a residential development of up to 70 houses. The cemetery extension would relate well to what the council refers to as “the loose configuration of houses” on the opposite

side of the A891. In turn, I also agree the cemetery allocation at this point enables the provision of an attractively landscaped “gateway” to the village.

12. The newly built houses currently form a distinct but stark edge to the green belt created by the immature planting, and the slightly raised level of the white-walled buildings above the land to the east. In time, the buildings are likely to weather and the planting will become more established. However, the cemetery extension would further soften any residual impact of the new houses and, at the same time, provide a suitable transition between the green belt and the village.

13. In addition to the significant visual impact of the required houses when approaching the village from the east the residential development of the land would have a detrimental impact on the green belt at this location. Whilst the cemetery would be a use that could be incorporated into the green belt, housing would have an adverse impact on the landscape setting of this part of the village. In my opinion, in addition to diminishing the role of the green belt in protecting the setting of Strathblane, the scale of housing proposed would also be contrary to the strategic objective of securing community identity within the wider conurbation.

14. In my consideration of the cemetery extension allocation, I have noted the council's commitment to this project. This is reflected in the capital programme and, in itself, this is a persuasive factor in retaining the allocation within the proposed plan.

15. Notwithstanding consideration of the strategic housing land supply and the spatial strategy in respect of the Rural Villages Area, I consider there are compelling local reasons to justify the cemetery extension allocation of the land and, in turn, not to support the request that the designation be changed to residential development.

#### Reporter's recommendations:

I recommend the following modifications be made:

1. In the Strathblane and Blanefield Settlement Statement, amend the opening paragraph as follows:

The conjoined villages of Strathblane and Blanefield lie in valley of the Blane Water to the south-west of the Plan area, around four miles from the Glasgow conurbation and about 26 miles from Stirling. It straddles the A81 tourist route to the Trossachs. The Campsie Fells and Strathblane Hills, part of the Southern Hills Local Landscape Area, provide an attractive backdrop to the north, whilst to the south lies the rising land of the Muirhouse and Dumbrock Muirs and Mugdock Country Park. The settlement has a population of approximately 2000."

2. In the Strathblane and Blanefield Settlement Statement, Schedule of Sites, under site reference H153, south of A81, add the following sentence to the bullet point dealing with flood risk assessment:

Not all of the area will be developable and no development should occur in the functional flood plain or other areas known to flood.

<b>Issue 57</b>	<b>Non-allocated Site - Mugdock</b>	
<b>Development plan reference:</b>	Strathblane and Blanefield Settlement Statement and Proposals Map (pp. 230-235)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Scotia House (91272)		
<b>Provision of the development plan to which the issue relates:</b>	The Strathblane and Blanefield Statement and Proposals Map sets out the approach to development in Strathblane and Blanefield and identifies the extent of green belt surrounding the village.	
<b>Planning authority's summary of the representation(s):</b>		
<p>Scotia House own land at the village of Mugdock and request the proposed plan be modified to allocate two sites for housing, a 'northern' site of 1.46 hectares (suggested capacity 5 units) and a 'southern' site of 2.49 hectares (suggested capacity 10 units). Capacities would reflect established low development densities, maintain village character and allow plenty of landscaping. Both sites are free of constraints and suitable for immediate development, commencing Period 1, Phase 1 (2015/2022).</p> <p>The village and its setting are briefly described, as is the planning history of previous housing consents, followed by a description of the sites.</p> <p>The green belt designation is then discussed. A key consideration for the Examination Reporter is whether a green belt is still the appropriate policy response to this area, and whether Mugdock should continue to be washed over by it. Although in place for many years this does not mean it should simply remain. Stirling Council has not taken up an opportunity to review the appropriateness of continuing the green belt designation, as it should do with each LDP review. The Council is also progressively reviewing small settlements, and drawing settlement boundaries, and, even now, has a policy of designating new small settlements where they have grown through planning permissions under the Housing in the Countryside Policy. The time has surely come to review Mugdock in a similar way. If a place like Blairhoyle can justify a review, and settlement status, when it has no obvious services and facilities, then the same should apply to Mugdock.</p> <p>Should such an approach be followed then, following advice in para.162 of the SPP, a 'defensible' boundary for Mugdock could be drawn around the two sites and the rest of the village, which is largely contained within existing roads, footpaths and other obvious landscape features, such as walls and garden boundaries.</p> <p>Anticipating that there will be a need for further housing land to address a likely shortfall in the LDP's Housing Land Supply the representation then seeks to demonstrate the effectiveness and marketability of the two sites.</p>		

<b>Modifications sought by those submitting representations:</b>
<p>Allocate identified sites for housing development in period 1 - phase 1 (2015/2022). Site capacity for northern site is 5 units and southern site 10 units.</p>
<b>Summary of responses (including reasons) by planning authority:</b>
<p>Both sites were submitted at the Call for Sites stage. The findings of the site assessments are included in CD07- Main Issues Report Appendix A Site Assessments pp 216-219. For the reasons given neither was identified as housing site options for consideration at the MIR stage.</p> <p>The representation questions whether the green belt designation is still the appropriate policy response. It also suggests that in preparing the Proposed Plan the Council should have reviewed the green belt. Finally Council policy on designating small settlements should also apply to Mugdock.</p> <p>Taking each matter in turn:</p> <p><u>Green Belt Designation and Review</u></p> <p>Para 50 of SPP states:</p> <p>"In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt."</p> <p>There is thus no specific requirement to review the green belt when preparing a new LDP. That being said the need, or otherwise, for a review has been carefully considered by the Council.</p> <p>The designated green belts adjacent to the City of Stirling, surrounding towns and villages, and around Strathblane and Blanefield support the Vision, Spatial Strategy and the prioritisation of placemaking. They help direct development to the right locations, protect localities of high environmental, heritage and landscape value and contribute to regeneration. They also ensure the long term stability of countryside areas where there continues to be high development pressure.</p> <p>Policy 1.5: Green Belts sets out criteria that will be used to assess new developments. This is supported by Supplementary Guidance SG03: Green Belts (CD09) which outlines the main objectives of the green belt designations and their core role and function.</p> <p>Green belts were initially designated in the Stirling Local Development Plan 1999. To inform the preparation of the current adopted Plan and accord with national advice to keep green belts under review the Council commissioned the Stirling Green Belt Study (2009) (CD11) and the Strathblane Green Belt Study (2009) (CD32). The findings were then taken forward in the Stirling Local Development Plan: Background Report – Green Belt Review (September 2012) (CD33). The purpose of this report was to:-</p> <p>i) Set out the rationale and need for green belt designations and consider whether any designated land should be considered for development.</p>

ii) Explain boundary identification and ensure settlements are able to accommodate planned growth.

iii) Identify areas between the settlement edge and inner green belt boundary suitable for long term growth.

The purpose, function and boundaries for the green belt around Strathblane were considered in pp 26-28 of the Review.

Sections 5.37 states: "To the immediate south of Strathblane the existing green belt has a strategic role in contributing to settlement setting and identity.' and 'It provides separation between the properties at Mugdock and the dispersed properties south of Strathblane."

Para 38. states: "Further to the south of Strathblane the existing green belt has a more strategic role in terms of maintaining the setting and separate identity of Strathblane and Milngavie."

The overall conclusion was the Strathblane green belt contributed to the identified objectives. Proposed boundary alterations would:

i) Accommodate housing allocation H106 – Campsie Road, in accordance with the approach of the Spatial Strategy for Rural villages, i.e. to provide for controlled small scale expansion.

ii) Allow for a more robust green belt boundary to the south east of the village, now allocation H153 - South of A81 in the Proposed Plan.

iii) At Auchineden, west of Blanefield, draw back the boundary to the A809 in recognition of this lesser role. However, following representations this amendment was rejected at Examination of the current adopted Plan (CD03, pp 115-125).

The Examination also considered various representations on green belt designations and policy (see Issue 8 – Green Belts (pp115-125). Para 3 of the Reporter's conclusions specifically states:

"From my reading of the various submissions and documents, including the commissioned reports mentioned above, proposed Supplementary Guidance SG03: Green Belts (CD160), and the Green Belt Review Background Report (CD55), I am satisfied that the planning authority has undertaken a thorough and appropriate review of the existing and proposed green belt for the LDP area. The review has also taken account of the main purposes and objectives of current national green belt policy in SPP. Consequently, the planning authority's approach has not been fundamentally flawed and it has not been based on inappropriate principles."

Advice in para. 21 of SPP (CD02) states that any plan review should focus on what has to change rather than invite the re-opening of settled issues. In preparing the current Proposed Plan the Council undertook a review of Scottish Planning Policy (CD34), which considered the conformity of the adopted Plan with Scottish Planning Policy (SPP). This would then inform the new Plan and the content of the Main Issue Report. Advice was also sought from key agencies (Historic Scotland, SEPA and SNH) and the Scottish Government.

The findings of the review in relation to green belt policy are set out in pp 3-4. Overall the Council considered the adopted LDP follows the approach to designating and defining green belt as prescribed by SPP, though notes there may be consequential changes to the green belt boundary as a result of the allocation of additional housing land. Consequently the MIR did not identify green belt as an issue, nor were there any specific responses to the MIR consultation regarding the principles of green belt policy.

The above commentary clearly demonstrates the Council gave due consideration as to whether designated greenbelts shown in the Proposed Plan should be reviewed. However the designations continue to fully comply with the requirements of SPP. They also support the spatial strategy and their spatial form is appropriate to their locations. The limited range of developments types and scales deemed appropriate within the green belt, as set out in Policy 1.5, again accord with SPP.

The Council therefore concludes the green belt designation surrounding Strathblane to the south and east and 'washing over' Mugdock continues to be fully justified in terms of national policy, as set out in para. 159-164 of SPP (CD02). There is therefore no need to review the designation.

#### Designation as a Small Settlement

Policy 2.10 (Housing in the Countryside) in the Proposed Plan sets out assessment criteria for new houses in the countryside, as defined by the Countryside Policy Boundary on proposals maps.

This is supported by Supplementary Guidance SG 10: Housing in the Countryside (CD35) and Supplementary Guidance SG 36: Small Settlements (CD36), both adopted by the Council in October 2014. The Stirling Local Development Plan Topic Paper: Housing in the Countryside (June 2015) (CD37) also provides further background information.

Policy 2.10 (b) specifically states that:

"Development opportunities within designated green belts will be significantly constrained."

With reference to CD35 this includes building groups and clusters (see sections 2.6 - 2.11), infill sites (see sections 2.12-2.14), and redevelopment of a redundant building complex or brownfield sites (see sections 2.27(b) and 2.29).

This reflects the desire of the Council, when the policy was first adopted in February 2009, to respond to concerns that types of development permissible in the green belt areas be more closely defined to prevent inappropriate development. It also accords with current advice in SPP (CD02). Para. 79 advises that development plans should set out a spatial strategy which reflects development pressures, environmental assets and economic needs. In light of these pressures, particularly for new housing development, and taking account of a key purpose of the green belt designations to protect and enhance the character, landscape setting and identity of settlements, it remains appropriate for the Council's Housing in the Countryside Policy to apply stricter controls over new residential development in the green belt.

Given the exclusion of existing 'buildings and clusters' as a 'circumstance' under which new houses maybe supported, it naturally follows that where such clusters are already

established in the Green Belt, such as is the case with Mugdock then, by definition, they cannot be recognised as a small settlement (see section 2.1 of SG 36). It should also be noted that the main reason for designating Blairhoyle as a small settlement was that, on account of landscape character and capacity, settlement pattern and other technical constraints, its development potential as a building grouping has been reached.

The Council also acknowledges that para. 51 of SPP (CD02) advises local development plans to consider excluding existing settlements in the green belt. As noted in the site assessments Mugdock is a dispersed group of existing dwellings, largely consisting of low density detached houses in significantly sized plots. It has no recognisable centre and lacks local facilities, including shops, schools and other amenities. Para 4.8 (Mugdock) of the Strathblane Green Belt Study (CD32) concludes:

".... the area retains the general character of housing set in a countryside location."

It therefore does not merit identification as a settlement to be excluded from the green belt.

The representation also anticipates a need for further housing land. With reference to Issue 3 the Council demonstrates the housing land requirement set out in the Proposed Plan fully complies with the policy principle set out in SPP to identify a generous supply of housing land across all tenures, maintaining at least a 5-year supply of effective housing land at all times.

