

REPORT TO WEST DUNBARTONSHIRE COUNCIL

**WEST DUNBARTONSHIRE PROPOSED
LOCAL DEVELOPMENT PLAN EXAMINATION**

Reporters: Ms Allison Coard MA MPhil MRTPI
Mr Richard G Dent BA(Hons) DipTP FRTPI
Mr Lance Guilford DipTP MRTPI

Date of Report: 08 January 2015

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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 persons appointed by 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.”

Considerations

2. The current participation statement is contained within the Development Plan Scheme and Participation Statement - published in June 2013. Table one below details the council’s intentions as contained in this document. The second column details the actions the council carried out as summarised from its Statement of Conformity with its Participation Statement; June 2014.

Table 1: Comparison of the authority’s current Participation Statement with its Statement of Conformity.

Summary of Current Participation Statement	Summary of Council’s Statement of Conformity with the Participation Statement; June 2014.
The Plan will be placed in the main Council offices and libraries	The Plan was made available to view in the two main Council offices at Rosebery Place, Clydebank and Garshake Road, Dumbarton. The Plan was also made available in all 8 Council libraries.
The Plan will be made available on the Council’s website.	A copy of the Plan was made available on the Council’s website
A publication notice will be placed in local papers.	A publication notice was placed in the Dumbarton Reporter (11/04/2014 edition) and Clydebank Post (12/04/2014 edition).
Notification of publication will be sent to all those who commented on the Main Issues Report.	A newsletter was distributed, published on the website and made available in Council offices and libraries at the time the original plan was published and again for the modified version.
Owners, lessees, occupiers of sites (or neighbouring land) which the Proposed Plan specifically proposes to be developed (and which would have a significant effect on the use and amenity of the site) will be notified.	For the original plan - 3,483 notifications were issued to meet this requirement of the Development Planning Regulations. Each was accompanied by a newsletter. For the proposed plan a more targeted notification was issued to premises directly affected by the modification.
Meetings will be offered and sought to discuss the Proposed Plan and resolve objections where possible.	These were held in Dumbarton, Bowling, Balloch, Clyde shopping centre and Alexandria and information boards were exhibited for the original plan. These were not repeated for the proposed plan although queries were dealt with in person or over the telephone.
There will be a formal consultation period of at least 6 weeks to allow for representations to made.	The Plan was published on 3 March 2014 with the period for making representations closing on 14 April 2014, a period of 6 weeks.

3. The above details some variation from the council's statement of intentions, as highlighted in bold. These reflect the fact that the council republished its proposed plan to include a notifiable modification. In these circumstances Section 18(5) of the Act requires the planning authority to publish the proposed local development plan as modified - i.e. not just a list of the modifications. In its submissions to this examination, in response to a further information request, the council confirmed its modified plan was published on its website and in hard copy form available at council offices and libraries on 3 March 2014.

4. The making of 'notifiable modifications' brings with it a further opportunity to make representations and the council has confirmed this took place on the basis of the whole of the proposed plan. Whilst the associated neighbour notification on the proposed plan as modified was more restricted than that carried out on the original version, we are satisfied this process meets the requirements set out under Regulation 15 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 concerning the notification of modifications.

5. A newsletter was issued to respondents to the Plan as originally published which advised that "If you previously commented on the Proposed Plan there is no need to resubmit representations on the same matter as your original representation will still be considered."

6. I understand from the submissions that re-publication of the proposed plan with modifications resulted in the receipt of additional representations 87-204 in respect of the Young's Farm/Dumbarton Football Club proposal. A supplementary response was received from Asset Crest Investments Ltd (121) in respect of the Lesser Boll of Meal site. In relation to Duntiglennan Fields, which was the subject of the council's modification, the Schedule 4 form separately lists and summarises the representations received at the different stages.

Reporters' Conclusion

7. The publication of the new proposed plan rolled forward from consultation on the original proposed plan. Whilst not envisaged at the time of the current participation statement, we find the process reflects the steps set out in the participation statement taking into account the corresponding requirements for "notifiable modifications" as set out in the Regulations. Consequently, we are satisfied that conformity with the current participation statement is demonstrated

8. We therefore conclude the examination of conformity with the participation statement and proceed to examine the issues raised in representations to the proposed plan.

Issue 1	GENERAL/MISCELLANEOUS	
Development plan reference:	Diagram on p6 Glossary Appendix 2	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (128) SNH (129) James Graham (170)		
Provision of the development plan to which the issue relates:	Various	
Planning authority's summary of the representation(s):		
<p><u>Water Framework Directive/Climate Change</u></p> <p>SEPA (128) are disappointed to note there is no mention of either '<i>Impacts of Climate Change and/or 'Resilience Measures to address Climate Change'</i> and <i>The Water Framework Directive/The Water Environment</i>' in the spider diagram on page 6 of Chapter 2 'Outcomes of the Local Development Plan Figure.</p> <p><u>Supplementary Guidance</u></p> <p>SNH (129) recommend that following each policy, a sentence should be added to provide a hook to relevant Supplementary Guidance.</p> <p><u>Glossary</u></p> <p>SNH (129) suggest that any Plan users looking up terms relating to European sites will need clearer definitions that reflect the strictness of the provisions of the Habitats Regulations.</p> <p><u>Appendix 2</u></p> <p>James Graham (170) states that Appendix 2 contains no reference to the policies, proposals or views contained in the local development plan which relate to the River Leven.</p>		
Modifications sought by those submitting representations:		
<p><u>Water Framework Directive/Climate Change</u></p> <p>SEPA (128) seek for the spider diagram on page 6 of the Plan to make reference to climate change/resilience measures and the Water Framework Directive/water environment.</p>		

Supplementary Guidance

SNH (129) seek for a sentence after each policy stating “Development proposals must accord with appropriate Supplementary Guidance [or in some cases, as appropriate, the name of the relevant SG].”

Glossary

SNH (129) recommend for the following as terminology in the Glossary:

Appropriate assessment - see Habitats Regulations Appraisal.

Habitats Regulations Appraisal – the process, or the written record, of assessing a plan or project that might have implications for a Natura site against the strict tests in the Habitats Regulations. Where a plan or project (e.g. built development) is assessed as “likely to have a significant effect”, an appropriate assessment must be undertaken of whether it would “adversely affect the integrity” of the Natura site.

Appendix 2

James Graham (170) seeks for the reference to the River Leven in Appendix 2 to contain reference to the policies, proposals or views of the Plan that affect it.

Summary of responses (including reasons) by planning authority:Water Framework Directive/Climate Change

The diagram on page 6 of the Proposed Plan (as modified) (CD19) illustrates the national, regional and local policy and strategy documents that influence the content of the Local Development Plan. It would not be possible to include every such document in the diagram. There are references to climate change throughout the Proposed Plan (as modified), including the third outcome in Table 1, p7. The Proposed Plan (as modified) includes a water environment policy (GN6) (CD19, p81) which, including the preamble, makes reference to the Water Framework Directive and River Basin Management Plans.

The modification by **SEPA (128)** is not required.

Supplementary Guidance

It is not the intention of the Council to prepare Supplementary Guidance in respect of all policies. Where it is intended to prepare Supplementary Guidance over the lifetime of this Plan, it is stated.

The modification by **SNH (129)** is not required.

Glossary

The Reporter is invited to recommend the modification suggested by **SNH (129)**.

Appendix 2

Appendix 2 (CD19, p92) identifies the ‘Our Changing Places – The Lomond Canal’

section of the Proposed Plan (as modified) as one which could affect land adjacent to the River Leven.

The modification by **James Graham (170)** is not required.

Reporter's conclusions:

Water Framework Directive and climate change

1. The European Water Framework Directive is referred to in paragraph 8.7.1 of the local development plan, where it is stated that river basin management planning implements the directive. Policy GN6 then, in sub-paragraph a), seeks to protect and improve the quality and enjoyment of the water environment by supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan.
2. Climate change is referred to in the third outcome (to be achieved by the local development plan) in Table 1, this being where development is contributing towards a lower carbon future and is prepared for the effects of climate change. Relevant supporting policies for which climate change is a material consideration are listed, including Policy DS6 in relation to flooding. In particular, paragraph 4.9.3 refers to flood risk assessment and management, which should take account of climate change projections.
3. I therefore find that the principle of taking climate change into account is built into Policy DS6, because flood risk assessments to determine whether or not development would have a significant probability of being affected by flooding, or increasing the probability of flooding elsewhere, should take account of climate change. I also refer to the addition of a bullet point in Policy DS1 which is recommended through Issue 14.
4. Climate change is also related to the issue of river basin management. It is stated in paragraph 8.7.1 that the benefits arising from river basin management planning extend beyond protecting and enhancing the quality of the water environment and can contribute to sustainable flood risk management and climate change adaptation and mitigation.
5. I therefore conclude that the concerns expressed on behalf of the Scottish Environment Protection Agency are already sufficiently and appropriately addressed within the local development plan. In the context of Circular 6/2013, it is only necessary to ascertain that the plan is sufficient and appropriate in terms of the above, and there is therefore no basis for the requested modification of the diagram on page 6 of the local development plan.

Supplementary guidance

6. The status of and appropriate content for statutory supplementary guidance is set out in paragraphs 135 to 139 of Circular 6/2013, and the local development plan glossary sets out a definition in this context. The purpose of supplementary guidance is to provide further information or detail in respect of policies or proposals in the plan, and I note that the council has referred to the preparation of supplementary guidance within the policies and supporting text of the local development plan where this is considered necessary. I have no evidence before me to suggest that there are additional areas requiring the preparation of supplementary guidance. Following on from this, I find that only those policies so identified by the council require supplementary guidance, not all policies.

7. Furthermore, when it has been adopted, supplementary guidance will be part of the development plan as a whole, but it would not be appropriate to incorporate supplementary guidance into the local development plan by stating that proposals or development must comply with supplementary guidance which is not yet part of the development plan and has not been subject to any scrutiny through this examination.

8. I note that there are several policies within the local development plan which actually require (or imply) accord or compliance with supplementary guidance. These are Policies DS5, BC1, BC2, GN2, GN4 and GN5. I also note a number of references in the text of the plan, including Policies BC1, BC2 and BH1, which include references to existing guidance, or guidance that has already been consulted on in preparation for its inclusion as statutory supplementary guidance. In some instances it is unclear whether the council intends to proceed to adopt this as supplementary guidance or to retain it in its current non-statutory form.

9. I therefore sought further clarification from the council on the status of the guidance referred to in the plan, and the council's views about how this should be reflected in the relevant policies and supporting text. In response the council has agreed that Policies BC1, BC2, DS5, GN2, GN4, GN5 and BH1 should make it clear that development will be considered in relation to further information and detail to be provided within supplementary guidance. In addition, the list below, as submitted by the council, clarifies the intended status of the guidance referred to in the plan and highlights the relevant policy and text references which would require consequent modification:

Existing guidance with no intention to make statutory Supplementary Guidance: Alexandria Town Centre Masterplan (paragraph 3.2.3) and Design Guidelines for Clydebank river frontage (paragraph 3.5.3).

Existing guidance with intention to revise and make statutory Supplementary Guidance: Antonine Wall Supplementary Guidance (Policy BH1 and paragraph 9.2.4)

Prepared for, and consulted on, as part of LDP process, and will become statutory Supplementary Guidance: Residential Development Principles for Good Design Supplementary Guidance (Policies BC1 and BC2 and paragraph 6.6.3)

Proposed statutory Supplementary Guidance but not yet prepared: Renewable Energy (Policy DS5); Kilpatrick Hills (Policies DS5 and GN4); Green Network (Policy GN2); Forestry, Woodland and Trees (Policy GN5); and Dumbarton Town Centre and Waterfront Strategy (paragraph 3.4.4)

10. In response to my further information request Scottish Natural Heritage confirmed it had nothing to add to its original submissions.

11. Taking the above into account, I recommend a number of changes in order to clarify the status of the guidance and any intention to adopt it as statutory supplementary guidance. I also include a consequent amendment to paragraph 1.7 to further clarify the role of supplementary guidance within the plan.

12. I address most of these modifications below although relevant references to supplementary guidance in policies GN1, GN4 and GN5 are considered separately

through Issue 12. The reference to supplementary guidance in Policy DS5 is addressed through Issue 14.

Glossary

13. I agree with both Scottish Natural Heritage and the council and conclude that a more precise definition of habitats regulations appraisal is required in the glossary. In particular the 2 stage process of firstly assessing whether there is likely to be a significant effect, and if there is likely to be a significant effect, carrying out an appropriate assessment as to whether development would “adversely affect the integrity” of the Natura site, should be clearly identified. For the avoidance of any confusion, the definition of “appropriate assessment” should rely upon what is described under Habitats Regulations Appraisal.

Appendix 2

14. I note that this appendix lists land owned by the council, and relates this to the content of the plan. In the case of land adjacent to the River Leven, the actual locations are not defined, and the reference is to sub-section 3.9 which sets out the council’s strategy for the Lomond Canal, the indicative route of which is shown in Map 10. This route follows fairly closely the route of the River Leven.

15. In the context of Circular 6/2013, it is only necessary to ascertain that the plan is sufficient and appropriate. With respect to Appendix 2, I have no evidence to suggest that this is insufficient or inappropriate, or that there is any requirement to identify land in the ownership of the council more precisely, or in relation to any other content of the plan which may affect the River Leven. I therefore conclude that no further additions to Appendix 2 are required.

Reporter’s recommendations:

Modify the local development as follows:

1. Amending Policy BC1 as follows:

The sites in Schedules 2 - 4 are reserved for housing development. Development of housing on these sites will be supported subject to consideration of the principles for good design of residential development, for which further information and detail will be provided in supplementary guidance.

2. Amending Policy BC2 as follows:

Particular needs housing will be supported on the sites in Schedule 5 and other suitable sites subject to consideration of the principles for good design of residential development, for which further information and detail will be provided in supplementary guidance.

3. Deleting ...and in accordance with supplementary guidance ... from Policy GN2 and adding a sentence at the end as follows:

Development will be considered in relation to further information and detail to be provided within supplementary guidance.

4. Amending Policy BH1 as follows:

Development that would have an adverse impact on the Antonine Wall or its setting will not be permitted. Proposals affecting the wall will be considered in relation to further information and detail to be provided in supplementary guidance.

5. Amending the first bullet point following paragraph 1.7 as follows:

Supplementary Guidance – this provides further detail or information in respect of the policies of the local development plan. The Plan indicates those areas where supplementary guidance will be prepared in support of those matters which are set out within the policies of the plan.

6. Removing “Supplementary” from paragraph 3.2.3 and replacing “Guidance” with “guidance”.

7. Removing the words “which are Supplementary Guidance” from paragraph 3.5.3.

8. Replacing “are” with “will be” in paragraph 6.6.3.

9. Replacing “has been approved” with “is being revised” in paragraph 9.2.4.

10. Amending the text in the glossary under the heading of **Appropriate Assessment** as follows: see Habitats Regulations Appraisal.

11. Amending the text in the glossary under the heading of **Habitats Regulations Appraisal** as follows:

the process, or the written record, of assessing a plan or project that might have implications for a Natura site against the strict tests in the Habitats Regulations. Where a plan or project (for example built development) is assessed as “likely to have a significant effect”, an appropriate assessment must be undertaken of whether it would “adversely affect the integrity” of the Natura site.

Issue 2	ALEXANDRIA TOWN CENTRE	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.2, Pgs 10-12 & Map 3	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (129)		
Provision of the development plan to which the issue relates:	Chapter 3.2 sets out the Strategy for Alexandria Town Centre which is to: strengthen its retail offer; increase the population of the town centre; support redevelopment along Bank Street; and improve the attractiveness of the town centre.	
Planning authority's summary of the representation(s):		
Scottish Natural Heritage (129) consider that the mixed use opportunity extending from Mitchell Way to the railway (SC1(1) and BC1(44)) has good potential for new habitat creation alongside the railway, to enhance the function of this Wildlife Corridor.		
Modifications sought by those submitting representations:		
Scottish Natural Heritage (129) seek a modification requiring the creation of a new green space south of the housing site and through the layout of the housing itself.		
Summary of responses (including reasons) by planning authority:		
<p>The Mitchell Way Redevelopment Opportunity was marketed by the Council in 2013 (CD37: Redevelopment Opportunity: Alexandria Town Centre, 2013). The brief refers to the Alexandria Town Centre Masterplan 2008 (CD36), the adopted Local Plan (CD22), and the preferred option for Alexandria town centre set out in the Main Issues Report (CD12), which was carried forward into the Proposed Plan, (CD19). A preferred bidder has now been identified for the site following a tendering exercise. Because of this it is considered that it would not be appropriate at this stage to introduce new elements into the Local Development Plan. However, the Council will seek green network enhancements as part of any future applications through the Development Management process, and as supported by Policy GN2 and any green network supplementary guidance that might be in place at the time.</p> <p>The modification by SNH (129) is not accepted.</p>		
Reporter's conclusions:		
<p>1. Providing the potential for new habitat creation suggested by Scottish Natural Heritage would clearly be worthwhile in enhancing the function of the wildlife corridor. However, the council has explained the relatively advanced progress of the Mitchell Way redevelopment opportunity with the identification of a preferred bidder. Changes at this stage would be unfortunate and I agree with the council that it would not be appropriate to introduce new development elements or constraints into the local development plan. Nevertheless, the council has indicated that the opportunity will be taken to enhance the</p>		

green network through the development management process. In this respect the terms of Policy GN2 will be especially significant.

2. I also note that housing Site BC1(44) is shown indicatively within the wider Mitchell Way redevelopment opportunity. Insofar as the housing boundaries have not been defined it would appear that some flexibility in layout and design exists. In turn, this should provide more scope for the implementation of green network enhancement and the creation of new habitat sought by Scottish Natural Heritage.

Reporter's recommendations:

No modifications.

Issue 3	CLYDEBANK TOWN CENTRE	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.3, Pgs 13-15 & Map 4	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Asda Stores Limited (74) Royal Mail Group (94) Clydeside Regeneration and Dawn Group (103) Chester Properties (107) Scottish Canals (127) Scottish Environment Protection Agency (128) Clydebank East and Central Community Council (183)</p>		
Provision of the development plan to which the issue relates:	<p>Chapter 3.3 sets out the Strategy for Clydebank Town Centre which is to:</p> <ul style="list-style-type: none"> • maintain the Clyde Shopping Centre as an attractive retail core; • support modernisation of the Shopping Centre (south); • support a new superstore on the existing Playdrome site; • support the evening economy and leisure offer; • protect setting of the Canal; • and improve public transport/accessibility. <p>The chapter also includes Map 4 which identifies these Strategy areas.</p>	
Planning authority’s summary of the representation(s):		
<p><u>Playdrome Site (SC1(3))</u></p> <p>Asda Stores Limited (74) does not support a new superstore on this site.</p> <p><u>Town Centre Boundary</u></p> <p>Asda Stores Limited (74) support the town centre boundary being maintained as is and not extended to include Queens Quay site.</p> <p>Clydeside Regeneration and Dawn Group (103) consider that the town centre should be extended to include part of the Queens Quay site to assist with kick- starting the regeneration of the wider Queens Quay site and opening up the river frontage to the town centre.</p> <p>Chester Properties (107) indicate that the Clyde Retail Park was historically identified as part of the town centre in Clydebank. This should be reinstated. This will provide the Council with a much stronger town centre through providing opportunities for all types of retailers to locate in Clydebank. In amending the town centre boundary to include the Clyde Retail Park the Council can ensure flexibility in the delivery of retail provision within Clydebank Town Centre. By including the retail park within the town centre boundary the Council will ensure that such retailers can be retained and attracted to the retail park, and</p>		

through the good connectivity with the Clyde Shopping Centre bring positive benefits to the whole town centre.

Clydebank East and Central Community Council (183) consider that the term 'town centre' should not be applied to the Clyde Shopping Centre. The town hall, library and old baths should be the focal point. The former John Brown's shipyard site (which is within the Queens Quay site) and the new leisure centre next to the College, along with the town hall should be retained as the town centre.

Clydebank Delivery Office

The **Royal Mail Group (94)** indicates that the Clydebank Delivery Office is fully operational. It must be protected from development that may adversely affect services delivered from it.

Forth & Clyde Canal

Scottish Canals (127) consider that ground floor uses must integrate better with the canal-side and the proposed 'Events Area'. The canal has an important role to play in adding value to the retail, residential and visitor offer of the town centre but the uses opening out onto the canal-side must promote activity and there must be as many doors and windows from these uses opening onto the canal as possible. There is an opportunity to develop the car park to the north of the canal at Clyde Shopping centre for other uses and that the Dunnes Stores unit could also through time be changed to allow windows and doors opening onto the canal-side public realm and create canal-side activity. In addition the plan should support the requirement for canal-side developments to make contributions towards the further improvement to the canal. The canal can also play a role in terms of receiving surface water discharge and providing heating/cooling solutions for adjoining developments.

Scottish Environment Protection Agency (128) advise that developments proposed in this area will require to take account of the proximity of the Forth & Clyde Canal. There is potential need for the submission of a Flood Risk Assessment and to encourage high quality SUDS and a buffer strip between development zone and the water body.

Modifications sought by those submitting representations:

Playdrome Site

It is assumed that **Asda Stores Limited (74)** seeks the deletion of the reference to superstore opportunity SC1(3) (requires changes to para 3.3.2, 3.3.7, Map 4 and Schedule 7).

Town Centre Boundary

Clydeside Regeneration and Dawn Group (103) seek the following amendments:

- Page 13, Paragraph 3.3.2. - in this section a further bullet point should be added as follows: "The town centre should be extended to include part of the Queens Quay site. This will assist in kick-starting the regeneration of the wider Queens Quay site and open up the river frontage to the existing town centre."
- Page 14, Paragraph 3.3.8. - the Proposed Plan should have a sentence added to the end of the paragraph as follows: "Integrating the town centre with Queens Quay and

extending the centre onto the our client's site will improve the evening and leisure economy in Clydebank."

- Page 15, the Proposals Map 4: Clydebank Town Centre should be altered to include part of Queens Quay (see Appendix 3). The town centre boundary should be extended to include reference to the retail opportunity on the Queens Quay site.

Chester Properties (107) seek to amend the town centre boundary to include the Clyde Retail Park.

Clydebank East and Central Community Council (183) seek to amend the town centre boundary to exclude the Clyde Shopping Centre and include the town hall and library, and former John Brown's shipyard including the college and proposed leisure centre.

Clydebank Delivery Office

No specific change has been requested by the **Royal Mail Group (94)**.

Forth and Clyde Canal

Scottish Canals (127) seek to strengthen the text reference in para 3.3.9 to say "All proposals adjacent to the canal should provide for the opportunity for interaction with the canal and make use of the canal for heating/cooling and SUDS and make a contribution, where appropriate, towards canal-side improvements."

Summary of responses (including reasons) by planning authority:

Playdrome Site

There is only one superstore operator in the town and the Playdrome site will offer increased choice in the food-shopping sector, introduce competition and draw additional trade to the town centre. The Clydebank Retail Strategy (2003), (CD38), identified the need to maintain investment in the town centre and recommended a second superstore in the town centre which would act as an anchor to the southern half of the town centre, broaden the range and quality of convenience provision and promote linked shopping trips. The retail strategy was updated by The Clydebank Town Centre: Retail Strategy Update (2012), (CD39) which sought to review the retail policy position and market findings of the 2003 retail strategy and bring forward an updated Strategy. It identifies a new superstore on the Playdrome site as a key requirement to anchor the town centre, enhance quantitative and qualitative retail provision, promote linked trips and maximise the town centre retail catchment (CD39: Table 5, page 28). It identifies that there is sufficient expenditure capacity to support a second superstore in the town centre (CD39: Appendix 2, page 36).

The modification proposed by **Asda Stores Limited (74)** to delete reference to a superstore opportunity is therefore not supported.

Town Centre Boundary

Three modifications to the town centre boundary are proposed by different interests:

- the extension of the boundary to incorporate part of the Queens Quay site;
- the extension to incorporate the Clyde Retail Park; and
- the exclusion of the Clyde Shopping Centre from the town centre and redefinition

of the town centre as the town hall, library, the former John Brown's shipyard site and the leisure opportunity site (both of which are within the Queens Quay site).

Paragraph 54 of SPP (CD03) defines the make-up and role of town centres and it is against this definition that the town centre boundary location should be assessed. Town centres should have "a diverse mix of uses and attributes, including a high level of accessibility". Clydebank is different to many Scottish towns in that it doesn't have a traditional high street and the Clyde Shopping Centre (including the enclosed shopping mall and pedestrianised Sylvania Way South) fulfills this role. However, outside of the Clyde Shopping Centre, there is a concentration of other uses within the town centre boundary such as traditional retail, leisure, commercial and residential uses all well-served by the public transport network. The town centre boundary in the proposed Plan would therefore accord with SPP policy.

Redefining the town centre boundary to include the Queens Quay site would have an adverse impact on Clydebank town centre and the Plan's strategy for it as set out in paragraph 3.3.2. The strategy includes the maintenance of the Clyde Shopping Centre as an attractive retail core and modernisation of the southern part of the shopping centre. It is considered that inclusion of part of the Queens Quay site in the town centre would take investment and shoppers away from the town centre. There are already a number of long-term vacant units (CD41: Vacancy Survey 2014 – Clydebank Map).

The strategy for Clydebank town centre also includes the identification of a superstore opportunity on the Playdrome site. The rationale for extending the town centre into Queens Quay is believed to support proposals for a supermarket on that site. It is the Council's position, supported by a capacity assessment undertaken in 2012 (CD39: Clydebank Town Centre Retail Strategy Update 2012), that there is not capacity for two new large supermarkets in Clydebank. The Playdrome opportunity is the preferred site because it is in the existing town centre and would complement existing shops there by encouraging linked trips. A superstore on the Queens Quay site is more likely to take shoppers away from the town centre and attract those who will only use the superstore. At present Dumbarton Road offers a strong town centre boundary. The extension of the town centre into the Queens Quay site would weaken the boundary and lead to much of the Queens Quay site being defined as edge-of-centre, which would give it sequential approach status further threatening the town centre strategy.

Additional matters concerning the Queens Quay site are included under Issue 5, and should be referred to.

The modification proposed by **Clydeside Regeneration and Dawn Group (103)** is not accepted.

In respect of the proposal to include the Clyde Retail Park in the town centre, it is accepted that the Clyde Retail Park was historically identified as part of the town centre in the Clydebank Local Plan (2004), (CD27: Clydebank Local Plan Proposals Map). Further to the publication of SPP8 Town Centres and Retailing in 2006, (CD04) which distinguished between town centres and commercial centres (paras 10-11), the Clyde Retail Park was redefined as a commercial centre in the West Dunbartonshire Local Plan (2010), (CD22). Paragraph 54 of Scottish Planning Policy (CD03) continues to define commercial centres as being "distinct from town centres as their range of uses and physical structure makes them different in character and sense of place" with a "more specific focus on retailing". The Clyde Retail Park meets the terms of what is defined as a

commercial centre in SPP. In practical terms, the definition of the Clyde Shopping Centre as a commercial centre provides the Council with a degree of control over development there, in terms of the sequential retail strategy in Policy SC1 and Table 5, which could otherwise impact on the vitality and viability of the core retail area of the town centre. Further, it continues to safeguard retail warehouse format shopping in a location accessible to the town centre.

For these reasons, the modification to Clydebank town centre's boundaries proposed by **Chester Properties (107)** is not supported.

The final modification seeks to exclude the Clyde Shopping Centre from the town centre boundary. As discussed above, Clydebank doesn't have a traditional high street and the Clyde Shopping Centre fulfills this role providing units occupied by national multiples, local retailers, banks, restaurants and cafes. It is therefore appropriate that the Shopping Centre - identified by the Plan as the Core Retail Area - remains at the heart of the defined town centre. The town hall, library and old baths have important civic and cultural functions which are not affected by their exclusion from the town centre and, along with Dumbarton Road, currently contribute to a strong defining edge to the town centre.

The modifications to Clydebank town centre's boundary proposed by **Clydebank East and Central Community Council (183)** are not supported.

Clydebank Delivery Office

The Plan has no specific proposals that affect the delivery office and Policy DS1 will ensure that any development will have regard to the existing context and use of the site. No modification in respect of the representation by the **Royal Mail Group (94)** is required.

Forth & Clyde Canal

The LDP identifies the canal in the town centre as an asset with the opportunity to increase interaction and contribute to the economy and offer of the town centre. The proposed modification by **Scottish Canals (127)** would strengthen the requirement for "all" proposals (rather than "any") to interact with the canal. However, the approach of the Plan is proportionate and allows for developments to be assessed on a case-by-case basis. Policies DS1 (page 47) and GN7 (page 82) will be used to ensure that developments create successful places and enhance built and natural assets such as the canal.

The inclusion of encouraging the canal to be used for heating/cooling and SUDS would form a consideration under Policy GN2 and GN6 and would be a consideration for supplementary guidance.

Scottish Canals (127) also propose that developments make a contribution towards canal-side improvements. Contributions need to be proportionate to the development proposal and the wording in para 3.3.9 allows this to be considered on a case-by-case basis taking the requirements of Policy GN7 (page 82) into account.

The modifications proposed by **Scottish Canals (127)** are not accepted.

No specific change has been requested by **Scottish Environment Protection Agency (128)** however, it should be noted that their advice forms part of Policy DS6, p53.

Reporter's conclusions:

Playdrome Site

1. There can be no dispute that ASDA contributes to the vitality and viability of the town centre and there is no reason to believe that the store will not continue to play a positive role in this respect. Nevertheless, in itself, this is not a persuasive argument for not allowing a second superstore within the town centre.
2. The council commissioned the Clydesdale Retail Strategy, 2003, which recommended a second superstore. This strategy was updated in 2012 when the Playdrome site was identified for a second superstore: a key requirement to anchor the town centre.
3. The strategy draws attention to the dominance of the town centre for shopping in Clydebank. Clearly, therefore, the town centre would be the most appropriate location for a second superstore. In this respect, planning permission has previously been granted for a superstore on the Playdrome site although this was not implemented. The strategy report indicates that Tesco has also shown an interest in the Playdrome site.
4. As the report states, few towns the size of Clydebank have only one superstore and it is believed that there is significant spare expenditure to support significant additional retail floorspace.
5. Although the report expects that the introduction of a second major superstore on the Playdrome site would lead to some changes to internal shopping patterns, overall it would significantly boost the town centre by increasing catchment penetration. This penetration is currently not as strong as it could be, and a new superstore would assist in promoting linked trips. In any event, states the report, the introduction of a further town centre superstore has wide local support.
6. All-in-all, I believe that there is a strong indication a second superstore is justified and, indeed, should be regarded as necessary within the retail context of Clydebank. A location within the designated town centre clearly accords with the guidance contained in Scottish Planning Policy. On this basis, the provisions of the local development plan are to be endorsed.

Town Centre Boundary

Queen's Quay

7. The Clydeside Regeneration and Dawn Group believes there is sufficient capacity available to accommodate a supermarket on the Queen's Quay site without impacting on the vitality and viability of the existing ASDA superstore or the proposed second superstore on the Playdrome site in the town centre. To this end, it has been calculated that turnover within the catchment area in 2014, excluding the proposed second supermarket, will be £102m with an outflow, or leakage, of some £65m of expenditure.

8. Turnover has been calculated as follows for a situation where three supermarkets would be trading:

ASDA	£42.7m (26% market share)
Playdrome	£35.93m (22% market share)
Queen's Quay	£30.89m (19% market share)

9. The bulk of the turnover for the Playdrome and Queen's Quay developments would come from "clawback" of leakage along with some impact on ASDA. Even then, it is calculated, there would be a continuing outflow of expenditure of some £28.5m.

10. It is claimed an additional supermarket at Queen's Quay would not only lead to private investment in Clydebank and create jobs but would provide arguably the greatest opportunity to re-connect the town to the waterfront. This would be important in realising a local, regional and national ambition. To this effect, a supermarket of up to 8,000sq m gross should be specified in paragraphs 3.5.2 and 3.5.7.

11. The Clydeside Regeneration and Dawn Group believe the extension of the designated town centre to include part of the Queen's Quay would facilitate the construction of a third supermarket. Additionally, it is believed that the extension of the town centre would act as a catalyst for the regeneration of the wider site and open up the river frontage to the existing town centre. Equally, the integration of the town centre and Queen's Quay would improve the evening and leisure economy. This intention should be included in paragraph 3.5.9.

12. I accept the importance of the redevelopment of the Queen's Quay and acknowledge that the potential has been recognised at a national level. Indeed, National Planning Framework 3 makes reference to regeneration in Clydebank. It is clear that the council is also actively seeking to promote the revitalisation of this large site. Although the local development plan supports a mixed-use redevelopment, the predominant element is to be houses and flats.

13. The local development plan recognises the proximity of the Queen's Quay site to the town centre but nevertheless, the council points out that Dumbarton Road provides a strong town centre boundary. I agree with this and consider that extension of the designation to the south of Dumbarton Road would weaken the town centre concept. Indeed, as feared by the council, Queen's Quay would be regarded as an edge-of-centre location, not only because of the need to cross Dumbarton Road, which at this point is a wide dual carriageway, but also because of the concentration of existing and recognised town centre uses in the designated area to the north of Dumbarton Road. In terms of Scottish Planning Policy, Queen's Quay would be second in the order of development preference as the area is clearly separated from the centre both physically and visually. In turn, the inclusion of this land within the designated town centre would be likely to reduce the ability of the existing town centre to attract further retail development.

14. Although I have noted the turnover figures provided by Clydeside Regeneration and Dawn Group, the concerns I have expressed in the previous paragraph lead me to believe that the Queen's Quay location should not be endorsed as a site for an additional supermarket. Additional retail provision in the town centre helps to increase footfall, vitality and viability, Any proposal for additional provision outwith the town centre would be considered in terms of Policy SC1. A supermarket proposal at Queen's Quay would currently run contrary to this policy as there is at least one suitable opportunity in a

sequentially preferred location. I consider the Playdrome proposal will serve to consolidate the established town centre in accordance with the plan's retail strategy. On the other hand, current inclusion of an additional proposal in a less preferred location could serve to undermine the proper emphasis placed on the town centre.

15. I note the other advantages claimed but conclude that an extension of the town centre boundary over part of the Queens Quay cannot be supported.

Clyde Retail Park

16. Chester Properties seeks the inclusion of the Clyde Retail Park within the designated town centre. I note that the retail park was at one time included as part of the town centre but, in terms of guidance provided in the 2010 version of Scottish Planning Policy, was subsequently excluded. Chester Properties emphasises the complementary role of the retail park which, it is argued, along with the Clyde Shopping Centre, functions overall as Clydebank town centre.

17. Shoppers do not make a distinction between the two elements and therefore, says Chester Properties, neither should the local development plan. To this extent, the definition of the role and function of the Clyde Retail Park, as set out in Table 5, is not accepted by Chester Properties. Indeed, it is stated, including the retail park within the boundary would bring benefits to the whole town centre.

18. Scottish Planning Policy, as recently revised, requires development plans to identify a network of centres which is likely to include town centres and commercial centres. Indeed, in this respect, Table 5 of the local development plan provides a retail strategy for the network of centres within the plan area. Furthermore, says SPP, plans should identify as commercial centres, those centres which have a more specific focus on retailing and/or leisure uses. Retail parks are an example of such commercial centres.

19. Whilst I do not dispute the contention that the Clyde Shopping Centre and the Clyde Retail Park complement one another, I believe they serve different functions. The Clyde Shopping Centre provides a range of services over and above the retail offer. A range of shop sizes is also to be found, again as traditionally found within a town centre. On the other hand, typical of its genre, the retail park provides a limited range of retail outlets, particularly in terms of size, along with very limited additional services, in this case limited to fast food provision. On this basis, I consider that Table 5 properly places the Clyde Retail Park within the "edge of town centre commercial centre" category and provides reasonable development guidance. Contrary to the claim by Chester Properties, I am of the opinion that there is a distinction between the two elements. The character of the retail park is typical of the genre and does not offer a town centre ambience.

20. Although in close proximity to one another and visually linked, Argyll Road provides a significant intervening feature which, in itself, leads to the separation of the two elements and emphasises the difference in function. I therefore conclude that the town centre boundary should not be extended to incorporate the Clyde Retail Park.

Town Hall and civic buildings

21. I can appreciate the value attributed by the Clydebank East Community Council to the traditional civic buildings including the Town Hall. This area is undoubtedly an intrinsic part of the Clydebank townscape. However, in terms of planning guidance, the

area defined in the local development plan, including particularly the Clyde Shopping Centre, must be regarded as “Clydebank town centre.” I do not accept the argument that this area should be excluded from the town centre designation and, accordingly, the town centre boundary should remain as proposed.

Clydebank Delivery Office

22. The Royal Mail Group operates a collection and delivery service from freehold property in Coldstream Road, Clydebank. This, says Royal Mail, must be protected from the impact of any development.

23. I note the council confirms the local development plan has no proposals that would affect the delivery office. Map 4, Clydebank Town Centre, in the written statement shows this to be the case.

24. I am satisfied that the local development plan contains no proposals that would jeopardise the Royal Mail Group services operated from the delivery office in Clydebank. Accordingly, no change is required.

Forth and Clyde Canal

25. Both Scottish Canals and Scottish Environment Protection Agency refer to the need to provide sustainable drainage systems (SuDS). As pointed out by the council, there is no requirement to include this in the Clydebank town centre section. Policy DC6 in Chapter 4, Developing Sustainability, makes reference to SuDS and provides guidance in respect of flood risk.

26. Scottish Canals also requires additional text in 3.3.9 but I consider that, in terms of the style of the local development plan, the guidance provided is adequate. In any event, as explained, policy DC6 deals with SuDS.

Reporter’s recommendations:

No modifications.

Issue 4	DUMBARTON TOWN CENTRE & WATERFRONT	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.4, Pgs 16-20 & Map 5	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dumbarton East & Central Community Council (56) Silvertown and Overtown Community Council (57) British Land Retail Warehouses Ltd (86) The Royal Mail Group (94) Scottish Environment Protection Agency (128) Scottish Natural Heritage (129)</p>		
Provision of the development plan to which the issue relates:	<p>Chapter 3.4 sets out the Strategy for Dumbarton Town Centre and waterfront which covers a wide and diverse area. The Strategy focuses on creating an attractive retail core, supporting a mix of uses throughout the town centre and identifies a number of opportunity sites adjacent to the river and retail core.</p> <p>The chapter includes Map 5 which identifies the key characteristics of the town centre and opportunity areas.</p>	
Planning authority's summary of the representation(s):		
<p><u>Retention of Old Academy Building Façade</u></p> <p>Dumbarton East & Central Community Council (56) have indicated that the building is in urgent need of work and requires more than the retention of the façade. It detracts from the appearance of the town.</p> <p><u>Tidal Basin</u></p> <p>Silvertown and Overtown Community Council (57) seek assurances that the tidal basin will not be infilled as part of the redevelopment of land to the south of Castle Street (para 3.4.11). It has historical importance to Dumbarton as one of the last physical remains of Denny's shipyard and has considerable regeneration and tourist potential, as well as links to the Scottish Maritime Museum's Denny Tank Museum adjacent.</p> <p><u>St James Retail Park</u></p> <p>British Land Retail Warehouses Ltd (86) comment that the retail park continues to be a major employer locally and its success ensures that a significant amount of retail expenditure is retained within the town. British Land has invested significantly in the retail park in recent years, including a major refurbishment and the addition of new units. Market research shows that there continues to be demand from retail park operators to open stores in Dumbarton. They support investment in the St James Retail Park, however are aware of issues relating to the town centre and are keen to work with the Council and town centre stakeholders to ensure that the town centre and retail park co-exist to improve the prosperity of the town as a whole.</p>		

The development of a second phase of the St James Retail Park provides significant opportunity to focus investment in Dumbarton, provide a catalyst to development in the town centre and claw back expenditure being leaked outwith the catchment. A well considered format of retail floorspace has the potential to retain both expenditure and custom within the Dumbarton area benefiting the town centre and area as a whole.

Dumbarton Delivery Office

The Royal Mail Group (94) indicates that the Dumbarton Delivery Office is fully operational. It must be protected from development that may adversely affect services delivered from it.

Site Allocations

Scottish Environment Protection Agency (128) comment that, although the regeneration plans are in principle supported, various allocations included in the town centre and waterfront area will require detailed FRA's to confirm the developable footprints of some of the allocations. Any engineering works (flood protection measures) proposed along the riverside will be subject to discussion with SEPA, including the construction of the new footbridge. In accordance with the terms of Policy DS6, development in the functional floodplain will not be supported & encourage high quality SUDS and buffer strip.

The Strategy for Dumbarton

Scottish Natural Heritage (129) look forward to contributing to strategic planning of this Changing Place as a partner in the Action Programme (CD21) and wish to clarify the nature and scope of the proposed strategy by making two modifications.

Waterfront Path

Scottish Natural Heritage (129) has concerns the line of this path around the south-west side of Dumbarton Rock (Map 5) has implications for the nationally important geological interest of Dumbarton Rock SSSI. Affixing path structures to the currently inaccessible rock faces could enable study and appreciation of the geology, but could also hinder it by obscuring the rock.

Waterfront

Scottish Natural Heritage (129) recognises that the Council may intend parts of the waterfront to be hard-surfaced civic space. However there is great potential for new green space creation to make the waterfront a significant multifunctional Green Network asset, in particular beside the River Leven at Castle Road (para 3.4.13), for site(s) south of Castle Street (para 3.4.11) and at Sandpoint (para 3.4.16).

Modifications sought by those submitting representations:

Retention of Old Academy Building Façade

Dumbarton East & Central Community Council (56) have not presented a modification to para 3.4.10 but their comments imply a change to the text to state that the building is in urgent need of work which should consist of more than the retention of the facade.

Tidal Basin

Silverton and Overtoun Community Council (57) have not presented a specific modification to para 3.4.11 but it is inferred that the text should mention that the tidal basin will not be infilled as part of the redevelopment of land to the south of Castle Street due to its historical importance to Dumbarton and its regeneration and tourist potential.

St James Retail Park

British Land Retail Warehouses Ltd (86) do not set out specific wording but propose that para 3.4.12:

- Continues to identify and promote land to the east of St James Retail Park for the development of a second phase of the retail park reflecting the existing planning permission in principle and the significant potential benefits this will 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.
- Continues to support proposals for retail and/or leisure developments in an identified Commercial Centre where their function complements that of other centres within the network of centres, having particular care not to undermine town centres.

Dumbarton Delivery Office

No specific change has been requested by the **Royal Mail Group (94)**.

Site Allocations

No specific change has been requested by **Scottish Environment Protection Agency (128)**.

The Strategy for Dumbarton

Scottish Natural Heritage (129) seek to:

- add the following text to paragraph 3.4.4: “*The strategy will include a mapped development framework which will be taken forward by more detailed site-specific masterplans*”; and
- amend the mapped boundary of the Town Centre & Waterfront to include the proposed bridge and the waterfront path west of Sandpoint.

Waterfront Path

Scottish Natural Heritage (129) recommend that the text at para 3.4.9 and/or Map 5 should include an appropriate caveat such as:

“This section of path is subject to avoiding net impacts on Dumbarton Rock SSSI.”

Waterfront

Scottish Natural Heritage (129) suggest three modifications:

- at para 3.4.13 “attractive frontage” should be replaced by “green space creation”;
- “green space creation” should feature in the requirements for sites south of Castle Road at para 3.4.11; and

- at Table 4 the following text should be added to the Sandpoint Marina entry at “continual waterfront path around site”: “with significant new open space located at key points of interest along the waterfront path.”

Summary of responses (including reasons) by planning authority:

Retention of Old Academy Building Façade

The condition of the building is such that only the facade can reasonably be incorporated into any future development and it is important that the redevelopment of the wider site ensures an appropriately designed and active frontage which incorporates the facade and this is clearly stated by the Plan on p17, para 3.4.10.

The modification proposed by **Dumbarton East & Central Community Council (56)** is not accepted.

Tidal Basin

Paragraph 3.4.11 of the Plan requires the stabilisation of the basin and harbour walls. This, in effect, requires their retention. However, there is a need to clarify this and the modification proposed by **Silverton and Overtoun Community Council (57)** is accepted.

The Reporter is invited to modify the second last sentence of para 3.4.11 by inserting “retention and” in front of “stabilisation of the basin and harbour walls.”