Taking all of the above into account the Council concludes there is insufficient justification to modify the Proposed Plan and allocate either site for residential development.

#### Summary of Planning Appeals and Examination

This view is strongly supported by the outcomes of previous appeal decisions and in the conclusion of the Examination of the current adopted plan, as detailed below.

The planning merits of additional housing at Mugdock has been the subject of detailed scrutiny in recent planning appeals (CD38 (September 2010) and CD 39 (July 2012)), both relating to the 'northern' site. The Report of Examination of the current adopted Stirling Local Development Plan (CD03, Issue 38 – Mugdock, pp 342-346) also considered two options to identify Mugdock as a settlement surrounded, but not 'washed over', with a green belt designation. The options were a 'tightly drawn' boundary that included the present 'northern' site, and an 'expanded' boundary that included both 'northern' and 'southern' sites. In all cases the principle of further housing was rejected.

Key considerations included: i) Status of Mugdock as a settlement, ii) Appropriateness of green belt designation, iii) Relevance of Housing in the Countryside Policy, iv) Landscape

Impacts, and v) Precedent.

#### i) Settlement Status

With reference to the Examination, which took account of previous appeal decisions, the Reporter concluded (para's 3 and 4):

"3. In relatively recent appeal decisions, Mugdock has been described as somewhat

'irregular scatter of buildings" and "a very informal scattering of residential properties'. The opinion was expressed that 'it would be a serious exaggeration' to describe Mugdock as a village."

"4. The situation does not appear to have changed significantly and this points to the conclusion that the planning authority was correct not to define Mugdock as a village defined by a settlement boundary."

ii) Green Belt

For reasons set out in para.'s 7-11 the Examination Reporter also concluded:

"... the green belt serves a recognised and important purpose. The objectives of the green belt, the extent of which has been the subject of review, are worthy of support.' .....  
 'The green belt designation should therefore be retained."

iii) Countryside

Mugdock and the surrounding land is also designated Countryside. With reference to CD39 the Reporter found the Council's Housing in the Countryside Policy and Guidance, as constituted at that time, to be a material consideration. In para. 8 it was noted:

"Not one of these exceptionally allowable cases matches the appeal proposals.'  
 Additionally:-'The wider categories of permissible development, such as that which is related to building groups and clusters, do not apply within the green belt."

iv) Landscape Impact

Both planning appeal decisions assessed the landscape impacts of residential development on the northern site. In light of the assessment in para's 22-28 of CD39 the Reporter concluded, in relation to 5 no. houses, :-

"First, it would clearly be quite different in form and scale from the existing pattern of development in the locale. Secondly, it would be unsympathetic to the existing somewhat irregular scatter of buildings that comprise Mugdock and would not reflect the characteristic spatial distribution of buildings within the landscape. Finally, it would visually further disturb the balance between the natural and the developed (or built) features. Thus the proposal would not conserve features which contribute to local distinctiveness. In that sense, it would not be suitable for its location nor would it respect and contribute to the local character."

In relation to the 'in principle' proposal for three houses (CD38) the Reporter noted (para.15):

'Despite the scope for later detailed control of building footprints, I also find force in the Council's argument that the 3 appeals amount to a linear residential scheme of 3 houses. The pattern of 3 north-south plots lying side by side is at odds with the thoroughly irregular (less suburban) layout of neighbouring properties.'

v) Precedent and Cumulative Impacts

This Reporter also drew attention to the potential consequences of any approval

establishing a precedent for further applications (see para.'s 10 and 14).

### Reporter's conclusions:

1. It is necessary to consider two fundamental issues which have a close relationship with one another. Firstly, the status of the green belt requires to be assessed. The assessment requires to determine whether or not a review should have been undertaken to support the terms of the proposed plan and, more specifically, whether green belt designation is justified at Mugdock. In this latter respect, the second central issue to be addressed is whether or not Mugdock should be identified as a settlement within the hierarchy set out in the proposed plan.

2. Scotia Homes points out that a green belt review was not undertaken during the local development plan preparation process. However, the council explains that a green belt review was undertaken in 2012. This review included a detailed assessment of the purpose, function and boundaries of the green belt around Strathblane, which includes Mugdock. The green belt was found to maintain the settings and separate identities of Strathblane and Milngavie. The council's approach was endorsed when the green belt issue was considered in the examination of the current local development plan.

3. During the course of the preparation of the proposed plan, the council undertook a review of the conformity of the current plan to Scottish Planning Policy. In turn, the review informed the Main Issues Report as a pre-cursor to the replacement local development plan. Essentially, the council believed the current local development plan conforms to the guidance contained in Scottish Planning Policy and therefore green belt was not identified as an issue for the Main Issues Report. Indeed, states the council, no specific representations regarding the principles of green belt policy were received in response to the Main Issues Report.

4. I accept that the preparation of a replacement local development plan provides the opportunity to review policies and land use designations. However, in this instance, I note the process undertaken by the council to assess the basis of the existing green belt policy against national guidance.

5. I believe the principles underlying the green belt, both in terms of protecting local landscape setting and recognising the development pressures of the neighbouring Clydeside conurbation, remain clear. In this respect, Scottish Planning Policy recognises that a green belt designation can support a spatial strategy by directing development to the most appropriate locations. As a consequence, I consider these principles provide strong justification for this area of green belt. Taking account of the procedure undertaken by the council, the relatively recent adoption of the current local development plan and the need for green belts to offer a degree of stability, I endorse the principle of the retention of the Strathblane and Blanefield green belt.

6. Despite the foregoing conclusion, I accept also that the detailed boundaries of the green belt should be open to scrutiny as part of the local development plan review. As pointed out by the council, there should be scope for providing land to accommodate planned growth, particularly in respect of residential development. In the light of the representation by Scotia Homes it is also necessary to consider the status of Mugdock and whether or not the green belt should be retained at this particular location. Scotia Homes argues that Mugdock is an anomaly insofar as it is "a village that looks like a village, but yet does not have that status in planning policy". On the other hand, the

council draws attention to a series of appeal decisions and the previous local development plan examination report which reject the concept of Mugdock being designated as a settlement within a defined boundary.

7. I have carefully assessed the situation, taking into account the various documents in which it was concluded that Mugdock should not be regarded as a settlement in its own right. I have also visited the location to assess whether or not any changes in circumstances have occurred recently to merit the provision of a settlement boundary. All-in-all, I believe the character of Mugdock remains unchanged and do not consider that Mugdock justifies inclusion within the settlement hierarchy contained in the proposed plan. In reaching this conclusion, I have noted that other areas have been subject to review and afforded settlement status. However, this wider process does not alter the specific considerations in respect of the particular merits of Mugdock.

8. On the foregoing basis, I conclude that the green belt status in the vicinity of Mugdock is justified as contained in the proposed plan.

9. Additionally, irrespective of the green belt designation, I have given consideration to the suitability of the two proposed sites for residential development. Although the northern site is described as being “surrounded on three sides” by gardens, the land is only loosely associated with any existing dwellings. I believe it has a stronger visual relationship with the adjacent rural area. There are numerous maturing trees on the site, the loss of which would have a wider visual impact, especially from the east. Despite the reference to brownfield character, I find it difficult to accept this description of the land. In any event, although there is a longstanding preference for brownfield development in urban areas, there should not be a *carte blanche* presumption in favour of development on brownfield land in green belt areas. I have noted and endorse the comments of the reporter in his dismissal of an appeal against the refusal of planning permission for the residential development of the site.

10. Scotia Homes states that the southern site could be “defined and separated” by structural landscaping. In my opinion that process would involve a contrived approach to a currently non-existent problem. Accordingly, such an approach would have no justification. The minor road along the northern boundary of the site has a substantial stone wall which provides a clear visual and physical feature. To the north are buildings associated with Mugdock whilst, to the south, there is a mature rural landscape which includes the proposed development site. The landscape is settled at this point with a clear and acceptable relationship between the fields to the south of the road and the houses to the north of the wall. Disturbance of this relationship to construct about ten houses would be totally unacceptable.

11. The strategic aspects of housing land requirements are considered under Issue 3. Significantly, the Mugdock area is not identified for development within the spatial strategy. It does not have the status of even a tier 5 settlement where development is limited to infill within the settlement. Accordingly, despite the unsuitable site characteristics discussed above, any contribution to a wider residential shortfall would not be acceptable at either of the two sites referred to within this representation.

#### Reporter’s recommendations:

No modifications.

<b>Issue 58</b>	<b>Thornhill</b>	
<b>Development plan reference:</b>	Thornhill Settlement Statement (pp.236-239)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Mr &amp; Mrs H D Clark (01706)                  Matthew Bending (01714)                  Mike Buckland (01717)                  Sara Fullerton &amp; Alice Stewart (01720)                  SEPA (90175)                  Douglas Cumming (01235)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>This issue relates to 1 site within the settlement boundary of Thornhill allocated for mixed use development: H109/B49 – Burnside Works.</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p>Mr &amp; Mrs H D Clark (01706), Matthew Bending (01714), Mike Buckland (01717), Sara Fullerton &amp; Alice Stewart (01720)</p> <p>Consider that the site should not be used for employment use that is not Class 4.</p> <p>SEPA (90175) - Support the allocation.</p> <p>Douglas Cumming (01235) - Raise concern that the restriction to Class 4 use is not being enforced by the Council.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Mr &amp; Mrs H D Clark (01706), Matthew Bending (01714), Mike Buckland (01717), Sara Fullerton &amp; Alice Stewart (01720)</p> <p>No Specific modification sought, but it can be inferred that the representations seek to limit the employment use of the site to Class 4 only.</p> <p>Douglas Cumming (01235)</p> <p>No Specific modification sought, but it can be inferred that the representation seeks the Council to enforce the Class 4 use.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>Mr &amp; Mrs H D Clark (01706), Matthew Bending (01714), Mike Buckland (01717), Sara Fullerton &amp; Alice Stewart (01720)</p> <p>The Key Site Requirements have not changed from the adopted LDP with regards to the</p>		

requirements that the site is suitable for Class 4 (Business) uses. (CD01, pg 234)

The Council therefore does not agree to modify the plan as inferred.

Douglas Cumming (01235)

Whilst not directly objecting to the restriction, the representation raises concern that the restriction to Class 4 use is not being enforced. This issue is best dealt with through enforcement procedures as opposed to a LDP examination.

**Reporter's conclusions:**

Mr & Mrs H D Clark (01706), Matthew Bending (01714), Mike Buckland (01717), Sara Fullerton & Alice Stewart (01720)

1. The site at Burnside Works is designated in the adopted and proposed local development plans for housing and employment uses. The key site requirements state that in addition to housing the site is suitable for Class 4 (Business Uses).
2. From my site inspection, the site is in use as an established vehicle repair garage and plant hire business. These are certainly employment uses and appear to fall within Class 4 (Business Uses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. They are therefore in accordance with the proposed plan.
3. Class 4 includes use (c), "for any industrial process". This is qualified by being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It is not within my remit of the examination to consider whether this is the case with the present uses. It would be the responsibility of the council to assess this matter and if necessary take appropriate action.
4. The site is relatively small at 0.3 hectares and is located on the main A873 road on the western edge of the settlement. There is existing housing to the west, south and east, with open fields to the north. I consider housing and employment an appropriate designation for the site. I am not therefore persuaded of the need for any modification.

Douglas Cumming (01235)

5. This representation does not relate directly to the proposed plan as it concerns the enforcement of potential breaches of the site's use class. As explained in paragraph 3 above this is a matter for the council to enforce if necessary.

**Reporter's recommendations:**

No modification.

<b>Issue 59</b>	<b>Throsk</b>	
<b>Development plan reference:</b>	Appendix A: Schedule of Development Sites, Table 1. Housing Sites (pp.100-103 and Throsk Settlement Statement (pp.240-245)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>D Allan (01730)                  The Woodland Trust (90684)                  SEPA (90175)                  Alan Young (01771)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This issue relates to allocations in and around Throsk: H080 – Throsk, H081 – East of 39 Kersie Road and B15 – Bandeath East.	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>H080 – Throsk/H081 – East of 39 Kersie Road</u></p> <p>D Allan (01730)</p> <p>Supports the allocation of the site for housing and considers that the site will meet the broader objectives of the Proposed Plan. Considers that the phasing identified in the plan are realistic and deliverable as both sites are under one ownership and that the Key Site Requirements are being considered in the preparation of the emerging masterplan for the sites.</p> <p>State that in principle there is no difficulty in delivering regeneration benefits as part of the overall development, however it must be acknowledged that only realistic and cost-effective financial or in kind regeneration benefits need be agreed. To do otherwise may undermine the balance between delivery or non-viability and limited or no regeneration benefits.</p> <p>Questions the specific requirement for a roundabout at the entrance to Bandeath Industrial Estate at its junction with Kersie Road and a second smaller roundabout from the access road at the site entrance. Consider that whilst the requirements can be understood from a road use and compatibility management point of view, concern is raised that this would require a significant land take that could be used for other purposes. Concern is also raised regarding the cost of providing this and the diversion of funds from providing houses. No evidence has been provided from the Council to demonstrate the need for such an arrangement.</p> <p>The Woodland Trust (90684)</p> <p>Raise concern that the allocation of this site will have an impact on the Existing Ancient Woodland.</p>		

SEPA (90175)

Support the Key Site Requirements in the Proposed Plan.

B15 – Banded East

Alan Young (01771)

Supports the principle of the allocation but requests removal of a portion of the site from the boundary. This is due to concerns regarding concerns over the use of the heavily wooded area by wildlife. Raise concern that the inclusion of this area of the site within the boundary could adversely affect the existing road offering access to the riverbank, by emergency services, and associated SSSI. Consider that removal of this portion would have no adverse effect on the wider allocation, whilst maintaining a haven for wildlife and a buffer between the development and the representees dwelling.

**Modifications sought by those submitting representations:**

H080/H081

D Allan (01730)

- Remove requirement for the creation of a roundabout at the junction of Kersie Road and access to Banded Industrial Estate from the Key Site Requirements for H080.
- The allocation for H081 appears to show land parcels flanking both sides of the access road. It is not clear from the proposal maps whether the Council intends the parcel of land on the east to be within the H081 allocation associates with the west parcel of land and how these separate parcels will relate to one another.

The Woodland Trust Scotland (90684)

Request removal of the site.

B15

Alan Young (01771)

Removal of the shaded area on the attached plan from the allocation.

**Summary of responses (including reasons) by planning authority:**

H080/H081

The support from D Allan (01730) regarding development of the site is noted. With regards to the requirement to have a roundabout at the junction of Kersie Road and a secondary roundabout to access the site, these were identified as part of the site assessments for the adopted LDP (CD06) and are still considered necessary for this review of the plan. This is due to increased traffic movements that will be created by the development. The comments regarding the diversion of funds required to provide housing are noted. However, as with any planning application, there will be a discussion on the best way to accommodate the development and it is within this process that alternative solutions may be explored.

The boundary of site H081 has changed since the site was initially granted planning permission. Whilst the Council accepts that both parcels are not in one ownership, the allocation of both allows the potential to be explored for them to be considered together, creating a clear gateway to the village and maintaining the strong line of housing development fronting Kersie Road.

The allocation is not considered to have an impact on the setting of the adjacent Ancient Woodland. The allocation abuts the boundary, however development will not take place in the Ancient Woodland area. The Key Site Requirements of the Proposed Plan requires a Masterplan to be prepared and that the existing footpath to the north of the site through the woodland should be protected. The Masterplan will therefore take appropriate account of the setting of the woodland.

The Council therefore does not agree to modify the plan as requested.

#### B15 – Bandeath East

The Council does not consider that there is any need to amend the boundaries of the site to take account of the points in the representation. There is considered to be sufficient separation between the site boundary and neighbouring properties. As with any allocation, it is unlikely that the entirety of the site will be developed and it should be noted that a Key Site Requirement of the allocation is to be in compliance with a Bandeath Masterplan (to be prepared). The Masterplan will take appropriate account of the existing features and relationship of the developments to neighbouring properties, designations and allocations.

The Council therefore does not agree to modify the plan as requested.

#### **Reporter's conclusions:**

##### H080 – Throsk and H081 – East of 39 Kersie Road

1. In response to the request to delete the requirement for a roundabout at the junction of the Bandeath Industrial Estate access road and the A905, Kersie Road, the council has indicated that this form of junction is still considered necessary as a consequence of increased traffic movements. In this respect, I note that the employment land allocation at site B15, Bandeath East, would also use the industrial estate access road from the A905. No detailed traffic impact assessment has been made available for the examination and, lacking details of predicted traffic flows, I am reluctant to recommend the removal of the requirement for a roundabout at the junction with the A905.

2. It may be that a traffic analysis prepared in support of a future planning application would demonstrate a roundabout at this location is not necessary. However, I believe that, this is a matter for the development management system to consider at that time, and, in the meantime, this key site requirement should remain.

3. The council does not respond explicitly to the representation regarding the extent of site H081, East of 39 Kersie Road, but implies that land on both sides of the industrial estate access road is included within the allocation. The response refers to “the allocation of both” which “allows the potential to be explored for them to be considered together”. Indeed, the site schedule in the Throsk Settlement Statement refers to “Access to both sites...” although this could mean two parts of site H081 or site H080 and site H081. This statement should be clarified.

4. The Proposals Map for Throsk includes a caption for site H081 which appears to relate to the land to the east of the industrial estate access road with no clear indication that the site extends to the west of the road or, if it does, where the boundary lies. (Two small rectangular sites appear to be shown.) However, it seems that land to west of the industrial access road is included in H081 insofar as the site is described as “East of 39 Kersie Road”, this property being to the west of the access road.

5. For the avoidance of doubt, it would be appropriate for the proposals map to clearly show that site H081 includes land to both the east and west of the industrial estate access road. The boundary of the site to the west of the access road should be discernible without any scope for misinterpretation.

6. In respect of ancient woodland, the council explains that development will not take place in the ancient woodland area itself although the site boundary abuts the trees. The council also points out a masterplan is to be prepared as a key site requirement for sites H080 and H081 and this document “will therefore take appropriate account of the setting of the woodland.”

7. I consider it is necessary to go beyond taking account of the setting of the woodland and that measures should be taken to ensure the trees are not subject to an adverse impact - direct or indirect - as a consequence of the proposed development. Protection would be best achieved by undertaking a detailed survey of the ancient woodland and identifying any measures required to provide the trees with a long-term future. In my experience, this may well involve the provision of a buffer strip.

8. Although the Woodland Trust believes site H080 to be “unsound” and therefore “should not be taken forward” I consider that the procedure outlined above would enable the implementation of any necessary mitigation. Accordingly, the proximity of the ancient woodland, although a constraint, does not justify the deletion of the allocation.

#### B15 – Banded East

9. It has been suggested that a small section in the southern part of the allocated site is an important area for wildlife although no details have been provided. However, I note this land is not the subject of a formal wildlife protection designation and no comments have been made by wildlife authorities in this respect.

10. The land is also said to provide emergency access and to offer the potential for providing a buffer between any new development and existing residential property. In both these respects, I believe that detailed design would enable all required access provision and the protection of residential amenity to be achieved. Assessment of any detailed proposals would be undertaken as part of the development management process.

11. Overall, I do not consider that the proposed plan requires any amendment in this respect.

#### **Reporter’s recommendations:**

I recommend the following modifications be made:

1. In the Throsk Settlement Statement, development site schedule for site H080, Throsk,

add the following additional key site requirement to follow the first bullet point in respect of a masterplan:

Account must be taken of the ancient woodland in the proximity of the boundary of the site and appropriate mitigation measures identified to ensure the long-term future of the trees. In this respect, it is likely that a protective strip will be required, the extent of which should be determined following a detailed survey of the ancient woodland.

2. In the Throsk Settlement Statement, development site schedule for site H081, East of 39 Kersie Road, clarify the reference to “Access to both sites” by indicating whether this means “access to both parts of site H081” or “access to sites H080 and H081”.

3. In the Throsk Proposals Map:

Ensure that (a) the caption for site H081 clearly indicates that land to both the east and west of the Banded Industrial Estate access road is included within the allocation and (b) the boundary of the western section of the site (west of the access road) is defined without ambiguity.

<b>Issue 60</b>	<b>B44 - Keltie Bridge Rural Activity Area</b>	
<b>Development plan reference:</b>	Site B44 within Appendix A: Schedule of Development Sites, Table 2. Employment Sites (pp.104-106) & Keltie Bridge Settlement Statement and Proposals Map (pp. 176-177)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
The Woodland Trust (90684)		
<b>Provision of the development plan to which the issue relates:</b>	B44 is a 'Rural Activity Area' identified within the Plan for employment development.	
<b>Planning authority's summary of the representation(s):</b>		
The Woodland Trust (90684) object to the inclusion of B44 in the Stirling Local Development Plan as development of the site is likely to cause damage and/or loss to areas of ancient woodland adjacent to the boundaries.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of site B44 – Keltie Bridge Rural Activity Area		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>The Council does not agree with the modification to delete site B44 – Keltie Bridge Rural Activity Area from the Local Development Plan. This is an established site allocated for employment use within the Rural Villages Area.</p> <p>It is considered the provisions of the Local Development Plan establish a robust framework for the protection of woodland that can ensure development upon these sites takes place without detriment to the ancient woodland resource. Specifically, Primary Policy 10: Forests, Woodlands and Trees, part (b)(ii) states the Council will, through the development management process, protect existing woodland, especially woods with high natural, recreational and cultural heritage value. Policy 10.1, part (a) states: "Development proposals should provide protection from adverse impacts resulting from development to important individual trees, groups of trees or hedgerows that contribute to local amenity or have nature conservation or historic interest". Parts (b) and (c) of the policy address the protection of trees during construction and the information – including an appropriate tree survey – required alongside proposals on sites with existing trees within or close to site boundaries.</p> <p>Additionally, the Central Highland Way cycle route separates the site from the ancient woodland and would limit any potential impact. It is therefore considered acceptable to identify B44 as an employment site within the Local Development Plan, notwithstanding the adjacent area of ancient woodland.</p>		

**Reporter's conclusions:**

1. Although the Woodland Trust is concerned about the impact of the development of site B44 on adjacent ancient woodland, the council draws attention to the intervening Central Highland Way cycleway which, it is argued, would limit the effect of any impact. In any event, states the council, Primary Policy 10: Forests, Woodlands and Trees, and Policy 10.1: Development Impact on Trees and Hedgerows, would be relevant during the development management process and provide a robust protective framework.
2. It seems reasonable to assume that the Central Highland Way would limit any impact on the ancient woodland. Lacking any substantive evidence, I do not accept the suggestion by the Woodland Trust that the allocation is "unsound and should not be taken forward".
3. Despite some development having previously been undertaken I note that there are numerous trees within the B44 allocation, particularly in the north-western part of the site. On this basis, it seems clear that Primary Policy 10 and Policy 10.1 would be applied at the time any detailed development proposals come forward. Policy 10.1 requires a tree survey to be undertaken and, in this respect, I consider it would be appropriate for the key site requirements to draw attention to the proximity of the ancient woodland, if only on a precautionary basis.

**Reporter's recommendations:**

I recommend the following modification be made:

In the Keltie Bridge (Rural Activity area) Settlement Statement development schedule, under site B44, Keltie Bridge Rural Activity Area, insert the following bullet point (the 3<sup>rd</sup>):

Account should be taken of the ancient woodland to the north-east of the site (beyond the Central Highland Way). Any tree survey required under Policy 10.1 should include an assessment of the need for a buffer zone to protect the ancient woodland from the impact of proposed development.