St James Retail Park

The general strategy for the St James Retail Park outlined in paras 3.4.12 reflects the policy details set out for the Network of Centres Retail Strategy under Policy SC1 and Table 5 (pages 73, 75). Town centres are the preferred location for new retail development. A fundamental role of the Network of Centres Retail Strategy is to protect existing town centres by restricting new smaller units on commercial centres like St James Retail Park. Whilst there is planning consent for a phase 2 development, it is appropriate that consents for significant retail developments in less preferred locations are kept under review. Where Plan allocations reflect historical out-of-town centre retail developments the possibility to carry out reviews is reduced.

For the reasons above it is not appropriate to modify para 3.4.12 and the modification from **British Land Retail Warehouses Ltd (86)** is not accepted.

Dumbarton Delivery Office

The plan has no specific proposals that affect the delivery office and Policy DS1 will ensure that any development which have regard to the existing context and use of the site.

No modification to the representation by the **Royal Mail Group (94)** is required.

Site Allocations

Scottish Environment Protection Agency’s (128) advice forms part of Policy DS6. No

modification is necessary.

The Strategy for Dumbarton

The supplementary guidance for the Dumbarton town centre and waterfront will include a mapped framework but since the area is under multiple ownership it will require the agreement of individual owners to prepare site-specific masterplans. The requirements of Policy DS1 will be encouraged to be presented in plan form by prospective developers and the supplementary guidance referred to in para 3.4.4 will be a material consideration in any application. There is therefore no requirement to refer to site-specific masterplans in the text.

The modification from **Scottish Natural Heritage (129)** is not accepted.

The boundary of the Town Centre & Waterfront is drawn to reflect the retail, civic and commercial boundaries of the town. Map 5 shows the proposed location of the new footbridge. The Dumbarton Proposals Map shows that a core path extends westwards from Sandpoint Marina along the waterfront. There is no need for Map 5 to replicate this.

The modification from **Scottish Natural Heritage (129)** makes no material change to the Plan so is not accepted.

Waterfront Path

It is accepted the line of the path around the south-west side of Dumbarton Rock (Map 5) is around currently inaccessible rock faces and that access may only be achieved by affixing path structures to the geologically important Dumbarton Rock SSSI.

The Reporter is invited to modify the line of the Harbourside path shown in yellow on Map 5 (p20), to stop at the north base of the Castle before the path turns south, to reflect the inaccessibility of the west and south-west side of the Rock.

Waterfront

It is anticipated that the waterfront area will be a combination of hard and soft civic space although it is recognised that there are opportunities to create a linear green network which follows the contours of the River Leven. Policy GN2 will require all development to follow the Integrating Green Infrastructure approach in accordance with supplementary guidance and this will ensure that these opportunities are considered.

The three modifications from **Scottish Natural Heritage (129)** are not accepted.

Reporter's conclusions:

Retention of Old Academy Building Façade

1. The site is shown on the Dumbarton Proposals Map as a Changing Place. In the written statement, Map 5, Dumbarton Town Centre and Waterfront, shows the Old Academy to be within a "Civic Quarter opportunity". Paragraph 3.4.10 describes the development potential for Castle Street, including the future role of the Old Academy, an A category listed building.

2. The Old Academy is a large structure in a prominent central location. All that remains is the front and sides of the building. These walls are shored up and supported by heavy steel stabilisers. Dumbarton East and Central Community Council is correct to state that more than the retention of the façade is required and that, in its present condition, the building is not an asset to the appearance of the town. Nevertheless, the council is to be commended for endeavouring to preserve what remains of the A category structure and to incorporate the façade into a redevelopment scheme. In due course it may be necessary to review the situation but, in the meantime, the local development plan presents a reasonable approach to the problem.

Tidal Basin

3. Paragraph 3.4.11 of the written statement deals with land to the south of castle Street including the waterfront of which the harbour walls and tidal basin are important constituent parts. The text notes “a requirement of the development of this site is the stabilisation of the basin and harbour walls.” In view of the historic importance of the structure, the Silverton and Overtoun Community Council seeks an assurance that the tidal basin will not be filled in. The council has agreed that a modification of the local development plan to this effect would be appropriate. I concur.

St James Retail Park

4. The retail park is shown on the Dumbarton Proposals Map as being within the town centre and waterfront area. Similarly, Map 5 in the written statement includes the retail park within the town centre although designated as a commercial centre subject to Policies SC1 and SC3. Policy SC1 supports retail development in the centres listed in Table 5. Table 5 includes St James Retail Park as an “Edge of town centre commercial centre”. Policy SC3 relates to proposals for non-retail uses within town centres.

5. Paragraph 3.4.12 sets out the strategy for the St James Retail Park, along with the nearby Morrison’s Commercial Centre. There is reference to additional retail floorspace at the retail park “beyond that already permitted”. Amongst other considerations, extra space will only be supported if it supports and improves linkages with the town centre.

6. St James Retail Park is largely developed with occupiers including, ASDA, M & S Simply Food, Home Base and Halfords. An undeveloped area lies to the east of the line of stores. The council indicates that planning permission for this area (phase 2) has been granted and British Land Retail Warehouses (British Land) explains that planning permission in principle was granted in 2006 for additional non-food retail space. In October 2013, permission was granted to vary the earlier conditions and allow further sub-division whereby somewhat over 50% of the remaining area is shown as additional floorspace (Phase 2A) with service area and car parking and the remainder is a “future development site”.

7. On one hand, the St James Retail Park is shown to be within Dumbarton town centre (Dumbarton Proposals Map and Map 5) although paragraph 3.4.12 refers – rightly, in my opinion – to the retail park being “not well-linked” to the town centre. On the other hand, Table 5 identifies the retail park as an “Edge of town centre commercial centre”, a designation that is also reflected in the key to Map 5.

8. The council states, somewhat enigmatically, that it is appropriate that consents for significant retail developments in less preferred locations are kept under review. Such

reviews, it is claimed, are more difficult should the local development plan reflect historical out-of-town centre retail developments. In this case, however, the site is not an out-of-town centre: it is shown to be within the town centre boundary although falling within an edge-of-centre category. In any event, a relatively recent planning permission has been granted for the undeveloped section of St James Retail Park and therefore development could proceed in accordance with the terms of that consent.

9. In terms of the requirements of British Land, the placing of St James Retail Park, including the undeveloped area, within the town centre boundary of the proposals map and Map 5 provides adequate identification. Table 5 sets out the criteria against which any proposals will be assessed, albeit that there is an extant planning permission in principle.

10. Paragraph 3.4.12 sets out the general approach to development at the retail park and nearby commercial centre. I consider this to be adequate, particularly as there is a reference to retail floorspace already permitted. The approach is consistent with the local development plan style. Although not disputed I see no reason to refer explicitly to the potential benefits of development and other matters set out by British Land.

Dumbarton delivery office

11. The Royal Mail Group operates a collection and delivery service from freehold property in College Way (Risk Street) Dumbarton. This, says the Royal Mail, must be protected from the impact of any development.

12. I note the council confirms the local development plan has no proposals that would affect the delivery office. Map 5, Dumbarton Town Centre and Waterfront, in the written statement shows this to be the case.

13. I am satisfied that the local development plan contains no proposals that would jeopardise the Royal Mail Group services operated from the delivery office in Dumbarton. Accordingly, no change is required.

Site allocations

14. The Scottish Environmental Protection Agency points out that detailed flood risk assessments would be required to support development at certain locations within Dumbarton town centre and waterfront. The council points out that policy DS6 incorporates the Agency's advice on this matter. Indeed, I note the Agency recognises that policy DS6 indicates that development will not be supported in the functional floodplain. The local development plan therefore provides adequate guidance on this matter.

The strategy for Dumbarton

15. The council confirms that the supplementary guidance will include a mapped framework. This is to be expected for ease of interpretation and I do not consider that explicit reference is required in paragraph 3.4.4.

16. The area is in multiple-ownership (as is to be expected in a town centre) and the preparation of site-specific masterplans may not be a straightforward process. However, as the council explains, encouragement will be given to developers to reflect the terms of

policy DS1 in plan form. The supplementary guidance will be a material consideration says the council.

17. I believe that particular methods of presenting a development concept, including masterplan preparation, could be explored prior to the submission of any specific development proposals, perhaps through pre-application discussions. On this basis I am prepared to accept a reference to site specific masterplans, as proposed by Scottish Natural Heritage, is not required in the text.

18. Overall, I believe the generality of paragraph 3.4.4 provides a reasonable indication of the method by which the council intends to approach the strategy for the future of the town centre and waterfront.

19. Although Scottish National Heritage suggests the new bridge and waterfront path to Sandpoint should be included in the town centre and waterfront, the council explains the basis for the boundary shown in Map 5. I agree with the council and accept there is no justification for extending the boundary westwards from Sandpoint or to include the proposed new bridge.

Waterfront Path

20. Map 5 in the written statement shows a harbourside path extending southwards around the north-west, west and south-west sides of Dumbarton Rock. I note that the rock is a nationally important example of a well-preserved volcanic plug and, as such, is designated as a Site of Special Scientific Interest (SSSI). Scottish Natural Heritage does not object to the path and accepts that there could be some benefit in being able to view currently inaccessible rock faces. However, a modification is suggested whereby this section of the path would avoid any net impact on the SSSI.

21. The council believes that it may be necessary to secure the path to the geologically important rock and therefore proposes a modification whereby the path would terminate at the north base of the rock.

22. Although it may be possible to provide a path around Dumbarton Rock without having a net detrimental impact, I accept the council's modification as a pragmatic and risk-free approach to preserving the SSSI.

Waterfront

23. Scottish Natural Heritage believes the local development plan should take the opportunity to emphasise the value of green space creation along the Dumbarton waterfront. This is acknowledged by the council and, in this respect, points out that Policy GN2 requires new development "to follow the Integrating Green Infrastructure Approach."

24. Insofar as paragraph 3.4.13 is concerned, I accept that "attractive frontage" could include "green space creation" or, indeed, as suggested by the council, hard and soft landscaping. I therefore believe that the flexibility of the paragraph as drafted is acceptable whilst retaining the need to have regard to Policy GN2.

25. Paragraph 3.4.11 states that the land to the south of Castle Street offers the largest but most complex development opportunity in the town centre and waterfront area. I believe it would be appropriate to insert a reference to green space creation as a general

guiding principle in this area. Any detailed proposal would, of course, be assessed in terms of Policy GN2.

26. Table 4 sets out the requirements for new housing land releases including Sandpoint Marina. I believe that the guidance provided in Table 4 is adequate and, whilst I do not disagree with the suggestion put forward by Scottish Natural Heritage, the particulars of open space should be determined through detailed plans under Policy GN2.

Reporter’s recommendations:

Modify the local development plan as follows:

1. In paragraph 3.4.11, change the penultimate sentence to read:

“Public access along the entire waterfront is a requirement of the development of this site as is the retention and stabilisation of the basin and harbour walls.”

2. In the written statement Map 5, Dumbarton Town Centre and Waterfront, delete the harbourside path on the east bank of the River Leven southwards from the point where the path meets the northern base of Dumbarton Rock.

3. In the written statement paragraph 3.4.11, following the sentence ending “...access to the waterfront and views to Dumbarton Castle.” insert a further sentence as follows:

“Throughout the area, green space creation will be an important consideration in achieving the stated objectives.”

Issue 5	QUEENS QUAY, CLYDEBANK	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.5, Pgs 21-24 & Map 6	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Asda Stores Ltd (74) Clydeside Regeneration & Dawn Group (103) Scottish Canals (127) Scottish Environment Protection Agency (128) Scottish Natural Heritage (129) Clydebelt (169)</p>		
Provision of the development plan to which the issue relates:	<p>Chapter 3.5 sets out the Strategy for Queens Quay, a 41 hectare former shipyard (John Browns) of historical importance located on the River Clyde. The Strategy is for housing-led regeneration with support for other uses, green network enhancements and a reservation of the Fastlink route if required.</p> <p>The chapter includes Map 6 which sets out the development opportunities for the site.</p>	
Planning authority’s summary of the representation(s):		
<p><u>Large Scale Retail Development</u></p> <p>Asda Stores Ltd (74), represented by Jigsaw Planning, supported the MIR option for Queens Quay which seeks to maintain the site as an opportunity for housing-led regeneration with ancillary retail, office and tourism/leisure. Asda is therefore pleased to see that the Proposed Plan does not support a significant retail opportunity on the site (para 3.5.7). However the Proposed Plan continues to say that future proposals “<i>must be based upon a comprehensive masterplan and be supported by evidence of a funding model demonstrating how the development of the entire site is to be achieved.</i>” Asda highlight that, as acknowledged in the LDP text the development of this site for significant retail development could have an adverse impact on Clydebank Town Centre through diversion of expenditure.</p> <p>GVA James Barr representing Clydeside Regeneration & Dawn Group (103) seek to promote the site as a mixed use development to include a large format superstore (up to 8,000 sq.m (gross) with petrol filling station). Their representation includes a summary of the retail capacity issues in Clydebank. They conclude that there is sufficient expenditure available for a supermarket on the site, without impacting on the vitality or viability of the existing ASDA store or proposed site in the town centre (the “Playdrome” site identified in para 3.3.7).</p> <p>They consider that the site is of national importance and as development on the site has stalled the Council should take a more proactive approach to promoting development on the site. They state that para 3.5.7 appears to be the only indication from the Council that consideration will still be given to large scale retail in terms of the “impetus required” to kick start the regeneration of the site. In their view the Proposed Plan has to go further</p>		

than this for the Council to realise the vision for Queens Quay.

Clydebelt (169) are against any large scale retail development on the site which would conflict with the town centre, bring too much traffic and could destroy the more peaceful ambience they would like for the riverside and adjacent areas.

Simplified Planning Zone

Clydeside Regeneration & Dawn Group (103) wish the Queens Quay site to be identified as a Simplified Planning Zone through the Proposed Plan (or a separate Council exercise) to encourage regeneration on the site.

Fastlink Proposal

Clydeside Regeneration & Dawn Group (103) consider that as the Fastlink proposal is not planned to come out to Clydebank, it is inappropriate to include this in the Proposed Plan.

Changing Places

Scottish Canals (127) supports the identification of Queens Quay as a 'Changing Place'. Links between the site and Clydebank Town Centre and the Forth & Clyde Canal should be improved and funded through its development. This will help the regeneration efforts within the town centre and will ensure that the many people eventually living at Queens Quay walk/cycle to the town centre and the canal i.e. both Clydebank's waterways would be joined up.

Flood Risk

Scottish Environment Protection Agency (128) indicate that further detailed flood risk information will be required to define the developable footprint of the site which may include flood management measures and repairs to the existing flood defences/quay walls and encourage high quality SUDS and buffer strip. There are no specific modifications proposed to the text.

Green Network

Scottish Natural Heritage (129) looks forward to contributing to strategic planning of this Changing Place, as a partner in the West Dunbartonshire Local Development Plan Action Programme (CD21, item 4.1). They acknowledge that demolition of the disused railway bridge and the embankment immediately adjacent could positively contribute to place-making here. Further west however, the embankment is an attractive green space with an informal path. Its trees not only provide a landscape setting to the Glasgow Road area but could also provide advance greening to the north-west edge of this Changing Place. SNH recommend that the text should encourage partial retention of the embankment as a Green Network asset, providing a path/cycle route and connectivity for wildlife with the nearby railway and Canal corridors.

Residential Development at Queens Quay

Clydebelt (169) state that the Queens Quay site should not just be a new residential area but attract others to the riverside for leisure etc (para 3.5.4). There should be less houses

and more open space provision. A waterfront park could incorporate the Titan crane with a children's adventure play area or similar, with street sculptures and furniture.

Modifications sought by those submitting representations:

Large Scale Retail Development

Asda Stores Ltd (74) consider that para 3.5.7 should be amended to refer in the text that any future significant retail proposals on the site would need to meet the other policies of the LDP in particular SC1.

Clydeside Regeneration & Dawn Group (103) propose several amendments to the text of section 3.5 as follows:

- At para 3.5.2 there should be further bullet points: "supermarket of up to 8,000 sq.m gross of floor space";
- At para 3.5.4 delete ""predominantly for houses and flats" and insert "predominantly for residential use". In the next line also delete "proximity" and insert "opportunity to integrate with the town centre";
- At para 3.5.7 delete the first two sentences and "However" at the start of the third sentence. Then insert at the end of the paragraph, "However, the council will support an 8,000 sq.m (gross) supermarket as part of the proposal to kick start the regeneration of the site." (Note: it should be deletion of first three sentences).
- At para 3.5.9 add after the first sentence, "The expansion of the town centre into Queens Quay will assist in linking Clydebanks to the waterfront."

In addition, they wish Map 6 to be altered to extend the town centre south into the eastern side of the Queens Quay site (see appendix 4 of their submission) and specific reference should be made to the 8,000 sq.m (gross) supermarket on the map.

Clydebelt (169) have not suggested any specific modifications to the text.

Simplified Planning Zone

Clydeside Regeneration & Dawn Group (103) propose an additional bullet point at para 3.5.2 which states "consider the creation of a simplified planning zone on part or the entire site."

Fastlink Proposal

Clydeside Regeneration & Dawn Group (103) state that paragraph 3.5.11 should be deleted and reference to Fastlink in Map 6 be removed.

Changing Places

Scottish Canals (127) have not proposed any modifications.

Flood Risk

Scottish Environment Protection Agency (128) have not proposed any modifications.

Green Network

Scottish Natural Heritage (129) recommends that the text at para 3.5.8 should encourage partial retention of the embankment as a Green Network asset, providing a path/cycle route and connectivity for wildlife with the nearby railway and canal corridors.

Residential Development at Queens Quay

Clydebelt (169) suggest that a new section be added to chapter 3.5 which suggests “provision for parking from Hall Street to service Town Hall and Library, provision of parking near basin for access to Titan crane, riverside walkway and any marine development based in the basin”.

Summary of responses (including reasons) by planning authority:Large Scale Retail Development

Any significant retail development would require to meet Policy SC1 and Table 5 which sets out a network of centres strategy and it is not considered that there is need to have specific reference to it or other policies in the text of para 3.5.7.

The modification by **Asda Stores Ltd (74)** is not accepted.

The Council recognises the national, regional and local significance of the Queens Quay site and the Clyde Waterfront and is supportive of the SDP strategy. The SDP spatial development strategy sets out indicative forms of development in line with the strategy for the Clyde Waterfront and this does not include retail (CD09: Diagram 3: Spatial Development Strategy and Indicative Compatible Development, page 5). Retail development is supported in the Network of Strategic Centres including Clydebank Town Centre.

The Council considers that a significant retail development on the Queens Quay site, and specifically an 8,000 sq.m superstore, would have adverse impacts on Clydebank town centre. It would draw trade from the town centre, which already has vacancies (CD41: Vacancy Survey 2014 – Clydebank Map) and more significantly would threaten the LDP’s strategy for the town centre which includes a strong retail core and a new superstore on the Playdrome site, which would complement the existing retail offer. The retail capacity assessment undertaken for the Retail Strategy Update 2012 (CD39), prepared for Clydebank Rebuilt, concludes that there is capacity for one further large superstore in the Clydebank town centre convenience catchment, and the LDP identifies the opportunity for this on the Playdrome site, within the town centre. The Retail Strategy Update also states that an additional store on the Queens Quay site “would be expected to substantially displace trade from the town centre” (CD39, para 4.12, pg 23).

The Council has been working in partnership with the site owners of Queens Quay and has recently appointed a consultant specifically tasked with progressing the site towards development through the preparation of a Masterplan which is in line with the LDP’s housing-led strategy for the site. Good progress is being made in this exercise (CD40: WDC Infrastructure, Regeneration and Economic Development Committee: 18 June 2014 – Queens Quay, Clydebank).

The modifications to the text at section 3.5 by **Clydeside Regeneration & Dawn Group (103)** are not supported.

Matters relating to amending the Clydebank town centre boundary (including amendments to Map 6 and para 3.5.9) to include part of Queens Quay are dealt with under Issue 3 and should be referred to.

Simplified Planning Zone

Enterprise zones (also known as simplified planning zones) were first introduced in the 1980s and Statutory Instrument 1995 No.2043 (CD07) sets out the requirements for them under the 1972 Planning Act. Although this regulation has not been revoked the idea behind enterprise zones has been superseded by Enterprise Areas when the Scottish Government announced in 2012 that four Enterprise Areas were to be designated (CD08: Financial Scrutiny Unit Briefing: Enterprise Areas). These four areas are growth sectors rather than specific sites, i.e. life sciences, renewable, creative industries and aerospace, although 14 sites have been identified across Scotland to promote these growth sectors. Enterprise Areas use business incentives to encourage development and a streamlined approach to planning whereby local authorities sign up to a planning protocol which facilitates and enables development. No sites in West Dunbartonshire have been identified as an Enterprise Area.

The Strategic Development Plan identifies “Clydebank Riverside” as a Strategic Economic Investment Location for the Business and Financial Services and Life Sciences sectors (CD09: Schedule 2, pg24) and it is acknowledged that life sciences is one of the growth sectors identified by Scottish Government for Enterprise Areas.

However, the Local Development Plan identifies the more tightly defined Queens Quay site as a housing-led regeneration project with support for other uses. None of these are in the growth sectors identified for Enterprise Areas. In addition, the Council considers that the way forward for Queens Quay is through a masterplan approach and working with the developers to achieve a development which meets the Council’s design aspirations for the site.

The use of a simplified planning zone for the Queens Quay site is not appropriate and the amendment by **Clydeside Regeneration & Dawn Group (103)** is not supported.

Fastlink Proposal

The Fastlink core route, currently being constructed, will provide a public transport route from Glasgow city centre running along the Clydeside and serving the Financial Services District in Glasgow, the SECC, Govan and the new South Glasgow Hospitals campus. There are no committed proposals to route Fastlink out to Clydebank. However, Strathclyde Partnership for Transport have indicated that there is the potential to expand the scheme in the future (CD56: Email from SPT). Paragraph 3.5.11 is worded to reflect the longer term aspirations of the site to ensure that at the masterplanning stage of Queens Quay consideration is given to the proposals at that time. The illustration in Map 6 reflects this aspiration. Other options for the Fastlink route have also been identified, including running along Dumbarton Road and through Clydebank town centre.

The amendment by **Clydeside Regeneration and Dawn Group (103)** is not accepted.

Flood Risk

SEPA's (128) advice forms part of Policy DS6 and will be secured through the development management process.

Green Network

The Council's preference is for the removal of the embankment at Cable Depot Road to enable a more comprehensive redevelopment although the text at para 3.5.8 does acknowledge an alternative may be a management regime to prevent the railway bridge and the embankment becoming overgrown. It is accepted that the embankment does provide a green network opportunity and to reflect this it is suggested that the last sentence of para 3.5.8 is amended to state "and, along with the embankment, contribute to the green network of the site, offering a path and wildlife connectivity."

The Reporter is invited to make the modification in response to the representation by **Scottish Natural Heritage (129)**.

Residential Development at Queens Quay

Clydebelt (169) state that the site should not just be a new residential area but attract others to the riverside for leisure uses with more open space provision. The modification seeks provision of parking at certain parts of the site, presumably to encourage users to the river. The Council considers that the strategy for the site, in para 3.5.2, does support uses other than housing on the site which will all assist in attracting people to the riverside. The level and nature of parking provision within the masterplan for access to features within the site such as the Titan Crane, riverside walkway and any other development within the basin will be dependent on a number of factors including the proposed density of use and layout. The town hall and library are close to good public transport and it is not considered necessary to reserve parking provision on the masterplan for these existing uses. Open space provision is a requirement of the site as identified in para 3.5.10 and it is expected that the masterplan will demonstrate that the site will make a significant contribution to the green network within West Dunbartonshire.

The amendments by **Clydebelt (169)** are not supported.

Reporter's conclusions:Large Scale Retail Development

1. Although ASDA requires an explicit reference to Policy SC1 I am satisfied that, as explained by the council, any proposed retail development would require assessment against Policy SC5 and Table 5.
2. The possibility of extending the town centre boundary over part of Queen's Quay to accommodate a supermarket of 8,000 sq m gross is examined under Issue 3. There it is concluded that the town centre boundary should not be changed from that shown in the local development plan. Furthermore, it is concluded that an additional supermarket within the Queen's Quay site should not be supported. These conclusions apply equally to this issue and I therefore confirm that the local development plan should not identify land within the Queen's Quay site for large- scale retail development.

Simplified Planning Zone

3. The Clydeside Regeneration and Dawn Group believes the council should adopt a more proactive and, indeed, radical approach to promoting development at Queen's Quay. It is claimed a strong message to this effect could be delivered through the creation of a simplified planning zone. Details could be determined in due course but the inclusion of such a zone in the local development plan would be an encouragement to sustainable economic development.

4. The council explains that a streamlined planning approach is now incorporated into Enterprise Areas, four of which were designated by the Scottish Government in 2102, in respect of economic growth sectors. Fourteen sites were identified across Scotland to promote these growth sectors. None was identified in West Dunbartonshire. Nevertheless, says the council, the strategic development plan identifies Clydebank Riverside as a strategic investment location for business and financial services and life sciences, the latter being one of the Scottish Government's specified growth sectors.

5. It does appear that the concept of simplified planning zones is now somewhat outmoded as a method of promoting development. More broad based enterprise areas of growth activities are favoured to promote development in certain fields. I have no compelling evidence to suggest the designation of the Queen's Quay as a simplified planning zone would stimulate development or even generate interest in development. On the other hand, the council considers that the way forward is through a masterplan process involving prospective developers. Some progress appears to have been made. I can understand that this approach could prove beneficial particularly as the Queen's Quay development has an emphasis on residential development.

6. Overall, I am not convinced of the merits or practicalities of designating a simplified planning zone and therefore do not consider the local development plan should make a reference to this effect.

Fastlink Proposal

7. Although there are no firm proposals to extend the Fastlink transport route to Clydebank, the council has explained that this could be a future possibility. Both paragraph 3.5.11 and Map 6 indicate that the Fastlink route is simply "possible".

8. Whilst I recognise that there has been no decision to extend the Fastlink route, I consider the principle of providing a future Fastlink extension through Queen's Quay and beyond to be eminently sensible. I therefore conclude that paragraph 3.5.11 and Map 6 should remain unaltered in this respect.

Flood Risk

9. The comments by the Scottish Environment Protection Agency should be regarded as advice and do not represent an objection. As the council points out, policy DS6 provides guidance on flood risk management. Detailed proposals would be subject to the development management process.

Green Network

10. It is generally recognised that the removal of the disused embankment could

increase the scope for redevelopment and improve the overall design. On the other hand, the value of the embankment, or at least part of it, as part of the green network is also recognised. The council has suggested a modification reflecting the requirements of Scottish Natural Heritage and I conclude it is appropriate to change the text accordingly.

Residential Development at Queen’s Quay

11. Although Clydebelt is seeking a more comprehensive development with a range of uses and activities, the council has responded by indicating that this is indeed the intention. I note that the strategy for the site, as set out in paragraph 3.5.2, is predominantly housing activity along with support for other uses including business and industry, public services, leisure, cafes, hotels, education and retail. The site is also intended to make a significant contribution to the green network. A comprehensive masterplan is required.

12. Queen’s Quay is an important site, and recognised as such in a local, regional and national context. The preparation of a masterplan will be an important future step towards achieving a development of high quality. In the meantime, I consider that, in general terms, the local development plan provides a sound basis for a development commensurate with the potential of the location.

Reporter’s recommendations:

Modify the local development plan as follows:

1. In paragraph 3.5.8, alter the final sentence to read:

“...and, along with the embankment, contribute to the green network of the site, offering a path and wildlife connectivity.”

Issue 6	CARLESS, OLD KILPATRICK															
Development plan reference:	Chapter 3 – Our Changing Places Section 3.6, Pgs 25-27, Map 7	Reporter: Lance Guilford														
Body or person(s) submitting a representation raising the issue (including reference number):																
<table border="0"> <tr> <td>sportscotland (20)</td> <td>G Dick (96)</td> </tr> <tr> <td>Susan Dick (75)</td> <td>Scottish Canals (127)</td> </tr> <tr> <td>Graham Parton (76)</td> <td>SEPA (128)</td> </tr> <tr> <td>Hazel McFarlane (81)</td> <td>SNH (129)</td> </tr> <tr> <td>Elaine Dick (82)</td> <td>Jackie Wintersgill (166)</td> </tr> <tr> <td>Lesley McEwan (83)</td> <td>Clydebelt (169)</td> </tr> <tr> <td>Robbie McEwan (84)</td> <td></td> </tr> </table>			sportscotland (20)	G Dick (96)	Susan Dick (75)	Scottish Canals (127)	Graham Parton (76)	SEPA (128)	Hazel McFarlane (81)	SNH (129)	Elaine Dick (82)	Jackie Wintersgill (166)	Lesley McEwan (83)	Clydebelt (169)	Robbie McEwan (84)	
sportscotland (20)	G Dick (96)															
Susan Dick (75)	Scottish Canals (127)															
Graham Parton (76)	SEPA (128)															
Hazel McFarlane (81)	SNH (129)															
Elaine Dick (82)	Jackie Wintersgill (166)															
Lesley McEwan (83)	Clydebelt (169)															
Robbie McEwan (84)																
Provision of the development plan to which the issue relates:	The spatial strategy for the Carless site, Old Kilpatrick which makes provision for new mixed-use development resulting in the remediation of the site; green network enhancements; and access improvements, including a new access to the side from Dumbarton Road (crossing the Forth & Clyde Canal).															
Planning authority's summary of the representation(s):																
<p>Objections to the proposed development of Carless have been submitted by: Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83), Robbie McEwan (84), G Dick (96), and Jackie Wintersgill (166). The objections raise the following issues:</p> <p><u>Flooding</u></p> <p>Site is in a flood area.</p> <p><u>Contamination</u></p> <p>Site is contaminated and also partly within an HSE Consultation Zone.</p> <p><u>Biodiversity</u></p> <p>Site is an important coastal habitat for estuary birds, including redshank, and habitat for other wildlife. Development of the site cannot ensure the protection of wildlife.</p> <p>The canal and disused railway lines are wildlife corridors, the crossing of which would have a huge impact as they would effectively be blocked. Development of the site would lead to fragmentation of the green network and affect the movement of wildlife.</p> <p><u>Open space</u></p> <p>Locals value the use of the area for dog walking, exercise and horse riding as it has returned to nature with usable tracks and paths. It is an asset to the area and a valuable amenity space, only requiring tidying up.</p>																

Policy GN1 of the Proposed Plan states development which results in loss of an open space will not be permitted unless provision of an open space of equal or enhanced quality and value is provided – the loss of such a sizeable site as Carless could not be compensated for in any way.

Forth & Clyde Canal

Policy GN7 of the Proposed Plan states development alongside the Forth & Clyde Canal should enhance it as a green network asset and that development which would have an adverse impact on the canal or its setting will not be permitted. Development at Carless would not adhere to this policy.

Another road crossing over the canal would impede users of the canal and canal towpath.

Other representations received regarding Carless:

Sportscotland (20) note that in Map 7 (p.27) the triangular area of land within this site to the north of the Forth & Clyde Canal is identified as open space and appears to include a playing field but also incorporates an indicative route of site access. They would seek appropriate compensation for the loss of any playing field, in accordance with SPP.

Scottish Canals (127) support the identification of the Carless site for development and green network enhancements. They note any proposals affecting the canal would need to be agreed with Scottish Canals' third party works engineer and the new bridge crossing would need Scottish Canals' approval and input at an early stage to ensure the crossing is designed in line with the navigational and access requirements of the canal.

Scottish Canals also raise their support for draining surface water discharge from the site into the canal, an approach currently being pioneered by the Metropolitan Glasgow Strategic Drainage Partnership. It is further considered there should be a requirement to upgrade the canal-side area and provide improved mooring facilities adjoining the site where appropriate.

SEPA (128) acknowledge that a comprehensive masterplan will require to be prepared for the site and that to address SEPA's concerns this should include details on flood risk, land remediation and green network improvements and encourage high quality SUDS and buffer strip.

SNH (129) welcome the proposed support for temporary greening, but believe this should be matched by support for advance greening, if possible.

Clydebelt (169) support the development of the site; in particular, the enhancements to the green network referred to in paragraph 3.6.8, but have some reservations. The representation states that the area has become valuable as an informal nature reserve: fish species can be found in the ponds which once held oil tanks; the site is used by wildfowl from the Inner Clyde estuary and it is host to a large variety of insects. It is considered that an Environmental Impact Assessment is required to ascertain the wildlife value of the site.

It is suggested that a larger area is left alongside the River Clyde for wildfowl to use, and the ground between the canal and disused railway and at the east end of the site, near the bonded warehouses, should be used to form worthwhile wildlife corridors.

The potential for a footpath link/enhanced green corridor to the south of the bonded warehouses to the Duntocher Burn is highlighted.

Modifications sought by those submitting representations:

Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83), Robbie McEwan (84), G Dick (96), Jackie Wintersgill (166) wish to see: no residential development on the site; no loss of green space, including no development of any sort on the grassed area(s) situated next to the disused railway line near where the large anchoring pylon is sited; no construction or buildings or any crossings/structures of any type over the canal, its towpath or the disused railway line; no additional access road(s), specifically from Freelands Place over the canal and disused railway line.

sportscotland (20)

Reference made to the need for appropriate compensation for the loss of any sports pitch, playing field or outdoor sports facility as part of any redevelopment proposals.

Scottish Canals (127)

Reference to the opportunity to take surface water from the site into the canal, that the bridge should meet Scottish Canals' navigation and access requirements and that there should be a developer contribution towards canal-related improvement.

SNH (129)

Paragraph 3.6.8 – the following wording should be inserted at the end of the paragraph: once the site is remediated, planting to provide greening in advance of development will be supported and encouraged.

Clydebelt (169) do not articulate specific modifications to the Plan, but state there should be a full environmental study, enhancement to wildlife sites and a restriction of the development site area, with areas along the Clyde, between the canal and disused railway and to the east of the site left undeveloped.

Summary of responses (including reasons) by planning authority:

The former Carless oil refinery site in Old Kilpatrick was identified as a development opportunity (GD1(11) – Residential/Industry/Business/Leisure/Mixed Use) in the Clydebank Local Plan (CD27), adopted in September 2004 and the West Dunbartonshire Local Plan (LE1 (17)) (CD22), adopted in March 2010. As the only site in West Dunbartonshire designated as contaminated under Part II of the Environmental Protection Act 1990, there is strong environmental and economic justification for this derelict site's continued identification as a development opportunity. Redevelopment would remediate the contamination arising from the site's previous use, bring about green network enhancements and provide new housing and/or opportunities for employment. National, regional and local planning policy seeks to direct development to urban areas and in particular vacant and derelict brownfield sites such as Carless.

The Proposed Plan (as modified) requires at paragraph 3.6.3 that a comprehensive masterplan is agreed to guide development of the site. Through this process, an appropriate form of development can be established that takes account of the biodiversity interests of the site, flood risk and other matters including the HSE Consultation Zone. Paragraph 3.6.5 states that development at Carless must not have an adverse effect on redshank (the qualifying interest of the Inner Clyde Special Protection Area). The

masterplanning and detailed design phases can also ensure that there are no adverse impacts on the Forth & Clyde Canal and it is noted that **Scottish Canals** (127) support the identification of the Carless site for development and green network enhancements. Furthermore, Policy GN7 (p.82) states that all development alongside the Forth & Clyde Canal will be expected to enhance the canal.

The strategy for the development of Carless set out in section 3.6 of the Proposed Plan (as modified) places green network enhancements as integral to the development of the site. This will entail protecting and enhancing the disused railway corridor; upgrading existing open space and providing new spaces; and ensuring green infrastructure is central to proposals for new buildings and infrastructure. This approach will ensure that development proposals take account of habitat networks and create opportunities for recreation. Currently, there is no formal access to the main part of the site, south of the canal, albeit it is used for informal recreation via a gap in existing fencing.

The modifications proposed by **Susan Dick** (75), **Graham Parton** (76), **Hazel McFarlane** (81), **Elaine Dick** (82), **Lesley McEwan** (83), **Robbie McEwan** (84), **G Dick** (96) and **Jackie Wintersgill** (166) are therefore not supported.

The Council notes the modification proposed by **sportscotland** (20) regarding the need for appropriate compensation for the loss of any sports pitch, playing field or outdoor sports facility as part of the redevelopment proposals. Paragraph 3.6.7 addresses this requirement but it is proposed that the third sentence is amended as follows to clarify the point: 'The provision of open space within the Carless site will compensate for any loss resulting from *the creation of the access road, including, if required, a sports pitch or playing field in accordance with Policy GN1.*'

The Reporter is invited to make the modification proposed by **sportscotland** (20).

Scottish Canals (127) have advised that any proposals affecting the canal would need to be agreed with Scottish Canals' works engineer; the new bridge crossing would need their approval; and that Scottish Canals should have input at an early stage to ensure the crossing is designed in line with the navigational and access requirements of the canal. A change to the Proposed Plan (as modified) is sought to make reference to this. This safeguard would ensure that use of the canal and canal towpath is not impeded by a new crossing.

The Council accepts this proposed modification and the Reporter is invited add the following sentence after the second sentence of paragraph 3.6.7: '*Scottish Canal's input at an early stage will be required to ensure the crossing is designed in line with the navigational and access requirements of the canal.*'

On the matter of requiring developer contributions for canal-related improvements, it is considered that costs arising from decontamination of the site and providing adequate access through the provision of a new bridge over the canal would make further requirements for developer contribution difficult in respect to the deliverability and viability of the site. Policy GN7 will require development alongside the canal to enhance it as a green network asset and development that would have an adverse impact on the canal or its setting will not be permitted.

This modification by **Scottish Canals** (127) is therefore not supported.

Also proposed as a modification by **Scottish Canals** (127) is the inclusion of a statement

on the potential to drain surface water from the Carless site into the Forth & Clyde Canal. While the Council notes this potential, in the context of the strategy set out for Carless in the Proposed Plan (as modified), it is considered a statement to this effect is too detailed to be included with in the Plan.

This modification by **Scottish Canals** (127) is not accepted.

Additional reference to ‘advanced greening’ as proposed by **SNH** (129) is supported. It is suggested the following wording is added to the end of paragraph 3.6.8: ‘...*and once the site is remediated, planting to provide greening in advance of development will be supported and encouraged.*’

Reporter’s conclusions:

Context

1. This site is designated under Policy GE1 for business, industrial or storage and distribution uses, and is listed in Schedule 1 as GE1 (20) which is under the heading of longer term opportunities. The site is also designated under Policy BC1 for housing development, and is listed in Schedule 2 as BC1 (23) with an indicative capacity for 400 houses; 150 of these programmed between 2019 and 2025 (the remainder being outwith the plan period).
2. The site is also included within Chapter 3 of the local development plan, which focuses on the areas that the council wants or expects to change over the next 5 years. Sub-section 3.6 sets out a strategy and framework for the development of the former Carless Oil Refinery. Notwithstanding this fairly detailed strategy and framework, a masterplan is required to guide the development of the site. The site is part of the Clydebank Riverside Strategic Economic Investment Location.
3. The strategy is for the development of the site for a range of uses including housing, business and industry, resulting in the remediation of the site. Provision is also made for retail which is limited to serve development on the site. The strategy also includes green network enhancements, particularly along the Clyde Waterfront, canal and former railway corridor. Access improvements from Erskine Ferry Road and a new road access from Dumbarton Road (crossing the canal) are also proposed.
4. There is a map showing the boundary of the site, and setting out the essential components of the strategy. In addition, the text of sub-section 3.6 refers to the Inner Clyde Special Protection Area and site of special scientific interest, stating that development must not have an adverse effect on the qualifying interest of the special protection area. The new access road would cross the canal, which is a scheduled monument, thus requiring a sensitive solution.
5. The loss of open space resulting from the new access road would be compensated by the provision of open space within the site. The green network enhancements would be integral to the development of the site, being a strategic opportunity for enhancement of the Glasgow and Clyde Valley Green Network, and there is a requirement for sustainable transport and access into the site.
6. The southern part of the site is designated in the existing adopted local plan under Policy LE1 (17) as an industrial opportunity site. The northern part of the site is

designated under Policy GD2 (9) as a redevelopment opportunity, for industrial, business, residential, ancillary retail, leisure and open space, and under Policy H2 (22) as a housing opportunity also being listed in Schedule H2 with an indicative capacity of 400 houses.

7. The site constitutes a former industrial brownfield development site. I note that the site is designated as contaminated land under the Environmental Protection Act 1990. There are overhead power lines running across the southern edge of the site, which is also the subject of a designated notification zone. These matters would impose some constraints on the development of the site.

8. From my site inspection, I note that the site has naturally regenerated to a significant extent. Although there are hardstandings and derelict structures on the site, there are extensive areas of rough grassland and scrub, and there are areas of woodland, particularly along the disused railway corridor and along the boundaries of the site. Many areas do not have easy access, and there is only one point at which access to the canal can reasonably be gained, this by a steep pathway in the south eastern corner of the site by an existing electricity pylon.

9. However, there are also extensive hard surfaced tracks or footpaths throughout the site, which provide easy pedestrian access around the perimeter, and to some extent into the interior of the site. There is evidence of substantial informal use of the site for recreation by the local community. I therefore understand the extent to which the site is now considered to be of amenity value to the local community, and the desire for this to be maintained as part of the Glasgow and Clyde Valley Green Network.

The principle of development on the site

10. Scottish Planning Policy refers to increasing sustainable economic growth, and introduces a presumption in favour of development that contributes to sustainable development. This is a former industrial brownfield and contaminated site which has naturally regenerated and is informally used for local recreation. In the circumstances, I find that its development for mixed use, including business/industry and housing, meets the aims of Scottish Planning Policy for sustainable economic growth and sustainable development.

11. Scottish Planning Policy also requires the protection, enhancement and promotion of green infrastructure, including open space and green networks, as an integral component of successful placemaking. However, I find that the inclusion of green network enhancements within the site meets this requirement of Scottish Planning Policy, and thus contributes further to the aims of Scottish Planning Policy for sustainable economic growth and sustainable development.

12. In addition Scottish Planning Policy requires local development plans to provide a range and choice of housing sites to meet the requirements set out in the strategic plan. I find there are no environmental or infrastructure reasons why housing should not be included within the uses considered appropriate for the development of the site.

13. Furthermore, the Glasgow and Clyde Valley Strategic Development Plan identifies strategic economic investment locations, one of these being the Clydebank Riverside, which includes this site. The strategic development plan also identifies the Clyde Waterfront (including Clydebank) as part of the Glasgow and Clyde Valley Green Network, in order to deliver habitat, access creation and green and open space

enhancement together with opportunities associated with major development. I find that the principle of developing this site as set out in the strategy of the local development plan is consistent with the provisions of the strategic development plan in this respect.

14. I also note that the policy framework remains similar to that in the adopted local plan. Following my assessment of the policy framework in the context of Scottish Planning Policy and the Glasgow and Clyde Valley Strategic Development Plan, I am not aware of any significant material change in circumstances which would justify the deletion of the proposed mixed use development site, or any of the specific uses (including housing) from the list of uses considered appropriate for the site.

Content of sub-section 3.6 and the associated map

15. There are several more detailed matters raised within the representations which require further examination. These relate to the content of sub-section 3.6 and the associated map. Whilst the masterplan and subsequent development management process will determine the detailed approach to the development of the site, I find that the approach the council has taken to setting out the strategy and framework for its key areas of change means that sub-section 3.6 should be as precise as possible about the key factors affecting the development of the site.

Formal open space

16. There is an existing play area and football pitch between the canal and the A814 which is physically separate from the remainder of the site. It is also visually separated from the remainder of the site by a band of mature trees. This facility is clearly of value to the local community as a playing field, and in the context of Scottish Planning Policy, such valued and functional open space requires to be identified and protected in local development plans. Where a sports pitch or playing field is lost to development, a replacement facility of a comparable or greater quality should be provided.

17. This area of the site is retained as protected open space on Map 7, but there is an intention to provide a new road access into the site from the roundabout on the A814. This matter is further examined below. However, the existing play area and football pitch is likely to be adversely affected, because the proposed new road is likely to bisect this area of formal open space, perhaps rendering it of little use other than as an amenity open space.

18. I find that the loss of this area of formal open space would be outweighed by the benefits resulting from the development of the site, as examined above, if the provision of the new access road is required for the purpose of facilitating the development of the site. I also note that the council considers that provision of open space within the Carless site would compensate for any loss of open space resulting from the access road. However, and in the context of Scottish Planning Policy, I agree with the modification requested on behalf of SportScotland, and accepted by the council, to refer to the need for such to include a sports pitch or playing field if this is required.