<b>Issue 61</b>	<b>Croftamie</b>	
<b>Development plan reference:</b>	LDP Vision (pp.12-13)	<b>Reporter:</b> Trevor Croft
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Croftamie Community Council (90029)		
<b>Provision of the development plan to which the issue relates:</b>		
<b>Planning authority's summary of the representation(s):</b>		
<p>Croftamie Community Council (90029)</p> <p>Support the Vision of the Proposed Plan but consider that due to the overlap of the Community Council area with the Loch Lomond and the Trossachs National Park (LLTNP), the village should be mentioned in the LDP as they are currently excluded.</p> <p>Raise concern that although planning is a function of the LLTNP, Stirling Council is still responsible for other functions such as transport. In this regard, instead of 'double cover' the area 'falls through the cracks' and the processes used do not match up and contradict each other.</p> <p>Concerned that Stirling Council teams consider that Croftamie is part of Strathblane.</p>		
<b>Modifications sought by those submitting representations:</b>		
Change the database to ensure Croftamie is not part of Strathblane.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>The concerns of the Community Council are acknowledged. A significant part of the Community Council area does fall within the Stirling LDP boundary, however the village of Croftamie itself is wholly within the LLTNP, therefore land use planning for the settlement itself is not the responsibility of Stirling Council and outwith the scope of this examination. The Community Council is correct that Stirling Council retains other functions such as transportation and education.</p> <p>The Community Council, as partly within the LDP area, are fully consulted on the LDP process and relevant planning applications. In this regard, the Council does not agree that the area is 'excluded' from the LDP process, however the Community Council is aware that the village is covered by the LLTNP LDP.</p> <p>This department has no database which classifies Croftamie as part of Strathblane. The issues referred to in the representation may be mistakes by other departments within the Council but this is not a matter that can be addressed by the Proposed Plan.</p>		

Whilst the Council does not consider it possible to modify the plan as requested, it does have sympathy with Croftamie Community Council in that there is no mention of their area within the plan. In this regard, the Council is of the view that, if the Reporter is agreeable, a note could be added to the bottom of page 107 of the plan which states:

“Although the village of Croftamie falls within the Loch Lomond and The Trossachs Local Development Plan area, much of the Croftamie Community Council area is covered by the Stirling Local Development Plan”

In addition, figure 1 on page 6 of the plan could be amended to plot the village of Croftamie where it lies within the Loch Lomond and The Trossachs National Park. This will provide clarity for the local community and other plan users as to the status of this community council area which is in the unusual situation of being covered by two different local development plans. A revised figure 1 plots the location of Croftamie (CD93).

**Reporter’s conclusions:**

1. This representation concerns a technical matter relating to the position of Croftamie within the Loch Lomond and The Trossachs National Park whereas the Community Council Area also covers land within the area covered by the Stirling Local Development Plan.

2. The council has proposed two modifications and I consider these to address the issue as far as is possible within the scope of the proposed plan. The plan should therefore be modified accordingly.

**Reporter’s recommendations:**

I recommend the following modifications:

1. At the bottom of page 107 of the plan add the following note:

“Although the village of Croftamie falls within the Loch Lomond and The Trossachs Local Development Plan area, much of the Croftamie Community Council area is covered by the Stirling Local Development Plan”

2. Modify figure 1 on page 6 of the plan to plot the village of Croftamie where it lies within the Loch Lomond and The Trossachs National Park, in accordance with the council’s proposed revised figure – CD93.

<b>Issue 62</b>	<b>Transport Issues &amp; Active Travel</b>	
<b>Development plan reference:</b>	Key Diagram – Core Area (page 20) Stirling – South – Map 3 (pp.226-227) Settlement Statements & Proposals Maps	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Transport Scotland (90540)                  Avant Homes (01743)                  Wallace Land Investments (90048)                  Balfron Community Council (90069)                  Stafford Trust (90256)                  The Tough Family (90715)                  Tulloch Homes Ltd (90724)                  Bridget Clark (91154)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Promotion of Active Travel routes                  Dualling of A91 and A872                  Balfron</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Stirling Settlement Statement</u></p> <p>Transport Scotland (90540)</p> <p>Consider that the Stirling Settlement Statement as proposed has the potential to cause confusion to the reader as there is no clear link between the allocations and the required infrastructure. There are no timescales attached to the delivery of the infrastructure. The Council have also included aspirational schemes and therefore creates confusion as there is no information to show what schemes are committed and have a delivery mechanism in place and those that are subject to further study.</p> <p><u>Active Travel Routes</u></p> <p>Bridget Clark (91154)</p> <p>States that the Proposed Plan should include Active Travel Maps and routes for each village, as this will help inform all involved in the development process to deliver and protect such routes. States that they should be given a high priority to encourage active travel for everyday journeys, as many rural villages have lost public transport. Identifies a number of routes and links which should be made.</p> <p><u>Dualling, and improvements to the A91 &amp; A872</u></p> <p>Tulloch Homes (90724), The Tough Family (90715), Avant Homes (01743), Stafford Trust (90256) and Wallace Land Investments (90048)</p> <p>All make comments in respect of the dualling of the A91 and/or A872, as indicated within Key Diagram – Core Area (page 20) and Stirling – South – Map 3 (page 226-227).</p>		

## Tulloch Homes (90724)

Consider that the DPMTAG supporting study explains this intervention as 'desirable' and not an absolute requirement. They query the extent of the dualling shown within the Proposed Plan, and consider that this is at odds with the extent identified within the DPMTAG. They consider that the project should only be included within the Plan if the Council has committed spending plans, and that any developer contributions to road improvements along this stretch of road will have to be clearly linked to the specific impact of the developments in question and the Transport Assessment lodged alongside the development.

## The Tough Family (90715)

Consider that the dualling of the A91 past South Stirling Gateway is not evidenced or referred to in any supporting information, and they therefore question its delineation in the Proposed Plan. State that improvement to Pirnhall Roundabout will have to be proportionally applied to the Eastern Villages and Durieshill.

## Avant Homes (01743)

Note the reference to the dualling of the A91 within Map 3 and queries its relationship to the Site Allocation H055 (South Stirling Gateway).

## Stafford Trust (90256)

Consider that there is confusion regarding the status of the dualling shown on Map 3, stating that there are no other references to this within the settlement statement or the main text of the Proposed Plan.

## Wallace Land Investments (90048)

State that they consider the A91 to be an important strategic link and a key transport corridor, note that the Proposed Plan identifies the upgrading of this road and highlight that their site at Back o' Muir Farm controls approximately 1.2km of frontage along the south side of the road, and land adjacent to Greencornhills Roundabout, which is also identified within the DPMTAG for improvement. They state that the upgrading of the road should take cognisance of the potential to create vehicular and pedestrian links from the H055 (South Stirling Gateway) into the site they are promoting at Back O'Muir Farm. This should include an additional arm off the upgraded roundabout identified to form access to South Stirling Gateway.

Accessibility to/from Balfron

## Balfron Community Council (90069)

State that they consider that the stated aim to reduce the demand for travel and support more sustainable forms of travel will be challenging in rural villages such as Balfron, which are highly dependent on car use.

**Modifications sought by those submitting representations:**

Stirling Settlement Statement

Transport Scotland (90540)

Recommend that the infrastructure table on page 220 is amended to the following:

<b>Infrastructure</b>	<b>Proposal</b>
<b>Enhancements to the transport network</b>	<p><i>Short Term improvements up to 2019</i></p> <ul style="list-style-type: none"> <li>• Replace Cornton Crossings with bridge in vicinity (Network Rail project)</li> </ul> <p><i>Medium Term improvements identified in LDP DPMTAG</i></p> <ul style="list-style-type: none"> <li>• A route between Kildean Roundabout/Drip Road to Cornton Road (Kildean Link Phase 1)</li> <li>• A route between Cornton Road and Airthrey Road (Kildean Link Phase 2)</li> <li>• A route between St.Ninians Road and A9 Burghmuir (Viewforth Link Road)</li> <li>• Improvements to key roundabouts in Stirling</li> <li>• A91 upgrade/dualling</li> <li>• Pirnhall Roundabout Improvements</li> </ul> <p><i>Longer Term improvements which require further study</i></p> <ul style="list-style-type: none"> <li>• Potential improvements to M9 junctions at Craigforth and Kier and Council aspiration for a new connection at the A811.</li> <li>• Council aspiration for a park and ride near Bannockburn/Cowie</li> </ul>

Active Travel Routes

Bridget Clark (91154)

Requests that the Proposed Plan identify the following within the associated Settlement Plans:

- Balfron: effective cycle route to Drymen;
- Blairlogie/Manor Powis: Better crossing point from NCN76 to Blairlogie/Mains Farm Shop, café and University, and strategic cycle links to Stirling via Causewayhead, Stirling via Springkerse;
- Bridge of Allan/University: Links with NCN765, NCN768, and improved link over pipe bridge for active travel between Bridge of Allan/Doune and Craigforth;
- Buchlyvie: Improved cycle route to Aberfoyle along railway, and strategic route along core path/railway to Arnprior/Kippen/Gargunnoch/Cambusbarron/Stirling;
- Cambusbarron: Improve strategic links north to Prudential, Hayford Mills, and footbridge south to Bannockburn;
- Cowie: NCN76 safe cycle route to Stirling with crossing point over A91 at Greenyards, and along A91 to Pike Road routes, and improved cycle links with Plean;
- Deanston & Doune: Improve strategic cycle route to Stirling via Cuthill Brae,

Blairdrummond Community Hall/school/Kirklane/Rossburn Lane, and link to extension of NCN765 to Callander north side of river through Wood of Doune;

- Dunblane: Link to routes identified within 'Laighills Masterplan' improve links to core paths along the river to Ashfield and town services, and encourage cycling to train station. Strategic link needed to Bridge of Allan via Kier Estate. Enhanced cycle link from Baxters Loan to dual carriageway and Keir. Improved link through underpass to Doune (avoiding Keir), and improve NCN765 from High School towards Doune. Cycle links from Barbush to paths by river to Laighills and Ashfield, and footpaths to bus stops.
- Fallin: Strategic cycleway along the river to connect with the CSGN strategic route from Clackmannanshire Bridge and on to Stirling;
- Gargunnoch: Reflect community desire for a safe strategic cycle route between to/from Stirling via Cambusbarron;
- Killearn: Improve off road cycle access along A875 into settlement from B818 to reach John Muir Way/NCN7;
- Kippen: Reflect community desire for a safe strategic cycle route to/from Stirling via Gargunnoch;
- Plean: Improve safe cycle links with Cowie and to Forth Valley royal Hospital;
- Stirling: add Active Travel Cycle route maps, and add detail and budget; Improve strategic routes through the city – west via Cambusbarron, Bannockburn, along the Forth and across to Bridge of Allan and Doune. Prioritise an active travel route instead of park and ride between Manor Powis and Springkerse;
- Strathblane: address important missing strategic cycle link to Dumgoyne;
- Throsk: Strategic cycleway along the river to connect with the CSGN strategic route from Clackmannanshire Bridge and on to Stirling.

#### Dualling and improvements to A91 & A872

Tulloch Homes (90724)

Request that:

- Reference to the dualling of the A91 in Stirling – South – Map 3 (page 226-227) is removed, specifically between the section between Pirnhall Roundabout and Greencornhills Roundabout.
- Reference to improvements to the A91 remain within the Stirling Settlement Statement, but that they are consistent with the findings of the DPMTAG Appraisal.
- If retaining the dualling as part of the Proposed Plan, further justification is needed relative to the specific and clear evidence of need and the Council's commitment to fund the intervention.

Tough Family (90715), Avant Homes (01743) and Stafford Trust (90256)

All request that reference to the dualling of the A91 is deleted.

Wallace Land Investments (90048) - No modifications specified.

#### Accessibility to/from Balfron

Balfron Community Council (90069) - No modifications specified.

**Summary of responses (including reasons) by planning authority:**Stirling Settlement Statement

Transport Scotland (90540)

The Council does not agree that the Stirling Settlement Statement as proposed has the potential to cause confusion to the reader. The links between the allocations and the improvements is not always direct as some of the required transportation improvements are linked to more than one site allocation and form part of the wider City Transport Strategy. More information on this is contained within the DPM-tag study which was published alongside the Proposed Plan (CD15)

With regard to the lack of timescales, this information is contained within the LDP Action Programme, its purpose being to set out how and when the LDP strategy will be delivered. It is not considered that the LDP document itself is the best place state timescales for the delivery of these improvements. The fact that aspirational schemes are included in the infrastructure table on page 220 of the plan will not create confusion. The fact that they are labelled as aspirational infers that more work on these projects will be required. More information on these potential projects is provided in the LDP Action programme where appropriate. A review of Supplementary Guidance relating to Transportation and new development is also programmed for early 2017. This will contain more detail on which schemes are required when and who will be required to fund them.

Transport Scotland's proposed modifications to the table on page 220 also make changes to some of the projects which the Council does not agree with such as there being no mention of the aspiration for a rail halt at Bannockburn/Cowie despite this currently being in the Proposed Plan. Projects which feature in other settlement statements are also proposed to be brought into the Stirling Settlement statement such as 'Improvements to the Kier Roundabout' is within the Dunblane settlement statement on page 153 as it is closest to this settlement and Transport Scotland is suggesting that it is brought into the Stirling settlement statement. For these reasons, the Council is of the view that no modifications to the plan are required in this regard.

Active Travel Routes

Bridget Clark (91154)

The Proposed Plan promotes and encourages Active Travel through expression in the Vision; the Spatial Strategy insofar as it directs the majority of development towards its Core Area; Policy 1.1 Site Planning part (e); Policy 3.1 Addressing the Travel Demands of New Development; and associated current supplementary guidance SG14: Ensuring a Choice of Access for New Development (CD69), and the assessment of the Proposed Plan through the DPMTAG (CD15).

The Council has prepared an Active Travel Plan alongside Cycle Stirling and others, which was approved by Council on 8 December 2016 (CD70). As outlined within the draft Action Programme (CD17) the Council is committed to continue to develop and deliver this Active Travel Plan. This work will proceed with consultation with interested local bodies. It is considered that the content of the Proposed Plan, combined with the Active Travel Plan and committed work within the Draft Action Programme demonstrate the Council has, and will continue, to meet the requirements of SPP (Set in paragraphs 269 through 285) in

respect of Active Travel.

The modifications sought by are considered to go beyond what could reasonably be expected to be contained within the Proposed Plan. Consequently the Council do not agree to modify the Plan in respect of this representation.

#### Dualling of A91 & A872

Tulloch Homes (90724), The Tough Family (90715), Avant Homes (01743), Stafford Trust (90256)

The dualling of the A91 is referenced in the supporting Transport Background Report (DPMTAG) (CD15). The need for the dualling of the A91 Corridor is evidenced in the DPMTAG as the cumulative development in the south of the city, e.g. Durieshill and South Stirling Gateway, and the Eastern Villages is expected to increase congestion on the corridor. Delivery Package 3 (CD15, Section 6.2.10) highlights the phased dualling of the A91 to support development in this area. Delivery Package 4 (CD15 Section 6.2.14) highlights the interventions required to the Strategic Network, including the impact on the Pirnhall Junction. These 2 packages identify the need and interventions required to support general development of the allocations in the LDP and is thus referenced in both Key Diagram – Core Area (page 20) and Stirling – South – Map 3 (page 226-227).

The draft Action Programme (CD17, page 10) outlines the Key Transportation Packages, including the dualling of the A91 and A872, and the funding and actions required to deliver these. This in part will require Developer Contributions.

In light of the above it is considered that need for the dualling of the A91 and A872 is adequately evidenced, and justifiably included within the relevant diagrams within the Proposed Plan. Through the work committed to within the draft Action Programme, the Council will work to deliver the necessary funding packages. This will include seeking developer contributions proportionally from all Proposed Plan sites considered to impact upon this transport network. Consequently the Council do not agree to modify the Plan in response to the representations made by Tulloch Homes, Mr J Tough & Family, Avant Homes and Stafford Trust.

Wallace Land Investments (90048)

The site at Back O'Muir Farm promoted by Wallace Land Investments is addressed within Issue 45.

#### Accessibility to/from Balfron

Balfron Community Council (90069)

The comments made are noted. Whilst there will undoubtedly continue to be trips made from rural settlements by private car, it is considered that through the policy framework contained within the Proposed Plan relative to Active Travel, combined with a continued commitment to initiatives such as Central Scotland Green Network and demand responsive public transport (DRT) services in more remote areas, every attempt is being made to increase accessibility to settlements by alternative modes of travel. The Council do not consider that the Plan requires to be modified in response to this representation.

**Reporter's conclusions:**Stirling Settlement Statement

1. In terms of the expectation contained in Scottish Planning Policy, the council undertook a transport appraisal, the Stirling Local Development Plan DPMTAG [Development Planning and Management: Transport Appraisal Guidance] Study. (CD15). Indeed, Transport Scotland confirms that there has been collaboration with the council throughout the local development plan preparation process, especially in respect of the transport appraisal of cumulative impacts of the spatial strategy. Further, Transport Scotland is satisfied with the identification of the measures taken to facilitate delivery.
2. In the light of these assurances I believe that the approach by the council towards the safeguarding of land for enhancing the transport network must be regarded as fundamentally sound. I note the alternative schedule suggested by Transport Scotland is generally similar to the schedule in the proposed plan although the proposals are re-ordered into the short-, medium- and longer-term. The Transport Scotland schedule for short-term and medium-term improvements includes schemes contained in the council schedule along with "Improvements to key roundabouts in Stirling". The council explains that the Action Programme provides project timescales in most cases. A link between the proposed plan and the Action Programme is contained in the Transport Infrastructure section of the Stirling Settlement Statement and I therefore accept the council's argument on this matter. In turn, I agree with the council in general terms that the proposed plan is not confusing in respect of the required transport network. In particular, the two aspirational proposals are clearly identified as such.
3. Insofar as the details are concerned, with two exceptions, the proposals listed in the schedule are contained in the Action Programme although the description is not always identical. For example, the Action Programme deals with phases 1 and 2 of the Kildean to Bridge of Allan Corridor in one entry whereas the proposed plan has separate entries with slightly different descriptive text. South Stirling Gateway appears twice in the schedule: in one case in respect of a bus and coach park-and-ride and, in the other case, transport improvements. Again, this proposal appears as a single entry in the Action Programme.
4. The first exception is the council aspiration for a rail halt and park-and-ride facility near Bannockburn and Cowie. Transport Scotland, whilst including the council aspiration for a park-and-ride facility, has not referred to the rail halt. The council points out that the rail halt aspiration is contained within the proposed plan. However, other than in the safeguarded land schedule, it appears the only references to the rail halt are found in the Key Diagram – Core Area and the Stirling – South – Map 3 Proposals Map. Similarly, there is no reference to this aspiration in the Action Programme. The second exception is the park-and-ride facility at South Stirling Gateway.
5. The text following the descriptions of the six projects comprising the City Development Framework indicates that "an active travel network will be created". There is reference to "a change from two 'park and ride' facilities to a wider network of 'park and choose' facilities distributed around the city". The Stirling – South – Map 3 includes two Infrastructure Provision symbols with "P&R" (presumably "park-and-ride" as shown in the Key Diagram - Core Area key). One symbol is to the north of the "Bannockburn Interchange" (as shown on the proposals map although otherwise described as Pirnhall roundabout) and the second is to the east of the A91, between Skeoch roundabout and

Greenyards roundabout.

6. The Transport Scotland schedule also refers to improved improvements at the Keir roundabout but the council has explained that this is included in the Dunblane settlement statement. I accept it is reasonable to include this proposal within the Dunblane section of the proposed plan.

7. The Key Diagram – Core Area shows proposed new and upgraded road links, dualling, new and upgraded junctions, park-and-ride (as explained above), and the council aspiration for a rail halt which also includes park-and-ride. The four Stirling Proposals Maps also show transport infrastructure provision under Primary Policy 3. Map 1 shows “junction improvements” at M9 junction 10, along with two symbols for road links and a further symbol for a road bridge. Map 2 includes symbols for an upgraded motorway junction, a link road and a foot bridge. “Dualling of A91” is also identified. Map 3 also includes “Dualling of A91” extending southwards to a “roundabout improvement” at what is shown as the “Bannockburn Interchange”. As explained, this roundabout is also described in the Action Programme and safeguarded land schedule as the Pirnhall roundabout. “Dualling of A872” is also shown along with two “P&R” symbols, one of which is associated with “aspiration for a rail halt”. Map 4 includes a symbol for a link road (as also shown in Map 2).

8. Overall, I consider that subject to the matters set out below the proposed plan deals with transport infrastructure in the Stirling vicinity in a satisfactory manner.

9. Firstly, I consider that the text of the Stirling Settlement Statement should include a reference to the aspiration to provide a rail halt and park-and-ride facility in the vicinity of Bannockburn and Cowie. This could be achieved by an adjustment to the text in the section dealing with Transport Infrastructure.

10. Secondly, although the Transport Infrastructure section states that the required “transportation interventions .... are clearly indicated on the local development plan maps”, I do not believe this to be so in all cases. It is not possible to easily relate all the proposals contained in the safeguarded land schedule to the symbols on the four related settlement statement maps. The proposed plan requires to be amended to ensure that there is, as claimed, a clear indication of what is intended in all instances. This could be achieved by adding the proposal location, as contained in the safeguarded land schedule, to the Proposals Maps. For instance, on Map 3, “Roundabout improvement” could be amended to “Pirnhall roundabout improvement” and “Aspiration for a rail halt, P&R” could be changed to “Aspiration for a rail halt and park-and-ride, Bannockburn / Cowie”. Alternatively, the proposals listed in the schedule could be numbered and identified by that number on the Proposals Maps. (see also the representations below in respect of the A91)

11. Although the amendments to the Proposals Maps would require the addition of information I believe this could be achieved without detracting from the overall legibility of the maps. Whilst I recommend that the proposed plan is modified to ensure that all transport interventions are, as stated, “clearly indicated” on the maps, I am content to allow the council to devise an appropriate cartographical approach to this matter.

12. Thirdly, as indicated in the Transport Scotland schedule, it would be helpful to include a reference to Network Rail in the land safeguarding proposal for the Cornton Crossings replacement.

### Active Travel Routes

13. The proposed plan recognises the importance of active travel which is defined in the glossary as “Travel by physically active, non-motorised modes, such as walking and cycling”. Paragraph 4.1 sets out the local development plan vision which includes the creation of “a connected, green place: there is an established and managed green network of open spaces, integrated habitats, recreational and active travel routes connecting places and settlements, reconnecting Stirling with its river, and encouraging more people to move around and between them by walking, cycling and public transport.”

14. Policy 1.1: Site Planning, requires all new development to be safely accessed and to be designed in a manner “so as to create safe, accessible, inclusive places for people which are easily navigable, particularly on foot, bicycle and public transport. Any core path, established rights of way, and other important access routes should be protected and retained.”

15. Policy 3.1: Addressing the Travel Demands of New Development, endorses the requirements of Policy 1.1 and requires “Wherever possible, new development should connect to existing or provide new links to, sustainable transport options.” The footnote to Policy 3.1 draws attention to supplementary guidance SG14, Ensuring a Choice of Access for New Developments.

16. The council explains that an active travel plan has been prepared in co-operation with Cycle Stirling. I note the draft document (CD70) is relatively recent, dated December 2016. In conjunction with a range of other partners, the council has indicated that there will be continuing development of a detailed Partnership Action Plan, a key outcome of which is intended to be an increase in the percentage of people walking and cycling. The plan is to be reviewed annually “in order to achieve the desired outputs and outcomes”.

17. All-in-all, I am satisfied that the concept of active travel is adequately addressed within the proposed plan and the related supplementary guidance. It is also clear that the council is pursuing active travel with the appropriate partner organisations, including interested local bodies, and there is every reason to believe that practical progress will continue to be made. In total, I accept that the approach by the council towards active travel generally reflects the guidance contained in Scottish Planning Policy.

18. The representation draws attention to a variety of matters, for example, a need to improve the cycle route from Buchlyvie to Aberfoyle along the old railway, and, even more detailed, the need for a “better crossing point from NCN76 to Blairlogie/Mains Farm Shop and café and University”. The council argues that these matters go beyond what could reasonably be expected to be contained in the proposed plan. Having noted the overall approach to the content of the document, I accept that, for practical reasons, it would not be possible to provide the level of detail required in respect of active travel. In reaching this conclusion, I do not underestimate the importance of improving the opportunities for active travel and have taken particular account of the related work being undertaken by the council and its partners.

19. The representation also seeks the inclusion of active travel route maps. In this respect, I believe the maps in the proposed plan require to achieve a balance between the information provided and the ease of interpretation. As proposed, I consider the document generally provides an acceptable level of detail and further additions, such as

active travel routes, would be likely to disturb this balance. In any event, in practical terms, it would be difficult to illustrate active travel routes beyond the settlement boundaries because of the scale and nature of the key diagrams covering the wider area of the proposed plan. Accordingly, I conclude that the proposed plan is not a suitable document in which to include maps illustrating active travel routes. Again, this conclusion should not be regarded as diminishing the importance of active travel.