Nature conservation

19. The proximity of development to the special protection area and site of special scientific interest, and the overall nature conservation interests, need to be properly reflected within sub-section 3.6. There is however extensive reference to the special

protection area within paragraphs 3.6.5 and 3.6.6, including the requirement for a project level habitats regulations appraisal and consultation with Scottish Natural Heritage.

20. The habitats regulations appraisal of the local development plan includes an appraisal of the development of the site in section 5.5. I note that in addition to the actual special protection area, there is a buffer of 300 metres which extends to include most of the site. It is stated that disturbance and the effect of pollution could significantly alter the redshank population as a viable component of the Inner Clyde Special Protection Area, but that mitigation measures could ensure no adverse effect on the integrity of the site.

21. Following on from the above, paragraph 3.6.5 of the local development plan states that development must not have an adverse effect on redshank, which is the qualifying interest of the special protection area, in terms of disturbance or pollution. Consequently I am satisfied these matters are appropriately addressed at this stage in the planning process. The subsequent environmental impact assessment of specific development proposals is a matter for the development management process.

22. The disused railway line constitutes an extensive area of dense woodland which would provide a significant habitat for local wildlife species, and may also be relevant in ensuring there would be no adverse effect on the qualifying interest of the special protection area. I note the concern expressed within the representations that the proposed development, and particularly the proposed new access road, would cause disruption to the wildlife corridors.

23. However, I find that this is a matter for the proposed masterplan, and subsequently the development management process, to address. Appropriate mitigation measures could be taken to ensure that local wildlife can access the whole of the site which is designated for open space and green network enhancement; and since this extends through and beyond the site along the former railway line, and also along the whole of the perimeter of the site, I find that there is plenty of scope for this.

24. I do not consider that there is evidence to suggest that this site contains a wildlife habitat of sufficient importance to justify its designation as a local nature reserve. I find that the strategy strikes the correct balance between development of the site, in the terms examined above, and protecting the nature conservation interests of the site.

Green network enhancement and access for recreation

25. One of the key elements of the strategy for the development of the Carless site is the enhancement of the green network. Access for recreation should be provided along this green network, enhanced as appropriate, although I recognise that access may need to be restricted along the foreshore at certain times of the year to protect the integrity of the special protection area. The disused railway line and canal together provide an ideal opportunity to combine the interests of recreation and nature conservation, in the context of the development of the site for the uses proposed.

26. Exactly how the area between the canal and disused railway line (where they are significantly separated in the southern part of the site) should be developed is a matter of detail for the masterplan to address. In addition, the areas for green network enhancements shown on Map 7 are clearly indicative, and the exact areas would be determined through the masterplan process. The type of access (walkers, cycles or horses) and the prospect of providing a footpath link to the south of the bonded

warehouses are also matters that should be addressed through the masterplan process.

27. I note that Scottish Natural Heritage has suggested, whilst welcoming the support for temporary greening, that support for advance greening should be included if possible, and suggests additional text at the end of paragraph 3.6.8. I consider that there may be a delay between the completion of decontamination works and the development of the site, given that the development of the site is identified as being a fairly long term opportunity. I note that the council has agreed with this proposed additional text, and consider that it is appropriate.

Forth and Clyde Canal

28. The Forth and Clyde Canal is a scheduled monument, and development on the site would require to preserve the character and setting of this monument. From my site inspection, and noting the extensive vegetation along the disused railway line which separates the canal and adjacent footpath/cycleway from the remainder of the site, I do not consider that this should be difficult. Appropriate improvements to the facilities of the canal should still be possible in association with enhanced recreation opportunities and access through the site.

29. Some concern is expressed within the representations about the new access road crossing the canal. However, I am satisfied that this could be undertaken in a manner which ensures that the operation and character of the canal is not adversely affected. Scottish Canals supports the identification of the Carless site for development and green network enhancement, but refers to the need for an early input to ensure that the new bridge crossing (for the access road) is designed taking into account the navigational and access requirements of the canal. The council has indicated its agreement to a reference to this in the local development plan, and I find that this is appropriate, because it is a significant matter to take into account.

30. A request has also however been made for a reference to the need for developer contributions towards canal-related improvements. I accept that such improvements would be desirable and could be considered through the development management process. However, unlike the required decontamination and provision of a new road access I am not convinced that this improvement is necessary to enable development to proceed.

31. The potential to drain surface water to the canal is a matter to be investigated through the masterplan process, and not only is this too detailed a requirement for inclusion in the development framework, it may be premature depending on the outcome of the investigation into the drainage and flooding measures that may be required for the development of the site.

Road access

32. I note that the development framework in paragraph 3.6.9 refers to the potential generation of a large number of trips to and from the site. In addition to other sustainable transport measures, there is a need to provide appropriate road access into the site, which is also suitable for bus transport. Clearly there is a potential vehicular access from Erskine Ferry Road, but this is likely to be insufficient for the overall development needs of the site.

33. Notwithstanding the implications of crossing the formal open space, the canal and the green network, which are examined above, I find that a new access road is necessary to facilitate the development of the site. It appears to me from my site inspection that taking an access from the roundabout on the A814 is both feasible and appropriate. In the circumstances, I consider that the consequences of providing this new access road can be satisfactorily addressed through the masterplan, and the subsequent development management process.

Physical constraints

34. Other matters raised within the representations relate to the potential flood risk from the development of the site, the contamination of the land, the electricity pylons and transmission lines crossing the site, and the safeguarding zone relating to the bonded warehouses to the south of the site.

35. With respect to flooding and contamination, I note that the Scottish Environment Protection Agency acknowledges that a comprehensive masterplan will require to be prepared for the development of the site. I find that this should be able to address both the flood risk and the remediation of the site.

36. The electricity pylons and the safeguarding zone essentially cover the same area at the southern edge of the site. These are clearly significant development constraints, but the site is large enough to be able to satisfactorily take these matters into account. In any event, I note that the southern edge of the site is shown as being part of the green network enhancements, which should be able to occur notwithstanding these constraints.

Overall conclusions

37. In overall terms, and following on from the above, I conclude that the principle of the development of the site for the uses identified is appropriate. The strategy and development framework set out in sub-section 3.6 and on Map 7 should ensure that the development of the site contributes to the Clydebank Riverside Strategic Economic Investment Location, and to the housing land requirement, whilst at the same time enhancing the green network as part of the Glasgow and Clyde Valley Green Network.

38. I also conclude that the loss of formal open space can be satisfactorily compensated, and that the nature conservation interests, particularly in relation to the special protection area, have been sufficiently addressed at this stage. The disused railway line and canal together provide an ideal opportunity to combine the interests of recreation and nature conservation, but how the area between the canal and disused railway line should be developed, and the type of access provided to the site, is a matter of detail for the masterplan to address.

39. I further conclude that the effect of development on the Forth and Clyde Canal can be satisfactorily addressed, and that a new access road from the roundabout on the A814 is necessary to facilitate the development of the site, and that this is both feasible and appropriate. Other physical constraints can be satisfactorily addressed. Some modifications to the text in sub-section 3.6 (all of which have been accepted on behalf of the council) are however appropriate.

Reporter's recommendations:

Modify the local development plan by

1. Adding a sentence after the second sentence of paragraph 3.6.7 to state:

Scottish Canal's input at an early stage will be required to ensure the crossing is designed in line with the navigational and access requirements of the canal.

2. Amending the penultimate sentence of paragraph 3.6.7 to state:

The provision of open space within the Carless site will compensate for any loss resulting from the creation of the access road including, if required, a sports pitch or playing field in accordance with Policy GN1.

3. Adding a sentence at the end of paragraph 3.6.8 to state:

In addition, once the site has been remediated, planting to provide greening in advance of development will be supported and encouraged.

Issue 7	ESSO BOWLING AND SCOTT'S YARD															
Development plan reference:	Chapter 3 – Our Changing Places Section 3.7, Pgs 28-31, Map 8 Schedule 1 – GE1(19)	Reporter: Lance Guilford														
Body or person(s) submitting a representation raising the issue (including reference number):																
<table border="0"> <tr> <td>Lefarge Tarmac Ltd (22)</td> <td>Lesley McEwan (83)</td> </tr> <tr> <td>Clydeport Operations Ltd (23)</td> <td>Robbie McEwan (84)</td> </tr> <tr> <td>Silverton and Overtoun Community Council (57)</td> <td>RSPB Scotland (122)</td> </tr> <tr> <td>Susan Dick (75)</td> <td>SNH (129)</td> </tr> <tr> <td>Graham Parton (76)</td> <td>Magdelaine Blair Dick (134)</td> </tr> <tr> <td>Hazel McFarlane (81)</td> <td>Jackie Wintersgill (166)</td> </tr> <tr> <td></td> <td>Clydebelt (169)</td> </tr> </table>			Lefarge Tarmac Ltd (22)	Lesley McEwan (83)	Clydeport Operations Ltd (23)	Robbie McEwan (84)	Silverton and Overtoun Community Council (57)	RSPB Scotland (122)	Susan Dick (75)	SNH (129)	Graham Parton (76)	Magdelaine Blair Dick (134)	Hazel McFarlane (81)	Jackie Wintersgill (166)		Clydebelt (169)
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Hazel McFarlane (81)	Jackie Wintersgill (166)															
	Clydebelt (169)															
Provision of the development plan to which the issue relates:	The strategy for Esso Bowling and Scott's Yard supports: the development of the Esso Bowling site to increase business and industry opportunities; residential development on Scott's Yard; enhancements to the Green Network; and the provision of a road linking the A814 and providing access to the site.															
Planning authority's summary of the representation(s):																
<p><u>Development Strategy</u></p> <p>Silverton and Overtoun Community Council (57) accept the argument for part of the land to be used for a diversionary route for the A82 between Dumbuck Junction and the Dunglass roundabout but otherwise consider the remainder of the site should be retained as green open space, with a nature reserve created. The land is already part of the Green Network and Green Belt and any substantial development on the site would have a negative environmental impact on existing biodiversity, particularly over-wintering birds on the shore. Retaining open green space would take cognisance of the value of the Inner Clyde Special Protection Area and B-Listed Dunglass Castle. Woodland planting would have a positive impact on air quality and carbon emissions.</p> <p>Objections to the spatial strategy for the Esso Bowling & Scott's Yard site been submitted by: Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Lesley McEwan (83), Robbie McEwan (84), Magdelaine Blair Dick (134), Jackie Wintersgill (166). The objections concern the following issues:</p> <ul style="list-style-type: none"> ▪ Green Belt – object to the release of green belt land. ▪ Landownership – the landowner is unwilling to allow development on their land. Development would adversely affect the owner's use of their land. ▪ Biodiversity – the area is a natural habitat and part of the green network. It should be left to nature as an area where wildlife is enhanced and protected. ▪ Flooding – the area is at risk of flooding. <p><u>Scott's Yard</u></p> <p>Lefarge Tarmac Ltd. (22) object to the inclusion of Scott's Yard as a housing opportunity in the Proposed Proposed Plan (as modified), noting contamination, flooding, noise,</p>																

access, habitat and environmental concerns and the distance to convenience facilities. It is suggested that land in Milton owned by them is a more suitable site for development.

Clydeport Operations Ltd. (23) support the identification of the Scott's Yard for residential purposes and are committed to bringing forward residential development on the site. Support is also extended to the identification of the wider Esso Bowling site as a business and industry opportunity. It is additionally submitted that, given the level of investment required to bring the site forward for development, the Scott's Yard site should not be required to provide an element of affordable housing. Any affordable housing requirement would render development of the site unviable due to the upfront costs required to prepare the site.

Green Belt and Green Network (inc. biodiversity)

RSPB Scotland (122) The area of green belt to the west of the development site is referred to in the Draft Habitat Regulations Appraisal as a compensation area for the loss of intertidal habitat through climate change effects, highlighted as being virtually unique in West Dunbartonshire. This information should be transferred to the Proposed Plan (as modified) to ensure developers are aware of its importance in avoiding adverse impacts on the integrity of the Special Protection Area and the objectives for the site into the future.

It would be beneficial if provision was made for the management of this compensation area through developer contributions from the Esso Bowling & Scott's Yard site, or across all the sites that may impact on the Special Protection Area as identified in the Habitats Regulations Appraisal, to ensure that it does become intertidal habitat.

SNH (129) support the mapping of proposed Green Network enhancements at this site's western end and the reasons given and note the site's southern waterfront presents a no less significant opportunity: for biodiversity, landscape character, and recreational access along the Clyde linking to Bowling station.

Clydebelt (169) support retaining the green belt to the west of the site, which, via the burn, links the tidal zone and River Clyde to the Kilpatrick Hills and promises of wildlife enhancement. Clydebelt state they would like the cycle way to be enhanced and form part a green corridor through any developed part of the site and additionally note that the area to the east of the basin has potential for leisure/heritage use due to Bell Monument, Dunglass Castle and Housing, including its McIntosh connection.

Modifications sought by those submitting representations:

Development Strategy

Built development upon the site should be limited to the provision of a new road, linking the A814 between Dumbuck Junction and the Dunglass roundabout. **Silverton and Overtoun Community Council (57)**

The objections submitted to the strategy for the Esso Bowling and Scott's Yard Site state there should be no new road, particularly on or near land in the ownership of Susan Dick; no green belt release or extension of the site towards Dumbuck Junction; and no residential, retail or any form of built development **Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Lesley McEwan (83), Robbie McEwan (84), Magdelaine**

Blair Dick (134), Jackie Wintersgill (166).

Scott's Yard

Inclusion of land west of Lennox Road & Colquhoun Road, Milton for private and affordable housing instead of the proposed private housing at Scott's Boat Yard, Bowling. **Lefarge Tarmac Ltd (22)**

Green Belt and Green Network (inc. biodiversity)

The need for the compensation area [area defined as green belt within the Esso Bowling and Scott's Yard site] should be highlighted by the Proposed Plan (as modified) to ensure developers are aware of its importance in avoiding adverse impacts on the integrity of the SPA and the objectives for this into the future. **RSPB Scotland (122)**

Provision for the management of the compensation area through developer contributions from the Esso Bowling & Scott's Yard site, or across all the sites that may impact on the Special Protection Area as identified in the Habitats Regulations Appraisal, to ensure that it does become intertidal habitat. **RSPB Scotland (122)**

Green Network enhancement along the waterfront should be a requirement in both the map and the text, ideally as a new paragraph after 3.7.8, in line with paragraph 3.5.9 regarding Queens Quay. **SNH (129)**

Reference to the potential of leisure, tourist and heritage uses at Dunglass Castle. **Clydebelt (169).**

Summary of responses (including reasons) by planning authority:

Development Strategy

Esso Bowling, a former fuel distribution terminal between Milton and Bowling and Scott's Yard, a former shipyard at Bowling Harbour together represent a redevelopment opportunity which could significantly increase investment and employment in West Dunbartonshire. The West Dunbartonshire Local Plan (CD22) identifies Esso Bowling as a 'Specialist Economic Development Site' (Schedule LE1 and Policy LE4) and Scott's Yard as Redevelopment Opportunity Site for residential or leisure uses (Schedule GD2, site GD2 (11)). The Proposed Plan (as modified) seeks to restate that these sites are development opportunities and provides a strategy for both sites which allows for a range of uses.

There is strong environmental and economic justification for this derelict sites continued identification as a development opportunity. Redevelopment would remediate the contamination arising from the site's previous use, bring about green network enhancements and provide new opportunities for employment and, potentially, new housing. National, regional and local planning policy seeks to direct development to urban areas and in particular vacant and derelict brownfield sites such as Esso Bowling and Scott's Yard, which represents a unique opportunity for maritime-related uses linked to the Dunglass Basin and available deep-water access, or for other business, industry, storage and distribution or leisure and tourism uses. The site falls within the Clyde Waterfront, identified as a sustainable development location by the Glasgow and the Clyde Valley Strategic Development Plan (CD09, Diagram 3 & 9) and development of the

site fits with the Strategic Development Plan's Spatial Vision to 2035, which states in respect to urban fabric, recycled brownfield land will be used as the development priority and environmental priority and will be central to developing a quality of life needed to attract economic activity, talented people and key investors (CD09, Diagram 7).

The Proposed Plan (as modified) requires that a comprehensive masterplan is agreed to guide development of Esso Bowling and Scott's Yard (paragraph 3.7.3). Through this process, an appropriate form of development can be established that takes account of the biodiversity interests of the whole site, flood risk and other relevant matters. Paragraph 3.7.6 states that development at Esso Bowling and Scott's Yard must not have an adverse effect on redshank (the qualifying interest of the Inner Clyde Special Protection Area).

Paragraph 3.7.12 states that it is the Council's aspiration to create a road through the Esso site to link the A814 at the Dumbuck junction to the west and at the Dunglass Roundabout to the east. The indicative route of the road is shown on the Dumbarton Proposals Map and Map 8 on page 31 of the Proposed Plan (as modified). Paragraphs 2.2.12 – 2.2.19 of the Local Transport Strategy (CD30) outline the problems with the road network at this location and the benefits that could be derived from a new western access and link road through the former Esso site, enabling development to take place and acting as a diversionary route to the A82. The Local Transport Strategy identifies congestion at Dumbuck junction, the lack of a diversionary route to the A82 between Dumbuck and Dunglass and poor accessibility to the former Esso site at Bowling as Tier 1 problems: primary problems with significant impacts and/or in need of resolution at the earliest possible opportunity. Further technical work has been undertaken in the form of a study looking at options to improve access to the Esso Bowling Site (CD65). The study concludes that it is feasible to deliver enhanced access to the former ESSO site at both its eastern and western ends. The study noted at the time (December 2011) there was no clear preferred option for the access and recommended that a further appraisal should be undertaken to identify the most appropriate scheme taking into account potential operational impacts on the existing constrained road network. Any landownership issues will also be required to be taken into account when deciding upon the final solution.

Scott's Yard

In respect to the Scott's Yard site, the Proposed Plan (as modified) strategy states that, in addition to the uses noted in paragraph 3.7.4, there is potential for residential use at Scott's Yard, reflecting the designation in the West Dunbartonshire Local Plan (CD22, site GD2 (11)). This is supported by the owners of the site, **Clydeport Operations Ltd. (23)**. The Proposed Plan (as modified) is clear at paragraph 3.7.5 that support for residential development of the site is subject to acceptable access being achieved and the remediation of contamination. The Council considers that the Scott's Yard site and the site at Lennox Road/Colquhoun Road, Milton proposed by **Lefarge Tarmac Ltd. (22)** should be considered on their own merits. Issue 19 addresses the Lennox Road/Colquhoun Road site.

In response to **Clydeport Operations Ltd (23)**'s submission regarding the need for affordable housing, the Plan's Affordable Housing approach, set out in section 6.4, would not require the provision of affordable housing on the site as it is not identified as an opportunity for affordable housing and there is not an affordable housing quota policy.

For the reasons stated under the two headings above, the modifications proposed

seeking no development at Scott's Yard; development only of the proposed link road; or no development of the entire Esso Bowling and Scott's Yard site, are not supported.

Green Belt and Green Network (inc. biodiversity)

Paragraph 3.7.11 explains that the western part of the wider Esso Bowling and Scott's Yard site is to be retained as green belt due to the area's sensitivity in terms of flood risk and proximity to the Inner Clyde Special Protection Area. It also noted that the site may be important in enabling coastal realignment as mitigation of sea level rise and flooding. The Plan does not repeat the Habitats Regulations Appraisal (CD20, section 5.10) in stating that the area has long-term potential to allow the 'migration' of Inner Clyde habitats in response to sea-level rise to occur and it is accepted that it could usefully do so.

It is suggested that the second-last sentence of paragraph 3.7.11 is replaced with the following wording: *It may also have potential in the long-term to enable coastal realignment, mitigating the impact of climate change and allowing the 'migration' of Inner Clyde habitats in response to sea-level rise.*

The proposal to modify the plan to require developer contributions for funding management work for the Inner Clyde Special Protection Area habitat is, however, not supported. It is expected that costs arising from decontamination of the site and providing adequate access through the provision of a new link road would make further requirements for developer contribution difficult in respect to the deliverability and viability of the site. This view is supported by **Clydeport Operations Ltd (23)** representation in respect to the provision of affordable housing on the Scott's Yard site. There is scope, however, to achieve habitat improvements through enhancements to the Green Network, which forms part of the strategy for the site and through the masterplanning and development management process. This proposed modification is therefore not supported.

Furthermore, the Council agrees with **SNH (129)** that green network enhancements along the Esso Bowling and Scott's Yard sites' southern waterfront should also be identified as part of the Proposed Plan (as modified)'s strategy for this area, as they are at Carless and Queen's Quay.

It is suggested that the following paragraph is added after 3.7.8: *Proposals for development should take into consideration the site's waterfront location and ensure that built development interacts with the riverside. Green network enhancements along the waterfront should enhance recreational access, biodiversity and the landscape character of the site.* Map 8 should also be revised to highlight that green network enhancements along the southern waterfront of the site form part of the development strategy in a similar manner for the Queen's Quay (Map 6) and Carless (Map 7) strategy maps.

Paragraph 3.7.9 refers to Dunglass Castle, stating that any development should ensure the castle and its setting are protected and enhanced and that the restoration of the castle is supported by the Plan. The Council sees merit in expanding on this statement to reference the potential for leisure, tourist and heritage uses.

It is therefore suggested that the final sentence of paragraph 3.7.9 is amended as follows: The restoration of the Castle, *including for leisure and tourism uses*, is supported by the Plan.

Reporter's conclusions:**Context**

1. This site is designated under Policy GE1 for business, industrial or storage and distribution uses, and is listed in Schedule 1 as GE1 (19) which is under the heading of longer term opportunities. The site is also included within Chapter 3 of the local development plan, which focuses on the areas that the council wants or expects to change over the next 5 years. Sub-section 3.7 sets out a fairly detailed strategy and framework for the development of the former Esso fuel distribution terminal and Scott's Yard.
2. The strategy is to support the redevelopment of the site primarily to increase business and industry opportunities, with the option of residential development on Scott's Yard, and to use the development of the site to enhance the green network. The strategy also includes the provision of an A814 link road offering access to development on the site. Notwithstanding the fairly detailed strategy and framework, a masterplan is required to guide the development of the site.
3. There is a map showing the boundary of the site, and setting out the essential components of the strategy. In addition, the text of sub-section 3.7 refers to the Inner Clyde Special Protection Area and site of special scientific interest (and in particular the qualifying interest of Redshank), the importance of the intertidal habitat, and the need for green infrastructure at the western end of the site to provide a buffer. It is stated that this could provide green network enhancement, sustainable water management, habitat, landscape setting and possibly recreational open space. The significant risk of flooding requires to be assessed.
4. The western part of the site appears to have been included within the site following consideration (at the main issues report stage) of the possibility of extending development westwards towards the Dumbuck junction. However, this is not now proposed, and this part of the site is retained as green belt. The only prospect of any development within this area comes from the potential A814 link road from the Dunglass roundabout in the east to the Dumbuck junction in the west. There is a requirement for sustainable transport and access into the site.
5. The majority of the site (the former Esso fuel distribution terminal) is designated in the existing adopted local plan under Policy LE4 as a specialised industrial opportunity site. In addition, the former Scott's Yard is designated under Policy GD2 (redevelopment opportunities) and in Schedule GD2 for housing and leisure use. The area to the west of the former fuel terminal, which has now been included within the site, is designated in the adopted local plan as green belt.
6. The former Esso fuel terminal and Scott's Yard constitute former industrial brownfield development sites. Even though the site has naturally regenerated to a significant extent, there is no access into either of these areas, for health and safety reasons, owing to remaining dangerous structures and/or contaminated land. The majority of the overall site therefore has no amenity or recreational use.
7. The former Esso fuel terminal is currently undergoing decontamination of the site, which has been partially completed. From my site inspection, I have noted those areas which have already been worked, and those which have yet to be started. Vegetation

has generally been removed from the areas worked. The areas yet to be worked still contain a significant amount of naturally regenerated trees and shrubs, but some of this may be lost through ongoing decontamination procedures. Dunglass Castle (which also includes a substantial dwelling house) and Monument are important heritage assets within the site, but the house is unused and there is no access to the house or the monument. Development of the site requires the appropriate consideration of this heritage asset.

The principle of development on the site

8. Scottish Planning Policy refers to increasing sustainable economic growth, and introduces a presumption in favour of development that contributes to sustainable development. Given that this is a former industrial brownfield site which would benefit from further decontamination and remediation, I find that its development for business, industry and housing meets the aims of Scottish Planning Policy for sustainable economic growth and sustainable development.

9. Scottish Planning Policy also requires the protection, enhancement and promotion of green infrastructure, including open space and green networks, as an integral component of successful placemaking. However, I find that the retention of green belt within the site, and the inclusion of green network enhancements, meet this requirement of Scottish Planning Policy in principle, and thus contribute further to the aims of Scottish Planning Policy for sustainable economic growth and sustainable development.

10. Furthermore, the Glasgow and Clyde Valley Strategic Development Plan identifies the Clyde Waterfront (which includes this site) as a key component of the sustainable development strategy for major long-term mixed use regeneration and community restructuring. The Clyde Waterfront is also part of the Glasgow and Clyde Valley Green Network, which aims to deliver habitat, access creation and green and open space enhancement together with opportunities associated with major development. I find that the principle of developing this site as set out in the strategy of the local development plan is consistent with the provisions of the strategic development plan in this respect.

11. With respect to the option of residential development on Scott's Yard, I find that the site could not currently be considered an effective housing site in the context Planning Advice Note 2/2010. However, it does not have to be effective because there is no indicative capacity and, since it is not an allocated housing site under Policy BC1, the site does not count towards meeting the housing land requirement. The prospect of housing development is clearly a longer term opportunity. In addition, the principle of housing development on such a brownfield site accords with Scottish Planning Policy, and reduces the long term potential release of green belt sites. The distance to local facilities in Bowling, including the station, is acceptable in the circumstances.

12. In the context of Circular 6/2013, it is only necessary to ascertain that the plan is sufficient and appropriate in terms of the above. There is no requirement for a comparison of this potential housing site with other sites proposed within the representations. The proposed housing site at Lennox Road/Colquhoun Road in Milton is separately examined in Issue 19. I also note that the site of Scott's Yard is not identified as an opportunity for affordable housing and there is no affordable housing quota for the site, and therefore the representation on this matter is met.

13. Apart from changes in emphasis, the policy framework generally remains the same

as that in the adopted local plan. Following my assessment of the policy framework in the context of Scottish Planning Policy and the Glasgow and Clyde Valley Strategic Development Plan, I am not aware of any significant material change in circumstances which would justify the deletion of the proposed business and industrial site (including the option of residential development) from the local development plan.

Green belt

14. One of the main issues raised within the representations is concern about the development of green belt land. However, although the western part of the site is an addition to the site, it is specifically designated as green belt, and so the policy position has not changed from the adopted local plan. Whilst the prospect of development was raised within the main issues report, this has not been translated into the proposed plan (as modified). Indeed, I find that the fact that this green belt land is highlighted within the strategy contained in sub-section 3.7 emphasises its importance, and adds impetus to the proposals within the strategy for green network enhancement.

15. Whilst an alternative approach would be to delete the green belt area (apart from the area identified for green network enhancements on the plan) from the site, I find on balance that the inclusion of the green belt area actually strengthens its importance in relation to the development of the site, and is relevant to all of the elements of mitigation that would require consideration in the masterplan, and which are further considered below. It also remains logical in the context of the proposed A814 link road, subject to my further examination of this below.

A814 link road

16. I note that, although the community council has accepted the provisions for the proposed new link road within the plan, there are other representations expressing concern about this matter. Firstly, however, I find that land ownership considerations are not a relevant matter for this examination. Secondly, the line of the proposed link road as shown on the map is clearly indicative, and the actual route of the link road would depend upon the masterplan approach and detailed negotiations with all interested parties.

17. However, the principle of a new link road to serve the proposed new development, and provide some relief for traffic on the A82 to the north of the site, is already established through the existing adopted local plan. The provision of a link road from the A814 Bowling to A814 Dumbuck terminating in Bowling in the vicinity of the entrance to the former Esso site is identified as a medium term transport improvement in the adopted local plan, and the provisions of the proposed local development plan (as modified) within sub-section 3.7 and on the associated map are consistent with that approach.

18. I also note that paragraphs 2.2.12 – 2.2.19 of the local transport strategy set out the need for improvements to the section of the A82 from the Dunglass roundabout to the Dumbuck junction. Paragraph 2.2.13 states that the Dumbuck junction is a particular concern due to the level of queuing and delay that is experienced, and paragraph 2.2.17 states that this is the only section of the route of the A82 along the Clyde Waterfront where it is not paralleled by the A814 and the only dual carriageway section of the trunk road that does not have a parallel local road to provide relief during maintenance, accidents or emergency events. The proposed link road is therefore important to resolve the above difficulties and provide an appropriate vehicular access to serve the development of the site.

19. I recognise that the area of green belt through which the road would pass includes not only the green belt area to the south of the railway line (which is generally unused rough grassland associated with the former Esso fuel terminal) but also existing agricultural pastureland to the north of the railway. Whilst the loss of such land from agricultural (or related) use should be avoided where possible, the use of this land may be necessary to enable a link from the Dunglass roundabout to the Dumbuck junction. In the circumstances, I find that this takes priority. As the council has stated, matters of land ownership would have to be appropriately resolved in due course, but the inclusion of the indicative route as shown on the proposals map is in my view sound.

Content of sub-section 3.7 and the associated map

20. There are several more detailed matters raised within the representations which require further examination. These relate to the content of sub-section 3.7 and the associated map. Whilst the masterplan and subsequent development management process will determine the detailed approach to the development of the site, I find that the approach the council has taken to setting out the strategy and framework for its key areas of change means that sub-section 3.7 should be as precise as possible about the key factors affecting the development of the site.

Nature conservation

21. The proximity of the development proposed to the special protection area and site of special scientific interest, and the resulting nature conservation interests, need to be properly reflected within sub-section 3.7. There is however extensive reference to this within paragraphs 3.7.6 to 3.7.8, where the mud flats and salt marshes and the qualifying interest of the special protection area are referred to. The intertidal area to the west of the site is considered particularly important, and the intention is that green infrastructure towards the western end of the site would provide a buffer between development and this important habitat area.

22. The habitats regulations appraisal of the local development plan includes an appraisal of the development of the site in section 5.10. I note that in addition to the actual special protection area, there is a buffer of 300 metres which extends to include the site. It is stated that development of the site is likely to cause disturbance to the qualifying interest of Redshank, and that pollution could have a direct or indirect impact.

23. However, a range of mitigation measures were imposed on the planning permission for remediation works to decontaminate the site, including seasonal controls, the erection of visual screens, the retention of trees and gorse and the implementation of pollution control in accordance with Scottish Environment Protection Agency guidelines.

24. Such measures would be likely to be required in the future development of the site, and a permanent buffer between development and the western edge of the site (adjacent to the intertidal mud flats) is considered necessary. This buffer would be provided as a result of the green infrastructure proposals for the site, and would allow the migration of Inner Clyde habitats in response to sea-level rise, described as a virtually unique opportunity within West Dunbartonshire. The habitats regulations appraisal concludes that mitigation measures (as described above) could allow development to take place without the conservation objectives and integrity of the special protection area being undermined.

25. Following on from the above, paragraph 3.7.6 of the local development plan states that development must not have an adverse effect on redshank, which is the qualifying interest of the special protection area, in terms of disturbance or pollution. In addition, the need for a project level habitats regulations appraisal in consultation with Scottish Natural Heritage is referred to, and appropriate mitigation measures are required. Consequently I am satisfied these matters are appropriately addressed at this stage in the planning process.

26. However, the Royal Society for the Protection of Birds (Scotland) highlights the importance of identifying a compensation area for the loss of intertidal habitat through climate change. The council considers that the provisions of the habitats regulations appraisal could be reflected in paragraph 3.7.11 of the local development plan, so that the green belt area in the western part of the site has the potential to provide such a compensation area. I find that a modification to paragraph 3.7.11 should be made in accordance with the council's suggestion.

27. It is also suggested that the local development plan should provide for developer contributions in order to secure the management of this compensation area. However, I find that there is no evidence to justify such an approach, given the constraints of contamination and flood risk in the development of the site. The need for such a compensation area also arises from the prospect of climate change rather than from the development of the site.

Green network enhancement

28. Following my site inspection, I recognise that the site contains a significant amount of vegetation; much of which appears to have naturally regenerated over time. Whilst it may be possible to retain some mature trees and other vegetation, I expect that existing vegetation is likely to be lost through further remediation of the site. Furthermore, there is no access to the former Esso fuel terminal or Scott's Yard, and some of the remaining green belt land to the north of the railway line (in the western part of the site) appears to be currently in use as pastureland. Although the site (and particularly the part designated as green belt) provides amenity open space, it does not therefore significantly contribute to the use of the green network for recreation purposes.

29. The development of the site for business, industry or housing would inevitably restrict the prospect of further recreational access through the site. However, there remains potential for the site to make a more significant contribution to the green network in the context of the spatial framework within the Glasgow and Clyde Valley Strategic Development Plan. Access to the western part of the site, within the green belt to the south of the railway line, should in time provide no difficulty, and could be directly connected to the existing cycleway through the existing railway underpass. Alternatively, such may be integrated with the provision of the new link road, which would require a crossing of the existing railway in any event.

30. There is potential for this access to extend along the southern boundary of both the former Esso and Scott's Yard sites, as far as Bowling Station. I therefore agree with the position of Scottish Natural Heritage and the council that green network enhancements should be so identified as part of the proposed strategy for the development of the site. This could be an additional paragraph after paragraph 3.7.8 as proposed by the council, and visual representation on Map 8 of green network enhancements along the southern boundary of the site from the site's western edge (where it currently meets the track

leading south from the existing cycleway) to its eastern edge south of Bowling.

31. Although the actual area of the site used for the green network would require more detailed consideration through the masterplan process, an indicative area could be shown along the southern boundary of the site, linking the cycleway in the west to Bowling Station in the east, in a similar way to that shown on Map 7 for the Carless site.

Following on from this, I find that the suggested additional paragraph should be slightly expanded, and I provide an appropriate wording for this in my recommendations below.

32. In addition, I recognise that there is a difficulty resulting from the river inlet in the centre of the former Esso site, but this would be a matter to resolve through the masterplan process. Also, the green network would be a fairly narrow strip along the eastern part of the site, to enable a meaningful development area to be retained, and along the western part of the site it may be affected by seasonal restrictions resulting from the adjacent special protection area. However, these matters could also be satisfactorily addressed through the masterplan process.

Built heritage

33. The category B listed Dunglass Castle (including the house and monument) requires protection and enhancement. From my site inspection, however, it is clear that one of the most important issues is to find an appropriate use for the building. This is a heritage asset which could also provide a recreation and tourism focus for the site, linking in to the green network enhancements, and access from the cycleway in the west to Bowling Station in the east. I therefore agree with the council that paragraph 3.7.9 should be expanded to also refer to the recreational and tourism potential of this heritage asset.

Physical constraints

34. The contamination of the site is already being addressed, and the significant risk of flooding is referred to in paragraph 3.7.10. This states that further studies are required to assess the exact nature of the flood risk and the resulting impact of development on the site. Factors that require to be taken into account are set out in this paragraph. Furthermore, paragraph 3.7.11 refers to the particular risk of flooding within the green belt area, and that this area will be retained as such. There is no evidence of any other physical constraints which are likely to have a major impact on the development potential of the site.

Overall conclusions

35. In overall terms, and following on from the above, I conclude that the principle of the development of the site for the uses identified is appropriate, and that the inclusion of green belt within the site is also appropriate. The inclusion of green belt strengthens its importance in relation to the development of the site.

36. The principle of a new link road to serve the proposed new development, and provide some relief for traffic on the A82 to the north of the site, is an important element of the development strategy for the site, and in the circumstances takes priority over any loss of existing pastureland. Whilst the exact line of the proposed link road requires to be determined through the masterplan process, an indicative line should be shown on Map 8.

37. I also conclude that the nature conservation interests, particularly in relation to the special protection area, have been sufficiently addressed at this stage. However, the green belt area in the western part of the site has the potential to provide compensation for loss of habitat following climate change, and this should be referred to within the strategy for the development of the site.

38. I further conclude that the principle of green network enhancement should be expanded within the site, and that although this is also a matter to be determined through the masterplan process, an indicative area should be shown along the southern boundary of the site, linking the cycleway in the west to Bowling Station in the east. In addition, the potential for tourism and recreation use of Dunglass Castle should be referred to within the strategy. I also conclude that physical constraints can be satisfactorily addressed. Some modifications to the text in sub-section 3.7, and Map 8, are therefore appropriate.

Reporter’s recommendations:

Modify the local development plan by

1. Adding a new paragraph after paragraph 3.7.8 as follows:

Proposals for development should take into consideration the site’s waterfront location and ensure that built development interacts with the riverside. Green network enhancements should be provided along the waterfront, potentially providing a link from the cycleway in the west to Bowling Station in the east, as shown on Map 8. In addition to providing recreational access, these enhancements should reflect the biodiversity and landscape character of the site.

2. Amending the final sentence of paragraph 3.7.9 as follows:

The restoration of the Castle, including for leisure and tourism uses, is supported by the Plan.

3. Amending the penultimate sentence of paragraph 3.7.11 as follows:

It may also have potential in the long-term to enable coastal realignment, mitigating the impact of climate change and allowing the migration of Inner Clyde habitats in response to sea-level rise.

4. Amending Map 8 for Esso Bowling and Scott’s Yard to include an indicative area showing green network enhancements along the southern boundary of the site.

Issue 8	BOWLING BASIN	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.8, Pgs 32-34 & Map 9	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
Susan Dick (75) Graham Parton (76) Hazel McFarlane (81) Elaine Dick (82) Lesley McEwan (83) Robbie McEwan (84) The Woodland Trust Scotland (93)	Elizabeth Pitts (117) Bowling & Milton Community Council (119) Scottish Canals (127) SEPA (128) SNH (129) Clydebelt (169)	
Provision of the development plan to which the issue relates:	Chapter 3.8 of the Plan sets out the Plan’s strategy for the Bowling basin site which is for mixed used development including housing, commercial and leisure and green network enhancements.	
Planning authority’s summary of the representation(s):		
<p>Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83), Robbie McEwan (84), Elizabeth Pitts (117), Bowling & Milton Community Council (119) and Clydebelt (169) object to housing development on the Bowling Basins site for the following reasons.</p> <p><u>Nature conservation</u></p> <p>The site is an important wildlife corridor extending to the Saltings. Development would break up/block the corridor. The site should be enhanced and designated for nature conservation. Some objectors request that an EIA be undertaken for the site. There is reference to bats and the Inner Clyde SSSI and SPA. Reference to Scottish Wildlife Trust report (SD04/1). Reference to SPP para 39, 77 and 126 (CDX).</p> <p><u>Trees and woodland</u></p> <p>Development would result in the loss of trees and woodland. Reference to SPP para 148 (CD03), Scottish Government’s Control of Woodland Removal Policy (CD61) and Scottish Wildlife Trust report (SD04/1). The Woodland Trust Scotland (93) do not support housing within the Bowling Basin woodland.</p> <p><u>Coalescence</u></p> <p>Development would lead to the coalescence of Bowling and Old Kilpatrick.</p> <p><u>Access</u></p> <p>Bowling Basin is an important site for walkers, dog walkers and horse riders. Access should be retained and improved.</p>		

Flooding

The area is subject to flooding so not suitable for housing.

Strategic Development Plan

Development is contrary to the Spatial Development Strategy of the SDP (CD09).

Green belt

Objection to the amendment of green belt boundary with reference to Scottish Wildlife Trust MIR (SD04/1) response.

Scottish Canals (127) supports the identification of the Bowling Basin area as a 'Changing Place'. Scottish Canals supports the potential uses highlighted on Page 34 of the Proposed Plan (as modified) (CD19), and intends to bring this site forward as a development in line with the identified uses. Scottish Canals will hold a masterplan engagement exercise in 2014 with local stakeholders to define the detail of the proposals for the Bowling Basin area using the Proposed Plan as the starting point.

SEPA (128) acknowledge that a comprehensive masterplan will require to be prepared for the site and that to address SEPA's concerns this will include details on flood risk, land remediation and green network improvements & encourage high quality SUDS and buffer strip.

SNH (129) is concerned that development in the 'woodland housing' area might leave space only for scattered trees. Upraising of land to avoid flood risk would remove the existing function of this area for attenuating coastal flooding, and the loss of habitat would again be incompatible with paragraph 3.8.4 of the . Proposed Plan (as modified) (CD19, pg32).

Modifications sought by those submitting representations:

Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83), Robbie McEwan (84), Elizabeth Pitts (117), Bowling & Milton Community Council (126) and Clydebelt (169) request the removal of Bowling Basin as a housing opportunity.

Susan Dick (75), Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83) and Robbie McEwan (84) additionally request that the site should be added to the Saltings LNR and be subject to enhancement.

Graham Parton (76), Hazel McFarlane (81), Elaine Dick (82), Lesley McEwan (83) and Robbie McEwan (84) additionally request that horse rider access should be added and that nothing should be developed to prevent existing access.

Bowling & Milton Community Council (126) request that reference be made in paragraph 3.8.6 to the Nature Conservation Scotland Act 2004.

Bowling & Milton Community Council (126) request that reference be made to flood prevention measures do not undermine areas of natural habitat on the site.

Scottish Natural Heritage (129) recommends that the part of the woodland site that would require upraising is not allocated for development.

Summary of responses (including reasons) by planning authority:

Bowling Basins has been identified for mixed use development in the Dumbarton District Local Plan (1999) (CD28, Bowling & Milton Proposals Map, Schedule H1 on Pg66 and Schedule LR1 on Pg110) and the West Dunbartonshire Local Plan (2010) (CD22, Clydebank Proposals Map, Policy GD2, Para 4.6.3 and Schedule GD2 on Pgs 36-37). The identification of the site as a redevelopment opportunity was considered at the last Local Plan Inquiry (CD23, Pgs74-81). The Local Development Plan carries forward the strategy for mixed use development, providing more detailed framework for development there.

The Council and Scottish Canals consider the following are drivers for change at Bowling Basins:

- Iconic location where Canal network meets the Clyde.
- Potential to increase visitors and improve contribution to local economy.
- Potential to increase green network value and contribution to healthier lifestyles.
- Potential to contribute to West Dunbartonshire being a place of choice to reside.

Addressing each of these in turn. Bowling Basins is an understated gateway to the Forth and Clyde Canal in comparison to its eastern gateway, the Helix. The Council consider that more should be made of this special and iconic location and have worked in partnership with Scottish Canals to develop a strategy to create a more active location. Bowling Basin has the potential to become a more attractive location for leisure visits. This can in part be achieved through green network enhancements such as the new linear park. It can also be achieved through increasing commercial attractions on the site. Scottish Canals are currently renovating railway arches for occupation and marketing for occupants has been undertaken (CD52), which has resulted in strong interest being expressed for occupying of the arches. More visitors and commercial activity on the site will be of benefit to the local economy. The Council and Scottish Canals consider that Bowling Basin has the potential to contribute towards the range and choice of housing available in West Dunbartonshire by offering a product unique to the area. The site has been identified for housing development since the 1999 Dumbarton District Local Plan (CD28, Bowling & Milton Proposals Map, Schedule H1 on Pg66) was adopted. The site is considered effective and makes an important contribution towards the private sector housing requirement. Further, it enhances housing choice in Bowling itself, providing an opportunity for family housing in a village that is predominantly flats, and thus an opportunity for families to remain, return to, or locate within the village.

A charrette was held in Bowling in February and March 2014, sponsored by the Scottish Government through the Local Development Plan stream of the Mainstreaming Charrettes programme. The event was well attended by the local community and it was clear at the Charrette that there is support in the community for change at Bowling Basin. Different options for the future of the site emerged and are included in the charrette report (CD51). One feature common to all options is a restriction on housing development to the south of the former railway line, which is identified for 'Woodland Housing' in the Proposed Plan (as Modified) (CD19, P34, Map 9), although some of the development options continue to show a road passing through this area in order to provide access to the commercial/leisure hub at the arches. Restriction of development within this area is

considered by the Council and Scottish Canals to address many of the concerns raised with regard to loss of woodland, recreational access, flooding and the impact on nature conservation, particularly the SSSI/SPA.

Nature conservation

The Bowling Basin site is not covered by a nature conservation designation, although its coastline is designated as part of the Inner Clyde SPA and SSSI, as reflected in paragraphs 3.8.5 and 3.8.6 of the Proposed Plan (as Modified) (CD19, Pg32), which requires development to take account of these designations and be informed by a project level Habitat Regulations Appraisal.

It is recognised that the wider site is of nature conservation value. However, it is considered that the most valuable nature conservation resource is the Canal itself and the woodland to the south of the former railway line. The Canal will remain an integral feature of the developed site, and following the charrette Scottish Canals do not intend to propose housing to the south of the former railway line, the area that was identified for 'Woodland Housing'. Habitat connectivity will therefore be maintained along the Canal, and along the foreshore and adjacent woodland, in line with SPP paragraph 39 (CD03, Pg8).

Reference is made in representations to the Scottish Wildlife Trust submission on the Main Issues Report (SD04/1). It is considered that this document fails to recognise the distinct difference in character between land to the north of the former railway line and land to the south, wherein Scottish Canals are no longer proposing development.

To assist brevity and make the Plan more accessible, the Plan has avoided mentioning other documents and legislation. Reference to the Nature Conservation (Scotland) Act 2004 is not considered necessary.

Trees and woodland

The main area of woodland on the site lies to the south of the former railway line. Scottish Canals do not intend to propose housing within this area, recognising its value as woodland, for nature conservation and the flooding constraint. Development of the wider site is more likely to result in this area being more actively managed as a woodland.

Tree cover in the area proposed for canal side housing (CD19, P34, Map 9) is much more sparse. Whilst some trees would be lost as a result of development here, the Council would seek compensatory planting, and it is considered that no woodland would be lost.

Coalescence

The Reporter at the West Dunbartonshire Local Plan Inquiry concluded that the development of the site would not give rise to any adverse environmental consequences from the coalescence of Bowling and Old Kilpatrick (CD23, Pg77, Para 15.17). This matter of coalescence was raised at the charrette and the Council would expect any masterplan for the site to take account of these local concerns. There is already an area of open space to the west of the westernmost house in Old Kilpatrick and existing trees west of it which would contribute to preventing physical coalescence.

Access

Access will remain along both banks of the Canal following development. Paragraph 3.89 of the Proposed Plan (as modified) (CD19, Pg33) recognises the towpath as an important part of the green network. Access through the site will be enhanced by the creation of the linear park.

There is informal access taken to the area to the south of the former railway line. As development is no longer proposed by Scottish Canals for this area, access to this area will not be prevented or fragmented. There is no need to specify equestrian access. There were discussions at the charrette regarding improving access to this area and proposals for this would be supported by the Council subject to SNH agreement.

Flooding

The area to the south of the former railway line is, in part, within the 1:200 year flood area. Following the charrette, Scottish Canals do not intend to propose housing in this area. The Proposed Plan (as modified) (CD19, Pg33, Para 3.8.10), acknowledges the risk of flooding in the area. Any development proposals would require to be accompanied by a Flood Risk Assessment.

Strategic Development Plan

Economic activity, housing, tourism, green infrastructure, culture and leisure are indicative forms of development in line with the SDPs Spatial Development Strategy for the Clyde Waterfront, and the Integrating Green Infrastructure approach promoted for the site is in line with the promotion of the green network (CD09, Pg5, Diagram 3). The site is not within the green belt and development would not have a significant adverse impact on woodland.

Green belt

The Bowling Basins site is not in the green belt and has not been identified as green belt in relevant local plans as far back as 1984. The Reporter at the West Dunbartonshire Local Plan Inquiry concluded that the site is not green belt (CD23, Pg77, Para 15.16). A green belt boundary review was undertaken in advance of the Main Issues Report for the Local Development Plan. This found that the existing boundary at Bowling which is formed in part by the A82 and in part by the railway line to be 'very robust' (CD14, sections 37-39). A small change was suggested to the green belt boundary as it moves from the A82 to the railway line and this is included in the Proposed Plan (CD14, section 38). Paragraph 162 of SPP (CD03, Pg33) states that 'Green belt boundaries identified in local development plans should reflect the long term settlement strategy and ensure that settlements are able to accommodate planned growth' and 'Green belt boundaries should be clearly identifiable on the ground, using strong visual or physical landscape features such as rivers, tree belts, railways or main roads.' This is the approach taken in the Local Development Plan.

In conclusion, it is considered that the strategy for mixed use development at Bowling Basin is appropriate in order to enhance this gateway location on the Canal network, increase visitors and economic activity, enhance the green network, and provide a range and choice of housing in West Dunbartonshire.
The modifications proposed are not accepted.

Reporter's conclusions:

1. The underlying concern of many of those making representations is the impact that housing development would have on the character of Bowling Basin along with related adverse effects on natural heritage.
2. The allocation of land at this location for a range of uses is included in the West Dunbartonshire Local Plan and was also contained in its predecessor. Indeed it is clear that this matter was discussed at some length at the local plan inquiry into the terms of the current local plan. At that time, the reporter supported the concept of mixed development and recognised that land does not lie within the designated green belt. Whilst recognising that Old Kilpatrick and Bowling have separate characters, it was not considered that development at Bowling Basin would bring about coalescence to the extent that the individual characteristics of these communities would be threatened.
3. I concur with the general findings of the previous local plan inquiry and consider that development could take place at Bowling Basin that would be relatively self-contained and would not impinge on the established communities to the east and west. Provided it was undertaken with care, development could stimulate the further regeneration of this historically important location. There is no reason why canal related activities should not remain at the centre of any proposals both visually and in terms of heritage. In this latter respect, development could be to the benefit of the scheduled monument and the associated listed buildings and structures.
4. I recognise the local concern about natural heritage and the potential loss of woodland but, as the council points out, there is no formal nature conservation designation over the area itself. The estuary adjacent to the site is designated as part of the Inner Clyde Special Protection Area and Site of Special Scientific Interest therefore having nature conservation implications for any proposed development. Paragraph 3.8.6 explains that the Habitat Regulations Appraisal undertaken for the plan identifies a range of potentially required mitigation measures. A project-level appraisal would also be required in respect of any proposed development. Additionally, the council states, any loss of trees due to development would require compensatory planting.
5. I note the emphasis on green network enhancements and the scope for providing a linear park. Significantly, Scottish Natural Heritage, although commenting on some aspects of the proposal, has not objected in principle. I consider that careful design could ensure that any impact on nature conservation could be maintained at an acceptable level. I do not believe that a clear case has been made for a specific local nature conservation designation or for associating this area with any other nearby designated areas. The Habitat Regulation Appraisal already undertaken and the required project-level appraisal provide a firm basis for protective measures and any necessary mitigation.
6. Access is a further concern and particular reference has been made to equestrian access. I accept that access to be an important consideration as a wide a range of recreational activities as possible is to be encouraged. It would therefore be beneficial should horse-riding be included in any future access improvement scheme resulting from wider development proposals. However, I am not persuaded that a compelling case has been made to specify a requirement for equestrian access.
7. The council has explained that the area allocated for woodland housing on Map 9 in the written statement has been generally recognised as an issue. Development in this

area would be constrained by the possible loss of woodland, recreational access, flood potential and impact on nature conservation, particularly in respect of the adjacent SPA and SSSI. The council's response states that a restriction on development in this area would address many of the concerns raised. Indeed, the council goes on to say that housing development is no longer proposed by Scottish Canals in the area to the south of the former railway line.

8. I believe that it would be appropriate to preclude housing development in the area to the south of the former railway line designated as "Woodland Housing BC1(76)" on Map 9. This area should therefore be shown as "Green network enhancements" in its entirety rather than being hatched as both green network and housing as at present. The reduction in house numbers would have no significant impact on the effective land supply, details of which are examined under Issue 16.

9. The text of chapter 3.8, describes the council's aspirations for Bowling Basin and deals comprehensively with the various aspects of development in this area. To reflect my conclusions on the woodland housing, references on this aspect of development should be deleted from the text. The capacity of site BC(76) would be reduced by the removal of the woodland housing element. Any reduction should be reflected in Schedule 4.

Reporter's recommendations:

Modify, the local development plan as follows:

1. In section 3.8, Bowling Basin:

- In the third bullet point of paragraph 3.8.2 delete "low density housing within"
- In paragraph 3.8.4, delete the third sentence: "South of the former railway line, closer to the River Clyde, housing within a woodland setting will be supported."
- Amend the fourth sentence as follows: "Whilst not a designated nature conservation site, woodland in this vicinity is locally valued, forms part of the green network and provides a wildlife habitat which stretches eastwards into the Saltings Local Nature Reserve."
- Delete the final sentence "Development within the woodland should be designed to minimise the impact on the woodland's role as a habitat and include enhancements to this role."

2. In Map 9, Bowling Basin:

- delete "Woodland Housing BC(76) along within the hatch denoting "Housing opportunity" and replace with "Green network enhancements (GN2)" over the entire site.

3. In Schedule 4, New allocations for housing:

- amend the indicative capacity for site BC1 (76), Bowling Basin, to reflect the deletion of the woodland housing section of the site. Make adjustments as necessary in other local development plan tables and schedules.

Issue 9	THE LOMOND CANAL	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.2, Pgs 35-36 & Map10	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>sportscotland (20) East Dunbartonshire Council (105) Strathleven Regeneration Community Interest Company (106) RSPB Scotland (122) Scottish Canals (127) SEPA (128) Clydebelt (169) James Graham (170)</p>		
Provision of the development plan to which the issue relates:	Chapter 3.9 of the Plan covers proposals for a new canal running alongside the River Leven from the Firth of Clyde to Loch Lomond. The Plan supports the further investigation of the Lomond Canal proposal and protects the route of the proposed Canal from development that would prevent it from being developed.	
Planning authority’s summary of the representation(s):		
<p><u>Objection</u></p> <p>RSPB Scotland (122) has serious reservations about the Lomond Canal so do not support the inclusion of the proposal within the LDP. The Council’s statement in paragraph 3.9.4, acknowledging that the environmental impacts would need to be carefully explored, is welcomed.</p> <p>Clydebelt (169) oppose the whole concept of the Lomond Canal which seems to be solely being promoted by Scottish Canals to enhance their image. The River Leven was navigable until the barrier was built. A lock in the barrier, dredging and bouyage would make it easily navigable again. The whole concept is an excuse to spend money on construction with no other benefit than perhaps to Scottish Canals who might gain by selling canal-side property. It would be cheaper to transport every boat by road. The canal would ruin the River Leven and its environment. There must be cheaper and less damaging ways to provide flood prevention. Has the possibility of a large tunnel between Tarbet and Arrochar been examined? The statements in 3.9.2 of the Proposed Plan (as modified) (CD19, pg35) are mostly suppositions, are hypothetical and cannot be proven. The National Park’s main aim is to preserve natural aspects of the area. Does Loch Lomond need or want more boats? How much carbon will be released in the making of such a monstrosity?</p> <p>James Graham (170) comments that this has been a pipe dream since it was first announced. The River Leven has never been closed to navigation. A navigable link already exists. It would be a white elephant. Only small low powered boats are allowed to use the Forth and Clyde Canal. Power boats would destroy its lining and the water would leak out. Boating people are not interested in canals. The demand for the Lomond Canal comes from civil engineers. £200 million+ would be spent for no earthly use whatsoever. Most of the time it would lie unused.</p>		

Support/Qualified Support

sportscotland (20) support the canal proposal but consider it important that any impacts it has on sport and recreation interests on or beside the River Leven are considered.

East Dunbartonshire Council (105) is supportive of the inclusion of the Lomond Canal in the proposed LDP as it would improve the current Central Scotland waterway network and could increase patronage on the Forth and Clyde Canal. This would bring economic and recreational benefits to East Dunbartonshire. However East Dunbartonshire Council is only supportive of the Lomond Canal on the basis that any wider and cross boundary environmental impacts of the proposal are given full consideration and assessment in proceeding with the proposal.

Strathleven Regeneration CIC (106) supports the Plan's support for the further investigation of the Lomond Canal proposal and the protection from development of the route of the canal.

Scottish Canals (127) supports the protection of the route of the Lomond Canal project in the Plan and the project concept itself, which was referenced in the National Planning Framework. The project needs to be taken forward in partnership with West Dunbartonshire Council with the Council taking lead as Scottish Canals has no land ownership or locus in the area. The justification for the project should highlight more strongly the potential flood alleviation benefits and refer to the additional benefits of hydro, so that the canal link is not seen as the primary justification.

Water Framework Directive

SEPA (128) has no objection in principle to the Plan's approach, however would highlight that the project may potentially have significant implications in terms of the aims of the Water Framework Directive and reserve the right to comment further on these matters in due course.

Modifications sought by those submitting representations:Objection

RSPB Scotland (122) does not support the inclusion of the proposal within the LDP.

Clydebelt (169) suggest scrapping any suggestions for a Lomond Canal and upgrade the River Leven back to being a fully navigable river.

James Graham's response (170) does not specify a modification but is clearly opposed to the inclusion of the Lomond Canal proposal in the Plan.

Support/Qualified Support

sportscotland (20) suggest that reference is made to the need consider any impact of the canal proposal on sport and recreation interests on or beside the River Leven.

Scottish Canals (127) state that the justification for the project (3.9.1 and 3.9.2) should highlight more strongly the potential flood alleviation role of the project and refer to the additional benefits of hydro and the tourism/leisure aspects of the canal link so that the

canal link is not seen as the primary justification.

The representations of **East Dunbartonshire Council (105)**, **Strathleven Regeneration CIC (106)** and **SEPA (128)** did not specify any modifications to the Plan.

Summary of responses (including reasons) by planning authority:

Objection

The Lomond Canal was referenced in Scotland's Canals: an asset for the future (CD49, Scottish Executive, pg16, para 3.12) and more recently in Making the Most of Scotland's Canals (CD50, Scottish Government, pg 10). It is also referenced in the Strategic Development Plan (CD09, pg20, para 4.17). It is therefore appropriate for the Local Development Plan to encourage the further investigation of this proposed canal link between the Firth of Clyde and Loch Lomond, two of Scotland's most iconic water bodies.

Given the scale of the proposed Lomond Canal project, much work is still to be done to demonstrate that the project is financially and technically viable and environmentally acceptable. The evidence is not available to justify full support of the proposal by the Plan. However, it is an ambitious project of regional, if not national significance, and it is appropriate for the Local Development Plan to reflect and protect this proposal.

The Plan adopts an appropriate position on the Lomond Canal by encouraging further investigation of the proposal, whilst recognising possible associated environmental issues, and for this reason the modification by **RSPB Scotland (122)**, **Clydebelt (169)** and **James Graham (170)** to remove the Canal proposal from the Plan is not supported.

Support/Qualified Support

Sport and recreation interests along the proposed route of the Canal would be protected by the relevant policies of the Plan (CD19, GN1 and GN8, pgs 76 & 82).

The modification by **Sportscotland (20)** is not necessary.

Paragraph 3.9.2 makes sufficient reference to the proposed Canal's potential flood alleviation role, hydro-energy and leisure/tourism benefits. These are matters that should feature in the further investigation of the Canal proposal.

The modification by **Scottish Canals (127)** is not necessary.

Reporter's conclusions:

Context

1. The local development plan includes the Lomond Canal within sub-section 3.9 of Chapter 3 – Our Changing Places, and in this context provides support for the further investigation of a proposal by Scottish Canals for the development of the project. However, the purpose of including the proposed canal within the local development plan appears to be restricted to facilitating the further investigation of the project and protecting the route of the proposed canal within the period of the plan, in order to allow Scottish Canals to demonstrate whether the canal is financially and technically viable, and environmentally acceptable.

2. The support for the canal in the plan is based upon its potential tourism and recreation potential, providing a potential link between the Forth and Clyde Canal and Loch Lomond. However, paragraph 3.9.4 clearly refers to the environmental impact of the proposed canal, and states that the effect on the River Leven (which is a local nature conservation site) and on the Endrick Water Special Area of Conservation and the Inner Clyde Special Protection Area need particular consideration. It is stated that planning permission would not be granted unless it can be ascertained that the proposal would not adversely affect the integrity of these sites.

3. The proposed Lomond Canal is referred to in 2 Scottish Government publications. Firstly, in Scotland's Canals – an asset for the future (2002), paragraph 3.12 states that the Forth and Clyde Canal has a natural link with boating activity on Loch Lomond, and that the viability of forming a navigable link should be examined. Secondly, Making the Most of Scotland's Canals – Transport Scotland (April 2013) refers to Scottish Canals working with local authorities and others to stimulate economic regeneration in key locations, and in this context the proposed Lomond Canal in the Strathleven area is referenced.

4. The Glasgow and Clyde Valley Strategic Development Plan in paragraph 4.17 refers to the importance of the Strathleven Corridor running from the Clyde Estuary to Loch Lomond along the River Leven, providing a gateway to the Loch Lomond and the Trossachs National Park. It refers to significant regeneration/ tourism proposals including the Lomond Canal. The strategy support measure identified is to set in place a longer-term study to analyse the Strathleven Corridor and to address regeneration and renewal requirements and sustainable transport options including connectivity and accessibility issues.

Principle of support for the Lomond Canal

5. Given the above mentioned strategic framework, I consider it important that the local development plan reflects the strategic development plan and supports the principle of further investigation of the proposed canal. It is in the circumstances appropriate to safeguard land which may be required to enable the canal to be brought to fruition, so that the viability of the project is not unnecessarily undermined by potential development constraints.

6. I understand the concerns expressed in the representations, both about the viability and the environmental impact of the proposed canal, but paragraphs 3.9.3 and 3.9.4 satisfactorily address these concerns. The council is clear that the project would only proceed if it is environmentally acceptable, particularly with respect to the nature conservation interests, and the effect on the flow and water quality of the River Leven.

7. I therefore conclude that sub-section 3.9, which sets out the support in principle for the further investigation of the proposed Lomond Canal, is appropriate. In my view, the approach taken is consistent with the strategic development plan. I also conclude that the concerns expressed within the representations on this matter are sufficiently addressed within the statement of the matters which require to be addressed in paragraphs 3.9.3 and 3.9.4.

Specific content of sub-section 3.9

8. A number of representations express qualified support for the inclusion of the Lomond

Canal within the local development plan, but also seek the inclusion of additional matters within the content of sub-section 3.9.

9. I note that SportScotland is concerned about potential impacts on sport and recreation interests on or beside the River Leven. I recognise that the policies referred to by the council protect these interests; but so do the relevant policies of the local development plan protect the environmental interests. I also recognise the need to avoid too much detail within the text of the local development plan.

10. However, I find that, whilst not being as critical as the potential environmental consequences, avoiding adverse impact on any existing recreational facilities associated with the River Leven should be referred to in the text. In this context I am mindful of the encouragement given to access along and beside (existing) waterways through Policy GN6. I suggest an appropriate addition for this in my recommendations below.

11. I am satisfied that any cross boundary interests with East Dunbartonshire would be taken into account, and that this does not need to be specifically referred to in the text of sub-section 3.9. I consider that the primary aims of this project are the potential regeneration, economic and tourism and recreation benefits. These are sufficiently covered in paragraph 3.9.2. I also note that there may be potential for flood risk management, and hydro-electric power, but I consider that these are consequential matters that are also already sufficiently recognised within paragraph 3.9.2.

12. In addition, I am satisfied that any implications from the Water Framework Directive would be properly taken into account. I therefore conclude that (other than an addition recognising the need to avoid adverse impact on any recreational facilities associated with the River Leven) there is no requirement for further additions to the text of sub-section 3.9.

Reporter's recommendations:

Modify the local development plan by:

Adding a sentence after the seventh line of paragraph 3.9.2 as follows:

However, care would be needed to avoid this resource having an adverse effect on any existing recreational facilities associated with the River Leven.

Issue 10	LOMONDGATE AND THE VALE OF LEVEN INDUSTRIAL ESTATE	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.10, Pgs 37-39 & Map 11	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr & Mrs F Bunch (31) David Mason (79) The Woodland Trust Scotland (93) Strathleven Regeneration Community Interest Company (CIC) (106) Walker Group (125) SEPA (128) SNH (129) Clydebelt (169)</p>		
Provision of the development plan to which the issue relates:	Chapter 3.10 of the Plan sets out the strategy for the mixed use Lomondgate area and the adjoining Vale of Leven Industrial Estate. This includes support for business and industrial development, roadside services, residential development, and green network enhancements.	
Planning authority's summary of the representation(s):		
<p>Strathleven Regeneration CIC (106) supports the inclusion of Lomondgate and Vale of Leven Industrial Estate as one of 'Our Changing Places' and supports the Lomondgate Strategic Economic Investment Location (SEIL) being identified as Lomondgate and the Vale of Leven Industrial Estate, without restriction of key industry sectors.</p> <p><u>Vale of Leven Industrial Estate</u></p> <p>Mr & Mrs F Bunch (31) state in relation to the boundaries of the Strathleven Estate:</p> <ol style="list-style-type: none"> 1. Lomondgate has not been developed yet 2. Strathleven Industrial Estate is not running at full capacity, it is a disaster area, ground maintenance/cutting of grass/litter and the old Polaroid building empty 3. Strathleven House - the money was spent to develop the area at the back of my home, the pond was re-established and now it is a disaster, another waste of money 4. The houses that have been built in the last 30 years - where are the facilities 5. No ice rink/Dry Ski Run/Cinema/Ten Pin Bowling the list is never ending it's a disgrace!! I have been asked by tourist in Balloch where are the shops!!! 6. Gateway to the Highlands but nothing else. Plenty expensive signs/ roundabouts. 7. Has there to be no green belt!! On that note what about the environment: down at Strathleven Industrial Estate the fumes of Diamond Power plant from paint are overwhelming. What would it have been like if Aggreko had been allowed to build down at the back of Strathleven Houses. 8. We need balance. Yes, build small outlets as the area does need work for young people but we do need a life balance so we do object to you changing the land grading. We need healthy living. <p>David Mason (79) states that the Strathleven housing estate has over 300 houses but no play areas for children or convenient dog walking areas. Area GE1(2) is a safe and</p>		

accessible area for residents to make use of. It has never been built on beyond the fence line of the old Burroughs factory and there are archaeological interests in the area, which is undisturbed greenfield.

The Woodland Trust Scotland (93) is concerned about woodland maintenance next to the Vale of Leven Industrial Estate. If maintenance must occur, the Trust recommends a biodiversity survey before any work occurs. Establishing the biodiversity of this patch will help direct what type of maintenance could occur, if it must occur.

Clydebelt (169) support improvements to the habitat of the Vale of Leven Industrial Estate and the enhancement of its green network role. New specimen trees are needed to replace aging ones in the parkland and more general improvement to surrounding and screening woodland. A new pathway/cycleway should be provided within the Estate to link Lomondgate and Dumbarton and Bonhill alongside the Stirling Road.

Lomondgate Area 5 BC1(72)

The Walker Group/Strathleven Regeneration (125) supports and endorses the allocation of Lomondgate Area 5, and are committed to making every reasonable effort to ensure bus services for the Lomondgate development. There is concern at the specific requirement which is stated as an absolute, namely; "Requirement to ensure bus services for Lomondgate development". WG/SRC have engaged with local bus operators and will make exhaustive efforts to ensure a bus service but cannot guarantee that an operator will provide or divert services to the site. It is difficult to see what a developer of the site could do to ensure or compel local operators to provide services for the Lomondgate development.

SEPA (128) state that additional flood risk information is needed to confirm the developable footprint of Area 5 (BC1(72)).

SNH (129) seek clarity with regard to which land surrounding Area 5 is to be subject to habitat improvement and management.

Modifications sought by those submitting representations:

Vale of Leven Industrial Estate

Mr & Mrs Bunch (31) do not specify what modifications they want made to the Plan. With regard to Vale of Leven Industrial Estate it is understood to relate to the loss of land to industrial development. Other comments are understood to relate to the lack of facilities throughout Dumbarton/Vale of Leven rather than any specific modification required to the Plan.

David Mason (79) seeks for site GE1(2) to be made available for dog walking and children's recreational purposes.

The Woodland Trust Scotland (93) does not specify changes it wants made but clearly states concerns about the impact that the maintenance of woodland suggested by the Plan could have on the woodland.

Clydebelt (169) request an additional paragraph seeking to provide a safer walking and cycling route connecting Dumbarton, Lomondgate through Strathleven Estate to Renton

and Bonhill.

Lomondgate Area 5 BC1(72)

The Walker Group/Strathleven Regeneration (125) seek the following:

Amend the requirement in Table 4 (p70) by deleting:

- “Requirement to ensure bus services for Lomondgate development”.

and replacing with;

- ”Requirement to engage with local bus operators and make all reasonable efforts to ensure bus services for Lomondgate development”

SNH (129) state that with regard to the land to subject to habitat improvement and management, this should be identified as land to the “north, west and south” of Lomondgate Area 5 rather than “non-developable area”.

SEPA (128) do not specify any modifications in their representations on this section of the Plan.

Summary of responses (including reasons) by planning authority:

Vale of Leven Industrial Estate

It is acknowledged that site GE1(2) has been used informally by residents of the Strathleven housing estate for recreational purposes. However, the Vale of Leven Industrial Estate has been identified and operated as an industrial estate, long preceding the development of adjacent houses. Site GE1(2) was identified as an industrial/business opportunity in the 1999 (CD28, Proposals Map site Io3 & Schedule EMP1, pg78) and 2010 (CD22, Proposals Map site LE1(6) & Schedule LE1) local plans for the area, and in the 1984 local plan the site was in and zoned for industrial use (CD29, extract).

The loss of site GE1(2) as an business and industry opportunity would have a significant impact on business and industry land supply, both within the estate and across West Dunbartonshire. Site GE1(2) is part of West Dunbartonshire’s marketable land supply. Extending to 4.2 hectares, it forms 11.6% of the area’s marketable land supply and 28.2% of the land supply within the industrial estate. Relatively flat and regularly shaped, it is one of the most attractive opportunities within the estate.

The impact of industrial/business development on site GE1(2) on the adjoining houses would be a development management consideration. Policy BC3 of the Plan states that development that would harm the residential amenity, character or appearance of existing neighbourhoods will not be permitted. Policy DS1 requires development to avoid unacceptable impacts on adjoining uses.

The Council recognises the green network value of the Vale of Leven Industrial Estate, and has had a green network enhancement study of the estate prepared. The Council has recently implemented path and interpretation improvements funded by the Central Scotland Green Network Development Fund. Paths and open space will remain available throughout the estate providing recreational access and opportunities to nearby residents.

In conclusion, site GE1(2) offers an important industrial/business opportunity within an established industrial area. The impact of any development on adjoining uses will be controlled through the development management process and the Vale of Leven

Industrial Estate will continue to offer recreational opportunities if site GE1(2) is developed. The modification sought by **David Mason (79)** is not supported.

In response to **The Woodland Trust Scotland (93)** comments, any significant management or maintenance of the woodland within the Vale of Leven Industrial Estate would be preceded by a survey.

The Council has no current proposals to provide a footpath from Dumbarton/Lomondgate through the Vale of Leven Industrial Estate to Bonhill and Renton. As such it would not be appropriate to include within the Plan, as there is no other means of implementation. This modification by **Clydebelt (169)** is not supported.

Lomondgate BC1(72)

In order to support sustainable development and reduce carbon emissions it is important that all new development should be accessible by public transport. However, the Council acknowledge the difficulty in ensuring that a commercial bus service can be secured for the development.

The Reporter is invited to accept the modification proposed to Table 4 by **The Walker Group/Strathleven Regeneration (125)**.

The modification proposed by **Scottish Natural Heritage (129)** to Table 4 is to provide clarification. The whole of the area is within the ownership of the developer and the principle of the requirement in Table 4 regarding habitat improvement and enhancement has been accepted by them. In order to provide complete clarification it is suggested that the sentence 'Habitat improvement and management on non-developable area' in Table 4 is replaced by 'Habitat improvement and management on land to the north, west and south of the site as identified for open space and green network enhancements on Map 11'.

The Reporter is invited to make this modification to Table 4.

Reporter's conclusions:

General context

1. The strategy for Lomondgate and the Vale of Leven Industrial Estate is set out in sub-section 3.10 of Chapter 3, and supports the development of the Lomondgate Business Park and roadside services area, business and industrial use on identified sites, residential development south of the A82, and the enhancement of existing properties and the green network within the Vale of Leven Industrial Estate.

2. The representation by Mr and Mrs Bunch raises general concern about the development of Lomondgate and the Vale of Leven Industrial Estate. The concern relates to the loss of green belt land, although the representation is not clear as to whether or not it relates only to the loss of such land to industrial development (as stated by the council above), and to ensure that the representation is sufficiently examined, I consider it in the context of all of the development areas referred to on Map 11 of the local development plan.

3. However, there is no specific modification to the local development plan being sought with respect to the areas for development shown on Map 11. The majority of these designations are carried forward from the existing adopted local plan, and the housing development (whilst extended by the local development plan and not complete) is under construction. I also note that the area is identified as a strategic economic investment location.

4. I further note that the majority of the land to the west of the business and industry or housing areas (essentially between these areas and the River Leven) is designated either as green belt, or as open space including green network enhancements. In the circumstances, I therefore find that the council has maintained an appropriate balance between the interests of economic development and the green belt through Map 11 of the local development plan.

5. There is also concern about the environment within the Vale of Leven Industrial Estate. However, there is a specific designation for the enhancement of older industrial buildings (and their surroundings) within the estate, which demonstrates that the council is aware of the need for improvements to the structure of the existing estate, and not just the development of areas for further business or industrial development within the estate.

6. Strathleven House, although operated as a business centre within the industrial estate, is included under Policy BH3 for retention and enhancement, and the area to which this policy applies is shown on Map 11 of the local development plan. What has been undertaken so far is not a matter for examination, but since this is a category A listed building, I find that it is important to maintain the character and setting of the building, and the local development plan appropriately provides for this.

7. A further key element of concern appears to be the lack of facilities available for those living and working in the area. Specific facilities, including open space and community facilities, are provided within housing development where appropriate, and any specific requirements for Lomondgate would be addressed through the development management process.

8. More significant facilities, including shopping and leisure facilities, are provided within town centres or elsewhere within the local development plan area, and these matters are addressed elsewhere in this examination report in so far as they are raised within the representations. There is also a service area designated on Map 11 of the local development plan, which has significant capacity for further development, and would assist in providing facilities for the local community as well as visitors. However, I have no evidence before me relating to specific leisure facilities which may or may not be required.

Sites for development within the Vale of Leven Industrial Estate

9. There are several business and industry opportunities identified under Policy GE1 within Schedule 1 (and shown on Map 11) of the local development plan. Apart from GE1 (15) which is specifically reserved for an expansion of the Chivas bottling plant, these are sites GE1 (1) to (5) of the Vale of Leven Industrial Estate.

10. The concerns expressed within the representation on this matter relate specifically to sites GE1 (2) and GE1 (3). Whilst I note that the council has only responded in relation to site GE1 (2), site GE1 (3) is also referred to in a similar context. The representation

requests that site GE1 (2) should be retained as an amenity area for recreation, and/or that buffer zones of approximately 100 metres should be retained for both sites between new development and the existing housing at Strathleven Park.

11. From my site inspection, I note that these sites constitute naturally regenerated areas of rough grassland, trees and shrubs. They are clearly of some amenity value to the local community, and it appears that they may have some local recreational use. There is a footpath running through site GE1 (3), but otherwise there appears to be no significant recreational use. Site GE1 (2) has substantial footpaths running along both the northern and southern boundaries. In addition, this site has a number of informal footpaths, or desire lines, running through it, particularly in the eastern part of the site. The western part of the site is quite overgrown.

12. This site appears to have more local recreational use, and at my site inspection I noted 4 instances of walkers with dogs using the site. However, even if the site is developed, it may be possible to retain some access through the eastern part of the site. There is also no reason why the footpaths to the north and south of the site should not be retained. In addition, whilst both sites could usefully be retained as amenity areas for the local community in Strathleven Park, they would nevertheless constitute logical extensions to the industrial estate.

13. I note that the sites are carried forward from the existing adopted local plan and that the council considers that site GE1 (2) is a significant element of West Dunbartonshire's marketable land supply. Site GE1 (3) would be likely to be equally significant. I therefore find that it is appropriate to retain these business and industrial opportunities in the local development plan.

14. I recognise however that there would be environmental consequences from the development of both sites, being adjacent to an existing housing area. In this context, I note that Policy BC3 would apply, and in addition that Policy DS1 requires development to avoid unacceptable impacts on adjoining uses.

15. It is likely to be the case that some sort of open space or screen planting and landscaping would be required in order to protect residential amenity. However, I do not consider that this should necessarily extend to providing recreational open space. In any event, I consider that any buffer between new business and industrial development and existing housing is a matter for the development management process, and that it would not be appropriate to set out requirements for a specific buffer within Schedule 1 or within Map 11 of the local development plan.

16. To some extent, this would be dependent upon the nature of any development proposed, as would the need for any formal environmental impact assessment. In addition any archaeological interest in the site would be assessed at the development management stage.

Woodland management

17. The area to the west of the Chivas bottling plant (and land reserved for its expansion) and the Lomondgate industrial opportunity GE1 (6) (which is designated as green belt) is fairly open, with a few groups of mature trees. However, there are significant groups of mature trees within and along the boundaries of the Vale of Leven Industrial Estate, which considerably assist the integration of the built development within the wider area.

18. In particular, I note from my site inspection that there is extensive mature woodland to the west of the northern part of the Vale of Leven Industrial Estate. There are paths running through this area extending over the River Leven into the housing beyond. There is also mature woodland to the west of the Lomondgate housing development, which is further considered below. These areas are designated as open space and for green network enhancements on Map 11.

19. The Woodland Trust is particularly concerned about paragraph 3.10.9 of the local development plan which indicates that the woodland and riverside setting is not subject to regular maintenance, and suggests that more requires to be done. The trust is concerned about the nature of any maintenance of this woodland, and in particular considers that it is important to undertake a biodiversity survey in order to direct the type of maintenance and ensure that it does not impact negatively on resident species or result in the loss of a unique ecosystem.

20. In managing this woodland, I find that it is important to strike an appropriate balance between the maintenance of natural habitats and the provision of appropriate access to improve the estate as a place for business and to visit for either business or recreation. In general terms, I find that paragraph 3.10.10 sets the appropriate context for this, but I consider that there should be an addition to the end of this paragraph stating that any significant management or maintenance of the woodland within the Vale of Leven Industrial Estate will be preceded by an appropriate survey in order to protect the biodiversity of the area. The council has indicated above that this would in practice take place. I note that improvements to the habitat of the Vale of Leven Industrial Estate are supported by Clydebelt in order to enhance the role of the estate within the green network.

Footpath from Dumbarton to Bonhill

21. With respect to the possibility of a new footpath and/or cycleway within the estate to link Lomondgate and Dumbarton with Bonhill, I find that the estate roads within the Vale of Leven Industrial Estate are already fairly user friendly for walking and/or cycling. There are also footpaths along the River Leven to the west of the northern part of the industrial estate, extending to various parts of the industrial estate and Strathleven House. These are way marked but not identified as suitable for cycling. In addition there are footpaths extending through sites GE1 (2) and GE1 (3) to Strathleven Park, as referred to above. At my site inspection, I walked a footpath extending from the Chivas bottling plant through the designated area of green belt, and under the A82, to the woodland area to west of the Lomondgate housing site. This appears to be suitable for multi use including cycles, and has gated access, although it is not way marked.

22. Whilst there is therefore already provision for sustainable means of access through the site, from Lomondgate into the Vale of Leven Industrial Estate, there is no complete and way marked footpath or cycleway from Dumbarton to Bonhill through this area. There is potential for improvement in this context, although I note that the council has no plans for such a footpath or cycleway, and I agree that in these circumstances it would not be appropriate to include a policy or proposal for such in the local development plan.

23. However, I note that paragraph 3.10.13 refers to the route of the proposed Lomond Canal, which runs through the Lomondgate area and the Vale of Leven Industrial Estate, directly to the east of the River Leven. There may be opportunities to improve footpath and cycle provision in this context, and I refer to the findings in Issue 9 which relate to

avoiding adverse impact on existing recreational facilities, and the encouragement given to access along and beside (existing) waterways through Policy GN6. In any event, I consider that it would be appropriate to add a sentence to the end of this paragraph to the effect that the council will also support appropriate measures to improve access through Lomondgate and the Vale of Leven Industrial Estate by foot and cycle, in the interests of providing sustainable transport access within the area.

Lomondgate housing development

24. I note the representation on behalf of the developer of the Lomondgate housing area to the effect that it cannot guarantee that a bus operator will provide a service into the site. Bus service provision is an important part of providing sustainable transport for the site, but I find that the requirements stated within Table 4 of the local development plan should be amended in accordance with the council's response above.

25. Scottish Natural Heritage has noted the reduction in area of Lomondgate Area 5 from the main issues report stage, and welcomes the requirement in Table 4 for habitat improvement and management, but assumes that this is intended to apply to the area of woodland which is now outside the site, and suggests that this should be clarified by referring to the area north, west and south of the site. I agree with the council's response to the extent that this matter should be clarified in Table 4. I also note that the Scottish Environment Protection Agency requires additional flood risk information for Lomondgate Area 5, and I find that this matter can be satisfactorily addressed through the development management process.

Lomondgate service area

26. There is also a representation from the developer of the Lomondgate area supporting the continued development of the roadside service area, to ensure its successful completion within the local development plan period. It is requested that Table 5 of the local development plan be amended to include the roadside services as a destination commercial centre, since its role is integral to the wider Lomondgate Strategic Economic Investment Area. I refer to the conclusions within Issue 22 to the effect that such a designation would not be appropriate.

Overall conclusions

27. In overall terms, I conclude that the designation of areas for development within Lomondgate and the Vale of Leven Industrial Estate are appropriate, and maintain an appropriate balance between new development and the green belt. I also conclude that sites GE1 (2) and GE1 (3) should be retained as business and industrial opportunities in the local development plan.

28. With respect to woodland management, I conclude that there should be an addition to state that any significant management or maintenance of the woodland within the Vale of Leven Industrial Estate will be preceded by an appropriate survey in order to protect the biodiversity of the area. With respect to access, I conclude that there should be an addition to the effect that the council will also support appropriate measures to improve access through Lomondgate and the Vale of Leven Industrial Estate by foot and cycle, in the interests of providing sustainable transport access within the area.

29. I further conclude that there should be an amendment with respect to Lomondgate Area 5 to clarify the local development plan requirement relating to the provision of bus services, and to clarify the area for habitat improvement and management related to the development of that part of the site.

Reporter's recommendations:

Modify the local development plan by

1. Adding a sentence to the end of paragraph 3.10.10 of the local development plan as follows:

Any significant management or maintenance of the woodland within the Vale of Leven Industrial Estate will be preceded by an appropriate survey in order to protect the biodiversity of the area.

2. Adding a sentence to the end of paragraph 3.10.13 of the local development plan as follows:

The council will also support appropriate measures to improve access through Lomondgate and the Vale of Leven Industrial Estate by foot and cycle, in the interests of providing sustainable transport access within the area.

3. Replacing the third line of the specific requirements for Lomondgate Area 5, as set out in Table 4 of the local development plan, with the following:

Requirement to engage with local bus operators and make all reasonable efforts to ensure bus services for Lomondgate development.

4. Replacing the second line of the specific requirements for Lomondgate Area 5, as set out in Table 4 of the local development plan, with the following:

Habitat improvement and management on land to the north, west and south of the site as identified for open space and green network enhancements on Map 11.

Issue 11	YOUNG'S FARM (DUMBARTON FC), DUMBARTON	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.11, Pgs 40-41, Map 12	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Andrew Muir (55) Silverton and Overtoun Community Council (57) SEPA (128) SNH (129) Dumbarton Football Club (130) Edith McDonald (187) Maureen Lindsay (188) G Gilhaney (189) Isobel McDonald (190) Mary Burk (191) Francis Stewart (192)</p>	<p>David McDonald (193) Margaret Hughes (194) Hazel Burke (195) Margaret McDonald (196) M Burke (197) A Sutherland (198) Clementine Brown (199) N Williamson (200) A Sutherland (201) Kathleen Cameron (202) Mrs Brown (203) Amanda Cameron (204)</p>	
Provision of the development plan to which the issue relates:	The Local Development Plan identifies Young's Farm as the possible location for a new football stadium and associated and enabling development within the green belt and states that the Council "is supportive of Dumbarton FC investigating the suitability of the site further".	
Planning authority's summary of the representation(s):		
<p><u>Status of Allocation</u></p> <p>Dumbarton Football Club (130) support the allocation of the site at Young's Farm for a football stadium and enabling development. However, the football club's representation requests that the Local Development Plan goes further and provides more certain allocation of the site for the relocation of the Club. Furthermore, the identification of the entire Young's Farm site is sought to allow flexibility to define an appropriate site layout at the detailed design stage.</p> <p>The football club have submitted a number of studies (SD11.1, SD11.2, SD11.3 & SD11.4) that consider the technical considerations identified by the Proposed Plan (as modified) in order to support their case for a more certain allocation. It is maintained that the studies provide a strong evidence base which demonstrates the suitability of Young's Farm for the development of a new community stadium together with associated enabling development and remove any doubt that the technical issues identified in the Proposed Plan (as modified) are capable of being accommodated in any future relocation proposals.</p> <p><u>Objection to Allocation</u></p> <p>Objections to the relocation of Dumbarton FC to Young's Farm have been submitted by Andrew Muir (55) and Silverton and Overtoun Community Council (57). A further eighteen objections to the development of a football stadium at Young's Farm were</p>		

received during the period for making representations on the Proposed Plan (as modified) from residents of the Dennystoun Forge gypsy traveller site: **Edith McDonald** (187), **Maureen Lindsay** (188), **G Gilhane** (189), **Isobel McDonald** (190), **Mary Burk** (191), **Francis Stewart** (192), **David McDonald** (193), **Margaret Hughes** (194), **Hazel Burke** (195), **Margaret McDonald** (196), **M Burke** (197), **A Sutherland** (198), **Clementine Brown** (199), **N Williamson** (200), **A Sutherland** (201), **Kathleen Cameron** (202), **Mrs Brown** (203), **Amanda Cameron** (204) – referred to below as **Dennystoun Forge Residents**.

The matters raised in the objections received on Young's Farm (including the football club's position where stated) are as follows:

Green Belt

The site is in the Green Belt.

Accessibility

The location is not central and has poor transport links. Supporters would be faced with increased travel costs and would no longer be able to walk to the stadium from the town centre. Significant traffic congestion would be caused along an extremely narrow and dangerous road.

The Transport Statement (SDX11.1) submitted by **Dumbarton Football Club (130)** addresses public transport, pedestrian and cycle accessibility and vehicular access. It finds that the Young's Farm site has good accessibility by a variety of transport modes and that a feasible access strategy can be provided. Vehicular access would be provided via a new priority junction created onto the A82 off ramp.

Flooding

SEPA (128) do not object to the allocation being included in the Local Development Plan subject to compliance with relevant policy and the findings of a detailed Flood Risk Assessment. It is noted that reference to 'managing flood risk' at paragraph 3.11.4 is potentially misleading to the aspirations of potential developers.

A Flood Risk Assessment (SD11.2) has been prepared and submitted in support of the club's representations. The Flood Risk Assessment states that while areas, generally to the north-eastern corner of the site, are likely to be at high risk of fluvial and coastal flooding, there are areas to the west within the site where the risk is low and where development could take place. Furthermore, the Flood Risk Assessment establishes that areas at risk of flooding within the site may be suitable for limited development, such as appropriate recreational uses.

Design

Dumbarton Football Club's (130) ambition is to create an 'inspirational community sports hub' at Young's Farm 'that incorporates state of the art facilities within an attractive parkland setting'. An indicative development block plan (SD11.4, page 5) divides the site into distinct zones, informed by the key access, flood risk and ecological issues identified by the Council in the Proposed Plan (as modified) and assessed by the Football Club's consultant project team.

Residential amenity

The **Dennystoun Forge Residents (187-204)** raise a number of concerns about the development of Young's Farm and the impact this would have on the gypsy traveller site. These can be summarised as: safety, security and health concerns arising from an increase in the number of people passing by – and potentially through – the site; the potential for anti-social behaviour, disturbance and noise; traffic; and impacts on landscape and wildlife.