20. Indeed, this conclusion does not preclude the mapping of active travel plans in a more suitable format perhaps utilising the existing core paths information and the strategic cycle network map referred to in the active travel plan. However, this is a matter for the council and its active travel partners.

#### Dualling and Improvements to the A91 & A872

21. The Transport Infrastructure section of the Stirling Settlement Statement explains that a transport assessment has been undertaken of the development sites contained in the proposed plan. The appraisal “highlights which transportation interventions are necessary” within the strategic and local transportation networks. The proposed plan further indicates “These are clearly indicated on the LDP maps and are detailed within the Action Programme”. (CD17) (see also paragraphs 1 -12 above). The Key Diagram – Core Area in the Spatial Strategy shows dualling from the Pirnhall interchange with the M9 (south of Stirling) northwards along the A91 to the Manor Powis roundabout beyond the crossing of the River Forth. Dualling is also shown along the A872 northwards from the Pirnhall interchange. These notations are also shown on the Stirling – South – Map 3 Proposals Map (where the motorway junction is shown as the “Bannockburn interchange”).

22. As explained above, the schedule attached to the Stirling Settlement Statement sets out details of land safeguarded for infrastructure. Under “required transport enhancements to the transport network” the following are included:

- Pirnhall roundabout improvement;
- Durieshill and South Stirling Gateway Transport Improvements;
- A91 major upgrade.

23. The Action Programme is derived from the transport appraisal referred to in the settlement statement. As indicated in paragraph 1 above, the appraisal was undertaken as the Stirling Local Development Plan DPMTAG [Development Planning and Management: Transport Appraisal Guidance] Study. (CD15). The council explains, the appraisal sets out “delivery packages” to identify the need and “interventions” (work) required to support the development resulting from the allocations in the proposed plan.

24. “Delivery package 3” deals with the “Phased dualling of the A91” along with increasing local road network connectivity. The A91 dualling is intended to alleviate the impacts associated with the development pressures on the eastern and southern flanks of the city. The appraisal indicates that “additional network capacity could be realised through widening and upgrading the A91 corridor between M9 Junction 9, Pirnhall roundabout and Manor Powis roundabout”. Figure 6.3, Delivery Package 3, provides an indicative illustration of the proposal. As pointed out by Tulloch Homes Ltd., Figure 6.3 does not show the dualling of the A91 extending southwards beyond Greencornhills roundabout to Pirnhall roundabout.

25. “Delivery package 4” deals with improving trunk road connectivity including a range of potential upgrades of the M9 interchange with Pirnhall roundabout. These are intended as part of the development management process around the proposed South Stirling Gateway and Durieshill.

26. The Action Programme includes these proposals in a list of Key Transportation Projects. Under “A91 major upgrade” the programme identifies junction improvement and dualling from Greencornhills to Manor Powis, the project timescale being 2022-2027. Under “Durieshill and South Stirling Gateway Transport Improvements” the programme identifies “Upfront delivery of road capacity improvements, including park-and-ride facilities, walking and cycling routes to support outcomes of developments.” The improvements identified include “... upgrading of the A91 (Pirnhall to Greencornhills) and A872 N & S.” As indicated above, the schedule of land to be safeguarded for infrastructure also refers to “A91 major upgrade”.

27. It is clear that the A91 between Pirnhall roundabout and Greencornhills roundabout is envisaged as being in need of upgrading but there is no explicit reference to dualling this section of the road other than by means of the symbol in the Key Diagram – Core Area in the Spatial Strategy and in the Stirling – South – Map 3 Proposals Map. Indeed, the Action Programme refers particularly to dualling “from Greencornhills to Manor Powis”. Similarly, in dealing with the Durieshill and South Stirling Gateway transport improvements, the Action Programme refers only to “upgrading” the A91 between Pirnhall to Greencornhills. On this basis, I conclude that there are no clear grounds for claiming that this particular section of the A91 has been identified explicitly as requiring dual carriageway status.

28. Despite the foregoing conclusion, I can accept that there must be at least the possibility that the scale of development envisaged at sites H055, B10 and R09, South Stirling Gateway, would justify upgrading the A91 to dual carriageway between the M9 interchange at Pirnhall roundabout and Greencornhills roundabout. Indeed, I note Transport Scotland, in seeking adjustments to the Stirling Settlement Statement schedule of land safeguarded for infrastructure, suggests a reference to “A91 upgrading/dualling” (although even this is not explicit in terms of the section in dispute).

29. I have considered the foregoing in the context of the proposed plan and accept that the Stirling Settlement Statement does not require amendment. The section on Transport Infrastructure is general in nature and relates the transportation interventions to the maps and the Action Programme. As explained, the schedule of land to be safeguarded for infrastructure simply states “A91 major upgrade”. However, as the schedule proposed by Transport Scotland (see above) refers to the “A91 upgrading / dualling” with no specific reference to the Pirnhall to Greencornhills section, I believe it would be preferable to alter the schedule in the proposed plan to use this term.

30. The key for the Key Diagram – Core Area indicates by means of a symbol that the entire length of the A91 from Pirnhall to Manor Powis as being subject to “Dualing”. To provide consistency, the schedule and the Key Diagram should be altered to indicate “Upgrading/dualling”.

31. In the Stirling South – Map 3, the reference to “Dualling of A91” on the section of road between the Pirnhall and Greencornhills roundabouts should be deleted and replaced with “Upgrading/dualling of A91”. The upgrading could involve dualling with a final decision to be made as the proposal moves forward. There is no dispute in respect

of the “Dualling of A91” notation between Greencornhills and Manor Powis roundabouts.

Accessibility to and from Balfron

32. I note the concerns expressed by the community council in respect of public transport and, in particular, the comments about timetabling and routes of busses. However, bus services are not subject to regulation and therefore the proposed plan is not in a position to offer any practical advice in this respect.

33. The council acknowledges the situation and accepts the prospect of continuing car use in trips from rural settlements. Additionally, the council has drawn attention to “demand responsive” public transport services. I am not in a position to assess the contribution of this mode of transport in Balfron but, nevertheless, the council has indicated that “every attempt is being made to increase accessibility to settlements by alternative modes of travel.”

34. I have also noted the desire to focus on improving walking and cycling paths. As discussed above, the proposed plan “vision” includes the promotion of active travel routes. In this respect, I have accepted the contents of the proposed plan and also recognised the related work being undertaken by the council and partners to provide facilities for walking and cycling.

35. Balfron lies within the rural villages area and is designated for “sustainable expansion” which concentrates development within the settlement by means of controlled small-scale expansion. In itself, this approach should limit the growth in trips using private cars.

36. All-in-all, it is clear that many of the inhabitants of Balfron, and other places in the rural villages area, will continue to rely on the car for transport. Nevertheless, the spatial strategy is intended to address this situation through the restriction of future growth. Other practical measures are being taken through the provision of demand responsive transport and active travel routes. Under the circumstances, I believe these measures to be worthy of support. However, there is no requirement to alter the terms of the proposed plan in these respects.

**Reporter’s recommendations:**

I recommend the following modifications be made:

1. In the Stirling Settlement Statement, Infrastructure considerations, Transport Infrastructure section amend the final sentence as follows:

An aspiration of the Council is the provision of a rail halt and associated park-and-ride facility in the proximity of Bannockburn and Cowie which, along with other elements in the transport infrastructure network, are identified in the schedule of required transport enhancements to the transport network and are clearly indicated on the LDP maps and detailed within the Action Programme.

2. In the Stirling Proposals Maps, add descriptive notations to the transport infrastructure proposals shown which relate to the list of proposals under the Land Safeguarded for Infrastructure schedule, under Infrastructure: Required transport enhancements to the transport network. The notations should enable the location of each of the proposals in

the schedule to be readily identified in the relevant proposals map. If considered necessary, the form of the schedule should be amended to provide, for example, numerical cross-referencing. (see also recommendation 4)

3. In the schedule of Land Safeguarded for Infrastructure, under Infrastructure: Required transport enhancements to the transport network, add "(Network Rail project)" to the proposal to "Replace Cornton Crossings with a bridge in the vicinity"

4. In the schedule of Land Safeguarded for Infrastructure, under Infrastructure: Required transport enhancements to the transport network, change "A91 major upgrade" to A91 upgrading/dualling".

5. In the Key Diagram – Core Area key, change "Dualing" to "Upgrading/dualling".

6. In the Stirling – South – Map 3, on the section of the A91 between Pirnhall and Greencornhills roundabout, delete "Dualling of A91" and replace with "Upgrading of A91".

<b>Issue 63</b>	<b>University of Stirling</b>	
<b>Development plan reference:</b>	Chapter 6, paras 6.16-6.20 (page 26) Chapter 7, Policy 2.7 & Figure 9: Network Centres Hierarchy (pp.42-42)	<b>Reporter:</b> Richard Dent
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
University of Stirling (90324)		
<b>Provision of the development plan to which the issue relates:</b>	This issues relates to modifications sought by the University of Stirling to various parts of the Local Development Plan that seek to give greater prominence to the University within the Plan.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Setting the Land Requirement for Business</u></p> <p>The University notes that the Plan references the knowledge base at the University of Stirling in relation to the Economic Strategy (para. 6.16) and the significant opportunity to develop business space at Stirling University Innovation Park (para. 6.19) but considers, in general terms, that the University should be given greater prominence within the Plan.</p> <p><u>Retail</u></p> <p>The University has sought to be identified as a separate and distinct community and for it to be viewed as a small town with all of the associated need. This would provide greater flexibility to deliver the appropriate scale of retail activity matched to the needs of the University community rather than being subject to a restrictive threshold, as set out in Part (b) of Policy 2.7.</p> <p><u>Stirling Settlement Statement</u></p> <p>Raise concern that the University and the Innovation Park are referenced in the Bridge of Allan settlement statement rather than the Stirling settlement statement. Consider that moving mention of both organisations to the Stirling settlement statement would ensure both are considered as part of the overall strategic vision for Stirling and are at the forefront of consideration by potential partners and investors etc.</p> <p><u>University Land Use Policy</u></p> <p>Consider that the plan is silent on the activity and diversification of the University and feel that the LDP could show more visible support for a menu of land uses including: Education; Business; Sport; Student accommodation; Hotel and Leisure; and Retail.</p> <p>There is nothing that captures the importance of the contribution that the University and SUIP each make to the LDP area.</p> <p>Note: a number of other representation included within the University of Stirling's submission are addressed within the following Issues 4, 8, 14, 17, 29 and 55.</p>		

**Modifications sought by those submitting representations:**

- Strengthen section to reflect the importance of the work of the University and its direct correlation to the success of the City in terms of its future economic strategy.
- Identification of the University as a Network Centre
- Consider that the references to the University and the Innovation Park should be moved to the Stirling settlement statement.
- The LDP could benefit from a policy on the University that brings together all aspects its contribution in one place and addresses future development and needs.

**Summary of responses (including reasons) by planning authority:**Setting the Land Requirement for Business

Chapter 6 of the Local Development Plan sets out the approach taken to the location and amount of land required and identified in the Plan for housing, business/employment and retail uses. Paragraphs 6.16 – 6.20 describe the background to the allocation of employment land, with specific reference to the Stirling Economic Strategy. While the importance of the University to the local economy is recognised by the Council, it is not considered relevant in the context of this section of the Plan as other areas of key economic importance are similarly not specifically mentioned here.

The Council therefore does not agree to modify paragraphs 6.16 – 6.20 in this regard.

Retail

It is acknowledged that the University campus has a significant resident population (at least during term-time) and a number of facilities, including a shopping precinct with bank, travel agent, pharmacy and supermarket; arts centre with theatre and cinema; bars, restaurants and cafes that you would expect to find within a Network Centre.

However, the definition of all or part of the campus as a 'Network Centre' is not supported by the Council.

The University's main concern appears to revolve around the part (b) of Policy 2.7 that states that support will be given to small-scale convenience retail development (maximum 500 sqm) to serve the needs of existing or new residential/employment/mixed-use sites. The Council does not interpret this policy as preventing a larger such store within the campus, although clearly it would have to be demonstrated the scale of any new retail development would not adversely impact upon a designated centre. This would also be the case if the campus was identified as a Local Centre within the Network of Centres Hierarchy.