Biodiversity

The site is adjacent to the River Leven, the whole of which is a Local Nature Conservation Site and regular habitat of wildlife. Objectors have stated the potential for noise and pollution is unacceptable.

An Ecological Assessment (SD11.3) carried out for the site submitted by **Dumbarton Football Club (130)** and highlights the potential to pollute and impact upon the River Leven.

SNH (129) advise additional wording at paragraph 3.11.4 to transpose the findings of the Habitats Regulations Appraisal with reference to the integrity of the interests of the Endrick Water Special Area of Conservation.

Modifications sought by those submitting representations:Status of Allocation

Dumbarton Football Club (130): Amend first sentence of paragraph 3.11.4 from: "The Council is supportive of Dumbarton FC investigating the suitability of this site further" to: "*The Council is supportive of Dumbarton FC relocating to this site*".

Extension of the hatched area shown on Map 12 (identifying the possible location of the stadium, playing fields and enabling development) to incorporate the entirety of the Young's Farm site.

Objection to Allocation

Andrew Muir (55), Silverton and Overtoun Community Council (57) and Dennystoun Forge Residents (187-204) do not specify modifications but it can be inferred that they consider Young's Farm should not be identified as a 'Changing Place' in the Local Development Plan. **Andrew Muir (55)** notes that ground on the east side of Castle Road, Dumbarton (near the existing stadium) should be used instead.

Biodiversity

SNH (129) suggest that to transpose the finding of the Habitats Regulation Appraisal, the following sentence is advised to be included at the end of paragraph 3.11.4: "*Planning permission will not be granted unless it can be ascertained that the proposal would not adversely affect the integrity of the interests of the Endrick Water Special Area of Conservation*".

Summary of responses (including reasons) by planning authority:Status of Allocation

Dumbarton Football Club (130) has engaged with the process of preparing the West Dunbartonshire Local Development Plan, making submissions at pre-Main Issues Report (SD11.5, SD11.6, SD11.7) and Main Issues stages (SD11.8), setting out its future vision. The football club considers that in order to achieve this vision it requires a larger stadium that has improved facilities and that it is not possible to achieve this vision at its current site.

A site assessment exercise carried out by the football club (SD11.5, section 3.0 and Appendix 1) considered seven potential development sites for a new stadium. The three preferred sites were put forward as part of the Main Issues Report (CD12 – Issue 29), alongside the option that none of these three sites were suitable. Taking account of representations received following consultation on the Main Issues Report, including from Dumbarton FC (SD11.8), Young's Farm is identified as the football club's preferred location and the Proposed Plan (as modified) is supportive of Dumbarton FC investigating the suitability of the site in further detail. It does not go as far as identifying the Young's Farm site for development and retains the site within the green belt. The reason for this approach is threefold: firstly, the Council acknowledges the unique requirements of the football club but would not wish the site to be developed for any other purpose than a new community football stadium (and appropriate ancillary and enabling development); secondly, it is considered there still remains a degree of uncertainty surrounding the technical and financial viability of the scheme, which means it is premature to allocate the site in the Local Development Plan as a development opportunity; and thirdly, the football club is proposing enabling development, the full nature of which is currently unknown.

Paragraph 3.11.7 states should the football club's investigation of the site demonstrate it to be viable for a new stadium, a comprehensive masterplan should be developed prior to the submission of a planning application. The Young's Farm site is defined as the wider site delineated by the black line within Map 12 and upon the Dumbarton Proposals Map. While an indicative location for the stadium, playing fields and enabling development, reflecting the key constraints of the site is shown in Map 12, it should not be considered as definitive. Taking account of Dumbarton FC's representation the Council now considers that, rather than being expanded, this hatched area should be deleted from Map 12.

The Reporters is therefore invited to make this change to Map 12.

Objection to AllocationGreen Belt

The Local Development Plan does not remove the green belt designation from the Young's Farm site. Any development of the site would be assessed against Policy DS2, but the Council's support for the further investigation of the suitability of the site for a football stadium would be a material consideration.

Accessibility

Transport Scotland advise (CD55) that the Design Manual for Roads and Bridges

TD22/06 states at paragraph 5.30 that “Private means of access and junctions on connector roads are not permitted.” Given the mandatory nature of the statement, Transport Scotland recommended that alternative means of access should be investigated. The Transport Statement (SD11.1) submitted by Dumbarton Football Club makes no mention of alternatives and therefore on the information provided to date, Transport Scotland could not support the land use proposal as presented. Transport Scotland provided further comments expressing concerns regarding accessibility by sustainable modes of walking, cycling and public transport, stating that further discussion on such issues seems premature prior to an agreed access strategy being developed.

Flooding

On reviewing the Flood Risk Assessment (SD11.2) submitted by Dumbarton FC, SEPA advise (CD58), they have no objection to the site being promoted as a preferred location in the emerging local development plan. SEPA note that all parties accept that at the planning application stage, further technical information will require to be submitted, including further Flood Risk Assessment modelling works and that this additional information will be required to further define the developable footprint of the site, within the overall site allocation. Policy DS6 is also clear that development will not be supported on the functional flood plain or where it would have a significant probability of being affected by flooding or increasing the probability of flooding elsewhere.

Biodiversity

Ecological surveys forming the Ecological Assessment (SD11.3) submitted by Dumbarton Football Club highlight the presence of locally important habitats and statutory protected species. The assessment considers that following best practice guidelines during proposed works would minimise the potential for a pollution incident to occur and therefore considered it unlikely that there will be any significant effect arising from development upon with the Inner Clyde Special Protection Area or Endrick Water Special Area of Conservation. The Ecological Assessment highlights a number of ecological interests across the site following a detailed Phase 1 survey. Mitigation measures and the need for further assessment are highlighted. SNH has offered comment on the Ecological Assessment (CD54).

The Council agrees with the modification proposed by **SNH (129)** to transpose the findings of the Habitats Regulation Appraisal but considers that the wording should be consistent with other Changing Places within the plan (e.g. paragraphs 3.4.19, 3.5.13, 3.5.6). The following wording is therefore proposed: *‘Development at Young’s Farm must not have an adverse effect on the qualifying interests of the Endrick Water Special Area of Conservation’* at the end of paragraph 3.11.4 and the Reporter is invited to make this modification.

Further to this explicit statement on the requirement that development of Young’s Farm does not adversely affect the integrity of the interests of the Endrick Water Special Area of Conservation, future development proposals will be assessed against Policy GN3. This policy states that development that harms sites designated for nature conservation or protected species will not be permitted excepted in specific circumstances.

In conclusion, Young’s Farm is considered by Dumbarton FC to be the most suitable site within Dumbarton for the development of a new football stadium. However, it is argued by the Council that the technical and viability issues identified by the Plan as affecting the

site are still to be resolved to a level at which the site could be allocated with confidence that development there would be acceptable.

Therefore, the Council does not support the modification proposed by Dumbarton FC to provide a more certain allocation of Young's Farm for the relocation of Dumbarton FC, or the modification sought by the objectors to remove the site from the Local Development Plan.

Modifications to the strategy map (Map 12) in respect to the location of development within the wider site boundary and concerning the requirement to demonstrate no adverse effect on the qualifying interests of the Endrick Water Special Area of Conservation are supported.

Reporter's conclusions:

Status of Allocation

1. The site is indicated on the Proposals Map in grey cross hatching. This is not immediately identifiable in the key but the hatching is in the same colour of grey as that used to distinguish a "Changing Place". A more detailed map is included on page 41, Map 12 where the same site area is identified. A smaller brown hatched area illustrates the possible location of a new stadium, playing fields and enabling development. The council distinguishes this as a possible proposal rather than an actual allocation.
2. The site is between the A82 and the River Leven and is retained within the green belt between Dumbarton and Renton. The proposal reflects the relocation intentions of Dumbarton Football Club from its current stadium next to Dumbarton Rock as addressed through Issue 19.
3. I note the club's preference for this site. I appreciate that a more definite allocation within the local development plan would provide greater certainty. The council, whilst recognising the site's potential, are not persuaded that allocation in the plan at this early stage is appropriate. The question of whether it would be appropriate to allocate the site, or indeed even recognise its potential through the proposed plan, turns on the level of current surety that the proposal is feasible and appropriate in this location. In this respect, I note that the future development potential is dependent on:
 - Accessibility and impact on the trunk and local road network.
 - Addressing flood risk due to its location adjacent to the River Leven.
 - Impact on the nature conservation value of the River Leven and the Endrick Water Special Area of Conservation.
 - Green Belt/Landscape and Visual Impact.
 - The extent, nature and location of any supporting development given the sites location within the green belt.
 - Residential amenity.
4. I have taken into account all the matters raised in representations including the detailed information contained in Supporting Documents 11.1-11.8 as submitted by Dumbarton Football Club. In addition, following my request for further information on this issue, I received further submissions from the council and the football club detailing the reasons for selection of this green belt site, the transport issues arising and the likely requirement for supporting development.

Sustainable Transport and the Road Network

5. The Transport Statement concludes that a feasible access strategy can be provided. Vehicular access would be provided via a new priority junction created onto the A82 off ramp. It suggests the current off slip operation could be altered to create a two way section. Access will require to be investigated or agreement reached to de-trunk the section of road to the point where the development access is proposed. In addition, to access onto the A82 slip/connector road the submissions refer to opportunities for access onto the A812 Renton Road.

6. I note that any final arrangement would require detailed capacity analysis in consultation with the council and Transport Scotland. Transport Scotland has not objected to the proposal on the basis that its status remains tentative and the site is retained in the green belt. It's most recent communication, dated 19 May 2014, clarifies remaining concerns regarding access to the Trunk Road Network. The proposed junction on the slip road connector is not considered to be compliant with the required design standards and there are remaining concerns regarding accessibility by walking, cycling and public transport.

7. I agree that the site would be less accessible for supporters than the current stadium. However, access is facilitated to some extent given that National Cycle Route 7 forms the eastern boundary of the site. This route provides connection to Renton in the north and links the site with Dalreoch Railway Station in the south. I understand that whilst this route is signposted as a cycle route it has a shared use as a footpath and forms part of the core path network.

8. Whilst much of the detail of any development can be left to the development management stage it is important to address matters that relate to the principle of any proposal. Transport Scotland is clear in stating that a number of technical issues require to be resolved before the site could be considered viable.

9. Without further evidence of an agreed access strategy, developed in consultation with Transport Scotland, I do not consider that the principle of development is sufficiently established. The work carried out by the football club to date provides a basis to move forward. However, further work would be required to establish the feasibility of development on this site.

Flooding

10. I note that the area at risk from the 1 in 200 year flood event extends across part of site area. The submitted flood risk assessment – SD11.2 has provided sufficient information to satisfy the Scottish Environmental Protection Agency (SEPA) that the site could be included in the plan. Further work would be required to define the developable area. Policy DS6 provides a policy framework for any future assessment. This makes it clear that development will not be supported on the functional flood plain or land with a significant probability of flooding or causing flooding elsewhere. I agree with SEPA that the reference in paragraph 3.11.4 to management could be misleading given the emphasis on risk avoidance. I have included an alternative wording to address this matter.

Impact on Nature Conservation Value

11. I note the various issues arising in this respect given the presence of locally important habitats and statutory protected species. The detailed Phase 1 survey, as submitted, highlights the need for mitigation measures and further assessment in this respect. However, I find nothing to suggest that these matters could not be satisfactorily addressed at the detailed design stage or that there will be any significant effect .

12. To ensure that the statutory protection afforded the Endrick Water Special Area of Conservation is fully addressed, I agree with the council and Scottish Natural Heritage that some additional wording is required to address this matter. The council's suggested wording in this respect is taken from the findings of the Habitat Regulatory Appraisal. However, I recommend a slight additional change to refer to "the integrity" of the Special Area of Conservation rather than specifically to its qualifying interests in order to reflect the wording of the Regulations. I consider the necessary protection is also addressed through Policy GN3.

Green Belt

13. Paragraph 4.3.3 of the plan describes the function of the green belt. It provides a landscape setting for the areas towns and villages, facilitates access to open space and maintains the focus on urban regeneration. The green belt in this location forms a broad swathe of land along the river maintaining an attractive landscape setting between the urban areas of Dumbarton and Vale of Leven and when viewed from the A82.

14. Policy DS2 restricts development in the green belt to certain limited uses requiring a rural setting and requires all development to be suitably located, designed and landscaped to minimise the impact on its setting and the purpose of the green belt in that location.

15. There is no intention at this stage to delete the site from the green belt. I do not consider the stadium would be an appropriate green belt use, given its scale and nature and as it does not require a rural setting. If approved, it would be as an exception to green belt policy to meet a very specific need to accommodate a replacement football ground. As such it should not establish the principle of non-conforming development in the green belt.

16. I note representations questioning why this green belt site was selected over other brownfield opportunities within the urban area. The club's site selection process is detailed in document SD11.5, section 3 and appendix one. Young's Farm is confirmed as the preferred option in document SD11.8 paragraph 1.5. The council accept the conclusion that there is no suitable alternative brownfield site currently available.

17. I appreciate the council's desire to support the aspirations of the Dumbarton Football Club. I also accept the need for a site of a suitable size, currently available and which could be appropriately accessed whilst avoiding conflict with neighbouring uses. These requirements and the inevitable financial restrictions facing the club serve to restrict the range of feasible options. On this basis, I consider this proposal may represent a suitable exception from green belt policy. However, any proposal would have to reflect its setting. Careful siting, design and landscaping will be crucial if an exception to green belt policy is to be justified on this sensitive and visible site. I consider this matter is sufficiently addressed at this stage by the text in paragraph 3.11.5 of the proposed plan.

Enabling development

18. Paragraph 3.11.6 of the plan states that appropriate enabling development would include a hotel and events/conferencing facilities and sports related uses and that, preferably, such uses should be included within the built form of the new stadium. Non-ancillary retail development would not be supported and the football stadium should be built and operating prior to any enabling development, to safeguard against development occurring which ultimately does not enable a new stadium.

19. I understand the desire to achieve a self-financing project and uncertainty regarding timescales given dependency of realising the re-development proposals for the existing football ground. However, given the rural location of the site and its current green belt status careful consideration of other uses would be required. Any proposed use should avoid undermining the focus on town centres as required by Scottish Planning Policy. In this context, I consider the council is correct in restricting the list of potential uses to those ancillary to and which can operate within the stadium.

Residential Amenity

20. I appreciate the concerns of neighbouring residents at Dennystoun Forge regarding the potential impact of the development. Supporting document SD11.4 indicates retention of the woodland immediately to the north. I consider this will be important to provide an effective buffer between the two uses. In addition, I note that the existing pedestrian access along the River Leven and on Renton Road is some 150 metres to the east. Any noise issue would be assessed at the detailed planning stage on submission of an environmental noise report. The appropriate regulation of noise should ensure that any disturbance is kept within acceptable limits. A similar approach would be required to address any potential disturbance from light pollution.

21. Policy DS1 is relevant in this respect as it requires development to avoid unacceptable impacts on adjoining uses, including with regard to noise and invasion of privacy.

22. Subject to detailed consideration through the development management process, I find nothing to suggest there would be an unacceptable loss of residential amenity.

Conclusion

23. Taking all of the above into account, I agree with the council that it is appropriate to highlight the potential of this site through the development plan. However, whilst initial feasibility work is progressing I consider an actual allocation would be premature pending further evidence to demonstrate that this is a viable and appropriate proposal. A cautious approach to release of this site is sensible given its location within the green belt particularly as the site is unlikely to be released for any comparable alternative development.

24. Consequently, I am content that reference to this proposal as a "Changing Place" should be retained in the plan, subject to further assessment of feasibility and preparation of the required master-plan

25. Given its more tentative nature I have considered whether it should be removed from the proposals map. However, the hatched shading and retention of the current green belt

designation help to clarify its current status distinct from those other “Changing Places” which are allocated in the proposed plan.

26. Carrying this reasoning through to Map 12 on page 41 of the plan, I agree with the council that the detailed siting of the proposal should be informed by the master-plan. Consequently, I find that the hatched area showing the possible location of the stadium should be deleted. However, I consider this requires another consequent change to clarify that the remaining larger area is identified only as a potential location subject to further detailed assessment.

Reporter’s recommendations:

Modify, the local development plan as follows:

1. In paragraph 3.11.4 replace “managing flood risk” with “avoiding flood risk”.
2. Insert the following at the end of paragraph 3.11.4:

‘Any development at Young’s Farm must not have an adverse affect on the integrity of the Endrick Water Special Area of Conservation’
3. Delete the brown hatched area on map 12, page and the corresponding reference in the key. Delete the existing label in the key - “Young’s Farm Dumbarton FC” and replace with “Potential area for relocation of Dumbarton Football Club, subject to further detailed assessment”.

Issue 12	ENHANCING OUR GREEN NETWORK											
Development plan reference:	Chapter 3 – Our Changing Places Section 3.12, Pgs 42-43 & Map 13 Chapter 8 – Enhancing Our Green Network, Pgs 76-82	Reporter: Lance Guilford										
Body or person(s) submitting a representation raising the issue (including reference number):												
<table border="0"> <tr> <td>Strathclyde Geoconservation Group (48)</td> <td>Forestry Commission Scotland (124)</td> </tr> <tr> <td>National Waiting Times Centre (64)</td> <td>SNH (129)</td> </tr> <tr> <td>Hugh Kinloch (73)</td> <td>Clydebelt (169)</td> </tr> <tr> <td>The Woodland Trust Scotland (93)</td> <td>James Graham (170)</td> </tr> <tr> <td>RSPB Scotland (122)</td> <td>Patterson Quarries Ltd. (182)</td> </tr> </table>			Strathclyde Geoconservation Group (48)	Forestry Commission Scotland (124)	National Waiting Times Centre (64)	SNH (129)	Hugh Kinloch (73)	Clydebelt (169)	The Woodland Trust Scotland (93)	James Graham (170)	RSPB Scotland (122)	Patterson Quarries Ltd. (182)
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The Woodland Trust Scotland (93)	James Graham (170)											
RSPB Scotland (122)	Patterson Quarries Ltd. (182)											
Provision of the development plan to which the issue relates:	Section 3.12 sets out the Local Development Plans’ strategy for the Green Network and the policies included within Chapter 8 seek to protect and enhance specific elements of the Green Network.											
Planning authority’s summary of the representation(s):												
<p><u>General</u></p> <p>Clydebelt (169) found Section 3.12 to be vague, although acknowledge that an indication is given, at paragraph 3.12.7, that further detail will be provided within Supplementary Guidance. Support is expressed for Chapter 8, and in particular Policies GN1, 2 and 3.</p> <p><u>Open Space and Playing Fields</u></p> <p>The National Waiting Times Centre (64) object to the re-designation of the western part of the Golden Jubilee National Hospital site as open space. Concern is expressed that this will impede the potential for future healthcare development within the site.</p> <p>Hugh Kinloch (73) seeks a change in respect to land between Auchincarroch Road and Steadings Drive, Dalmonach, west of Napierston Farm. The site has been identified as open space where previously in the West Dunbartonshire Local Development Plan it formed part of the Existing Residential Area. It is suggested that identifying the area as open space will encourage the public to enter an agricultural field in which cattle are grazing.</p> <p>SNH (129) consider that there should be a stated intention to define in Supplementary Guidance an appropriate threshold of ‘quality and quantity’, through reference to the Open Space Strategy.</p> <p><u>The Habitat Network and Geodiversity</u></p> <p>Strathclyde Geoconservation Group (48) welcome the inclusion of geodiversity and the identification of sites. They would appreciate a statement indicating a willingness to further enhance the identification of geological Local Nature Conservation Sites through the identification of boundaries for each site.</p>												

The **Woodland Trust Scotland (93)** state the Local Development Plan should acknowledge the great diversity of species, including flora that are present in the area. It is considered that great emphasis is placed on only a few fauna within West Dunbartonshire but there are also a number of floral species unique to Dunbartonshire, such as the Greater Butterfly Orchid, Bog Rosemary and the Bluebell. The preservation and conservation of areas for flora is just as important as for fauna. The Trust would like to see the inclusion of flora into the LDP to ensure that ecosystems where unique fauna are present are not considered suitable for development. It is also important to the Trust that the Council looks to ensure sites identified for conservation encompass the diversity of ecosystems found within West Dunbartonshire.

RSPB Scotland (122) suggest the first sentence of Policy GN3 could be made stronger and use the recognised terms from the corresponding legislation and that the wording of part a) is incomplete and should mention the need for compensatory measures to ensure the overall coherence of the Natura 2000 network is not affected.

Also, RSBP Scotland considered that the last paragraph of Policy GN3 appears weak. They would wish a commitment from West Dunbartonshire Council to seek no net biodiversity loss (regardless of whether a site is designated) and that enhancement should be encouraged.

SNH (129) advise that the wording of Policy GN3, part b) applies only to European Protected Species and that different legal provisions apply to other species with specific protection. Furthermore, that Local Nature Reserves are legally designated for their importance in involving communities with high-quality natural heritage. It is recommended that Policy GN3 should provide protection to LNRs.

Clydebelt (169) propose wording to further protect species and help the spread of biodiversity along wildlife corridors.

Landscape

Paterson's Quarries Limited (182) consider that, because the Policy GN4 applies to the whole Proposed Plan area, the Local Development Plan fails to acknowledge that, in accordance with SPP, different landscapes have a different capacity to accommodate new development and that new development should be informed by local landscape character. It is stressed that land out with a landscape designation should not be afforded the same degree of protection as local, national or international designations and consideration requires to be given to facilitating temporary or short term significant adverse impacts, where impacts could be mitigated through progressive restoration.

Forestry, woodlands and trees

Woodland Trust Scotland (93) is concerned that the Local Development Plan makes limited mention of woodland development (beyond protecting existing woodland), particularly urban planting around new or exiting developments.

The Trust would additionally wish to see a list of ancient woodlands and maps clearly demarking these areas upon which planning permission will not be granted. Ancient woodland should be clearly excluded from the definition of brownfield.

RSPB Scotland (122) state Policy GH5 seems only to refer to native trees and infers that

commercial conifer plantations in the Kilpatrick Hills will not be supported. It is suggested that the wording of the policy is clarified to make more explicit what woodland types would and would not be supported.

Forestry Commission Scotland (124) request that reference is made to the Scottish Government's Policy on Control of Woodland Removal.

The Water Environment

James Graham (170) states that the definition of fishing as a recreational use at paragraph 8.7.2 is illegal and that the River Leven salmon and fresh water fisheries are registered interests in land. Mr Graham considers that part h) of Policy GN6 is incorrect as the salmon and freshwater fisheries include legal rights of access.

Temporary Greening

SNH (129) welcome the mention of advance greening, but advise that this is not 'another form of temporary greening'.

Modifications sought by those submitting representations:

General

Provision of definite maps showing the existing and potential wildlife corridors and green networks. **Clydebelt (169)**

Open Space and Playing Fields

No modification has been specified by the **National Waiting Times Centre (64)**, however, their objection would be resolved by the designation of the western part of the Golden Jubilee National Hospital site as part of the 'Existing Neighbourhood'.

Designation of land between Auchincarroch Road and Steadings Drive, Dalmonach, west of Napierston Farm as forming part of the 'Existing Neighbourhood' and not 'Open Space'. **Hugh Kinloch (73)**

Policy GN1 – insert in brackets after 'quality and value': (as defined in Supplementary Guidance). **SNH (129)**

The Habitat Network and Geodiversity

Inclusion of a statement indicating a willingness to improve the identification of geological Local Nature Conservation Sites through the identification of boundaries for each site. **Strathclyde Geoconservation Group (48).**

Greater recognition of flora within the Local Development Plan. **The Woodland Trust Scotland (93)**

Policy GN3 – replace first sentence with: Development that adversely affects the integrity of sites designated for nature conservation or protected species will not be permitted except... Part a) should mention the need for compensatory measures to ensure the overall coherence of the Natura 2000 network is not affected. **RSPB Scotland (122)**

Policy GN3 – in place of the final sentence, a commitment seeking no net biodiversity loss (regardless of whether site is designated) and encouragement of enhancement.

RSPB Scotland (122)

Policy GN3 – amend wording of part b) to: for protected species, where relevant licensing tests or other legal provisions are met. Include new part: e) for Local Nature Reserves, where impacts are offset or compensated in a way that maintains the integrity of the interests affected and maintains the involvement of people. SNH (129)

Section 8.4 – additional paragraph stating: The Council or developers will provide, wherever possible, a cattle creep/tunnel or similar under roads and bridges that cross a recognised wildlife corridor to allow passage of badgers, deers, otters, hedgehogs, amphibians etc. to protect species and help the spread of biodiversity along these corridors. Where this is not possible roadside boundaries should have gaps and hedging if necessary and not be occlusive like walls and certain types of fencing. Clydebelt (169)

Landscape

Policy GN4 – the policy should be redrafted to require: development proposals to relate to the specific landscape and visual characteristics of the local area (identified in the Landscape Character Assessment of the area in which they are proposed), ensuring that the overall integrity of landscape character is maintained; and development proposals to be assessed in terms of their appropriate scale, form, pattern and duration of impact.

Paterson Quarries Ltd. (182)

Forestry, woodlands and trees

A list should be included of ancient woodlands, alongside maps clearly demarcating these areas. Ancient woodland should be clearly excluded from the definition of brownfield. **The Woodland Trust Scotland (93)**

Policy GN5 - the wording of this policy should be clarified to make it more explicit what woodland types would and would not be supported. RSPB Scotland (122)

Policy GN5 – include reference to the Scottish Government’s Policy on Control of Woodland Removal. Forestry Commission Scotland (124)

The Water Environment

Policy GN6 – Clydebelt (169) state a similar change to that proposed at Section 8.4 (noted above) could also be made to Policy GN6.

No specific changes have been sought by the representations submitted by **James Graham (170)**.

Temporary Greening

Section 8.10 – rename Advance greening and temporary greening

Paragraph 8.10.2 – Replace first sentence with following text: This Plan strongly supports and encourages green infrastructure components of future development being put in before construction begins – known as advance greening. SNH (129)

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

In response to comments submitted by **Clydebelt (169)** on mapping the green network, including wildlife corridors, it is the intention that this will form part of the forthcoming Green Network Supplementary Guidance. The Council is working with SNH to carry out green network mapping for the plan area. No modifications are therefore proposed.

Open Space and Playing Fields

In response to the representation by **National Waiting Times Centre (64)** the Proposals Maps identify open spaces which are greater than 1 hectare. Planning Advice Note 65: Planning and Open Space (CD05) provides a definition (at paragraph 10) and typology (at Table 1 and Annex 1) for open spaces, which includes amenity greenspace and institutional grounds. In accordance with PAN 65, the western part of the Golden Jubilee National Hospital is defined as open space in the Open Space Audit (CD35 – site 80) and therefore in the Proposed Plan (as modified).

Policy GN1 states that development which would result in the loss of any open space which is, or has the potential to be, of quality and value will not be permitted unless provision of an open space of equal or enhanced quality within the development or its vicinity. It is intended that 'quality' and 'value' will be defined in further detail in Supplementary Guidance. It is not considered that this policy impedes the potential for future healthcare development or extension of the Golden Jubilee National Hospital site, but rather seeks to ensure that any development retains open space of quality and value as an important component of the wider green network.

The Open Space Audit scores the Golden Jubilee National Hospital site 74 (out of 100) in terms of quality and 27.9 (out of 68) in terms of value. The adjacent Clydeside Community Park scores poorly: 32.3 (out of 130) in terms of quality and 30 (out of 70) for quality (NB: this scoring forms part of a GIS dataset and is not included in the Open Space Audit). A green network strategy (CD59) prepared for the area focuses on Clydeside Community Park and the Golden Jubilee National Hospital site. It proposes forming missing links in the green network and redefining and bringing into active use the expansive under used area of the existing park and hospital grounds. The proposals seek to deliver a coherent, legible network that realises continuous access along the Clyde waterfront and links to the Forth and Clyde canal route and further north to Dalmuir Park. The strategy highlights the importance – and potential – of the open space at the Golden Jubilee National Hospital to the green network.

For these reasons, it is appropriate to define the western part of the Golden Jubilee National Hospital site as open space, in accordance with PAN 65, and the modification proposed by the **National Waiting Times Centre (64)** is not supported.

With regard to the land between Auchincarroch Road and Steadings Drive, west of Napierston Farm, this site is not identified in the Open Space Audit, however, it has been included as open space in the Proposed Plan (as modified) after green space mapping compiled by Greenspace Scotland in 2011 (see: <http://www.greenspacescotland.org.uk/1scotlands-greenspace-map.aspx>) was used to refine the Open Space Audit data. This mapping incorporates the site with land beyond the settlement boundary and has been classed as open space for the purposes of the

Proposed Plan (as modified). The section of the polygon that lies out with the settlement boundary is designated as green belt (CD60).

The site in question has a small watercourse running through it east to west. Land to the south of the watercourse is mainly wooded, forming a tree belt to the northern boundary of Steadings Drive referred to in **Hugh Kinloch's (73)** objection. The land to the north of the watercourse, running adjacent to Auchincarroch Road, is semi-improved pasture. Taken as a whole, the site meets the definition of green space set out in PAN 65, falling within the 'natural/semi-natural greenspaces' typology.

Including the site within the existing neighbourhood, to which Policy BC3 applies, would indicate that development would be appropriate providing it would not significantly harm the residential amenity, character or appearance of existing neighbourhoods. The area, particularly the woodland, provides an attractive setting for the urban area and, with the habitat value of the woodland, any development should be resisted.

Furthermore, it is not considered that identification of the area as open space will encourage the public to enter the agricultural field any more than if the area was identified part of the existing residential area. Under the Land Reform (Scotland) Act 2003, access rights are granted to the public to cross land responsibly.

For these reasons, it is considered appropriate to define land between Auchincarroch Road and Steadings Drive as open space and the modification proposed by the **Hugh Kinloch (73)** is not supported.

The Council sees merit in noting within Policy GN1 that 'quality and value' will be defined in Supplementary Guidance. Paragraph 8.3.6 outlines the intention to produce Supplementary Guidance in support of Policies GN1 and GN2 and the Council is in the process of drafting this guidance. The modification proposed by **SNH (129)** would strengthen the hook within the Policy GN1 to the Supplementary Guidance.

The Reporter is invited to make this modification proposed by **SNH (129)**.

The Habitat Network and Geodiversity

The Council is willing to refine the designated geological Local Nature Conservation Sites identified on the Proposed Plan (as modified) Proposals Maps by working with the **Strathclyde Geoconservation Group (48)** to identify boundaries for these sites. Currently the location of the geological Local Nature Conservation Sites is marked on the Proposals Map but not their extent. However, it is considered that instead of making a statement in the Local Development Plan to this effect, it would be more appropriate to include this undertaking within the Action Programme (CD21). Action no. 35.1 is to prepare a consolidated record of Local Nature Conservation Sites which encompasses geological Local Nature Conservation Sites.

Therefore, the modification proposed by **Strathclyde Geoconservation Group (48)** is not considered necessary.

In response to **The Woodland Trust Scotland's (93)** representation on flora, the Proposed Plan (as modified) states at paragraph 8.4.4 that biodiversity interests – both habitats and species – should be taken account of across the whole plan area and in designating an extensive network of protected areas seeks to prevent to the loss,

fragmentation and isolation of habitats which harms biodiversity and the ability of ecosystems and natural processes to adapt to climate change.

It is therefore considered that, while individual species of flora are not mentioned by name, there is adequate protection for both flora and fauna set out in the policy approach of the Local Development Plan and there is no requirement to modify the Plan.

The Council sees merit in the modification proposed by **RSPB Scotland (122)** to amend the first sentence of Policy GN3, replacing '*Development that harms the sites designated for nature conservation or protected species*' with '*Development that adversely affects the integrity of sites designated for nature conservation or harms protected species...*'. This provides greater clarity as to what is meant by harm and reflects the terminology used in relevant legislation associated with Natura 2000 sites. This is notwithstanding the fact that the policy also applies to SSSIs, to which different legislation and terminology applies, protected species and Local Nature Conservation Sites, which are protected primarily by the planning system.

Regarding making reference to the need for compensatory measures to ensure the overall coherence of the Natura 2000 network is not affected, paragraphs 134 and 135 of SPP (CD03) cover sites classified as Special Protection Areas (SPA) under the Birds Directive and designated as Special Areas of Conservation (SAC) under the Habitats Directive, which form an EU-wide network of protected areas known as Natura 2000. In general terms, Policy GN3 follows SPP in stating that development that would harm a Natura 2000 site will not be permitted except where there are no alternative solutions and there are imperative reasons of overriding public interest. There is no requirement to provide compensatory measures to ensure the overall coherence of the Natura 2000 network, as the legislation and policy framework is predicated on development having no adverse effect on the integrity of any Natura 2000 site, including cumulatively, as demonstrated via an appropriate assessment. Compensatory measures may be identified as mitigation in order to be able to conclude no adverse effect, but this would be determined through a Habitats Regulations Appraisal. Paragraph 8.4.4. notes the requirement for such an appraisal where development proposals may impact upon a Natura 2000 site.

It is therefore considered that no modification to part a) of Policy GN3 is required.

With regard to the final sentence of Policy GN3, it is accepted that stating development which would harm non-designated habitats identified in the Dunbartonshire Local Biodiversity Action Plan (CD26) will be assessed against the benefits of the development could be considered to provide weak policy protection for such habitats. The Council also agrees that biodiversity enhancements should be sought. However, requiring that all development have not net biodiversity loss would be too onerous a test and would go beyond the duty to further the conservation of biodiversity set out in the Nature Conservation (Scotland) Act 2004 and referred to in paragraph 129 of SPP.

In response to **RSPB Scotland (122)** proposed modification it is therefore suggested that the final sentence of Policy GN3 is reworded as follows: Development that harms non-designated habitats identified in the ~~West~~ Dunbartonshire Local Biodiversity Action Plan will be *assessed against the level of net impacts. New development should seek to enhance biodiversity as part of the green network.* SNH have previously advised, in commenting on a draft of the Proposed Plan, that the wording of the first sentence would deliver on paragraph 129 of SPP (CD03).

The modifications proposed by **SNH (129)** in respect to Policy GN3 are supported by the Council namely, amending the wording of part b of the policy to: *for protected species, where relevant licensing tests or other legal provisions are met* and including a new part: *e) for Local Nature Reserves, where impacts are offset or compensated in a way that maintains the integrity of the interests affected and maintains the involvement of people.*

The Proposed Plan (as modified) seeks to protect open spaces, including green corridors, as the building blocks of the Green Network (Policy GN1) and important habitats and protected species (Policy GN3). The modification proposed by **Clydebelt (169)** is considered to be overly prescriptive and detailed to be included within the Local Development Plan which Planning Circular 6/2013 (CD06), paragraph 79, notes Scottish Ministers expect to be concise. No modification is therefore supported to Section 8.4 or Policy GN6.

Landscape

Policy GN4 states that “development that would have a significant adverse impact on landscape character will not be permitted” and applies across the whole plan area. Within the Kilpatrick Hills, designated as a Local Landscape Area by the Proposed Plan (as modified), Policy GN4 further states that development affecting the Kilpatrick Hills will be required to protect and, where possible enhance, the special qualities of the Hills. It is considered appropriate that, as a minimum, development within West Dunbartonshire does not have a significant adverse impact on the landscape, unless other factors – determined through the development management process and in accordance with other relative policies of the Local Development Plan – indicate otherwise.

The duration of any impacts, where they could be mitigated through progressive restoration, is one such factor that would be taken into account in the development management process.

This approach does not contradict SPP (CD03), which states different landscapes will have a different capacity to accommodate new development, and that the siting and design of development should be informed by local landscape character. On contrary, the policy implies that landscape character will be the determining factor in whether any landscape impact is acceptable.

For these reasons it is not considered necessary to make the modification to Policy GN4 as proposed by **Paterson Quarries Ltd. (182)**.

Forestry, woodlands and trees

The Proposed Plan (as modified) – through an extensive network of Local Nature Conservation Sites, Policy GN3 and Policy GN5 – provides a robust framework for the protection of woodlands, including ancient woodlands. For this reason, it is not considered necessary to augment the Local Development Plan with a list and maps of ancient woodlands within the plan area, as proposed by **The Woodland Trust Scotland (93)**. It is intended, as stated at paragraph 8.6.3, 8.6.5 and within the Action Programme (CD21) (Action 37.1) to prepare Supplementary Guidance for Forestry, Woodland and Trees and this document can be used to identify and highlight the importance of Ancient Woodland.

‘Brownfield’ is defined within the Glossary of the Proposed Plan (as modified) (page 94)

as land which has been previously development. This would preclude areas of ancient woodland.

The modifications proposed by **The Woodland Trust Scotland (93)** are therefore not accepted.

Policy GN5 states that the expansion and enhancement of woodland involving the planting and management of native trees will be supported subject to assessment against Supplementary Guidance (to be prepared) for the Kilpatrick Hills and on Forestry, Woodland and Trees. It is not intended that this statement infer that commercial conifer plantations in the Kilpatrick Hills will not be supported. To clarify this statement and in response to the modification sought by **RSBP Scotland (122)** it is suggested that the following deletion be made from the first sentence of Policy GN5: *The expansion and enhancement of woodland involving the planting and management of native trees will be supported subject to assessment against the Kilpatrick Hills and Forestry, Woodland and Trees Supplementary Guidance.* It is not considered appropriate that the Local Development Plan should dictate the woodland types to be planted, particularly ahead of a forthcoming Forest Design Plan for the Kilpatrick Hills.

The modification proposed by **Forestry Commission Scotland (124)** to make reference to the Scottish Government's Policy on Control of Woodland Removal Policy within Policy GN5 is not supported; however, reference to this document would be appropriate within Supplementary Guidance to be prepared as noted at the end of paragraph 8.6.3. In general terms, the Proposed Plan (as modified) avoids referencing policy statements, plans and strategies published by the Scottish Government and other external agencies as such documents may be replaced over the lifetime of the Plan. It is considered the readability of the Plan is also improved through this approach.

The Water Environment

In response to the representation submitted by **James Graham (170)**, it is acknowledged that freshwater fishing rights are an incident to property rights. The purpose of Policy GN6, part h) is to encourage physical access to waterways for a range of recreational activities, including fishing. It does not in anyway infer a right to fish or that the salmon and freshwater fisheries don't include their own legal rights of access, which is a separate issue.

As stated above, the modification proposed by **Clydebelt (169)** is considered to be overly prescriptive and detailed to be included within the Local Development Plan.

No modifications to Policy GN6 are therefore supported by the Council.

Temporary Greening

The Council agrees with the modifications proposed by **SNH (129)** to Section 8.10 on Temporary Greening, namely, re-titling the section *Advance and temporary greening* and replacing the first sentence or paragraph 8.10.2 with following text: *This Plan strongly supports and encourages green infrastructure components of future development being put in before construction begins – known as advance greening.*

The Reporter is therefore invited to make the modifications proposed by **SNH (129)**.

Reporter's conclusions:**General context**

1. There are 2 components of the local development plan that are relevant to this issue. Firstly, there is a strategy for the green network which is set out in Chapter 3, sub-section 3.12, as part of the council's strategic approach to those places that the council wants or expects to change over the next 5 years. Secondly, there is a detailed policy framework set out in Chapter 8.
2. I find that it is necessary for both of these to be read together, with Chapter 3 setting out a strategic view of the key elements, and Chapter 8 setting out detailed policies for the green network. The key elements of the green network are the Clyde Waterfront and the Leven Corridor, and the Kilpatrick Hills being accessed from the urban areas of Clydebank, Dumbarton and the Vale of Leven. These elements and relevant opportunity areas are shown on Map 13.
3. I would describe sub-section 3.12 as being strategic, but not vague. The strategy is clearly set out, and the policies in Chapter 8 support this strategic approach. I note that supplementary guidance will be prepared, which will include more detailed mapping of the green network, in the context of the policy framework in the local development plan. I find that this is appropriate in the context of Circular 6/2013, and there is therefore no requirement for more detailed mapping of existing and potential wildlife corridors and green networks within the local development plan.
4. In addition to the above, I have noted comments made on behalf of Clydebelt which in my view relate more to the implementation of the policies in the local development plan, and as such are not a matter for this examination.

Open space and playing fieldsPolicies GN1 and GN2

5. Scottish Natural Heritage considers that there should be an intention to define an appropriate threshold for the quality and value of open space within supplementary guidance. I agree that this would be appropriate, and that an appropriate addition to Policy GN1 should be made, although I suggest a slightly more accurate text for this in my recommendation below, in order to reflect the conclusions and recommendations in Issue 1. The council also refers to supplementary guidance in relation to Policy GN2, and I conclude that this reference to supplementary guidance should be amended. My conclusions and recommendations in Issue 1 are also relevant in this respect. I note that the purpose of supplementary guidance is set out in paragraph 8.3.7.

Golden Jubilee National Hospital, Clydebank

6. Planning Advice Note 65 provides a definition of open space within paragraph 10 and Table 1, and I am satisfied that the subject site to the west of the hospital constitutes amenity open space in this context (also taking into account the reference to institutional buildings in Annex 1). Furthermore, I note that the open space audit includes this site as amenity open space, having a relatively high quality and value, and that the site features in a green network strategy focusing on the Clydeside Community Park and hospital site.

7. From my site inspection, I find that the site is a well-maintained grassed area, with some mature trees along its boundaries, between the existing hospital and hotel buildings and the Clydebank Industrial Estate. The open space is not in a conservation area, but it nevertheless provides a significant visual contribution to the townscape, softening the effect of the large functional buildings and the car park to the east of the site.

8. Although the open space may not have any significant formal or informal recreational use, it constitutes important local amenity open space, which has quality and value in the context of Policy GN1, and the loss or reduction of this open space would need to be considered with respect to any development proposal for the expansion of the existing hospital, or any other development that may be proposed for the site.

9. This does not necessarily mean that it would prevent the development of the site for an appropriate use. Policy GN1 requires open space of an equal or enhanced value to be provided within the development or its vicinity where such open space is lost. Since this is a large open grassed area there is significant potential for this to occur within any development of the site. In any event, the protection of existing open space would be one of several matters to take into account, and it would be necessary to balance the various planning matters which arise in circumstances of the case. I therefore conclude that the site's designation as open space in the local development plan is appropriate.

Auchincarroch Road, Dalmonach

10. I note that this site is designated as part of the existing residential area in the existing adopted local plan. Since the local plan was adopted, an open space audit has been carried out, and the site is not identified as open space within the audit. However, the council has included the site as open space in the local development plan following greenspace mapping compiled by Greenspace Scotland in 2011, which identified the site as part of the green belt.

11. From my site inspection, the mapping by Greenspace Scotland is not surprising, since the site in question constitutes rough pastureland to the north of a burn running through the site, and mainly woodland to the south. It generally has the appearance of countryside rather than open space within a built up area. However, I note that the council has not designated the site as part of the green belt, and I acknowledge that this would result in a narrow wedge of green belt extending west from Napierston Farm, between the settlement boundary enclosing the sawmill to the north and the housing to the south.

12. There is little practical difference in the circumstances between designating the site as green belt or open space, and I note the council's description of the site falling into the natural/semi-natural greenspace typology of open space. Whether designated as green belt or open space, the site currently forms part of the existing green network. I therefore do not consider the open space designation to be inappropriate in this context.

13. In any event, the site is not part of the existing urban area, with a clear defensible boundary between the curtilages of the housing on Steadings Drive and the site. The site also contributes to the landscape setting of Dalmonach, separating the housing to the south from the sawmill to the north. Even though the site is so allocated in the adopted local plan, I do not consider that it would be appropriate, in the context of the greenspace mapping referred to above, to reinstate this residential designation of the site from the adopted local plan. The fact that this matter was not raised in the main issues report is

not in the circumstances significant.

14. There is no greater likelihood of people entering the site because of its designation as open space. It is clearly pastureland or woodland, to which people have access rights in any event, but I do not envisage significant use of this site for recreation. I consider that the site has the character of amenity open space rather than recreational open space. On balance, I conclude that the open space designation in the local development plan should be retained.

Habitat network and geodiversity

15. The local development plan includes the designation of geological local nature conservation sites. They are generally identified by a symbol on the proposals map, as opposed to a specific boundary which is the case for other local nature conservation sites. The council states that it is willing to refine the designated geological local nature conservation sites on the proposals map by identifying boundaries. Clearly, however, this could not be undertaken before the adoption of the plan, and I note that the council proposes to pursue this through the action programme.

16. However, I find that identifying the boundaries of these sites is an important consideration, which justifies a reference in the supporting text related to Policy GN3. This is also appropriate in order to highlight the different representation of geological local nature conservation sites to other local nature conservation sites on the proposals map. I conclude that there should be an appropriate addition to paragraph 8.4.1 of the local development plan. There is no reason why this cannot still be pursued through the action programme.

17. In more general terms, I note the representation on behalf of the Woodland Trust Scotland. I find that there is no difficulty with highlighting key species and habitats in the supporting text; indeed I find that this is appropriate in order to explain the hierarchy which is set out in Policy GN3. However, I understand that there are many species of both fauna and flora which, although significant in their own right, could not reasonably be listed in the supporting text. I also understand that they are protected under Policy GN3 and that that paragraph 8.4.4 explains this. However, I find that there is a fundamental gap within the justification relating to the basis for the protection of all species and habitats that contribute to the diversity of these species within West Dunbartonshire.

18. I conclude that there should be an initial statement about the rich diversity of species and habitats in general, before moving on to refer to geo-diversity and the key species and habitats that relate to the statutory designations. There should therefore be a new paragraph at the beginning of sub-section 8.4, and I set out an appropriate wording for this in my recommendations below. As a result of this, the first sentence of paragraph 8.4.3 should be deleted, as this needs to be included in the new paragraph. There is no need to cover it again.

19. With respect to the wording of Policy GN3 itself, I firstly find that it would be appropriate to use the terminology suggested on behalf of the Royal Society for the Protection of Birds (Scotland). I recognise that there is different terminology for sites of special scientific interest, but I find that it would make Policy GN3 too complicated to refer to the separate legislation. I conclude that it is appropriate to use the terminology relevant to special protection areas and special areas of conservation; in my view this satisfactorily covers the other types of habitats.

20. However, I consider that the council does not refer to paragraph 135 of Scottish Planning Policy (2010) as intended. The paragraph states that where, in the absence of any alternatives, an authority proposes to approve a plan or project which could adversely affect the integrity of a Natura site for reasons of overriding public interest, Scottish Ministers must be notified and compensatory measures necessary to ensure the overall coherence of the Natura network is protected must be provided. This has now been replaced by paragraphs 208 and 209 of current Scottish Planning Policy (2014), but the principle is the same.

21. So this does not relate to mitigation and concluding no adverse effect. It relates to situations where there would be an adverse effect, notwithstanding any mitigation, but overriding public interest outweighs this adverse effect. However, since this would be an exceptional circumstance, I find that it does not need to be stated in the policy, which would add to its complexity. Rather, I conclude that a new paragraph following paragraph 8.4.4 should explain this, and essentially, this should simply be taken from paragraphs 208 and 209 of Scottish Planning Policy. Also, the wording of sub paragraph a) of Policy GN3 does not reflect paragraph 208 of Scottish Planning Policy accurately and needs to be revised.

22. With respect to the final sentence of Policy GN3, Scottish Planning Policy in paragraph 195 states that planning authorities have a duty to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004, and this should be reflected in development plans. It is therefore a matter of appropriately balancing the benefits of development against any adverse effect on non-designated habitats. I agree with the response of the council on this matter, although I conclude that the first line should refer to development that has an adverse effect on rather than harms non-designated habitats, to be more consistent with the approach taken to habitats in the remainder of Policy GN3.

23. I note that Scottish Natural Heritage considers a change to Policy GN3 b) relating to protected species is necessary, because the existing wording relates only to European protected species, and the policy covers other protected species as well. In addition, Scottish Natural Heritage considers that the policy should also provide for the protection of local nature reserves, which are legally designated for their importance in involving communities with high quality natural heritage. I conclude that modifications to Policy GN3 should be made to cover both of these matters.

24. Suggested additions to the supporting text of sub-section 8.4 to make provision for the passage of wildlife under roads and bridges that cross a wildlife corridor, or through gaps in roadside boundaries, link in to the general comments made in relation to wildlife corridors and green belt referred to above. However, on this matter I conclude that such would be too detailed a provision for the local development plan in the context of Circular 6/2013.

Landscape

25. Landscape is an important resource and there are references throughout Scottish Planning Policy to the need to protect and enhance the landscape. More specifically, within paragraph 194, it is stated that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character. Paragraph 202 states that the siting and design of development should take account of local landscape character, and that developers should seek to minimise adverse impacts through careful

planning and design. Paragraph 203 states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.

26. In the context of the above, sub-section 8.5 of the local development plan appropriately reflects the importance of protecting and enhancing the landscape within West Dunbartonshire. This sub-section addresses the need for the overall protection of the landscape, and then specifically addresses the designation of the Kilpatrick Hills as a local landscape area, and the importance of conserving and enhancing this landscape. However, I find that the text of the policy does not sufficiently reflect the overall provisions of Scottish Planning Policy in the context of the representation on this matter.

27. In particular, I consider that the first sentence of Policy GN4 is too prescriptive. A significant adverse impact does not necessarily preclude development. For example in relation to wind farms the acceptability of any proposal is assessed on the balance of all the relevant considerations.

28. The key function of this policy is to set out an appropriate framework within which the landscape effect of development proposals will be assessed. I conclude that the policy should require development proposals to take into account the local landscape character of the area, and ensure that the integrity of this landscape character is maintained or enhanced. There is however no requirement for this policy to set out detailed development management criteria.

29. In addition, whilst the protection and enhancement of the Kilpatrick Hills Local Landscape Area is appropriate, I find that it is inappropriate for Policy GN4 to require development to comply with supplementary guidance. My conclusions in Issue 1 address this matter. I note that paragraph 8.5.2 appropriately refers to supplementary guidance, and I conclude that the policy should be amended accordingly. The reference to the Statement of Importance should be deleted, on the basis that this is a separate document which should not be incorporated into the local development plan. I provide an appropriate wording for Policy GN4 in my recommendations below.

Forestry, woodland and trees

30. I consider that the interests of ancient woodland are sufficiently protected through the second paragraph of Policy GN5, and I note that the council intends to prepare supplementary guidance on this matter. I agree with the council that the most appropriate means of identifying areas of ancient woodland would be through this supplementary guidance. There is no requirement to augment the definition of brownfield land within the glossary, by specifically referring to the exclusion of ancient woodland, as this is simply not relevant to the definition of a brownfield site. It is unlikely that areas of ancient woodland would also be brownfield sites, and in any event such would still be protected through the second paragraph of Policy GN5.

31. I note the council's response to the representation on behalf of the Royal Society for the Protection of Birds (Scotland), but I consider that this matter can be clarified without completely removing the reference to the planting and management of native trees, which I consider to be an important element of the first paragraph of Policy GN5. In addition, the reference to the supplementary guidance should be amended in similar terms to that in Policy GN4 for consistency and to reflect my conclusions in Issue 1. I conclude that Policy GN5 should be amended accordingly, and I provide an appropriate wording for the

first paragraph of Policy GN5 within my recommendations below.

32. I agree with the council that there is no requirement to refer to the Scottish Government's policy on Control of Woodland Removal. It is not necessary for the local development plan to refer to all related policies published by Scottish Government. I note however that it is likely to be referred to in supplementary guidance, where this may assist in justifying its more detailed content.

Water environment

33. I consider that fishing is reasonably defined in paragraph 8.7.2 of the local development plan as a recreational use, and I consider that most people would regard fishing as a recreational activity. The local development plan, through Policy GN6, seeks to encourage access to waterways where this does not conflict with the protection of the habitat network. The local development plan is a function of the 1997 Planning Act, relating to the use and development of land. It does not provide (or imply that there are) any access rights to watercourses.

34. My findings above (relating to sub-section 8.4 of the local development plan and Policy GN3) about the passage of wildlife under roads and bridges that cross a wildlife corridor, or through gaps in roadside boundaries, are also relevant to sub-section 8.7 and Policy GN6. I therefore conclude that no changes are required to Policy GN6.

Temporary greening

35. Scottish Natural Heritage suggests that sub-section 8.10 should be re-titled advance and temporary greening, with an appropriate amendment to paragraph 8.10.2 to give more emphasis to the former. I note that the council supports this amendment, and I conclude that such is appropriate because it emphasises and more accurately describes the principle of advance greening, which is not temporary greening because it would remain in place.

Reporter's recommendations:

Modify the local development plan by

1. Adding the following text in brackets to Policy GN1 after quality and value (third line):

(to be considered in relation to further information and detail which will be provided within supplementary guidance)

2. Adding a new paragraph at the beginning of sub-section 8.4 as follows:

West Dunbartonshire has a rich diversity of species of fauna and flora, and it is important that these species, and the integrity of their habitats, is protected. There is a hierarchy of protection for these species and designated and non-designated habitats set out in Policy GN3, including statutory designations at international and national level, and local nature conservation sites. These are shown on the proposals maps.

3. Adding a sentence at the end of paragraph 8.4.1 as follows:

These sites are shown on the proposals map by a symbol, and the council will seek to identify appropriate boundaries for these sites in consultation with Strathclyde Geo-conservation Group.

4. Deleting the first sentence of paragraph 8.4.3.

5. Adding a new paragraph after paragraph 8.4.4 as follows:

In the event that development adversely affects the integrity of a Natura 2000 site, but will be allowed because there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social and economic nature, Scottish Ministers will be notified, and compensatory measures necessary to ensure the overall coherence of the Natura network is protected must be provided.

6. Amending the first sentence of Policy GN3 to state the following:

Development that adversely affects the integrity of sites designated for nature conservation or harms protected species ...

7. Amending sub-section a) of Policy GN3 as follows:

... imperative reasons of overriding public interest, including those of a social and economic nature;

8. Amending sub-section b) of Policy GN3 as follows:

for protected species, where relevant licensing tests or other legal provisions are met;

9. Adding a new sub-section (e) to Policy GN3 as follows:

for Local Nature Reserves, where impacts are offset or compensated in a way that maintains the integrity of the interests affected and maintains the involvement of people.

10. Amending the final sentence of Policy GN3 as follows:

Development that adversely affects non-designated habitats identified in the Dunbartonshire Local Biodiversity Action Plan will be assessed against the level of net impacts. New development should seek to enhance biodiversity as part of the green network.

11. Amending Policy GN4 as follows:

Development proposals shall take into account the local landscape character of the area, and ensure that the integrity of this landscape character is maintained or enhanced. Development that could affect the Kilpatrick Hills will be required to protect, and where possible enhance, their special landscape qualities. Proposals will be considered in relation to further information and detail on the Kilpatrick Hills to be provided within supplementary guidance.

12. Amending the first paragraph of Policy GN5 as follows:

The expansion and enhancement of woodland will be supported, where appropriate including the planting and management of native species. This will be considered in relation to further information and detail on the Kilpatrick Hills, and forestry, woodland and trees, to be provided within supplementary guidance.

13. Changing the title of sub-section 8.10 to Advance and Temporary Greening.

14. Amending the first sentence of paragraph 8.10.2 as follows:

This plan supports and encourages green infrastructure components of future development being put in before construction begins; known as advance greening.

Issue 13	KILPATRICK HILLS	
Development plan reference:	Chapter 3 – Our Changing Places Section 3.13, Pgs 44-45 (also Map 13, p43)	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Tommy Lusk (113) Kilmarnock Community Council (120) RSPB (122) Forestry Commission Scotland (124)		
Provision of the development plan to which the issue relates:	A spatial strategy for the Kilpatrick Hills which seeks to protect and enhance the landscape character of the Kilpatrick Hill; the integrated network of habitats and important geological features; and to improve access to the Hills.	
Planning authority’s summary of the representation(s):		
<p><u>Bellsmyre</u></p> <p>Tommy Lusk (113): Bellsmyre should be identified as an important gateway to the Kilpatrick Hills. The representation states Bellsmyre is a local settlement that has better public transport links and less steep access to the Kilpatrick Hills than Overtoun. Bellsmyre Grasslands, a Local Nature Conservation Site owned by the Council, is a natural access point to the Kilpatrick Hills, adjacent to two schools and bus stops. The grasslands link Bellsmyre to land owned by Woodland Trust Scotland.</p> <p><u>Historical monuments and geology</u></p> <p>Kilmarnock Community Council (120): Mention should be made of the important historical monuments within the Kilpatrick Hills. Historical and geological features should be protected.</p> <p><u>Peatland resource</u></p> <p>RSPB Scotland (122): Suggest wording in this section that highlights the important peatland (blanket bog) resource that exists in this area. Fully functioning peatlands can lock up large amounts of carbon to an even greater extent than woodland.</p> <p><u>Kilpatrick Hills as a strategic resource</u></p> <p>Forestry Commission Scotland (124): Believe that the Kilpatrick Hills provide a significant, strategic resource for West Dunbartonshire and surrounding local authority areas and support its inclusion within the broader Green Network. Consider that there is significant potential to further contribute as a strategic timber reserve, of regional importance for landscape and heritage, of great environmental value and vital for the health and wellbeing of local communities and the broader region.</p>		

Modifications sought by those submitting representations:Bellsmyre**Tommy Lusk (113)**

*Paragraph 3.13.6 – Amend the second sentence as follows: “The fringes of the Kilpatrick Hills are on the doorstep of our settlements and locations such as Overtoun, *Bellsmyre* and Edinbarnet are important gateways.”*

Identify Bellsmyre on *Map 13: The Green Network*.

Historical monuments and geology**Kilmarnock Community Council (120)**

*Paragraph 3.13.2 – add following as second bullet point: *Historical features relating to heritage, including scheduled monuments;**

*Paragraph 3.13.5 – add additional sentence at end as follows: *Protection of historical and geological features including the Lang Cairn, and other scheduled monuments, and the terminal moraine of the Loch Lomond glaciation will be ensured, including the avoidance of planting of Sitka species**

Peatland resource**RSPB Scotland (122)**

Wording that highlights the important peatland (blanket bog) resource that exists in the Kilpatrick Hills.

Kilpatrick Hills as a strategic resource**Forestry Commission Scotland (124)**

Paragraph 3.13.2 – Addition of following two bullet points:

- to protect and enhance the Hills as an accessible recreational resource;*
- to provide a strategic timber resource.*

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

The Council acknowledges that Bellsmyre is well placed to be considered as a gateway to the Kilpatrick Hills, particularly given its transport links, local amenities and population. Furthermore, improving access to the Kilpatrick Hills from public transport nodes, including at Bellsmyre, is one of a number of actions included in the Kilpatrick Hills Green Network Study (CD42). Implementing the actions included in the study is included in the Action Programme (CD21) (reference 12.3).

The Council therefore, has no objection to the inclusion of Bellsmyre as one of the gateways to the Kilpatrick Hills as identified by **Tommy Lusk (113)** and suggests a modification at paragraph 3.13.6 (second sentence): “The fringes of the Kilpatrick Hills are on the doorstep of our settlements and locations such as Overtoun, *Bellsmyre* and Edinbarnet are important gateways”. The Reporter is therefore invited to make this modification.

With regard to Map 13: The Green Network, the map indicates the key green network assets, access routes (based on the core path network) and opportunities. Settlements and 'gateways' are not marked upon the map and therefore it would be incongruous to specifically identify Bellsmyre.

The modification proposed is not accepted.

Historical monuments and geology

Two scheduled monuments can be found within the Kilpatrick Hills, Lang Cairn – a chambered cairn at Gallangad Muir and a cairn close to Gallangad Burn. Chapter 9 of the Proposed Plan (as modified) seeks to protect the historic environment and scheduled monuments are specifically addressed in section 9.3 and by Policy BH2. In order to ensure the Plan's strategy for the Kilpatrick Hills is focused and concise, it is not considered necessary to specifically reiterate the plan's protection for historical features at paragraph 3.13.2 or 3.13.5 but it is something that could be usefully covered in the proposed Supplementary Guidance for the Kilpatrick Hills.

The geological features of the Kilpatrick Hills, such as the terminal moraine of the Loch Lomond glaciation referred to in the representation made by **Kilmarnock Community Council (120)** are intrinsic to their landscape qualities described at paragraph 3.13.3 and the Kilpatrick Hills Proposed Local Landscape Area Draft Statement of Importance (CD43). The Proposed Plan (as modified)'s strategy for the Kilpatrick Hills stated in paragraph 3.13.2 includes protecting and enhancing landscape character and for this reason it is considered that the proposed modification to paragraph 3.13.5 is not required.

It is also considered that it would not be appropriate to include a statement preventing the planting of Sitka species. The Proposed Plan (as modified) states at paragraph 8.6.3 that forestry proposals must demonstrate the sensitive siting of new woodland and the restructuring of existing conifer plantations so as to improve the landscape, ecological and recreational value. This represents a more reasoned approach, taking into account that the Kilpatrick Hills will remain a location for timber production.

The modifications proposed by **Kilmarnock Community Council (120)** are not accepted.

Peatland resource

The importance of the Kilpatrick Hill's blanket bog habitat is recognised in its designation as a number of Local Nature Conservation Sites. Paragraph 4.11.1 highlights the importance of soils, including peatlands and it is not considered necessary to repeat this with section 3.13. There is merit in ensuring proposed Supplementary Guidance for the Kilpatrick Hills outlines how the peatland resource will be protected and enhanced.

The modification proposed by **RSPB Scotland (122)** is not accepted.

Kilpatrick Hills as a strategic resource

The modification proposed by **Forestry Commission Scotland (124)** requesting the Proposed Plan (as modified)'s strategy for the Kilpatrick Hills (paragraph 3.13.2) includes: *to protect and enhance the Hills as an accessible recreational resource*, is along similar lines to the third bullet point: *to improve access to the hills*. The Council sees merit in

replacing the existing third bullet point at paragraph 3.13.2 with the proposed modification to encompass both access and recreation.

The Council acknowledges that timber production will remain an important activity within the Kilpatrick Hills during the plan period. This will form a major part of the Forest Design Plan for the Kilpatrick Hills being prepared by Forestry Commission Scotland. It is considered that there is merit in referring to the Kilpatrick Hill's role as a timber resource within the Section 3.13 of the Proposed Plan (as modified), but not that it should specifically form part of the Local Development Plan's strategy for the Kilpatrick Hills, as the plan and the planning system will not directly determine future forestry operations. It is proposed a sentence could be inserted within paragraph 3.13.5 by updating the fourth sentence as follows: 'Other sites will see new native woodlands created *and areas of commercial forestry producing timber will also remain*'.

The Reporter is invited to accept the modifications proposed by **Forestry Commission Scotland (124)** as amended above.

Reporter's conclusions:

Bellsmyre

1. The representation on this matter appears to suggest that the local settlement of Bellsmyre would be more appropriately identified as a gateway to the Kilpatrick Hills than Overtoun, being a local settlement which has better access. However, I note that it is simply sought as an addition to the list of gateways. Overtoun and Bellsmyre are in close proximity. Paragraph 3.13.6 identifies Overtoun and Edinbarnet as examples of locations which are important gateways, and these are clearly not meant to be definitive. There will also be other locations which are gateways, including from the Vale of Leven as well as Dumbarton and Clydebank.

2. I note however that the council acknowledges the particular merits of Bellsmyre as a gateway to the Kilpatrick Hills, given its transport links, local amenities and population, and that improving access from public transport nodes is one of a number of actions included in the Kilpatrick Hills Green Network Study. The council therefore clearly considers that there is merit in so identifying this local settlement. On balance, I conclude that the modification to paragraph 3.13.6 suggested within the representation would be appropriate.

3. However, the inclusion of Overtoun on Map 13 relating to the green network serves a different purpose. Overtoun is identified there as a green network asset which links into the Kilpatrick Hills in a similar way to the Dalmuir Wedge. I agree with the council's position that showing gateway settlements on this map would be incongruous when related to the text of sub-section 3.12. Such a modification would therefore not be appropriate in the circumstances.

Historic monuments and geology

4. The strategy for the Kilpatrick Hills set out in sub-section 3.13 is essentially about protecting and enhancing the landscape resource (the area having been designated as a local landscape area) the extensive habitat network, and the use of and access to the area for recreation.

5. I agree with the content of the representation to the extent that scheduled monuments and other heritage resources are important, but not necessarily because they are located within the Kilpatrick Hills. Scheduled monuments and archaeological sites are protected through Policy BH2, and I find that this is sufficient for the purposes of the local development plan. Any listed buildings in the area are protected through Policy BH3.

6. I acknowledge that there may be important links between such heritage resources and the protection of the landscape and habitats within the Kilpatrick Hills, but where these links occur, they can be addressed through the proposed supplementary guidance which is referred to in paragraph 3.13.3.

7. With respect to the geology of the area, this is an important element of the landscape resource which is specifically referred to within the second bullet point under paragraph 3.13.2. I do not however consider that it is necessary to expand on this within the strategy, and to refer to the specific geological feature contained within the representation would constitute too much detail. This is also a matter which can be addressed through the proposed supplementary guidance.

8. There is no evidence to justify a general statement about avoiding the planting of Sitka Spruce, which would depend on the circumstances of the case. Following on from all of the above, I conclude that no modifications to the local development plan are appropriate in relation to this matter.

Peatland resource

9. I agree with the representation on this matter to the extent that peatland (blanket bog) is an important carbon storage resource, and I note that the Kilpatrick Hills contain such a resource. However, paragraph 4.11.1 of the local development plan includes peatland and I refer to the findings in Issue 14 and the recommended addition of a policy relating to this matter. In my view, this is sufficient for the purposes of the local development plan, and how peatland can be protected and enhanced in the Kilpatrick Hills can be further addressed within the proposed supplementary guidance.

Kilpatrick Hills as a strategic resource

10. I recognise that there are significant Sitka Spruce commercial plantations within West Dunbartonshire, and that this includes large parts of the Kilpatrick Hills. This is recognised in paragraph 8.6.1 of the local development plan. I also refer to the findings in Issue 12 which relate to the planting of commercial and native woodland. Whilst native species should be included where appropriate, Policy GN5 allows for further commercial forestry plantations. I consider that this is sufficient for the purposes of the local development plan, and provides for commercial forestry as a strategic timber resource.

11. I agree with the council that there should be an addition to paragraph 3.13.5 to clarify that areas of commercial forestry producing timber will remain within the Kilpatrick Hills. I do not however consider that it would be appropriate to include this as part of the local development plan strategy for the Kilpatrick Hills, because it is not in my view directly related to the purpose of the strategy.

12. With respect to the Kilpatrick Hills being an accessible recreational resource, I agree that this should be included within the strategy, and that therefore the third bullet point should be amended to cover this. However, I conclude in relation to this representation

that no further amendments are required beyond this, and the amendment to paragraph 3.13.5 referred to above.

Reporter's recommendations:

Modify the local development plan by:

1. Amending the third bullet point of paragraph 3.13.2 as follows:

- to protect and enhance the Hills as an accessible recreational resource.

2. Amending the fourth sentence of paragraph 3.13.5 as follows:

Other sites will see new native woodlands created, and areas of commercial forestry producing timber will also remain.

3. Amending the second sentence of paragraph 3.13.6 as follows:

The fringes of the Kilpatrick Hills are on the doorstep of our settlements and locations such as Overtoun, Bellsmyre and Edinbarnet are important gateways.

Issue 14	DEVELOPING SUSTAINABLY	
Development plan reference:	Chapter 4 – Developing Sustainably Appendix 1 – Low and zero carbon generating technologies	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
sportscotland (20) RSPB Scotland (122) Stirling Council (68) Forestry Commission Scotland (124) Persimmon Homes (West Scotland) (101) SEPA (128) Homes for Scotland (110) SNH (129) Scottish Government (111) Clydebelt (169) Loch Lomond and the Trossachs National Park Authority (112)		
Provision of the development plan to which the issue relates:	Chapter 4 establishes a framework for creating successful places and sustainable design, and incorporates the Plan’s settlement strategy. The section also sets a framework for addressing accessibility, air quality, renewable energy and heat (including a spatial framework for wind energy), flooding, contaminated land and soil.	
Planning authority’s summary of the representation(s):		
<p><u>Successful Places and Sustainable Design</u></p> <p>Homes for Scotland (110) consider that the housing industry requires respite from the imposition of higher energy standards in order to allow it more time to recover its economic strength and ensure that the delivery of housing is not hampered by high costs at a time where the market remains fragile.</p> <p>The delay in implementing changes to 2013 Building Standards is cited as representing a policy lead from Scottish Government and reference is made to the forthcoming review of the operation of Section 72 of the Climate Change (Scotland) Act 2009 (this review has subsequently been published). An economic argument is also provided for deferring the increased standards, on the basis that the required standards would make a minimal contribution to the annual Scottish carbon reduction target yet add substantial costs, rendering both market and “affordable” housing unaffordable.</p> <p>Furthermore it is considered the 2010 Building Standards can be readily achieved with building fabric and construction methods without the need for micro-renewables and that micro-renewables have many problems.</p> <p>Scottish Government (111) have identified two problems with the response to Section 3F of the Town and Country Planning (Scotland) Act 1997 set out in Appendix 1:</p> <ol style="list-style-type: none"> 1) It would add a condition on all permissions for non-exempt buildings instead of providing a set of thresholds which a proposal could meet from the outset instead of being met after approval, which could lead to technical difficulties; 2) The condition proposed requires a building consented and constructed before 2016 to have fewer greenhouse gas emissions after 2016. It is not clear how this would be demonstrated by the applicant or enforced. This is particularly the case as the emissions savings should be the result of the installation and use of low and 		

zero-carbon generating technology. Presumably an over specification of technology would be required in order to meet the post 2016 requirement for buildings constructed before 2016. Otherwise additional technology would need to be installed, which may or may not require a further planning application.

The Scottish Government therefore consider Appendix 1 should be re-drafted to provide a policy (rather than permission condition) which identifies the proportion of greenhouse gas emissions to be avoided through the installation and use of low and zero-carbon generating technologies, and at least one increase in the proportion, and highlights the approach taken by Perth and Kinross Council.

RSPB Scotland (122) suggests Policy DS1 could be vastly simplified by requesting that all new development should be designed in a way to attain a minimum BREEAM rating. It seems unrealistic that every development could meet all or most of the points under the six qualities of a successful place.

SEPA (128) recommend inclusion within Policy DS1 a statement on flood risk in order to strengthen and support the aims of delivering 'Successful Places and Sustainable Design'

Settlement Strategy

Persimmon Homes (West Scotland) (101) consider, in relation to housing land supply, that additional releases of land outwith the existing urban area may also present sustainable locations which, on a case by case basis, could be considered suitable to meet future identified development requirements. Furthermore, directing future development exclusively to the existing urban area does not promote a range and choice of potential housing sites, which is a key requirement as set out in Scottish Planning Policy.

SEPA (128) expressed support for this policy.

SNH (129) consider the penultimate sentence in paragraph 4.3.2 implies that green network potential only exists on sites where no built development exists and that instead virtually all sites have green network potential.

Accessibility

RSPB Scotland (122) highlight that there is no mention of allocation of cycle parking, electric power points for cars at transport hubs, encouraging showers within the design of business development applications within this section. All these facilities would enhance the opportunities for users to use sustainable modes of transport and minimise carbon emissions.

SEPA (128) supports Policy DS3.

Renewable Energy

sportscotland (20) In applying a criteria based policy it is important to be aware of paragraph 187 of Scottish Planning Policy which is clear that wind farm proposals should consider impacts on recreation interests. This is supported by paragraph 190 which identifies recreation interests as a potential constraint on wind farm development. Policy on wind farms should therefore include a criterion on impacts on sport and recreation

interests

Loch Lomond and the Trossachs National Park Authority (112) suggest that Policy DS5 could be reworded in order to reflect that all types of renewable energy should avoid significant adverse impact to on the setting and views to and from Loch Lomond and the Trossachs National Park and the Loch Lomond Scenic Area. Furthermore it is suggested that section 4.6 acknowledges the National Park as a designation and that renewable energy developments close to the boundary have the potential to have significant impacts on the Park area.

Forestry Commission Scotland (124) request that reference is made to the Scottish Government's Policy on Control of Woodland Removal.

SEPA (128) Supports Policy DS5.

Spatial Framework for Wind Energy

Clydebelt (169) state that any wind farm development within the Kilpatrick Hills Local Landscape Area would destroy the feeling of remoteness and contradict other opinions raised in the Draft Statement of Importance for the Proposed Kilpatrick Hills Local Landscape Area. Development would also be contrary to parts of Policy DS5.

Stirling Council (68) supports the identification of the Kilpatrick Hills as a constrained area for wind energy developments.

Flooding

SEPA (128) object to Policy DS6. It is considered additional text emphasising the promotion of the avoidance principle and also of the responsibility of the Local Authority to reduce overall flood risk is necessary to improve the policy and assist in achieving the aims and outcomes of both Scottish Government and West Dunbartonshire Council policy.

Contaminated Land

SEPA (128) supports Policy DS7 with the recommendation that it includes reference to PAN 33: Development and Contaminated Land for site investigation works.

Soil

RSPB Scotland (122) suggest a specific policy is required addressing development proposals that would affect peat and carbon rich soils. In addition to minimising soil disturbance, the policy should also require enhancement of areas of peatland and other carbon rich soils. A policy specifically on peat would ensure that the Local Development Plan is consistent with the objectives set out in Scottish Planning Policy.

Modifications sought by those submitting representations:

Successful Places and Sustainable Design

Homes for Scotland (110) seek to delete all references to a requirement to incorporate low and zero-carbon micro-technologies in new buildings.

Scottish Government (111) propose a modification to Appendix 1: re-draft to provide a policy (rather than permission condition) which identifies the proportion of greenhouse gas emissions to be avoided through the installation and use of low and zero-carbon generating technologies, and at least one increase in the proportion. A change in line with the approach used by Perth and Kinross Council is proposed:

Proposals for new buildings should confirm to the sustainability standards set out in the table below for the year in which they are submitted unless the proposal is considered to be an exception to the policy. The emissions savings should form a part of those emissions savings required by the Building Standards regulations in force in the given year.

	Domestic	Non-domestic
2014	New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.
2015-2018	New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.
2019 onwards	New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.

RSPB Scotland (122) propose to modify Policy DS1. It is suggested that the policy could be simplified by requesting that all new development should be designed to a way to attain minimum BREEAM rating.

SEPA (128) propose to modify Policy DS1 to include the following wording under ‘Resource efficient’ and/or ‘Safe and Pleasant’: *Protection of people, property and infrastructure from flooding.*

Settlement Strategy

Persimmon Homes (West Scotland) (101) seek an amendment to Policy DS2: add the following wording: *Unallocated sites located on the edge of the existing urban area may require to come forward to supplement any deficiency in housing land supply. Sites of this nature will only be considered acceptable where the sustainability of these sites can be demonstrated.*

SNH (129) seek to amend para 4.3.2: change penultimate sentence to: *Virtually all sites have green network potential and for some this may be the main use.*

Accessibility

RSBP Scotland (122) do not specify a modification. The representations relates to facilities that would enhance the opportunities for users to use sustainable modes of transport and minimise carbon emissions.

Renewable Energy

sportscotland (20) seek to modify Policy DS5: add a further criterion under part ‘a’

referring to sport and recreation interests.

Loch Lomond and the Trossachs National Park (112) seek to modify either *paragraph 4.6.1* or *4.6.2* to include acknowledgment of the National Park as a designation and that renewable energy development close to the boundary have the potential to have significant impacts on the Park area.

They also propose to modify Policy DS5: relocation of third bullet point under criterion ‘f)’ to form criterion in its own right For the bullet point starting “avoids significant adverse impact...” to be applicable to all renewable energy development. This could be done by listing it as its own criteria before ‘f)’ for wind energy.

Forestry Commission Scotland (124) propose to modify Policy DS5 to include reference to the Scottish Government’s Policy on Control of Woodland Removal.

Spatial Framework for Wind Energy

Clydebelt (169) propose to modify section 4.7, Maps 15 & 16: removal of sites within the Kilpatrick Hills Local Landscape Area.

Flooding

SEPA (128) propose to modify Policy DS6 by inclusion of the following text at the beginning of the policy: *The Proposed Plan will take a precautionary approach to managing flood risk as well as seeking to reduce overall flood risk flood risk by considering flooding from all sources and working towards sustainable flood management, and a recognition that avoidance is the cornerstone of sustainable flood risk management. With regards to redevelopment proposals, land use vulnerability should be considered focusing on changes of use to the less or same vulnerability combined with use of flood resilient materials and design.*

Contaminated Land

SEPA (128) propose to modify Policy DS7 to include reference to PAN 33: Development and Contaminated Land for site investigation works.

Soil

RSPB Scotland (122) propose a new policy addressing development proposals that would affect peat and carbon rich soils. The policy should require new development to minimise soil disturbance and require enhancement of areas of peat land and other carbon rich soils.

Summary of responses (including reasons) by planning authority:

Successful Places and Sustainable Design

Under section 72 of the Climate Change (Scotland) Act 2009 local development plans must require all new buildings to be designed to avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies. It would therefore not be possible to accommodate **Homes for Scotland’s (110)** proposed modification that all

references to a requirement to incorporate low and zero-carbon micro-technologies in new buildings be deleted. Similarly, **RSPB's (122)** suggested modification to require that all new development meet minimum BREEAM ratings would not fully satisfy the legislation. The Fourth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 (CD02) states the assessment required by Section 73(2) of the Climate Change (Scotland) Act does not clearly indicate that Section 3F is no longer required at this time. On that basis, the Scottish Government has concluded that the legislation should remain in force (paragraph 8.13).

The Council accepts the modification proposed by the **Scottish Government (111)**. The modification would see the second paragraph within Appendix 1 deleted and the following policy wording and table added at the start (NB: the dates in the table have been adjusted to reflect the likely adoption date of the Local Development Plan:

Proposals for new buildings should conform to the sustainability standards set out in the table below for the year in which they are submitted unless the proposal is considered to be an exception to the policy. The emissions savings should form a part of those emissions savings required by the Building Standards regulations in force in the given year.

	<i>Domestic</i>	<i>Non-domestic</i>
<i>2015-2016</i>	<i>New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>	<i>New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>
<i>2017-2019</i>	<i>New buildings include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>	<i>New buildings include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>
<i>2020 onwards</i>	<i>New buildings include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>	<i>New buildings include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.</i>

The exceptions currently listed in the first paragraph of Appendix 1 should be retained. Additionally, the matrix included as part of Policy DS1 should refer to *Appendix 1* rather than *Annex 1*.

The Reporter is therefore invited to make these modifications.

The Council agrees with the recommendation that reference should be made to flood risk avoidance within Policy DS1 and sees merit in the modification proposed by **SEPA (128)**. It is considered the following wording: *Protects people, property and infrastructure from flooding* should be added as an additional criterion under the 'Safe and Pleasant' quality.

The Reporter is invited to make this modification.

Settlement Strategy

Paragraph 40 of Scottish Planning Policy (CD03) states the settlement strategy set out in the development plan should promote a more sustainable pattern of growth, taking account of the scale and type of development pressure and the need for growth and regeneration. In line with national, strategic and local planning policy, the Proposed Plan (as modified) retains an emphasis on the regeneration of urban sites. These sites represent the most sustainable locations for new development. Paragraph 38 of Scottish

Planning Policy states that decisions on the location of new development should promote regeneration and the re-use of previously developed land and reduce the need to travel. The development of previously used land within urban areas can furthermore have a positive impact upon the places in which they are located, by removing contamination and enabling green network enhancements. In order to direct new development to the urban area, development beyond the settlement boundary is restricted through its designation as green belt, in accordance with paragraph 159, bullet point 1 on Scottish Planning Policy.

The position regarding housing land supply in West Dunbartonshire is addressed by Issue 16. The Council's position is that the Proposed Plan (as modified) has allocated both a generous supply of land to meet the optimistic all-tenure housing supply target for both plan periods and a reasonable range and choice of housing land. Any shortfall in the private sector in the first period can be met by bringing forward from the 2020-25 period. In accordance with this position and the Plan's focus on the regeneration of more sustainable brownfield sites within the urban area, there would be no requirement to develop unallocated sites located on the edge of the existing urban area. Should any shortfall be identified the preference should be to develop sites within the urban area which can contribute to range and choice.

The modification proposed by **Persimmon Homes (West Scotland) (101)** is therefore not supported.

The Council agrees with **SNH (129)** that all vacant and derelict land has the potential to contribute to the green network and with the proposed modification, namely changing the penultimate sentence of paragraph 4.3.2 to: *All sites have green network potential and for some this may be the main use.*

The Reporter is therefore invited to make this modification.

Accessibility

The role the provision of cycle parking, electric power points for cars at transport hubs and showers within business use development in encouraging the use of sustainable modes of transport, as highlighted by **RSPB Scotland (122)**, is accepted and the Council sees merit in amending Section 4.4 accordingly.

The Reporter is invited to add the following wording to paragraph 4.4.3: *All development should seek to promote the use of sustainable modes of transport including active travel.*

Renewable Energy

The Council agrees with **sportscotland (20)** that specific reference should be made to sport and recreation interests under part 'a)' of Policy DS5 and suggests *sport and recreation interests* be added as a fifth bullet point.

The Reporter is therefore invited to make this modification.

It is considered that, within West Dunbartonshire, wind turbines are the renewable energy technology most likely to have an impact upon the Loch Lomond and the Trossachs National Park and Loch Lomond National Scenic Area. However, the Councils agrees with the **Loch Lomond and the Trossachs National Park Authority (112)** that Policy

DS5 should be rearranged so that that impact on the setting of and views to and from the National Park and National Scenic Area is specifically highlighted as a consideration for *all* renewable energy development. This would entail the final bullet point under part 'f' becoming 'g)' and the current 'g)' becoming 'h)'.

The Reporter is therefore invited to make this modification by **Loch Lomond and the Trossachs National Park Authority (112)**.

Revising paragraph 4.6.1 or 4.6.2 to reiterate the point that the National Park is a designation that renewable energy development close to the boundary with the Park could have the potential to have significant impacts upon, would cause an inconsistency as no other designations are mentioned, but this can be highlighted within the proposed Supplementary Guidance.

The modification is not accepted.

The modification proposed by **Forestry Commission Scotland (124)** to make reference to the Scottish Government's Policy on Control of Woodland Removal Policy within Policy DS5 is not supported; however, reference to this and other relevant policies would be appropriate within Supplementary Guidance to be prepared as noted at the end of paragraph 4.6.2. In general terms, the Proposed Plan (as modified) avoids referencing policy statements, plans and strategies published by the Scottish Government and other external agencies as such documents may be replaced over the lifetime of the Plan. It is considered the readability of the Plan is also improved through this approach.

The modification proposed by **Forestry Commission Scotland (124)** is not accepted.

Spatial Framework for Wind Energy

Scottish Planning Policy (CD03) requires that planning authorities set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity, and states that authorities may incorporate wind farms of less than 20 megawatts generating capacity if considered appropriate. The Proposed Plan (as modified) includes frameworks for wind farms above (Map 15) and below (Map 16) 20 megawatts. In each case, the Kilpatrick Hills are identified in the main as an 'area with potential constraint'.

The approach adopted to formulate the spatial framework for wind energy follows the guidance set out in Scottish Planning Policy, specifically paragraphs 189 – 191, and the advice note 'Process for preparing spatial frameworks for wind farms' (CD48), published by the Scottish Government. The guidance states that the spatial framework should identify areas requiring significant protection, including because they are designated for their national or international landscape or natural heritage value (Stage 1); areas with potential constraints (Stage 2); and areas of search (Stage 3). When identifying areas with potential constraints paragraph 190 of Scottish Planning Policy directs planning authorities to consider, amongst other things, areas designated for their regional and local landscape or natural heritage value.

The Kilpatrick Hills are identified in the Proposed Plan (as modified) as a Local Landscape Area and comprising of a number of Local Nature Conservation Sites. The representation submitted by **Clydebelt (169)** is against the development of wind farms within the Kilpatrick Hills, however, through following the guidance set out by the Scottish

Government it is correct that sites within the Kilpatrick Hills are included within the spatial framework as an 'area with potential constraints'.

The modification by **Clydebelt (169)** is not accepted.

Flooding

The Council accepts **SEPA's (128)** recommendation but considers the proposed wording would sit better as part of the text before Policy DS6, rather than forming part of the policy. The policies of the Proposed Plan (as modified) are intended to be concise and to clearly direct development management decisions by stating what will and will not be supported. The text proposed by SEPA refers to the approach of the Proposed Plan (as modified). Based on the wording provided by SEPA, it is suggested that an additional paragraph is added before Policy DS6, which would read as follows:

The Proposed Plan takes a precautionary approach to managing flood risk and seeks to reduce overall flood risk by considering flooding from all sources in accordance with the principles of sustainable flood management and in recognition that avoidance is the cornerstone of sustainable flood risk management. With regards to redevelopment proposals, land use vulnerability should be considered, focusing on changes of use to the less or same vulnerability combined with use of flood resilient materials and design.

The Reporter is therefore invited to make the modification proposed by the Council.

Contaminated Land

The modification proposed by **SEPA (128)** to make reference to PAN 33: Development and Contaminated Land for site investigation works within the Local Development Plan is not supported. In general terms, the Proposed Plan (as modified) avoids referencing policy statements, plans and strategies published by the Scottish Government and other external agencies as such documents may be replaced over the lifetime of the Plan. It is considered the readability of the Plan is also improved through this approach.

The modification by **SEPA (128)** is not supported.

Soil

Paragraph 4.11.2 of the Proposed Plan (as modified) states that: *all development should seek to make sustainable use of soils and development proposals that would affect peat and carbon rich soils should include measures to minimise soil disturbance.* Taking account of **RSPB Scotland's (122)** representation, the Council sees merit in a policy on soils and considers the above noted text could form the basis of a new Policy DS8, adding additionally that development should seek to enhance areas of peatland and other carbon rich soils.

The first sentence of paragraph 4.11.2 would be added to the previous paragraph.

The Reporter is therefore invited to make the modifications proposed.

Reporter's conclusions:**Successful places and sustainable design**

1. Policy DS1 requires (amongst other things) that development incorporates low or zero carbon energy-generating technologies, and Appendix 1 states that low and/or zero carbon generating technology shall be installed in all new buildings (with the exception of minor development), and that a condition will be attached to planning permissions for all non-exempt buildings requiring a "bronze active" sustainability label, and requiring proposals to demonstrate that low and zero generating technology will result in carbon dioxide emissions being 1% below the building's target emission rate in the period to December 2016, and 2% thereafter.

2. The Scottish Government has suggested a policy approach identifying the proportion of greenhouse gas emissions to be avoided through the installation and use of low or zero carbon generating technologies. An appropriate table has been suggested. This would mean that the second part of Appendix 1 (which should also be correctly referred to in Policy DS1) would specify such a policy approach, rather than refer to a condition being imposed on the grant of planning permission.

3. The council has accepted that this amendment should be incorporated, but with a change in the threshold dates to reflect the likely adoption of the local development plan in 2015. I conclude that this amendment is appropriate, including the change in the threshold dates.

4. With respect to the other representations on this matter, and whilst I recognise the additional cost of higher energy standards for buildings, I conclude that the local development plan should properly reflect the legislation, which means that it is not possible to provide a respite for the housing industry by deleting the requirement for low or zero carbon energy generating technologies. I consider that a simplified reference to the BREEAM rating would lack the detail which is set out in the legislation and reflected in my recommendation.

5. I note that the council agrees with the request on behalf of the Scottish Environment Protection Agency that reference should be made to avoiding flood risk within Policy DS1. I consider that this is a sufficiently important matter to include within Policy DS1, because this is a key policy within the local development plan which provides the framework for development management decisions. I therefore conclude that the proposed addition should be incorporated.

Settlement strategy

6. Scottish Planning Policy requires a generous supply of housing land and a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. I refer to the findings within Issue 16 on this matter.

7. In addition, whilst the references to Scottish Planning Policy referred to above by the council have now been superseded, the new Scottish Planning Policy refers to the need for spatial strategies. In particular, paragraph 40 requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area.

8. This includes using land within or adjacent to settlements for a mix of uses, and considering the re-use or re-development of brownfield land before new development takes place on greenfield sites. Furthermore, paragraph 49 states that a planning authority may designate a green belt around a city or town to support the spatial strategy by directing development to the most appropriate locations and supporting regeneration.

9. I am satisfied that the council's approach as stated in Policy DS2 constitutes a spatial strategy based upon the principles set out above. In providing for the housing land requirement, the council has identified those greenfield sites for housing it considers appropriate. However, it is also necessary to take into account the conclusions in Issue 16 and the recommended inclusion of a new Policy BCX. This requires maintenance of a five year housing land supply. Should a shortfall in the required housing land supply be identified preference is retained for brownfield and urban sites. However, a greenfield location may be acceptable where the site is considered effective and is assessed to be in a sustainable location. I therefore conclude that an additional bullet point should be included within Policy DS2, referring to housing development which accords with new Policy BCX (as included through recommendation 1 of Issue 16).