In general terms, the Local Development Plan supports development within the Campus where planned in accordance with the existing or a future Masterplan process. Where capacity for additional retail development is established, this could also be identified in the next Local Development Plan.

Stirling Settlement Statement

The Stirling settlement statement relates to those parts of the city deemed to form part of

the settlement of Stirling and shown upon the Stirling North, Central, South and City Centre Proposals Maps. It is considered by the Council that, while a key asset to the wider city and Council area, the University and Innovation Park are geographically closer linked to Bridge of Allan than Stirling City and are therefore referenced within that settlement statement. It is not considered that this will give the University any less status in the LDP.

The Council therefore does not agree to modify the plan as requested.

University Land Use Policy

The Council does not agree that the Proposed Plan does not capture the importance of the contribution that the University and Stirling University Innovation Park make the LDP area. Together the institutes are a major employer and attract recognition on an international scale, putting Stirling 'on the map' as it were. Indeed the University and the Stirling University Innovation Park will be key to delivering part of the Proposed Plan Vision (p13), within which it is envisaged that by 2037 "The University of Stirling, Forth Valley College and Stirling Sports Village continue to thrive and other centres of excellence are established, participation in sport and learning has increased alongside the number of related businesses and training opportunities, delivering benefits for health and wellbeing."

The Council also supports the Campus Masterplan that was prepared by the University and this is referenced in the Bridge of Allan Settlement Statement (p.123) which states that the Proposed Plan "supports development within the campus in accordance with this and subsequent masterplans and which protects, preserves and enhances the Airthrey Estate, which is included in the Inventory of Gardens and Designed Landscapes (see Policy 7.8). At the University of Stirling Innovation Park, the plan safeguards existing employment areas and identifies opportunities for future employment development.

With regards to the proposed support for land uses, the Proposed Plan only allocates specific land allocations for employment, housing and retail uses. These are supported by Policies where relevant. The Council does not consider that it is necessary for the Proposed Plan to include a University specific policy. As previously stated, the Council considers that support for development in accordance with the agreed Masterplan for the University and the relative LDP policies is adequately expressed within the LDP.

The Council therefore does not agree to modify the plan as requested.

**Reporter’s conclusions:**

Setting the Land Requirement for Business

1. Stirling University seeks greater recognition in respect of both the importance of the work undertaken by the institution and the direct importance of this to the future economic strategy of the city. The value of the University in this role is recognised by the council but it is not believed that a specific reference is required.
2. I note the “Vision” of the proposed plan identifies ten particular elements of which the ninth states that “Stirling will be a place of learning and sport: [where] the University of Stirling, Forth Valley College and Stirling Sports Village continue to thrive and other centres of excellence are established; participation in sport and learning has increased alongside the number of related businesses and training opportunities, delivering benefits

for health and wellbeing.”

3. As the proposed plan explains, “the Plan is governed by its own Vision and Spatial Strategy, which sets out the context for the scale and location of development...” In turn, I consider the inclusion of the University as one of the key components of the local development plan Vision demonstrates the importance attributed to the University as an institution including recognition of related business opportunities.

4. The proposed plan explains that the Spatial Strategy comprises different development approaches. Within the “Core Area”, Stirling University is identified for strategic development in Table 1, Spatial Strategy Development Approach, this status being endorsed in the Bridge of Allan Settlement Statement.

5. The settlement statement makes reference to the Campus Masterplan prepared by Stirling University recognising that this provides a framework for future development. The proposed plan offers specific support for the terms of this and any subsequent masterplans. There is also particular reference to the University of Stirling Innovation Park where the proposed plan safeguards existing employment areas and identifies opportunities for future employment development.

6. All-in-all, I consider the Vision, Spatial Strategy and Bridge of Allan Settlement Statement provide clear references to the University of Stirling and demonstrate both the existing importance of the institution and the future potential in respect of economic strategy. I believe this approach is suitable for a local development plan which is essentially a land use document to be used as a planning tool in the assessment of development proposals.

### Retail

7. Table 7: Role, function and scale of Network Centres, does not include the University of Stirling as either a town centre or a local centre. Nevertheless, the council recognises that the campus contains a shopping precinct with a range of facilities, including supermarket, bank, travel agent, pharmacy, arts centre, bars, restaurants and cafés. However, the council does not accept that all or part of the campus should be defined as a Network Centre.

8. The University has argued that the campus contains a separate and distinct community that is, in effect, a small town. It is on this basis that the scale of retail activity should be judged without the restrictive threshold applied by Policy 2.7: Retail and Footfall Generating Uses.

9. The council believes the concern of the University relates to the restrictive nature of Policy 2.7(b). In any event, it is argued, the policy would not prevent the siting of a larger store within the campus provided it could be demonstrated there would be no adverse impact on any designated Network Centre.

10. The council has not provided a clear reason for not supporting the definition of all or part of the campus as a Network Centre. Although I have been provided with no evidence about the residential character and profile of the campus, I believe it is reasonable to assume that a significant student element and term-time/vacation differentials provide a specific and distinct character and profile. On this basis, I believe that the residential character of the campus differs from that which generally supports a town centre or local centre. In turn, I do not consider it would be appropriate to designate an area within the

campus as a Network Centre to be included within Table 7.

11. Despite this conclusion, I also note that Policy 2.7 sets out the criteria that must be satisfied when proposals are either located within a Network Centre that are inconsistent with the role, function or scale of that centre or are located on sites that are not within an allocated Network Centre. In my opinion, the requirements of this part of Policy 2.7 would provide a suitable policy route for bringing forward any additional retail facilities proposed within the campus.

12. I also note the council's reference to support for development within the campus masterplan. As explained, this support is confirmed in the Bridge of Allan Settlement Statement and I consider that the campus masterplan is a further method that could be used to bring forward appropriate levels and types of retail development within the campus. Indeed, the council has indicated that any proposals brought forward could be identified in any review of the local development plan.

### Stirling Settlement Statement

13. Although I can appreciate the wish of the University to include references within the Stirling Settlement Statement, I accept the council's contention that the campus has stronger geographic links with Bridge of Allan. I also share the council's opinion that the inclusion of references to the University within the Bridge of Allan Settlement Statement does not diminish the status of the institution within the proposed plan. I therefore do not agree that matters relating to the University require to be placed within the Stirling Settlement Statement.

14. The University of Stirling also draws attention to the shared use of facilities in Primary Policy 3: Provision of Infrastructure, pointing out that neither the University nor the Forth Valley College are listed. However, this is a general policy relating to the sharing of educational, social, health and wider community infrastructure. Accordingly, there is no requirement to specify particular institutions that could be involved in sharing.

### University Land Use Policy

15. The University of Stirling believes there would be benefit in providing a single policy dealing with the University embracing all aspects of the varied land uses in the campus, and future potential development and needs. It is argued that the policy would provide an opportunity to capture the contribution to the area of the University and the Innovation Park.

16. The council does not accept the proposed plan fails to recognise the important role of the University and draws attention to the reference in the local development plan Vision. Similarly, states the council, the Bridge of Allan Settlement Statement makes reference to support for development within the campus in accordance with the masterplan prepared by the University.

17. As explained above, I am of the opinion that the proposed plan makes satisfactory reference to the University through the local development plan Vision, the Spatial Strategy and the Bridge of Allan Settlement Statement. Whilst a separate policy would provide some additional focus on the University, I do not believe that such a policy is necessary as the existing references in the Vision, Spatial Strategy and Settlement Statement would still be required. In any event, a separate policy would not accord with the document format which, as proposed, is presented in a logical and straightforward manner. The proposed

plan must be considered holistically and in any such consideration, the important role of the University is clear.

18. Insofar as individual land uses are concerned, the council explains that, in general, the proposed plan does not identify land uses at the level of detail suggested by the University. However, as discussed, the Bridge of Allan Settlement Statement refers to the campus masterplan which provides a framework for future development of the campus. Clearly, this document is of significance and should be an important point of reference when any question of campus development is being addressed.

19. Overall, I conclude that the proposed plan approaches aspects of campus land use in a satisfactory manner.

**Reporter's recommendations:**

No modifications.

<b>Issue 64</b>	<b>Key Site Requirements relating to Flood Risk (SEPA)</b>	
<b>Development plan reference:</b>	Various Allocations	<b>Reporter:</b> Sue Bell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
SEPA (90175)		
<b>Provision of the development plan to which the issue relates:</b>	Primary Policy 2: Supporting the Spatial Strategy – Housing, employment and retail development proposals will be directed to identified sites. Primary Policy 5: Flood Risk Management	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>Include Flood Risk Assessment in Key Site Requirements</u></p> <p>There are sites which are located in or adjacent to the functional flood plain or an area potentially at flood risk from any source. Note that requirement for a Flood Risk Assessment (FRA) has not been included in the site requirements.</p> <p>These sites are:  B31 - Stirling  H011 - Cambusbarron, Hayford Mills Phase 2  H023 – Stirling, Braehead (Broom Road)  H073 – Plean, Main Street  H124 – Countryside, Wester Camcushinnie Farm  H126 – Countryside, Fairfield Farm  H132 - Bridge of Allan, Sherrifmuir Road  H144 – Stirling, Former Riverside Pool  H150 – Countryside, South of North Doll Farmhouse</p> <p><u>Include Surface Water Mitigation Measure in Key Site Requirements</u></p> <p>SEPA's MIR response provided a list of sites where surface water maps show surface water hazard. As surface water flooding is a matter for the Council as the Flood Prevention Authority, recommend appropriate mitigation measures are implemented to reduce the risk of surface water runoff flooding and the Flood Prevention Authority satisfies itself with any surface water management proposals.</p> <p>These sites are:  B04A - Stirling - Back O'Hill  B04B - Stirling - Back O'Hill  B06 - Stirling - Kildean  B07 - Stirling - Pirnhall  B09 - Durieshill  B10 - Stirling - Springkerse  B11 - Stirling - Springkerse</p>		

B13 – Stirling – Braodleys Extension Area  
 B14 - Countryside Craigforth  
 B20 - Throsk - Bandeath North  
 B21 - Throsk - Bandeath West  
 B24 - Blairlogie - Manor Farm Business Extension  
 B26 - Stirling - Springkerse  
 B27 - Stirling - Forthside  
 B29 - Stirling - Broadleys  
 B30 - Stirling - Broadleys (Note - SEPA LDP ref. no. in error. Should be B30)  
 B31 - Stirling - Broadleys  
 B34 - Stirling - Springkerse  
 B35 - Stirling - Springkerse  
 B36 - Stirling - Springkerse  
 B38 - Stirling - Springkerse  
 B39 - Stirling -Springkerse (Note - SEPA LDP ref. no. in error. Should be B39)  
 B40 - Stirling - Springkerse  
 B41 - Stirling - Whitehouse Road  
 B47 - Killearn - Killearn Hospital  
 B50 - Stirling - Stirling University Innovation Park  
 B51 - Stirling - Stirling University Innovation Park  
 B52 - Stirling - Stirling University Innovation Park  
 B53 - Stirling - Stirling University Innovation Park  
 B56 - Stirling - Ministry of Defence Site  
 B57 - Stirling - City Centre  
 H011 - Cambusbarron - Hayford Mills Phase 2  
 H020 - Dunblane - Bogside  
 H023 - Stirling - Braehead  
 H049 - Stirling - Ministry of Defence Site  
 H050 - Stirling - Viewforth  
 H052 - Stirling - Former Stirling Royal Infirmary Site  
 H054 - Stirling - Former Kildean Auction market  
 H055 - Stirling - South Stirling Gateway  
 H057 - Durieshill  
 H058 - Stirling - Cultenhove  
 H061 - Stirling - Raploch  
 H063 - Stirling - Raploch  
 H066 - Stirling – Raploch (Note - SEPA LDP ref. no. in error. Should be H066)  
 H067 - Stirling - Raploch  
 H069 - Stirling - Raploch  
 H073 - Plean - Main Street  
 H074 - Cowie - Berryhills  
 H077 - Fallin - East Fallin  
 H083 - Balfron - Depot Site  
 H086 - Balfron - Kiltrochan  
 H119 - Countryside - Craigforth  
 H131 - Stirling - Raploch (Note - SEPA LDP ref. no. in error. Should be H131)  
 H132 - Bridge of Allan - Sherrifmuir Road  
 H135 - Bridge of Allan - Sunnylaw  
 H138 - Dunblane - Barbush  
 H142 - Stirling - Former MFI  
 H150 - Countryside - South of North Doll Farmhouse  
 H157 - Killearn - Killearn Hospital

- R01 - Stirling - City Centre
- R03 - Stirling - City Centre (Note - SEPA LDP ref. no. in error. Should be R03)
- R06 - Stirling - City Centre (Note - SEPA LDP ref. no. in error. Should be R06)
- R09 - Stirling - South Stirling gateway
- R10 - Durieshill
- R11 - Stirling - City Centre (Note - SEPA LDP ref. no. in error. Should be R11)
- R12 - Stirling - Springkerse
- R13 - Stirling - Springkerse

Avoid Functional Flood Plain

In order that the requirements are in keeping with other allocations and with the Council's authority's duties under the Flood Risk Management (Scotland) Act 2009) to promote sustainable flood management and Primary Policy 5: Flood Risk Management require text is expanded to avoid development on the functional flood plain.