10. I note the suggested amendment to paragraph 4.3.2, and the council's agreement with this. It is clear that the major development sites identified in Chapter 3 incorporate enhancements to the green network, and so I conclude that this amendment is appropriate.

Accessibility

11. I note that the representation from the Royal Society for the Protection of Birds (Scotland) essentially seeks measures within sub-section 4.4 which would encourage people to use sustainable modes of transport. I agree with the principle, but do not consider that the level of detail referred to in the representation would be appropriate. This would be too selective. The sentence contained in the council's response would however be an appropriate addition.

12. Following on from the above, I note that paragraphs 4.4.1 to 4.4.3 are all about the location of development, and therefore the addition of the sentence contained in the council's response would alter the focus of this sub-section. Policy DS3 already extends the focus to include measures to ensure development is easily accessible by active travel or sustainable means of transport, and so the additional sentence is consistent with that. However, I find that a slight amendment to Policy DS3 is also required, to refer to all development rather than other development in the third line, to reflect the proposed addition.

13. I conclude that the additional sentence contained within the council's response above should be appended to the end of paragraph 4.4.3, together with a slight amendment to Policy DS3 to properly reflect that addition.

Renewable energy

14. I agree with both SportScotland and the council that criterion a) of Policy DS5 should include a bullet point: sport and recreation interests. It is appropriate to support renewable energy subject to avoiding a significant adverse impact on this element of the green network, as well as the others already listed.

15. I note the council's position that wind turbines are the form of renewable energy most likely to have an impact on the National Park. However, there are other forms of renewable energy development, for example hydro-electric schemes, which have significant landscape and visual effects. I have no evidence as to the likelihood of other forms of renewable energy being proposed in West Dunbartonshire, but it appears to me to be sensible to include any adverse impact on the national park as a bullet point relating to renewable energy generally, rather than wind energy in particular.

16. I see no reason to state within paragraph 4.6.1 or 4.6.2 that renewable energy developments close to the boundary of the National Park have the potential to have significant impacts, because that level of detail is not required within the supporting text. However, I find that the first sentence of paragraph 4.6.2 should put more emphasis generally on the environmental consequences of such being addressed through the development management process, in addition to the mentioned technical issues.

17. I recognise that this matter can and should be addressed in more detail within supplementary guidance, and that this is properly referred to in the last sentence of paragraph 4.6.2. However, I refer to the conclusions and recommendations in Issue 1 relating to criterion g) of Policy DS5. These increase the need to put more emphasis on the environmental consequences of renewable energy in paragraph 4.6.2.

18. I note the request from the Forestry Commission to make reference to the Scottish Government's Policy on the Control of Woodland Removal, but I see no requirement to refer to that within either Policy DS5 or the supporting text. I agree with the council to the extent that it is not the purpose of the local development plan to refer to other policy statements, unless they have a direct bearing on the content of the policy. This would set a precedent for reference to many other publications, which would reduce the concise nature of the local development plan, and make it more difficult to follow.

19. I therefore conclude that it would be appropriate to amend Policy DS5 to make reference to sport and recreation interests, to change the emphasis in the policy with respect to any adverse impact on the national park, and to increase the emphasis on considering the environmental consequences through the development management process. My conclusions in Issue 1 also require a consequent change to provide an appropriate reference to supplementary guidance within this policy. My recommended changes in this respect also take account of my conclusions below on the spatial framework for wind energy.

Spatial framework for wind energy

20. The representation on this matter on behalf of Clydebelt expresses concern about wind farm development within the Kilpatrick Hills Local Landscape Area, and seeks the removal of sites within this area. However, Maps 15 and 16 of the local development plan do not show any sites (or potential sites) for wind farms within this area, and paragraphs 4.7.2 and 4.7.3 state that no areas of search for wind farms have been identified, although paragraph 4.7.4 makes it clear that this does not necessarily mean that such will not be acceptable; it depends upon an assessment of proposals against Policy DS5.

21. Scottish Planning Policy has changed from that referred to in the council's response above. I note that the spatial framework set out in Maps 15 and 16 is based on the superseded Scottish Planning Policy of 2010. Paragraph 161 of Scottish Planning Policy

now states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. The required approach is set out in Table 1; identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development. Within Scottish Planning Policy, areas of significant protection do not extend as far as including areas designated for their local landscape value.

22. Following on from the requirements of Scottish Planning Policy referred to in the above paragraph, I am satisfied that any spatial strategy based on the new Scottish Planning Policy would not justify any blanket restriction of wind farms in the Kilpatrick Hills, and I therefore conclude that no change is required to sub-section 4.7 of the local development plan in this respect.

23. However, and following on from this representation, it is clear that the spatial framework for wind energy set out in sub-section 4.7 of the local development plan does not comply with current Scottish Planning Policy. I therefore sought further observations from the council and other relevant parties on how this matter might be addressed.

24. Taking into account the observations submitted, I conclude that the existing sub-section 4.7 (including maps 15 and 16) should be deleted, and a new single paragraph provided in its place, based upon the requirements of Scottish Planning Policy. I provide an appropriate wording for this paragraph in my recommendations below. A specific reference within my recommended change to criterion g) of Policy DS5 will provide the necessary policy reference to support inclusion of the spatial strategy within the supplementary guidance.

25. I appreciate that there is likely to be a time gap in the preparation of the required statutory guidance. Ideally the spatial framework should be incorporated as part of this plan. However, the introduction of new national policy inevitably leads to such circumstances. An expressed commitment to prepare supplementary guidance can provide an up to date policy framework as part of the development plan without causing unnecessary delay to adoption of the local development plan. It also avoids inclusion of a revised spatial framework which has not been subject to any process of consultation. I am satisfied that this approach accords with the provisions of Scottish Planning Policy.

26. Further submissions from Clydebelt in response to my further information request restate the emphasis it places on protection of the landscape and other qualities of the Kilpatrick Hills. I note the various policy references made in this respect all of which will remain relevant in the consideration of specific proposals. Scottish Planning Policy however does not include local landscape designations in the list of areas which would normally be included within areas of significant protection. Notwithstanding this, paragraph 169 sets out the wide range of considerations relevant to the assessment of proposals through the development management process. Most of these are reflected in Policy DS5. The intended preparation of supplementary guidance also presents an opportunity to address these matters further in a local context.

27. I would mention here that there is no requirement for the identification of areas where wind farms will not be acceptable. The Loch Lomond and the Trossachs National Park is an independent planning authority, and there are no national scenic areas within the West Dunbartonshire local development plan area. Criterion f) in Policy DS5 can be deleted, particularly with the third bullet point being subsumed into Policy DS5 following my

findings above.

Flooding

28. I note the proposed addition to Policy DS6 on behalf of the Scottish Environment Protection Agency, and I conclude that it would be appropriate to include this. However, I accept the council’s position that it would be more appropriate to put this in the supporting text, rather than the policy itself, in order to keep the policy as concise as possible. The text is about sustainable flood management, and clearly supports the provisions of Policy DS6.

Contaminated land

29. There may be circumstances where it is beneficial for planning advice notes to be referred to within the policies or the supporting text of the local development plan. However, in my view this should only be required where it has a direct bearing on the content of the policy or text, which I do not consider to be the case here. I therefore conclude in the circumstances that no modification to Policy DS7 is required in this respect.

Soil

30. I note that sub-section 4.11 of the local development plan refers to soil, including peatlands, as an important resource. However, there is no specific policy about the protection and sustainable use of soils. I conclude that the second sentence of paragraph 4.11.2 should be changed to a policy, also seeking the enhancement of areas of peatland and other carbon rich soils as suggested within the representation.

Reporter’s recommendations:

Modify the local development plan by:

1. Amending Policy DS1, under the third bullet point (tick) of the heading Resource Efficient, to refer to Appendix 1 rather than Annexe 1.

2. Amending the second paragraph of Appendix 1 as follows:

Proposals for new buildings should conform to the sustainability standards set out in the table below for the year in which they are submitted unless the proposal is considered to be an exception to the policy. The emissions savings should form a part of those emissions savings required by the Building Standards regulations in force in the given year.

	Domestic	Non-domestic
2015-2016	New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings include a minimum 2% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.
2017-2019	New buildings include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings include a minimum 3% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.
2020 Onwards	New buildings include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.	New buildings include a minimum 5% carbon dioxide emissions abatement through the use of low and zero carbon generating technology.

3. Adding a bullet point (tick) to Policy DS1 after the first bullet point (tick) under the heading Safe and Pleasant as follows:

Protects people, property and infrastructure from flooding.

4. Amending the penultimate sentence in paragraph 4.3.2 as follows:

All sites have green network potential and for some this may be the main use.

5. Adding a bullet point before the first bullet point in Policy DS2 as follows:

- Housing development in accordance with Policy BCX (as recommended for inclusion through Issue 16).

6. Adding a new sentence to the end of paragraph 4.4.3 as follows:

All development should seek to promote the use of sustainable modes of transport including active travel.

7. Amending the third line of Policy DS3 to state:

Where relevant, all development should include measures ...

8. Amending the first sentence of paragraph 4.6.2 as follows:

Renewable energy developments can often prove controversial and the environmental consequences should be addressed through the development management process.

9. Amending Policy DS5 a) by adding a further bullet point as follows:

- sport and recreation interests

10. Adding a new criterion after Policy DS5 e) as follows:

f) avoids significant adverse impact on the setting of and views to and from the Loch Lomond and the Trossachs National Park and Loch Lomond National Scenic Area;

11. Deleting criterion f) of policy DS5.

12. Amending criterion (g) of Policy DS5 as follows:

Proposals will also be considered in relation to further information and detail on the above to be provided through supplementary guidance. This will include a spatial framework for wind farms as detailed in paragraph 4.7.1.

13. Deleting paragraphs 4.7.1 to 4.7.4 and Maps 15 and 16.

14. Inserting a new paragraph 4.7.1 as follows:

In accordance with Scottish Planning Policy (paragraph 161 and Table 1: Spatial Frameworks) a spatial framework for wind energy will be prepared as supplementary guidance.

This supplementary guidance will identify:

- Areas of significant protection
- Areas with potential for wind farm development

and will constitute part of the supplementary guidance to be prepared in the context of Policy DS5, taking into account the criteria set out in that policy.

15. Adding a new paragraph 4.9.5 as follows:

The local development plan takes a precautionary approach to managing flood risk and seeks to reduce overall flood risk by considering flooding from all sources in accordance with the principles of sustainable flood management and in recognition that avoidance is the cornerstone of sustainable flood risk management. With regards to redevelopment proposals, land use vulnerability should be considered, focusing on changes of use to the less or same vulnerability combined with use of flood resilient materials and design.

16. Deleting the second sentence of paragraph 4.11.2.

17. Adding a new Policy DS8 as follows:

All development should seek to make sustainable use of soils and development proposals that would affect peat and carbon rich soils should include measures to minimise soil disturbance. Development should also seek to enhance areas of peatland or other carbon rich soils.

Issue 15	GROWING OUR ECONOMY	
Development plan reference:	Chapter 5 – Growing Our Economy Schedule 1: Business and industry opportunities – GE1(14) Main Street, Jamestown Policy GE4 – Tourism	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
Hugh Kinloch (73) SNH (129)		
Provision of the development plan to which the issue relates:	This Issue relates to the Growing our Economy section of the Plan, and specifically land at Jamestown designated for the expansion of an adjacent sawmill and the tourism policy.	
Planning authority’s summary of the representation(s):		
<p><u>GE1(14) Main Street, Jamestown</u></p> <p>Hugh Kinloch (73) states that there is no justification for the continued reservation of such a large area for the expansion of the timber yard. The owners of the yard have reduced the workforce since the adoption of the West Dunbartonshire Local Plan. The timber yard is already larger than shown on the Proposals Map as the timber yard occupies most of the area wrongly shown as open space (allotment gardens).</p> <p>For over 5 years, the Local Development Plan outcome: “business and industrial areas are attracting investment” (Table 1) has not been successfully achieved by this allocation.</p> <p>Expanding the BC1(7) housing opportunity to match the reduction of the adjoining business and industry opportunity GE1(14) would allow better linkage of the two housing areas BC1(6) and BC1(7).</p> <p><u>Tourism</u></p> <p>SNH (129) recommend an addition to Policy GE4 to refer to natural heritage.</p>		
Modifications sought by those submitting representations:		
<p><u>GE1(14) Main Street, Jamestown</u></p> <p>Hugh Kinloch (73) has proposed two amendments: <i>Schedule 1, Site GE1(14)</i> – Reduce site area from 1.93ha to 1ha.</p> <p><i>Schedule 2, Site BC1(7)</i> – Increase site area by 0.93ha, by extending southwards into site GE1(14)</p> <p><u>Tourism</u></p> <p>SNH (129) suggest a modification to Policy GN4 – Insert the word ‘<i>natural</i>’ after ‘green</p>		

network’: “New tourist accommodation, attractions and supporting infrastructure will be supported in appropriate locations which avoid adverse impact on the green network, *natural* and built heritage.”

Summary of responses (including reasons) by planning authority:

GE1(14) Main Street, Jamestown

The Council does not support the reduction of site GE1(14) Main Street, Jamestown – reserved for the expansion of the adjacent sawmill – to allow the increase of the Private Housing Opportunity site BC1(7) Jamestown IE.

The proposed modification would increase the housing land supply by 0.98 ha or approximately 27 units. Site BC1(7) Jamestown IE is shown in Schedule 2 as having an existing indicative capacity of 60, while the adjacent BC1(6) Private Housing Opportunity site has an indicative capacity of 75. Both sites are currently deemed to be non-effective, and are scheduled to come forward in the period after 2019. Issue 21: Building our Communities - Vale of Leven sets out the Council’s position in respect to housing land and concludes as there is no strategic requirement to release land in this housing market area, and the housing supply has already been augmented by two effective releases to ensure choice and generosity as required by SPP. An additional release in the Vale of Leven area is not required.

The Proposed Plan (as modified) seeks to maintain a generous and varied supply of land for industry and business development which is both well located and readily available for development in order to help West Dunbartonshire attract new businesses to the area, retain existing businesses and encourage business starts-ups. In this context, the loss of land identified for industry and business use is resisted. Furthermore, the sawmill owners/operators have confirmed that they still wish the land to be identified for the sawmill’s extension (CD53).

In response to Hugh Kinloch’s representation stating the timber yard is larger than shown on the Proposals Map as it occupies most of the area wrongly shown as open space (allotment gardens), it is noted that the area shown as ‘open space’ on the Proposals Map south of site GE1(14) is in fact occupied by the sawmill. The site, marked as ‘Allot Gdns’ on the Ordnance Survey base map, is designated as ‘Existing industry and business’ in the adopted West Dunbartonshire Local Plan (CD22) and has been changed in error. The Local Plan designation should be maintained in the Local Development Plan and the site designated as ‘Existing industry and business’.

Tourism

The ‘Green Network’ term, in its broadest sense, has been used throughout the Proposed Plan (as modified) to refer to natural heritage, for example in the title to Chapter 8 and within Policy DS5. For consistency, the Council does not support the insertion of the word ‘natural’ into Policy GE4 as proposed by **SNH (129)**.

Reporter’s conclusions:

GE1(14) Main Street, Jamestown

1. My site visit confirmed that the area shown as open space is in fact contained within

the grounds of the existing sawmill. This reflects the correct position as included in the adopted local plan. Consequently, I agree with the council's proposed modification in this respect. The correct boundary is as shown on the revised map as submitted to the examination on 24 September 2014 in response to my further information request.

2. Core document 53 (email from the owners of Auchencarroch sawmill dated 29 April 2014) confirms that the expansion intentions of the company with regard to site GE1(14) have not changed. I consider it is important to identify appropriate and sufficient land to enable economic development and accommodate the expansion requirements of existing firms. Consequently, my modification is restricted to the correction of the identified error and I find no further change is necessary.

Tourism/green network

3. I agree with Scottish Natural Heritage that natural heritage is an important consideration. However, I accept the council's position that this is encompassed within the broader definition of the green network and there is no need to include a further more specific reference. I note the representation also refers to a required correction to Schedule 1 so that the asterisk is correctly placed to reflect the findings of the Habitats Regulations Appraisal in relation to Cable Depot Road and Clydebank Industrial Estate. I agree that this should be corrected and my recommendations reflect this.

Reporter's recommendations:

Modify, the local development plan as follows:

1. Retain the boundary of site GE1(14) but delete the area of open space to the south as detailed in the council's corrected plan as submitted to the examination on 24 September 2014.
2. Include an asterisk link to the footnote for GE1(10) Cable Road Depot and remove the asterisk against GE1(8) Clydebank Business Park.

Issue 16	MEETING HOUSING REQUIREMENTS	
Development plan reference:	Chapter 6 – Building Our Communities Sections 6.2 and 6.3, pp 59-63	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
Persimmon Homes (West Scotland) (101) East Dunbartonshire Council (105) Homes for Scotland (110) Kilmarnock Community Council (120)		
Provision of the development plan to which the issue relates:	This Issue relates to the sections of the Plan dealing with Meeting Housing Requirements (6.2) and New Land for Housing (6.3) and associated tables and schedules.	
Planning authority’s summary of the representation(s):		
<p><u>Brownfield Land Supply</u></p> <p>East Dunbartonshire Council (105) supports the generous housing land supply allocated in the Proposed Plan. It is noted that the majority is brownfield land in key regeneration areas and that no significant Green Belt release has been required to provide this level of generosity. East Dunbartonshire Council are pleased that one of the sites highlighted in the Main Issues Report (CD12), Cochno Road East, which straddles the boundary between the two Councils, has not been carried forward into the Proposed Plan, as it would conflict with the Strategic Development Plan’s (CD09) spatial vision of recycling brownfield land as a priority.</p> <p>Kilmarnock Community Council (120) support the emphasis on regeneration and the redevelopment of the brownfield housing land supply. This should take precedence over the development of greenfield sites.</p> <p><u>Generosity of Land Supply*</u></p> <p>Homes for Scotland (110) and Persimmon Homes (101) note that the Plan does not provide a generous supply of land for private housing, particularly in the 2009-2020 period. The draft Scottish Planning Policy suggests generosity might be defined as 10-20% above requirement, whereas Table 2 indicates a level of 0.6% above demand. Generosity is higher in the 2020-2025 period but that is predicated on assumptions about urban capacity. There is no testing of these post 2020 sites carried out in the audit process, and the scale of some of the sites raises doubts about their deliverability by 2025.</p> <p><u>Range and Choice of Housing Sites</u></p> <p>Scottish Planning Policy (CD03) also requires a range and choice of sites in terms of location, size and type. The Council is relying on a small number of large sites to deliver the housing requirement. That does not provide a good range and choice of sites and risks failure to deliver if one or more of those sites suffer planning or market delays (Homes for Scotland (110) and Persimmon Homes (101)).</p>		

Five year effective supply

Persimmon Homes (101) note that SPP (CD03) requires the Council to demonstrate that it will maintain a 5-year effective housing land supply at all times. The Plan does not recognise this or state how it intends to manage or monitor the land supply to ensure this requirement is fulfilled.

*Note: Homes for Scotland's figures relate to the Proposed Plan. No additional representation was received by them to the Proposed Plan (as modified).

Modifications sought by those submitting representations:

Homes for Scotland (110) and **Persimmon Homes (101)** request the following modifications :

Schedules 1 and 2 should identify additional sites in order to increase generosity of supply and provide greater range and choice. An additional 500 units in 2009 – 2020 would ensure around 20% generosity. These should be smaller sites of up to c.50 units in a range of locations.

The assumptions on Urban Capacity sites in Schedules 1 and 2, particularly for the period post-2020, should be tested in consultation with the housing industry.

Persimmon Homes (101) request that Policy BC1 should have the following additional wording: *"The Council will maintain a five year effective supply of housing land at all times throughout the lifetime of the plan. This will be monitored and updated annually. Where a shortfall in the effective five year land supply emerges, actions should be taken to rectify this by approving planning applications on unallocated sites."*

Summary of responses (including reasons) by planning authority:Generosity of Land Supply

Accordance with Strategic Development Plan: The Proposed Plan must be consistent with the Strategic Development Plan. The Glasgow and the Clyde Valley Strategic Development Plan May 2012 (CD09) provides the framework for strategic housing demand in the light of the evidence base in the Housing Need and Demand Assessment, which was assessed as robust and credible in June 2011. These assessments are considered to be generous in that the scenario adopted by the SDP assumed an optimistic growth scenario and higher household growth than that projected by the National Records of Scotland. In addition output from windfall sites are not included in the future supply therefore allowing an additional element of generosity. In Schedules 8 and 9 of the SDP, the preliminary and indicative comparison of private sector supply and demand shows a surplus of housing supply to both 2020 and 2025 in the Greater Glasgow North and West sub market area (which includes Clydebank) and in the individual market area of Dumbarton and Vale of Leven. Schedule 10 indicates that there is no shortfall of affordable housing in West Dunbartonshire within these two periods either. The SDP assumes that there should be 4,000 net new private sector completions in West Dunbartonshire over the period 2009-25 (Schedule 7) (equivalent to 250 completions per annum), with no additional affordable housing required in this period.

Local Housing Strategy/Housing Supply Targets: West Dunbartonshire's Local Housing Strategy November 2011 (CD31) has set out optimistic housing supply targets in excess of the indicative all-tenure housing requirement in Schedule 11A of the Strategic Development Plan (paragraph 5.6.7). The private sector target has been set at 250 pa, meeting the SDP requirement in full, and an additional target of 70 affordable housing has also been set.

Local Development Plan/Meeting the Requirement – based on the Housing Supply Targets: Table 2 in the Proposed Plan (as modified) indicates that there is a requirement for 3,520 all-tenure houses up to 2020. The supply is 3,807, giving a generosity allowance of 8%. The level of generosity in the 2020-25 period is significantly higher at 27%. In the 2009-20 period the affordable supply is significantly more generous than the private supply, and the position is reversed in the latter period. This is explained by the fact that sites for affordable housing tend not to be identified so far in advance, and that recent completions and the effective supply in the private sector are still depressed due to financial constraints in the housing market. Tables 2 and 3 therefore show that the housing land supply identified in the Proposed Plan (as modified) can meet the all-tenure requirement and has the flexibility to allow sites to be brought forward or pushed back, or deliver a different tenure if needed.

It is acknowledged that the private sector housing land supply does not have any generosity in the period to 2009-2020. This does not reflect a lack of housing land, but rather a problem in delivery as a result of financial constraints in the housing market in recent years. For example, private sector completions 2009-2012, which address the first part of the requirement, averaged 118 pa, not the 250 pa housing supply target. This was due to difficulties in attaining both development finance, which halted sites coming forward, and mortgage finance, which depressed demand, and not a lack of developable land. The 2012 effective land supply, on which the Plan is based and which Homes for Scotland has been consulted on (set out in Row E of Table 2 and Schedule 2 of the Plan), is similarly constrained by an anticipated slower pace of development reflecting the continued impact of development and mortgage finance on housebuilding, not a lack of land (CD33). The shortfall in the land supply in Table 2 (row H) essentially reflects the low level of completions 2009-12. Schedule 4 of the Proposed Plan (as modified) indicates the new allocations that have been identified to address this shortfall, and the output which is anticipated in the first period to meet demand to 2020 is shown in Row I of Table 2. As the market improves it is anticipated that both completions and the level of the effective land supply will increase, as existing sites will be more optimistically programmed for development.

Urban Capacity Study: The higher level of generosity in the private sector land supply position in the period 2020-25 shown in Table 3 reflects output from the 2009 Urban Capacity Study on which Homes for Scotland were consulted. The output assumed in Table 3 is, however, significantly reduced from the anticipated output shown for the 2020-25 period in the SDP Background Report 13 Urban Capacity Study (CD10). This is because it is acknowledged that the housing land position has changed since the 2009-based exercise was completed. Instead of revisiting all the sites and programming in the 2009 Urban Capacity Study, it was decided only to count output from sites which were already in the 2012 housing land audit and sites which were considered non-effective in 2012. As Homes for Scotland were consulted on the audit, they are aware of all the sites providing output from the Urban Capacity Study 2009 in Tables 2 and 3.

In conclusion, the Proposed Plan (as modified) has allocated a generous supply of land to meet the optimistic all-tenure housing supply target for both plan periods. The generosity level has been impacted upon by low levels of completions 2009-2012, rather than a shortage of land. Any emerging shortfall in the private sector supply in the first period can be met by bringing sites forward from the 2020-25 period, or the development of sites indicatively identified for affordable housing should the market require it. No modification is therefore proposed.

Range and Choice of Housing Sites

As part of the pre-MIR consultation, a 'call for sites' exercise was undertaken, asking for potential new housing sites to be identified. This resulted in nine sites being identified by developers/landowners. These potential sites were included in the MIR (CD12) and were assessed in the MIR Background Report: Potential New Housing Sites (CD13). Four were considered to be effective new development opportunities and have been included in Schedule 4 of the Proposed Plan (as modified): Stirling Road, Bonhill (capacity = 113 units), Lomondgate Area 5 (55), Sandpoint Marina (90) and Rothesay Dock (40). Another three sites proposed by the Council have also been included: Garshake Road (100), Rosebery Place (120) and Stanford Street (120), although none of these sites are expected to provide housing before 2020. The other sites suggested to the Council through the call for sites process have been deemed unacceptable on environmental grounds and/or are unlikely to be effective. Some of these rejected sites are considered in greater detail in the other 'Building Our Communities' Schedule 4s.

The Proposed Plan (as modified) has therefore brought forward all the additional sites for housing promoted during the MIR process which were considered as appropriate for development in terms of environmental impact and policy. These include two greenfield sites, which help to increase the range and choice in the housing land supply. In addition to these sites, the Council's emphasis is on encouraging the existing generous established housing land supply to become effective.

Notwithstanding the above, it is not accepted that the effective housing sites listed in Schedule 2 and the new allocations listed in Schedule 4 do not provide a reasonable range and choice of sites. In terms of location, the sites are spread throughout West Dunbartonshire, and can be summarised as follows:

Distribution	No. of sites	Capacity
Vale of Leven	6	253
Dumbarton	12	639
Clydebank	11	599
Total	29	1,491*

In terms of size (programmed output on sites of a certain size in the period up to 2019) the range is as follows:

Size	No. of sites	Capacity
0-10 units	8	32
11-50 units	5	167
51-100 units	9	581
100+ units	7	711
Total	29	1,491*

It is acknowledged that a significant proportion of the total land supply occurs on one site, Queens Quay in Clydebank, but no output is assumed from this site until the end of the first period. Achieving development on this site is a strategic priority for the Council, which is currently being actively progressed.

In terms of type of site, the distribution is as follows:

Type	No. of sites	Capacity
Greenfield	3	208 (14%)
Large Brownfield (50+)	9	920
Infill/small brownfield	17	363
Total	29	1,491*

* Note these figures relate to private sector sites programmed in the period 2012-19 which have not yet started. (1,769-558 = 1,211 in Table 2 plus 280 in Schedule 4).

The distinction is made between large and small brownfield sites because of the ability to create a ‘suburban’ atmosphere within large brownfield sites for example at Lomondgate in Dumbarton.

In conclusion, it is argued that the effective land supply and new allocations together provide a reasonable range and choice of housing land across West Dunbartonshire. New allocations have been made on greenfield sites, but given the amount of vacant land within the Council area, the emphasis remains on the regeneration of urban sites in line with national, strategic and local planning policy. No modification is therefore proposed.

Five year effective land supply

The Plan clearly states annual Housing Supply Targets in Table 2 for both private and affordable housing. The housing land supply is updated annually through the Housing Land Audit, and the annual targets can be compared for both tenures every year. As stated above, any shortfall can be met by bringing forward land currently programmed in the 2020-25 period.

The Council agrees that there is value in the Plan stating the requirement and the Council’s commitment to maintaining a five year land supply. It is suggested to the Reporter that the following paragraph be introduced immediately after Policy BC1:

“The Council recognises the need to maintain a five year supply of effective housing at all times. The housing land supply position will continue to be monitored annually via the Housing Land Audit. If a shortfall of housing land is identified, priority will be given to bringing existing Local Development Plan sites into the effective supply.”

Reporter’s conclusions:

Preliminary

1. There is a degree of cross over between this issue and Issues 17 and 19 where representations also question the adequacy of the housing land supply. To avoid repetition all the wider matters raised in relation to the housing land requirement are addressed below. Further information was requested on a number of the matters raised in relation to the housing land supply and a hearing was held on 11 November.

Brownfield Land Supply

2. I note the support given to focusing housing land provision on brownfield sites. This is consistent with the overall strategy and with the priority stated in Paragraph 4.47 of the Glasgow and Clyde Valley Strategic Development Plan (SDP).

Generosity of Land Supply

3. Scottish Planning Policy paragraphs 113-122 sets out the development plan requirement to address the supply of land for housing. The plan was prepared on the basis of the previous Scottish Planning Policy which was replaced in June 2014. Whilst both versions refer to generosity, the updated policy clarifies the role of Strategic Development Plans and Local Development Plans within City Regions. This is illustrated through Diagram 1 on page 30 which clearly illustrates that it is for the Strategic Development Plan to add a generous margin to the number of new homes to be built. Paragraph 116 refers to a margin of 10-20% in this respect.

4. The West Dunbartonshire Local Development Plan should be consistent with the housing land requirement set out in the SDP. All parties at the hearing accepted that the strategic plan presents optimistic growth assumptions. Paragraph 4.71 states that “flexibility is built into the HNDA incorporating backlog need over and above household projections and discounting the contribution to supply from windfall sites.”

5. I consider that whilst the strategic housing need and demand assessment may be generous it relates to the number of houses to be built. However, I find it does not specifically provide for the additional generous margin of 10-20% as set out in Diagram 1 of Scottish Planning Policy. Inevitably such circumstances arise when national policy is updated. However the objective of achieving a generous supply to enable delivery of the housing land requirement has not changed and there is a statutory requirement for consistency with the strategic plan.

6. I agree with Taylor Wimpey and Homes for Scotland that housing delivery will be enabled by provision of sites in a range and choice of locations. However, I consider the council’s submissions in this respect evidence that the land supply as a whole provides sites of a range of sizes and locations. There is an emphasis on larger brownfield sites but this reflects the particular circumstances of West Dunbartonshire and the need to address regeneration and redevelopment.

Meeting the strategic housing requirement

7. The SDP, through Schedule 7, estimates a projected demand for 4,000 net new private sector completions over the period 2009-25 (equivalent to an annual completion rate of 250 houses per annum). No additional affordable housing is required in this period.

Table 1: Strategic Housing Land Requirement for West Dunbartonshire.

ALL TENURE HOUSING REQUIREMENT 2008-2025	2008/9-2020	2020-25
4,000*	2,800	1,200

* Indicative All-Tenure Housing Requirement from Schedule 11a, page 49 of the Glasgow

and Clyde Valley Strategic Development Plan.

8. The proposed local development plan states that the private sector target for this local development plan has been set at 250 per annum to meet the strategic requirement in full.

9. In addition, land is included to enable delivery of a further 70 affordable houses per annum. The affordable housing requirement was identified through an additional more localised assessment of housing needs. I consider this approach is supported through paragraph 4.82 of the strategic plan which states that “There is therefore a requirement for further testing against more detailed information at the Local Housing Strategy and Local Development Plan level in order for local authorities to reflect more clearly on their individual housing needs.”

10. Direct comparison of the all tenure supply position from Tables 2 and 3 of the proposed plan, with table 1 above, demonstrates a generous housing land supply overall. This position was agreed by the parties at the hearing. Table 2 below shows that the all tenure supply of housing land would meet the strategic requirement even if an additional generosity allowance in excess of 10% were added.

Table 2: Proposed West Dunbartonshire housing land supply:

ALL TENURE SUPPLY 2008-25	2009-2020	2020-2025
5847*	3807	2040

* The total housing land allocation of the proposed plan as derived from tables 2 and 3 on pages 60 and 61.

11. The main dispute between parties relates to the supply of private sector housing land in the period up to 2020. The relative split between the supply of private sector housing and affordable housing is as shown in table 3 below:

Table 3: Proposed West Dunbartonshire housing land supply:

ALL TENURE SUPPLY 2008-25	2009-2020	Private	Affordable	2020-2025	Private	Affordable
5847*	3807	2667	1140	2040	1745	295

* From Tables 2 and 3 on pages 60 and 61 of the proposed plan.

12. Submissions to the hearing updated these figures in the context of the most recent 2013 housing land audit as follows:

Table 4 Local Development Plan Housing Requirements 2009 – 2020

HOUSING SUPPLY TARGET	Private	Affordable
LHS Housing Supply Target 2009 – 2020	250 per annum	70 per annum
LDP Housing Supply Target 2009 – 2020	2750	770
LAND SUPPLY (2013 Base)		
Completions 2009 – 2013	499	384
Effective Supply 2013 – 2020	1835	826
Supply of Land 2009 – 2020	2334	1210
Comparison Supply and Target	-416	+440
Additional allocations*	280	40
Total Supply 2009 – 2020	2614	1250
Generosity	-136	+480

13. It is relevant to note that the strategic requirement is reflected in the first column in terms of the private sector supply. Whilst these figures continue to demonstrate a generous all tenure supply, the first column indicates the plan falls short of providing currently effective land sufficient to meet the required number of private sector completions in the period to 2020.

14. The council takes the view that the allocation of land for affordable housing provides for additional flexibility in the overall supply of housing land. I accept this substantially increases the all tenure supply. I also note there is no affordable housing policy restriction which would prevent sites moving from an initial identification for affordable housing over to private open market housing.

15. Paragraph 4.88 of the SDP states that “new housing provided in any tenure will contribute to meeting the overall housing requirement which has been identified in Glasgow and the Clyde Valley. Assumptions regarding the likely tenure of the provider should not impose artificial or unnecessary restrictions on new housing provision.”

16. I consider that the distinction between the affordable housing and private sector provision in the proposed plan may be somewhat artificial. Sites may be interchangeable and will in any event contribute to overall housing needs. Indeed this situation is demonstrated through our recommendation on Issue 18 where a site for 40 affordable houses at Rothesay Dock is recommended for inclusion in the private sector supply. This brings the identified shortfall in the private sector land supply down from 136 to 96.

17. The council refers to scope for other sites in Clydebank, such as the former school sites (BC1(37), BC1(38) & BC1(39)), to contribute more towards the supply of private housing. Whilst this may be the case, these sites are not referred to in representations and their early delivery is not reflected in the current housing land audit. Nonetheless, the audit is a snapshot in time and I consider the relative split in the land supply has capacity to change further over time. I agree this may assist in the delivery of more private sector housing and provide additional flexibility.

18. However, much of the affordable housing supply reflects the committed intentions of social housing providers and many sites have funding in place. As explained in paragraph 4.74 of the strategic plan the basis for assessment of the private sector requirement varies from that for affordable housing. Paragraph 6.2.2 of the proposed plan explains that the additional allowance for affordable housing is to increase the quality and suitability of the affordable housing stock. The council has presented the affordable supply as an addition to the strategic private sector requirement.

19. The council acknowledges in paragraph 6.2.4 of the proposed plan that the supply does not fully meet the identified requirement for 2009-2020. This is justified on the basis that there is sufficient land allocated in the later period 2020 - 2025 that could be developed “should the market require it.” Reference is made to current progress on some of the larger brownfield land release sites which may facilitate earlier release. I note the low rate of completions 2009-2012 of 118 houses per annum, less than half that anticipated by the strategic development plan. The council considers the rate of uptake should pick up as financial conditions improve. The council also refers to an anticipated contribution from windfall sites although no detailed analysis of this contribution is provided.

20. Homes for Scotland states that its assumptions are in any event based on a more optimistic view of the market. It considers that there is a lack of reasonable surety that longer term sites can be progressed any quicker. It also refers to a number of sites included in the annual housing land audit where effectiveness in the timeframe to 2020 is disputed. Taking these into account would further increase the level of constraint on the shorter term private sector land supply.

21. The council's submissions to the hearing show the extent to which the effective land supply has reduced in recent years despite a reasonably constant established supply. I consider the effective land supply in further detail below.

Effective land supply

22. Paragraph 4.77 of the Glasgow and Clyde Valley Structure Plan states that local authorities are required to demonstrate that the housing sites allocated in Local Development Plans are capable of proving effective over the relevant time frame.

23. While the post-2020 sites are largely in the council's housing land audit, I understand there is no testing of these longer-term sites through the audit process. Submissions refer to the scale of some of the sites raising doubts as to their deliverability by 2025. However, these sites were included in the urban capacity study which was prepared in consultation with Homes for Scotland. When discussed at the hearing parties accepted there was no real basis to dispute the figures presented in table 3 of the proposed plan. In the longer term sites need only be capable of becoming effective. There is also an opportunity to address any emerging shortfall in this respect through programmed replacement of the Local Development Plan. Consequently, I find the longer term land supply from 2020-2025 is sufficiently addressed.

24. Scottish Planning Policy requires a generous supply of housing land to enable a continuous 5 year effective land supply. This is distinct from the land supply position set out in tables 2 and 3 of the plan. It is based on the availability of effective land to enable delivery of the relative proportion of the strategic requirement over the following 5 years. Programming assumptions change over time but the current five year effective land supply, as presented in the 2013 audit, shows a slight shortfall. The council explained at the hearing that this table does not yet account for the additional anticipated output from new sites identified through the proposed plan. However, it does include those sites currently disputed through the audit.

25. Table 6 of the Housing Land Audit indicates the reasons why the effectiveness of a number of sites is currently disputed. Four of the sites are disputed by Homes for Scotland because they have not been successfully marketed to a house-builder. Planning Advice Note 2/2010 (CD63) states that a site will be considered effective if it is in the ownership or control of a party which can be expected to develop it or release it for development. The council believe this is the case for the disputed sites in Clydebank. Three of the sites – the former St Andrews, Braidfield and St Eunans schools are identified in the Council's Property and Land Disposal Strategy (CD47) and further work has been commissioned to undertake a market and technical appraisal of these sites.

26. Given the circular definition, I accept the council's view that the disputed sites may prove effective over the relevant timeframe. At the same time, all of the above undoubtedly introduces a degree of uncertainty around the potential of the identified private sector land supply to deliver the strategic housing requirement to 2020.

27. Taylor Wimpey place particular emphasis on the lack of private sector supply in the Clydebank area. In parallel the council refer specifically to Schedules 8 and 9 of the SDP stating this shows a surplus of housing supply to both 2020 and 2025 in the Dumbarton and Vale of Leven Housing Market Area. The 2012 Audit (CD33) shows that the effective private sector housing land supply in the Dumbarton and Vale of Leven area accounts for two thirds of the land supply and includes the only greenfield effective land in West Dunbartonshire.

28. I note the strategic plan in schedule 9 sets out a surplus when effective stock is compared to demand. Indeed this situation is reflected in all the city wide housing market areas. However, this is based on an assumed rate of completions from the land supply as of 2009 and circumstances have changed. The housing land requirement, through schedule 11A, is set out for West Dunbartonshire as a whole. I consider the key consideration is whether the current supply as addressed through this local development plan meets this strategic requirement with sufficient flexibility to enable delivery.

Conclusions on the land supply position

29. Whilst, all of the above points to a degree of uncertainty I am in no doubt that a generous supply of land is provided overall. I consider the issue is confined to that of the projected rate of private sector completions in the period to 2020. This currently falls below that set out in the strategic plan. I agree with the council that this shortfall may be mitigated to some extent by:

- The additional affordable housing allocation of 70 houses per annum
- A contribution from windfall sites
- The early delivery of the sites currently programmed post 2020.

30. However, whilst conditions may improve there is also potential for further slippage within a land supply that is dependent on delivery of a number of large brownfield sites. In the short term there is no additional margin of flexibility to address the uncertainties and inherent fluctuations in the supply of land. Consequently, I accept the house-builders view that an enhanced supply of sites capable of early delivery could serve to increase the rate of completions and better address the strategic requirement in the period to 2020.

Options to address any shortfall

31. At the hearing a number of options were considered to address any identified shortfall in the housing land supply. These are discussed in turn below:

Include a policy - this would allow for additional sites to come forward should a shortfall in the five year effective housing land supply be identified. Persimmon Homes and the council suggest specific wording in this respect and Homes for Scotland commended the wording of a similar policy as recommended for inclusion through the North Lanarkshire Local Development Plan Examination.

I note the council places emphasis on the established land supply which reflects the emphasis of Strategy Support Measure 10 of the GCVSDP. However, I also accept that the policy should allow consideration of other effective sites in suitable locations should they be required.

The suggested wording from Persimmon Homes provides no guidance on how the suitability of alternative sites might be assessed. Strategy Support Measure 10 is also helpful in this respect providing a framework for the assessment of such sites. It is cross referenced to Diagram 4 on page 6 of the SDP. This sets a framework for the assessment of sustainable locations. It also states that the identification of further sites should be guided by the availability of infrastructure and the potential of the site to prove effective in the next five years.

In accordance with Scottish Planning Policy effective monitoring and an up to date audit will form an important basis to this policy approach. Any shortfall would have to be clearly evidenced on the basis of the most up to date audit.

I agree that an additional policy should be included. My recommended wording reflects the need to establish the audit position, the priority placed on the established land supply and the strategy of the plan to enable regeneration and brownfield redevelopment. It enables other land to be considered, if required, based on the sustainable location assessment set out in SDP Diagram 4.

Address through Supplementary Guidance - Those at the hearing considered this would add little and there would be an inevitable delay in preparation. Taking this into account I find the inclusion of a specific policy on maintenance of the effective land supply provides an appropriate framework for the consideration of additional sites without the need for additional guidance.

Allocate additional sites - This has to be considered in the particular circumstances of West Dunbartonshire. The legacy of brownfield sites and the consequent redevelopment/regeneration opportunities are a policy priority locally, on a city wide basis and as recognised through national policy. The geographical constraints on the remainder of the area mean that alternative options may be restricted. The use of green belt as a tool to promote regeneration is an inherent part of the development plan strategy. It is notable that relatively few additional/alternative sites are suggested by developers/landowners. Given our remit only to examine issues raised in representation our search for additional land is restricted to those sites which are included in representation to the proposed plan and which have been assessed through the local plan process.

I consider some caution is required in bringing forward additional land to top up the shorter term land supply. Delivery of the strategy will remain largely dependent on the success of the council, the house building industry and others in delivering the potential of the substantial resource of brownfield housing opportunities. Future monitoring through the housing land audit will enable progress towards these targets to be monitored and signal the need for any remedial action. Given the uncertainties involved I believe this can best be addressed at this stage in the development plan process through a policy based approach.

However, I also accept the principle of inclusion of some additional land to address flexibility in the supply of land and enable delivery of the strategic requirement. In this context we have given consideration to the inclusion of the few additional sites suggested through the submitted representations.

32. The assessment of additional sites is addressed in detail through the relevant

issues. This has only resulted in the recommended inclusion of one additional site at Duntiglennan fields. My conclusions in this respect are detailed through Issue 17.

33. This change, along with the addition of 40 houses moved from the affordable housing supply to the private sector through Issue 18, will increase the private sector supply by 140 in the shorter term. This figure meets the strategic requirement to 2020 but without any additional margin. The examination results in no other change to the housing land supply other than a reduced capacity for BC1(76) Bowling Basin through Issue 8 but this is only likely to impact on the longer term supply in table 3.

34. Whilst I accept that the land supply position will alter on a year by year basis I consider it would be helpful to update Table 2 to reflect these changes and the more up to date land supply position as set out in the 2013 housing land audit. This will also require some consequent changes to the figures in paragraph 6.2.6. For the purposes of clarity I consider some further revision of the text is required to focus on the strategic requirement and how the council will enable its delivery. I include modifications to paragraphs 6.2.4 and 6.2.6 to reflect this.

Conclusion

35. I find the proposed plan provides a generous all tenure housing land supply. There are considerable uncertainties around programming assumptions and the rate of uptake of housing land. However, current programming assumptions signal the need for some topping up of the private sector housing land supply in the period to 2020. To reflect this my recommended changes include some additional land along with a policy to enable further appropriate sites to come forward if required. With these changes I consider the plan provides an appropriate framework to enable delivery of the strategic housing requirement.