These sites are:

- B43 - Balfron - Depot Site
- H083 - Balfron - Depot Site
- H135 - Bridge of Allan - Sunnyside
- H137 - Dunblane - Hillside
- H138 - Dunblane - Barbush
- H153 - Strathblane - South of A81

Culvert

In relation to site H134 - Bannockburn - Catherine Street the MIR Site Assessment under 'Flood Risk' it states there are 'No known issues'. A Scottish Water sewer runs through the site discharging into the Bannock Burn. Historical Maps (1918) indicate this was a watercourse that may have been culverted. Strongly recommend buildings are not constructed over, or immediately adjacent to, an existing drain (including field drain) that is to remain active. Scottish Water should be consulted on any proposals for development in the vicinity of their asset.

**Modifications sought by those submitting representations:**

Include Flood Risk Assessment in Key Site Requirements

A development requirement is attached to these sites for a Flood Risk Assessment to be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

Include Surface Water Mitigation Measure in Key Site Requirements

Recommend that appropriate mitigation measures are implemented for these sites to reduce the risk of surface water runoff flooding and the Flood Prevention Authority satisfies itself with any surface water management proposals.

Avoid Functional Flood Plain

Require the text for these sites is expanded to avoid development on the functional flood plain.

Culvert

Key site requirements for H134 - Bannockburn should consider existing culvert in the context of flood risk.

**Summary of responses (including reasons) by planning authority:**

The Proposed LDP's Primary Policy 5: Flood Risk Management, section (a) states:

"... the Council will take a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change."

SEPA's representation also highlights the Council's statutory duties to promote sustainable flood management and ensure development plans contribute to sustainable development.

Following from the above and to ensure developers are fully informed of the potential flood risk issues affecting the specified sites the Council is agreeable to the key site requirements to be amended to take account of the modifications requested by SEPA. The Council would have no objection to such a change being made by the Reporter if this is considered appropriate and considers this would not change the underlying aims of the Spatial Strategy to direct development to these sites.

To assist the Reporter the following wordings are suggested:

Include Flood Risk Assessment in Key Site Requirements

In the key site requirements for each specified site the following text shall be inserted:

Flood Risk Assessment required.

Include Surface Water Mitigation Measure in Key Site Requirements

In the key site requirements for each specified site the following text shall be inserted:

Appropriate mitigation measures are implemented to reduce the risk of surface water runoff flooding.

Avoid Functional Flood Plain

In the key site requirements for each specified site the following text shall be inserted:

Not all of the area will be developable and no development should occur in the functional flood plain or other areas known to flood.

Culvert

In the key site requirements H134 - Bannockburn the following text shall be inserted:

Site design and layout should take account of existing culvert.

**Reporter's conclusions:**Addition of Flood Risk Assessment in Key Site Requirements

1. Primary Policy 5 of the proposed local development plan relates to management of flood risk and promotes a precautionary approach to flood risk from all sources. The policy includes criteria for when flood risk assessments are required, but does not identify specific sites considered at risk of flooding.
2. The key site requirements for some allocations already specify that a flood risk assessment is required to accompany proposals for that site. However, the Scottish Environment Protection Agency has identified additional sites that it considers require flood risk assessment and/or where development should avoid the functional flood plain.
3. Flood risk at a site could influence its capacity to support development. A further information request was issued to the council to determine what effect, if any, flood risk at the sites identified by the Scottish Environment Protection Agency would have upon the projected development capacity of sites. It concluded that in all but one case there would be no change. A small increase of 5 units would be possible at one site (H011 – Cambusbarron, Hayford Mills Phase 2). The council noted that detailed planning permission is now in place for this site, which takes account of flood risk issues. However, it would be content if the key site requirements were modified in case the current consent lapses. A modification should also be made to the housing numbers to reflect the planning permission and this is dealt with in Issue 31.
4. Where information is available about specific sites at risk of flooding, there is no reason not to include this within the proposed local development plan. I therefore conclude that the key site requirements of those sites identified by the Scottish Environment Protection Agency as requiring a flood risk assessment should be amended to highlight this need. The council has provided suggested wording that could be incorporated into the key site requirements. Whilst planning permission has already been granted for some of these sites, it is still appropriate to amend the key site requirements in case the extant planning permission lapses.

Include Surface Water Mitigation Measure in Key Site Requirements

5. The Scottish Environment Protection Agency has identified a number of sites which it considers would be at risk from surface water flooding. Whilst Primary Policy 5 addresses general criteria in relation to surface water flooding, it does not identify specific allocations where these criteria will need to be applied. The council has indicated that it is agreeable amendments should be made to the key site requirements for those sites identified by the Scottish Environment Protection Agency as at risk of surface water flooding and it has provided a suggested form of words.
6. Where information is available about specific sites at risk of flooding, it seems reasonable to include this within the proposed local development plan in order to clarify the position for potential developers. I therefore conclude that the key site requirements of those sites identified by the Scottish Environment Protection Agency as at risk of surface water flooding should be amended to indicate this risk.
7. I note that the council has corrected some errors in relation to reference numbers for site allocations. For the avoidance of doubt, I have used the reference numbers as

corrected by the council. In addition, I note that the Scottish Environment Protection Agency’s representation (dated 23 September, 2016) identified an additional site at risk of surface water hazard (B01), which has not been included on this schedule 4. Following a request for further information, the council has confirmed that omission of B01 from this schedule 4 was a transposition error and it is content that it is added to the schedule 4 and treated in the same manner as other sites identified as at risk of a surface water hazard.

Avoid Functional Flood Plain

8. The Scottish Environment Protection Agency proposes that the key site requirements for certain sites should be amended to clarify that development on the functional floodplain should be avoided. The council is agreeable to this approach and has provided suggested wording.

9. Avoiding development within the functional flood plain could have an effect on the projected development capacity of sites. A further information request was issued to the council to determine what effect, if any, avoidance of the functional flood plain would have on the projected development capacity of sites. The council concluded that in all cases there would be no change in anticipated capacity.

10. Where there is specific knowledge about the applicability of a policy to a specific site, it seems reasonable to include this information within the key site requirements in order to clarify the position for potential developers. I therefore conclude that the key site requirements of those sites identified by the Scottish Environment Protection Agency should be amended to indicate that development in the functional flood plain should be avoided.

Culvert

11. The Scottish Environment Protection Agency has identified the presence of a culverted watercourse within site H134 – Bannockburn – Catherine Street. The council does not dispute this, and has suggested wording to take account of the Scottish Environment Protection Agency’s comments in relation to the watercourse.

12. Where a site constraint has been identified, it seems reasonable to include this within the key site requirements. Consequently, I conclude that the key site requirement for this site should be amended.

**Reporter’s recommendations:**

I recommend the following modifications be made:

Addition of Flood Risk Assessment in Key Site Requirements

1. The words “Flood Risk Assessment” should be added to the key site requirements for each and every of the following sites:

- B31 – Stirling
- H011 – Cambusbarron, Hayford Mills Phase 2
- H023 – Stirling, Braehead (Broom Road)
- H073 – Plean, Main Street
- H124 – Countryside, Wester Carncushinnie Farm

H126 – Countryside, Fairfield Farm  
 H132 – Bridge of Allan, Sherrifmuir Road  
 H144 – Stirling, Former Riverside Pool  
 H150 – Countryside, South of North Doll Farmhouse

Include Surface Water Mitigation Measure in Key Site Requirements

2. The words “Appropriate mitigation measures are implemented to reduce the risk of surface water runoff” should be added to the key site requirements for each and every one of the following sites:

B01 – Cowie Berriehills Main Street  
 B04A - Stirling - Back O'Hill  
 B04B - Stirling - Back O'Hill  
 B06 - Stirling - Kildean  
 B07 - Stirling - Pirnhall  
 B09 - Durieshill  
 B10 - Stirling - Springkerse  
 B11 - Stirling - Springkerse  
 B13 – Stirling – Braodleys Extension Area  
 B14 - Countryside Craigforth  
 B20 - Throsk - Bandeath North  
 B21 - Throsk - Bandeath West  
 B24 - Blairlogie - Manor Farm Business Extension  
 B26 - Stirling - Springkerse  
 B27 - Stirling - Forthside  
 B29 - Stirling - Broadleys  
 B30 - Stirling - Broadleys  
 B31 - Stirling - Broadleys  
 B34 - Stirling - Springkerse  
 B35 - Stirling - Springkerse  
 B36 - Stirling - Springkerse  
 B38 - Stirling - Springkerse  
 B39 - Stirling -Springkerse  
 B40 - Stirling - Springkerse  
 B41 - Stirling - Whitehouse Road  
 B47 - Killearn - Killearn Hospital  
 B50 - Stirling - Stirling University Innovation Park  
 B51 - Stirling - Stirling University Innovation Park  
 B52 - Stirling - Stirling University Innovation Park  
 B53 - Stirling - Stirling University Innovation Park  
 B56 - Stirling - Ministry of Defence Site  
 B57 - Stirling - City Centre  
 H011 - Cambusbarron - Hayford Mills Phase 2  
 H020 - Dunblane - Bogside  
 H023 - Stirling - Braehead  
 H049 - Stirling - Ministry of Defence Site  
 H050 - Stirling - Viewforth  
 H052 - Stirling - Former Stirling Royal Infirmary Site  
 H054 - Stirling - Former Kildean Auction market  
 H055 - Stirling - South Stirling Gateway  
 H057 - Durieshill  
 H058 - Stirling - Cultenhove

H061 - Stirling - Raploch  
 H063 - Stirling - Raploch  
 H066 - Stirling – Raploch  
 H067 - Stirling - Raploch  
 H069 - Stirling - Raploch  
 H073 - Plean - Main Street  
 H074 - Cowie - Berryhills  
 H077 - Fallin - East Fallin  
 H083 - Balfron - Depot Site  
 H086 - Balfron - Kiltrochan  
 H119 - Countryside - Craigforth  
 H131 - Stirling - Raploch  
 H132 - Bridge of Allan - Sherrifmuir Road  
 H135 - Bridge of Allan - Sunnyslaw  
 H138 - Dunblane - Barbush  
 H142 - Stirling - Former MFI  
 H150 - Countryside - South of North Doll Farmhouse  
 H157 - Killearn - Killearn Hospital  
 R01 - Stirling - City Centre  
 R03 - Stirling - City Centre  
 R06 - Stirling - City Centre  
 R09 - Stirling - South Stirling gateway  
 R10 - Durieshill  
 R11 - Stirling - City Centre  
 R12 - Stirling - Springkerse  
 R13 - Stirling - Springkerse

3. For the avoidance of doubt, I have used the reference numbers as corrected by the council.

Avoid Functional Flood Plain

4. The words “Not all of the area will be developable and no development should occur in the functional flood plain or other areas known to flood” should be added to the key site requirements for each and every one of the following sites:

B43 - Balfron - Depot Site  
 H083 - Balfron - Depot Site  
 H135 - Bridge of Allan - Sunnyslaw  
 H137 - Dunblane - Hillside  
 H138 - Dunblane - Barbush  
 H153 - Strathblane - South of A81

Culvert

5. Add the following text to the key site requirements for H134 – Bannockburn: “Site design and layout should take account of existing culvert.”