Reporter's recommendations:

Modify the local development plan as follows:

1. Update Table 2 taking into account the 2013 housing land audit position with the following additional updates:

- Inclusion of an additional 100 units in the private sector supply in the period 2009-2020 to reflect the recommended inclusion of Duntiglennan Fields (recommendation Issue 17)
- Inclusion of an additional 40 units in the private sector housing land supply to 2020 to reflect the recommended change to BC1(82) through Issue 18.
- Consequent amendment to the total supply of private sector and affordable housing to reflect these changes.

2. In paragraph 6.2.5 delete the remaining text following after "These are set out in schedule 4". Replace the deleted text with that from paragraph 6.2.6 and include a corresponding update of the figures from revised table 2.

3. Replace relocated paragraph 6.2.6 with the following text:

6.2.6 The strategic plan identifies a need only for private sector housing. Tables 2 and 3 show how this would be addressed. This is based on current programming assumptions. The council recognises that the current private sector supply to 2020 lacks any flexibility over and above the strategic requirement. Such flexibility is generally required to account for fluctuations and uncertainties in the delivery of housing sites. However the council has allocated a generous supply of land overall and will work with the house-building industry and other agencies to facilitate timely delivery of the established land supply. In addition, Policy BCX below includes a commitment to maintain a continuous 5 year land supply by enabling appropriate sites to come forward if required.

4. Include the following new policy BCX after new paragraph 6.2.6. This would then become BC(1) with consequent renumbering of polices BC1-4.

Policy BCX

A five year effective supply of housing land will be maintained at all times throughout the lifetime of the plan to enable delivery of the strategic housing requirement. This will be monitored and updated annually through the housing land audit.

The council will prioritise the early delivery of sites within the established land supply. If the audit identifies a shortfall in the five year effective housing land supply, the council will support housing proposals which:

- are capable of delivering completions in the next five years;
- can address infrastructure constraints;
- are in a sustainable location as guided by Diagram 4 of the Glasgow and Clyde Valley Strategic Development Plan; and
- do not undermine the strategic focus on urban regeneration and brownfield redevelopment.

Issue 17	DUNTIGLENNAN FIELDS, DUNTOCHER	
Development plan reference:	Chapter 6 – Building Our Communities Schedule 4 (p69) & Table 4 (p70) BC1 (78) DuntigleNNan Fields, Duntocher	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Representations to Proposed Plan</u></p> <p>Martin Caban (1) Graham Spencer (2) Bill McKinnon (4) Anne Heron (5) Ann McGonigle (7) Harry Borthwick (9) John Mullen (10) Thelma Mullen (11) Stephen Ross (13) William Blair(14) Mr and Mrs Whitehill (15) Edward Pretty(16) James McLinton (19) Marion Henry (24) Douglas Bootland (26) Mr and Mrs Cox (34) Mr and Mrs McNab (35) Jonathan Muldoon (41) Lorraine Muldoon (42) Margaret and Fraser Smith (43) Irene O’Neill (44) James Arnot (45) Thomas McCran (46) John Greer (47) Clare Shiels (49) Ian Brand (50) John and Margaret Kelly (53) Bruce Hislop (54) Karen Crawford (58) Craig Denholm (59) George Kirkton and Mrs A Kirkton(60) Elsie Stevenson(61) Mr A Greer and Miss E Mireylees(62) Mr and Mrs K McGinn (63) Ronald Gray (65) Thomas Wilkie (66) Catherine Warden (67) Natalie and Arnaud Schmidt (69) Raymond Groves (70) William Rooney (71) Gillian Irvine (72) Patrick Brown (78)</p>	<p>Taylor Wimpey UK Ltd (102) Stephen Reilly (115) Kirsteen Wilson (116) Scottish Natural Heritage(129) Alexandra Cuthbertson (131) Allan Cuthbertson (132) David and Christine Tierney (137) Margaret Kelly (Farm Road) (138) Mr and Mrs Crawshaw (139) Thomas Allan (140) Kathleen McShane (141) Carol Margaret Boyd (142) Margaret Kelly (Mirren Drive) (143) Michael Mullen (144) James Mullen (145) John Mullen Snr (146) Margaret and Les MacKay (147) Christopher Laws (148) Colin Wilson Duncan (149) Raymond McGonigle (150) Graeme Latimer and Karen Sharp (151) William McColm (152) Sandra Annan (153) Alexander McCulloch (154) Isobel McCulloch (155) William Hamilton (156) James O’Brien (157) Genevieve O’Brien (158) Gail Frankland (159) Julie McFarlane (160) Gerard Reilly (161) Stephen Wilson (162) Ronald Smith (163) John McNab (164) Elder (165) Clydebelt (169) John and Mary McAllister(180) Mr and Mrs Coll (185)</p>	

<p>Amanda Jack (85) Joanne Mullen (87) Kathleen Mckay (88) Desmond Clark (90) Les Ryan(99) Colin Thomson (100) Christhel Mullen (104) Iain McAllister (109) Doris Mckay (114)</p>	<p><u>Representations to Proposed Plan (as modified)</u> Martin Caban (1) John Mullen (10) (note the following names were attached to this representation – Thelma Mullen, Christhel Mullen, Joanne Mullen, John Mullen Senior, James Mullen, Michael Mullen and Carmen Mullen) Edward Pretty (16) Mr and Mrs Cox (34) Taylor Wimpey UK Ltd (102) Clydebelt (169)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>The Proposed Plan included the allocation of a site for housing at Duntiglennan Fields, Duntocher. The Proposed Plan (as modified) does not include this allocation.</p>
<p>Planning authority’s summary of the representation(s):</p>	
<p><u>The following is a summary of the representations to the Proposed Plan as originally published (September 2013)</u></p> <p>Objections to the inclusion of the Duntiglennan Fields site as a housing opportunity were received from 1, 2, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16,19, 24, 26, 34, 35, 41, 42, 43, 44, 45, 46, 47, 49, 50, 53, 54, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 70, 71, 72, 78, 85, 87, 88, 90, 99, 100, 104, 109, 114, 115, 116, 131, 132, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 169, 180, 185. Reasons included:</p> <p><u>Green Belt</u></p> <ul style="list-style-type: none"> • The site is in the Green Belt and should remain as Green Belt. Its release for development would not support the settlement strategy outlined in paragraph 4.3 of the Plan. • Nothing has changed since the previous Local Plan Inquiry to suggest that the land no longer meets the objectives of the green belt (Green Belt Boundary Review March 2012 (CD14) and MIR Background Report on Potential New Housing Sites (CD13) both cited) and there is no justification for removing it from the green belt in terms of a change of use since then. • There is a generous supply of brownfield land and this should be developed as a priority. • Release of greenfield sites would result in brownfield sites not being developed. • The fields are good arable/grazing land which is irreplaceable. • West Dunbartonshire Council has already released land from the green belt. <p><u>Landscape Character</u></p> <ul style="list-style-type: none"> • There will be a loss of visual amenity particularly given that the proposed development is prominent, will affect the skyline and the landscape setting of Duntocher, especially as seen from the historic Roman site in Goldenhill Park. • It would have a significant impact on the landscape character of the Local Landscape Area of the Kilpatrick Hills. • Clydebelt (169) quotes the Kilpatrick’s Landscape Area Statement of Importance (CD43) and states that housing should be avoided as it affects views to and from the 	

hills, and that the development would have a significant adverse impact as referred to in Policy GN4.

- **SNH (129)** do not object but state that development of parts of the site would have a significant adverse impact on the Local Landscape Area and the Rugged Moorland Hills landscape character area amounting to significant loss of landscape setting and countryside recreation.

Impact on Roads/Accessibilty

- The development would result in additional traffic on local roads and junctions, including Mirren Drive, Craigielea Road, Breval Crescent, Hillend Crescent and Cochno Road, and could impact on the operation of Hardgate and Kilbowie roundabouts at busy times. However, Farm Road is highlighted as having particular problems which would be worsened by additional development. It is considered to be already congested, regularly restricted to single file traffic due to on-street parking and problems exacerbated by steepness, junctions and speed humps.
- **Clydebelt (169)** have referenced concerns of the Head of Roads concerning a proposal for 250 new houses on Cochno Road that was considered at the Clydebank Local Plan Inquiry 2003 (SD17.5)
- Congestion is currently exacerbated by school, football and church traffic, there is a concern that emergency vehicles may not be able to gain access when required and that the road is dangerous to pedestrians.
- Heavy construction vehicles would only exacerbate the current problems.
- There could be access difficulties for emergency vehicles.
- The proposed development site is not accessible to a train station or other public transport and services, and is therefore contrary to Proposed Policy DS3.
- Bus services have already been re-routed because of the congestion, and it seems unlikely that the new development could be served by public transport.

No change from previous position

- The site was rejected at the previous Local Plan Inquiry (CD23) and nothing has changed to suggest it should be designated for another use. The overall conclusion of the Reporter was that the site meets the objectives of the Green Belt and that development would have a significant and adverse impact on the landscape setting of the western edge of Duntocher. The adverse environmental impact significantly outweighs any contribution the site would make to the effective land supply.
- Ironside Farrar Landscape Assessment of Green Belt for WDLP March 2007 (CD25)
- The Main Issues Report background report on Potential New Housing Sites (CD13) highlights that development of the site would have an adverse environmental impact and that it is not well located in term of accessibility to public transport and other services.

Water Supply, drainage and flooding

- The water pressure in the area is already low and likely to be reduced further by any new development.
- Major infrastructure may be required to resolve low water pressure at the higher elevation proposed for development which otherwise would have insufficient mains water pressure.
- Flood water ingress already suffered by residents on Mirren Drive will be exacerbated

as a result of the new development.

- Storm water runoff from this development if discharged to the closest watercourse would exacerbate flooding further downstream. If it is to be discharged into the existing storm water system on Farm Road this would require major upgrading as there are already surface water and drainage problems here and further downstream.

Education and other facilities

- Local schools and nurseries are already at capacity. In particular St Marys Primary School is full and not able to expand on the current site.
- There would also be added pressure on health facilities and other local services and amenities.

Housing Land Supply position

- There is no strategic requirement to release any additional land for housing.
- There is a current surplus of land to provide both private and affordable housing.
- The Proposed Plan allocates land for 900 houses over the required supply so if Duntiglennan Fields were not designated for housing there would still be a generous surplus of land for housing.
- The designation of Green Belt land for housing is not appropriate when there is so much brownfield land available.
- There are plenty of alternative opportunities for housing development and new housing continues to be built in Clydebank.
- There is no market for private housing and there is a surplus of council housing.

Nature conservation and the environment

- Duntiglennan Fields support and protect the adjacent moorland habitat (Local Nature Conservation Site – Kilpatrick Braes) and provide habitat for animals and birds including red and amber list bird species such as skylark, linnet and snipe.
- Development on this site will have a negative impact on the environment in general with the loss of open countryside, biodiversity, the network of habitats and the green network and will increase our carbon footprint and pollution.
- Children will lose an opportunity to understand and appreciate nature.

Green Network

- This development would have an adverse impact on the Green Network. The area is valued as open space and used for recreation and as an access route (public right of way) to the Kilpatrick Hills.
- Construction and development would threaten trees currently protected by Tree Preservation Order No. 12.
- Development here would provide a good opportunity to link into the open space north of Craigielea Road providing a circular path round the new green belt fringe.

Existing residential amenity

- The proposed development would cause overlooking and lack of privacy to existing residents contrary to Human Rights Act Protocol 1 Article 1
- Issues relating to overshadowing, loss of natural light, loss of view, increase in light

pollution also mean the proposal would be contrary to Proposed Plan policies DS1 and BC3.

- There would be a loss of the 'village' atmosphere of Duntocher.
- The proposed development is not well related to the existing development with a poor layout and accessibility standards.

Overall benefit

- The development would be of benefit to the developer only and be of detriment to the local community.

Support for development

The development will provide more affordable and energy efficient housing and create sustainable employment which is what is needed **(138)**

Taylor Wimpey UK Ltd (102) support the allocation of the site at Duntiglennan Fields as a new housing allocation identified to supplement the existing land supply and ensure a generous supply of land for housing. The site allocation necessitates a revision to the green belt boundary locally and Taylor Wimpey similarly support that revision. The Council has assessed the housing land supply for the periods 2009 – 2020 and 2020 – 2025 and concluded that there is a demand for further private housing land supply sites to be allocated; the inclusion of Duntiglennan with a capacity of 100 units contributes to a 'generous' supply to 2020 of 17 units. The importance of Duntiglennan as an effective housing land supply site consequently can not be underestimated given the extremely narrow margin of generosity exhibited with this site allocated, which equates to just 0.6% of private housing land, considerably short of the draft Scottish Planning Policy review definition of 10– 20%. Not allocating the site would lead to a shortfall in the effective private housing land supply. The proposed new housing allocation at Duntiglennan is the only private housing land release that can be delivered by 2020 within the Clydebank area, and is the only greenfield release site in Clydebank for the duration of the LDP. The site is considered effective with regard to PAN2/2010.

The release of the site would have a neutral impact on the strength of the green belt boundary, but would present the opportunity to make it more robust. The site specific requirements outlined in Table 4 are acceptable to Taylor Wimpey. The proposed development can be accommodated with no detrimental impact on the existing road network and can integrate into the existing transportation network.

This representation is supported by the following documents - Transport Assessment (JMP Consultants;) (SD17.4) and Landscape Report and Concept Plan (Ann Nevett Landscape Architects Ltd)(SD17.2 and 17.3).

The following is a summary of the representations to the Proposed Plan (as modified) (March 2014)

Support for the deletion of the site

Support for the deletion of Duntiglennan Fields as a housing allocation and the retention of the site as Green Belt was expressed by **1, 10, 16, 34 & 169.**

Objection to the deletion of the site

Taylor Wimpey UK (Ltd) **(102)** object to the deletion of the site as a housing opportunity in the Proposed Plan (as modified). Taylor Wimpey has promoted the site at Duntiglennan Fields as a housing allocation site to contribute to the effective housing land supply in West Dunbartonshire throughout the progress of the new LDP. Inclusion of the site as a housing opportunity has had officer, management and Member support until the Planning Committee's decision to modify the Proposed Plan at their meeting on 26th February, 2014, when officers sought approval to submit the Proposed Plan to Scottish Ministers. No detailed reason has been provided for the proposed modification.

Taylor Wimpey object to the consequential revisions to the proposed green belt boundary. The revised green belt boundary as proposed in the Proposed Plan (prior to any proposed modification) would form a robust defensible green belt boundary and is supported by Scottish Natural Heritage. Scottish Natural Heritage has not objected to the Proposed Plan, the inclusion of site BC1(78) as a new housing allocation site, nor the original revisions to the green belt boundary to accommodate the allocation.

The modification will reduce the private housing land supply by 100 units and the previous marginal provision of a 'generous' housing supply of just 17 units will as a consequence be replaced by a deficit of -87 units for the period to 2020.

It is submitted that as the Council fails to meet its housing land supply target and also fails to provide a 'generous' supply of housing land and flexibility in that supply, and that the proposed modifications will render the Proposed Plan non-compliant with Scottish Planning Policy. The Proposed Plan as modified will also be in conflict with its stated aim (para 6.2.2) of providing sufficient developable and effective land to allow the Council's ambitious housing land supply target to be met.

Other matters are reiterated as per Taylor Wimpey's submission on the Proposed Plan as originally published.

Modifications sought by those submitting representations:Modifications sought to the Proposed Plan as originally published (September 2013)

The removal of the Duntiglennan Fields housing opportunity and/or retention of the site as Green Belt is sought by **(1, 2, 4, 5, 7, 9, 10, 11, 13, 15, 16, 19, 24, 26, 34, 35, 41, 42, 43, 44, 45, 46, 50, 53, 54, 58, 59, 60, 61, 62, 63, 66, 67, 69, 70, 71, 72, 78, 85, 87, 88, 90, 99, 100, 104, 109, 114, 115, 116, 131, 132, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 159, 160, 161, 162, 164, 165, 169, 180, 185)**

Scottish Natural Heritage (129) recommend the following changes to the requirements associated with land release at Duntiglennan:

- "restrict development to areas that would have less impact on landscape" should be replaced by "to reduce landscape impacts, built development should avoid the north field, the upper third of the centre field, and the western third of the south-west field".
- "structural planting etc." and "retention... of trees and stone walls" should be replaced by "At the undeveloped field fringes, trees and stone walls should be retained, and landscape planting should retain key glimpsed views of the Kilpatrick's and maintain a wide, largely semi-natural Green Belt edge".

- “Provision of direct pedestrian access to Craigielea Road” should be followed by “together with contributions to landscape improvements to the open space”.
- “The layout and design of housing in the centre field should minimise impacts on the rural setting of the steadings off Farm Road”.

Modifications sought to the Proposed Plan (as modified)

The Proposed Modification and consequential modifications should be abandoned and the Proposed Plan progressed as previously intended with the inclusion of site reference BC1(78) Duntiglennan Fields as a new housing allocation site. **Taylor Wimpey UK Ltd (102)**

Summary of responses (including reasons) by planning authority:

Housing Land

It is accepted that there is a negative comparison of private supply with private housing supply targets in the period 2009-2020. However, as discussed in Issue 16 Meeting Housing Requirements, the Council believe that housing supply targets can still be met by the development of the land identified for housing in the Proposed Plan (as modified). This is because the housing land supply remains generous at the all-tenure level in the 2009-2020 period (see Table 2), and because the private sector land supply is generous in the 2020-2025 period (see Table 3). The Plan provides flexibility therefore, in that private sector sites are available to be brought forward if required, or sites indicatively identified for affordable housing could be developed for private sector housing.

In relation to paragraph 2.2.23 of Cameron Planning’s April 2014 representation, it is agreed that the SDP (CD09) advises there is no net shortfall of affordable housing in West Dunbartonshire. However, this in no way means that the generous affordable housing land supply is ‘questionable’. Schedule 3 and the Proposals Map clearly indicate all the sites identified for affordable housing, and the affordable housing supply target can be met even if some of the sites in Schedule 3 are developed for private housing instead. Indeed, in relation to a representation to the Plan, Issue 18 Building Our Communities: Clydebank has suggested that the new allocation at Rothesay Dock (see Schedule 4) could be developed for private housing rather than affordable. There is also scope for other sites in Clydebank, such as the former school sites (BC1(37), BC1(38) & BC1(39)), to contribute more towards the supply of private housing than is shown in Schedule 2 of the Plan.

With regard to paragraph 2.2.26 of Cameron Planning’s April 2014 representation on the modified Plan, in relation to the Housing Land Audit 2013 (SD17.1) the Council do not accept that sites with residential potential should be excluded from the effective land supply, and neither do Homes for Scotland seek this when they are consulted on the audit each year. In relation to ‘disputed sites’, Table 6 of the Housing Land Audit indicates the reason for dispute. Four of the sites have been disputed by Homes for Scotland because they have not been successfully marketed to a housebuilder. Planning Advice Note 2/2010 (CD63) states that a site will be considered effective if it is in the ownership or control of a party which can be expected to develop it or release it for development, and the Council believe that is the case for these disputed sites in Clydebank. Three of the sites – the former St Andrews, Braidfield and St Eunans schools as referenced above – are identified as Strategic Sites (capable of providing significant economic impact) in the Council’s Property and Land Disposal Strategy (CD47) which was approved in 2013.

Since its approval further work has been commissioned to undertake a market and technical appraisal of these sites. The Council is therefore active in bringing these sites to the market.

Green belt

The purpose of the green belt is set out in paragraph 159 of Scottish Planning Policy. It is to:

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

The Strategic Development Plan (CD09) reiterates these purposes, and calls for Local Development Plans to identify green belt boundaries (pg 34, para 4.48, SSM8). A Green Belt Boundary Review undertaken for the Local Development Plan Main Issues Report (CD14) concluded that existing green belt boundaries at this location are adequate, and formed by a mix of stone wall and fencing to the rear of houses. An alternative boundary was considered matching the boundaries of the proposed development site and this was not considered in its present state to offer a stronger boundary. The Review concluded that there should be no change to the green belt at this location.

Clydebank has many brownfield sites, some with a capacity for housing similar or greater than Duntiglennan Fields, and thus capable of providing a similar product of family homes. The Council is keen that there should be a strong focus on brownfield development in Clydebank, and consider that the release of the Duntiglennan Fields site would dilute this focus. The largest of the brownfield opportunities is the Queens Quay site (section 3.5 and Issue 5). The development and regeneration of this housing-led opportunity is a priority of the Council. Also available are the three aforementioned former school sites that have been identified as strategic disposal opportunities by the Council. In their current state, these sites and other vacant and derelict sites detract from the appearance and perception of the town, whilst Duntiglennan Fields contributes to its appearance and setting. Development of the brownfield sites will contribute to the amenity of the communities living alongside them and the allocation of these sites has attracted limited objection. Development of the Duntiglennan Fields site does not bring amenity improvements and has attracted significant objections. The development of the Duntiglennan Fields site would dilute focus on the redevelopment of brownfield sites in Clydebank that would bring regeneration benefits.

The argument that green belt land should be released and developed in order to provide a more robust green belt boundary is flawed.

In conclusion, the Council considers that the boundary of the green belt is appropriately identified in the vicinity of Duntiglennan Fields. This boundary helps to direct growth to locations where it will support regeneration, in line with Scottish Planning Policy's purposes of the green belt.

Landscape

Duntiglennan Fields is not part of a designated landscape area. However, part of the site sits immediately adjacent to the Kilpatrick Hills Local Landscape Area, with the entirety of the site in close proximity to the Kilpatrick Hills LLA.

A Landscape Assessment of the Green Belt was undertaken in 2007 in support of the West Dunbartonshire Local Plan (CD25). This concluded that:

- the green belt boundaries at this location are well defined by virtue of garden fencing, but could be reinforced by planting trees adjacent to the housing;
- the Duntiglennan Fields are compatible green belt uses and they meet green belt objectives;
- the south-western field (site 16 in study) is highly sensitive to development, and the north-eastern field (site 15 in study) is moderately sensitive to development. (ref: pgs 27-28 and map)

Scottish Natural Heritage in its response to the Plan as originally published expressed the view that development in either field would have an adverse impact on the Kilpatrick Hills Local landscape Area and the rugged moorland hills landscape character. However, SNH did not object to development on the site, instead suggesting amendments to the Table 4 requirements in respect of the site so as to strengthen landscape protection.

A landscape report was submitted by Taylor Wimpey in support of development on the site (SD17.3). This concludes that the site can be developed whilst retaining the most significant landscape features and creating a more robust green belt boundary. In response to viewing this landscape report, SNH has commented on how the landscape concept plan meets its original comments and reiterated the changes it would seek to Table 4 should the site be included by the Reporter in the Plan. SNH do state that with good design and an amendment to the western built edge of the westernmost field, it may be possible to mitigate the landscape and visual effects of the development (CD64).

From the Council's perspective, the Duntiglennan Fields lie just outside the designated Kilpatrick Hills Local Landscape Area. The Draft Statement of Importance for the Proposed Kilpatrick Hills Local landscape Area (CD43) states that: 'The skylines and edges of the Kilpatrick Hills play an important role in views from the Vale of Leven, Dumbarton, Clydebank and Milngavie and in the overall landscape setting of urban areas in the Glasgow conurbation, forming a natural setting and backdrop which visually contrasts with the urban development. With such an extensive visual envelope, and large viewing populations, the hill slopes and skylines have a high level of visual and landscape sensitivity' (ref: p7).

The lower slopes of the hills are recognised throughout the Statement of Importance document as playing an important role in the transition between the urban area and the rugged moorland hills (ref section 4.2, pg 5 & 6) and in many areas the boundary of the former Regional Scenic Area has been moved down the slope to include these transitional hill slopes (Section 4.3, pg 12). The Duntiglennan Fields and other areas of improved pasture have not been included within the designated area, but undoubtedly contribute towards this transition between the urban area and the higher hills, and contribute towards the ease of access into the Kilpatrick Hills from the urban area which is also recorded as significant in the Statement of Importance.

Impact on Roads/Accessibility

The Council's Roads and Transportation Service consider the Transportation Assessment (SD17.4) submitted in support of the allocation of the site to be acceptable and to demonstrate that the existing network is capable of accommodating projected trip generations.

However, it is noted that there is substantial local concern regarding the capacity of Farm Road to carry additional traffic and the suitability of the Farm Road/Beeches Road junction.

Much of the site is within 400 metres of bus services using Craigielea Road and Farm Road, which are detailed in paragraphs 2.7-2.10 of the Taylor Wimpey Transport Assessment.

No change from previous position

The Reporter at the previous Local Plan Inquiry (CD23) recommended that the site at Duntiglennan Farm should remain in the green belt and not be included as a housing opportunity. In doing so he concluded that the site 'meets the objectives of the green belt, and that housing development thereon would have a significant adverse impact on the landscape setting of the western edge of Duntocher This adverse environmental impact significantly outweighs any contribution that the site would make to the effective housing land supply.'

Water supply, drainage and flooding

Neither SEPA nor Scottish Water have raised concerns in relation to this site. It is considered that these are matters that could be resolved at design stage and do not form part of the Council's case against the release of the site.

Education and other facilities

The Council's Educational Services have no concerns about the impact of this development on the capacity of St Mary's Primary School or other facilities. Nor are there concerns about the impact the development of this site would have on other services. This matter does not form part of the Council's case against the release of the site.

Nature conservation and the environment

The Duntiglennan Fields are not covered by any nature conservation designation, but sit adjacent to the Kilpatrick Braes Local Nature Conservation Site (CD24). The Landscape Assessment of the Green Belt undertaken for the West Dunbartonshire Local Plan (p26) (CD25) concluded the sites were of low biodiversity value due to their management and functions. That said, as a previously undeveloped greenfield site, it is assumed that it hosts a number of species and contributes to the green network as a habitat and wildlife corridor, points made by many of the objectors. Its development would therefore result in the loss of habitats and impact on species.

Green Network

Informal recreational access to the Duntiglennan Fields would be lost as a result of development. However, there are no Core Paths or asserted or vindicated rights of way through the site. There is a Tree Preservation Order in effect over the site and there is a risk that trees could be lost through development. Development of the site would increase the urban footprint of Clydebank.

Existing residential amenity

There would be a loss of amenity for existing residents. Existing houses would be overlooked and overshadowed by new development, which would be in an elevated position. Existing houses in the vicinity of the site would lose their rural outlook and immediate access to the rural area adversely affecting their amenity.

In conclusion, it is considered that there is sufficient alternative housing sites identified in the Plan to meet the Housing Supply Target and, as per the findings of the Reporter at the last Local Plan Inquiry, it is considered that the adverse environmental impact of the development of this site outweighs the contribution it would make to the effective land supply.

Reporter's conclusions:Preliminaries

1. Prior to the council's approval of the current proposed plan, it had included this site as a proposal for housing development (CD 18: Proposed Plan September 2013). It was allocated for 100 houses subject to the following requirements - structural planting to re-enforce the green belt boundary, restriction of development to areas of least landscape impact, retention where viable of existing trees and stone walls, vehicular access from Farm Road, possible secondary emergency vehicular access and direct pedestrian access to Craigielea Road. Given its inclusion in the original proposed plan the site was subject to Strategic Environmental Assessment, neighbour notification and public consultation.
2. To avoid repetition my conclusions on Issue 16 address the various matters raised by Taylor Wimpey in support of its view that this site is required to meet the housing land requirement to 2020. My conclusions on that issue are also relevant in addressing the various comments raised by local residents regarding the extent of brownfield land available and the lack of justification for release of this site. Despite an overall generous land supply the timing of delivery is uncertain and the strategic plan requires sufficient effective private sector housing land capable of development in the period up to 2020. This conclusion leads me to the consideration of sites which could contribute to housing delivery in this timeframe.
3. I note that the site was rejected at the previous local plan inquiry. The main change in circumstance since then is the approval of the Glasgow and Clyde Valley Strategic Development Plan 2012. This sets out the current housing land requirement for the proposed plan. There is a statutory requirement for the local development plan to comply with the strategic plan. Achievement of the private sector housing requirement to 2020 will need enough land capable of development in this period. Following on from my conclusions on Issue 16, the potential of this site is carefully considered given its potential to contribute to meeting this requirement.
4. Representations correctly point to the supply of brownfield land in the area. I agree that this should be the focus of development. However, such sites are generally of a larger scale and often have long lead in times given the need to address complex issues such as site assembly and contamination. Consequently, whilst the council identify a generous supply of land overall, including significant brownfield opportunities, there are recognised issues around the timing of this supply. The council accepts that the current

programmed land supply for private sector housing has a shortfall of 136 units in the period to 2020.

5. The new strategic plan enables review of green belt boundaries. More detailed information on how the site might be developed has now been provided by the developers. In addition, Scottish Natural Heritage has provided advice on the landscape impact of the site and the potential for mitigation. Consequently, I must consider whether the relative balance of considerations has changed to an extent that would now support inclusion of this site.

6. The developer's submissions state that the site would be effective in the period to 2020. This reflects the proposed timing of delivery in the original proposed plan. However, regardless of the merits of including the site, in the context of Issue 16, its acceptability must be assessed in terms of all the relevant site specific considerations. From the submissions these are identified as:

- Contribution to green belt objectives and impact on the landscape setting of Duntocher and the Kilpatrick Hills
- Accessibility and transport impact
- Surface water and drainage problems
- Nature conservation and impact on the green network
- Education and other facilities
- Residential amenity

Green Belt and landscape setting

7. Strategy Support Measure 10 of the strategic plan recognises that review of the inner and outer boundaries of the green belt should be priorities for local development plans. The Green Belt Boundary Review undertaken for the Local Development Plan Main Issues Report (CD14) assessed the existing boundaries in areas described as:

- 47 - Mirren Drive West to the north of Craigmyle Road and west of Mirren Drive and
- 48 - Duntiglennan-to the north of Mirren Drive.

8. For area 47 the current boundary is marked by the established garden boundaries. For area 48 the rear gardens with fencing and some hedgerows mark the current boundary and there is a distinct change in levels to the north.

9. The review also considered an alternative green belt boundary taking account of this proposed new housing site although excluding the northern most field. For 47 the relevant boundary has mature trees and hedgerow to the north and west. For area 48 the alternative boundary is marked by fencing, stone walling and some mature trees.

10. Both the existing and potential boundaries were assessed as adequate and neither the existing nor alternative was found to be stronger or preferable.

11. I agree that the existing boundary is sufficiently robust. For this reason, I do not agree that inclusion of the site is justified purely on the basis of achieving a more robust green belt boundary. Nonetheless, I accept that an adequate and defensible green belt boundary could be established were the site to be included. The alternative assessed boundary for area 48 also points to the desirability of avoiding any development further to the north.

12. The other stated objectives of the green belt must also be assessed, namely the protection of landscape setting, access to open space and providing support for the plan's regeneration priorities. These objectives are derived from paragraph 159 of Scottish Planning Policy and are restated in the Glasgow and Clyde Valley Strategic Development Plan.

13. In assessing the landscape impact of this proposal, I have referred to the Landscape Assessment of the Green Belt 2007 (CD25), the developer's landscape submissions (SD17.3) and the consultation response of Scottish Natural Heritage. I have also taken account of the MIR Background Report on Potential New Housing Sites (CD13) and the Kilpatricks Landscape Area Statement of Importance (CD43).

14. The council's assessment through CD25 concludes that the enclosed field to the west of Mirren Drive, described as area 16, is highly visible and in use for recreation and therefore unsuitable for development. The land to the north of Mirren Drive, described as site 15, is considered to be of moderate sensitivity due to its visibility.

15. Scottish Natural Heritage raised concerns regarding the proposal as included in the original proposed plan but did not object. Its concerns focus on the impact on the Kilpatrick Hills Local Landscape Area and the Rugged Moorland Hills Landscape Character Area. To address these concerns a number of suggested amendments to Table 4, as included in the proposed plan at that time, were suggested. These potential changes were re-iterated in its response to the current proposed plan where it also comments directly on the developer's landscape submissions.

16. The landscape report submitted by Taylor Wimpey (SD17.3) accompanies a concept plan indicating how the site might be developed. In summary this shows a much reduced developable area to accommodate strengthened green belt boundaries, greenspace on the rising land to the north of Craigielea Road and maintenance of most of the area to the north west of Mirren Drive as open space.

17. A response from Scottish Natural Heritage on the concept plan was submitted to the council on the 3 April 2014 (CD 64). Whilst pointing out some areas where the indicative plan falls short of its advice, namely the extent of development in the field to the west and the narrowness of the green belt edge, it states:

"we consider that with careful adherence to the requirements in Table 4, as subject to those amendments/additions recommended in our Proposed Plan response, together with good design and a further amendment to the western built edge of Development Area 2, then it may be possible to mitigate the landscape and visual effects of the development. Potential landscape and visual impacts would be as a result of introducing new elements/features to the sensitive edge of the Landscape Character Area Rugged Moorland Hills of the Kilpatricks".

18. I appreciate that the site is just to the south of the area designated as the Kilpatrick Hills Local Landscape Area and that this forms an important and valued backdrop to the urban area in this location. The site is highly visible sloping up, quite steeply in places, to the hills beyond. This is particularly evident when the area is viewed from Golden Hill but less so from other areas of Duntocher where the change in levels and existing development prevents open views to the hills beyond.

19. My site visit demonstrated the inherent sensitivities of this site in respect of its visibility and gradient. Nonetheless it was evident to me that the existing development on Mirren Drive faced similar issues. Indeed, such development is characteristic of Duntocher where the urban edge extends along the lower hill fringes. Much of the settlement is on sloping ground which is inherently visible and creates a stark contrast between the developed area and the hills beyond.

20. The western field would not extend development any further north towards the hills than the existing development at Mirren Drive. It is relatively enclosed with development along its southern and eastern boundaries boundary and has established landscaping to the north and west. The extent of development along the western edge of the site would require further consideration to realise the potential for community woodland and access provision.

21. The fields to the north are in my view the more sensitive in terms of potential landscape impact. I agree with Scottish Natural Heritage that the transition from urban edge to countryside would have to be carefully handled. In particular, I consider that development in the northern most field should be avoided as this would extend the urban area to the significant detriment of the character and setting of the area.

22. In addition, I consider that careful layout, landscaping and design would also be required to mitigate the impact of extending housing up to the farm buildings which currently enjoy a rural setting. Furthermore, the details of any proposal would also have to address the appropriate integration of the new development with the adjoining residential area avoiding any unacceptable impacts on their setting and visual amenity.

23. I agree that the proposal would impact on the established green belt and the landscape setting of the hills and Duntocher. However, the local development plan provides an opportunity to review the green belt and assess whether it is appropriate to allocate the land for another use. Supporting information provided by the developer and the response of Scottish Natural Heritage now provide additional detail on the potential to mitigate the identified landscape impact. A greenfield site on this relatively small scale should not undermine the regeneration objectives of the green belt but rather help to bridge delay in bringing forward the brownfield land supply.

24. Consequently, my conclusion is that with the appropriate mitigation the loss of green belt and the associated landscape impact would not alone outweigh the benefits of releasing this site for housing.

Impact on Roads/Accessibility

25. Turning to the other matters, I note the considerable local concern about the impact of the proposal on local roads particularly access along Farm Road. I accept that an additional 100 houses will inevitably impact on the local road network.

26. Farm Road currently serves as a main access road to the established adjacent areas of housing. There is street lighting and footpaths on both sides. The road narrows onto the existing access to the farm which would also serve the proposed development. I noticed some on street parking which narrows the existing access along Farm Road.

27. However, the submitted transport statement concludes the local road network has capacity to accommodate the development even when on street parking is taken into

account. A site access junction is proposed to a suitable standard to accommodate the car trips from the development.

28. The Council's Roads and Transportation Service consider the Transportation Assessment (SD17.4) to be acceptable and to demonstrate that the existing network is capable of accommodating the proposal. On my site visit I noted the peripheral nature of the site where access on foot to main services and facilities is likely to be discouraged by distance and gradient. However, these concerns are addressed to some extent by accessibility (within 400 metres) of the bus services along Craigielea and Farm Road. The council raises no objection on these matters.

29. Consequently, whilst details remain to be addressed through the development management process, I find nothing to suggest that the proposal would be unacceptable in terms of its transport impact or accessibility.

Water supply, drainage and flooding

30. Scottish Water and SEPA have not raised any concerns in this respect. I find nothing to suggest that there are insurmountable issues that cannot be addressed through the development management process.

Education and other facilities

31. An additional 100 houses will inevitably create additional demand on schooling and other facilities. However, the council's education service raises no concerns regarding the capacity of St Mary's Primary School or the secondary school. I have nothing from any other service providers to indicate any other capacity issues.

Nature conservation and the environment

32. Given the inclusion of the site in the original proposed plan it is included in the strategic environmental assessment of the plan (CD34). The assessment records a major negative effect on landscape and a minor negative effect on air and climatic factors given its less accessible location may encourage trips by car. The assessment found no other significant effects.

33. I have addressed the impact on landscape above and do not disagree that it would be significant. However my assessment and that of Scottish Natural Heritage is that appropriate layout and design can reduce this impact to acceptable levels. The less accessible nature of the location is mitigated by convenient access to local bus services.

34. The site is not designated or otherwise recognised for its nature conservation or biodiversity value.

Recreational Access

35. Having walked around the area I can appreciate its informal recreational value as an accessible open space with no access restrictions. A system of informal paths are evident which are no doubt popular with local dog walkers. However the western part of the site is not managed and may over time become increasingly over-grown. I note there are no Core Paths or Rights of Way through the site. Access is informal but remains an important function of the green belt. Consequently, I have given careful consideration to

the impact of the proposal in this respect.

36. The developer's submissions, whilst indicative at this stage, show how this might effectively be addressed. Reference is made to opportunities to extend links through and around the site. This would include access through new community woodland, incorporation of viewpoints, and the provision of new links to the track to the north via a small footbridge, diverting around the steading to protect and maintain its 'private' landscape setting to the north.

37. I consider that these provisional access arrangements will require further detailed assessment. I note the council's caution through Issue 20 regarding the potential management burden of such arrangements on the developer and future residents. Nonetheless, for this site I consider opportunities for access will be particularly important given the loss of the existing informal open space and the opportunities to address green belt objectives. Consequently, I consider an appropriate reference to this should be added to table 4 as a specific requirement.

Residential Amenity

38. The change in levels particularly to the north may raise some challenges in terms of garden privacy. However I consider the site is large enough to achieve an appropriate set back and avoid unacceptable overlooking or overshadowing. The plan provides an appropriate framework for these issues to be addressed through the development management process.

Conclusion

39. With appropriate mitigation, I consider that there are no unacceptable environmental or other impacts. The identified weaknesses of the site in terms of its landscape sensitivity and urban edge location do not in my opinion carry sufficient weight to outweigh its benefits. It is the only alternative site identified through this examination which is assessed as acceptable and which can reasonably be expected to deliver housing by 2020. Its inclusion is required to address the requirements of Scottish Planning Policy and to enable delivery of the strategic housing requirement for private sector housing in the period to 2020.

40. Through my assessment above, I have also considered whether parts of the site, particularly the northern most field, should be excluded from the site boundary and retained within the green belt. On balance, I consider the site boundaries should be retained as shown in the original proposed plan given the opportunities this presents to address access, landscaping, open space and a long term defensible boundary to the green belt. The site capacity is indicative and detailed assessment of a reduced developable area may necessitate a reduction in this capacity. However, I consider 100 houses is a reasonable indication at this stage in the planning process.

41. Consequently, I recommend the site as detailed in the original proposed plan should be included on the proposals map, in Schedule 4 and added to Table 4. A number of specific requirements are also included to ensure that any development fully addresses the recognised landscape sensitivity of this site and its role in securing recreational access. A related modification to add a further 100 houses to the private sector housing land supply in table 2 of the plan is addressed through Issue 16.

Recommendation

Modify the local development plan as follows:

1. In schedule 4 insert BC1(X) Duntiglennan Fields with consequent renumbering of the other site references. Include an indicative capacity of 100 and also add this to the column 2012-2020.
2. On the proposals map remove the associated area from the green belt and amend the settlement boundary to include this site as shown in the original proposed plan (CD18).
3. In Table 4 add Duntiglennan Fields, Clydebank with the following specific requirements:
 1. A comprehensive landscaping scheme and design statement should be submitted. To address landscape and visual impact on the setting of Duntocher and the Kilpatrick Hills the proposal should:
 - include structural planting to strengthen the green belt boundary;
 - retain key views and an appropriate transition to the green belt incorporating existing trees and stone walls;
 - include a green corridor along the western boundary;
 - address recreational access linking Craigielea Road to the access route to the north;
 - restrict the developable area of the middle field to the southern third;
 - avoid development in the northern most field; and
 - include an appropriate setback, layout and design along the boundaries with the established residential area and the farm steadings.
 2. In addition the proposal should include vehicular access from Farm Road with a possible secondary/emergency access and direct pedestrian access to Craigielea Road.

Issue 18	BUILDING OUR COMMUNITIES: CLYDEBANK ISSUES			
Development plan reference:	Chapter 6 – Building Our Communities Schedule 2 (p.67): BC1(35) Former Transfer Station BC1(39) St. Eunans PS Schedule 3 (p.68): BC1(59) Auld Street, BC1(60) Beardmore Place East and BC1(62) Caledonia Street BC1(66) St. Eunans PS Schedule 4 (p.69) BC1(79) Rosebery Place BC1(82) Rothesay Dock	Reporter: Richard Dent		
Body or person(s) submitting a representation raising the issue (including reference number):				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Philip Watt (6) Clydeport Operations Ltd. (23) Susan Dick (75) Graham Parton (76) Hazel Mcfarlane (81) Lesley McEwan (83) </td> <td style="width: 50%; vertical-align: top;"> Robbie McEwan (84) Lesley White (133) Magdelaine Dick (134) Margaret Mearns (167) Jean Mercer (168) Clydebelt (169) </td> </tr> </table>			Philip Watt (6) Clydeport Operations Ltd. (23) Susan Dick (75) Graham Parton (76) Hazel Mcfarlane (81) Lesley McEwan (83)	Robbie McEwan (84) Lesley White (133) Magdelaine Dick (134) Margaret Mearns (167) Jean Mercer (168) Clydebelt (169)
Philip Watt (6) Clydeport Operations Ltd. (23) Susan Dick (75) Graham Parton (76) Hazel Mcfarlane (81) Lesley McEwan (83)	Robbie McEwan (84) Lesley White (133) Magdelaine Dick (134) Margaret Mearns (167) Jean Mercer (168) Clydebelt (169)			
Provision of the development plan to which the issue relates:	This Issue deals with matters arising in the Building Our Communities section of the Plan that affect the Clydebank area, including land proposed for housing in Dalmuir, the former St Eunans Primary School, Rosebery Place and Rothesay Dock.			
Planning authority's summary of the representation(s):				
<p><u>Dalmuir housing sites</u></p> <p>Representations have been received from Susan Dick (75), Graham Parton (76), Hazel Mcfarlane (81), Lesley McEwan (83), Robbie McEwan (84), Lesley White (133), Magdelaine Dick (134), Margaret Mearns (167) and Jean Mercer (168) in relation to the allocation of the following housing sites in Dalmuir: BC1(35) Former Transfer Station, BC1(59) Auld Street, BC1(60) Beardmore Place East and BC1 (62) Caledonia Street.</p> <p>The main concerns relate to parking and traffic congestion and the impact on two wildlife corridors. The representations state there is a lack of parking for existing residents and businesses and traffic congestion in the area. Both of these would be exacerbated by additional development, which would also make the roads unsafe.</p> <p>In addition the sites are in proximity to two important wildlife corridors. It is stated building next to them would not provide for their protection and would have an adverse impact on wildlife and biodiversity. It is considered that these sites are not required because there is a surplus of housing land, and that there is a lack of open green spaces which could be provided on these areas. New development on these sites would cause overshadowing and privacy issues with current homes. Finally it is considered that there is too high a proportion of social housing in Dalmuir.</p>				

St Eunans PS

Philip Watt (6) considers that the whole site should be developed as public open space to redress the longstanding absence of a park in this part of Clydebank. Since the site has been cleared it has been used informally for recreation and access, and the opportunity to develop it as a local park should be safeguarded. There is an overprovision of housing sites so its loss for housing would not be significant.

Rosebery Place

Clydebelt (169) believe that the existing building should be re-used and not demolished. Demolition would be contrary to Policy DS1 and there are other more suitable brownfield sites for housing in the area. The site would also be better developed as green open space and be part of the Green Network adjacent to the shopping centre and central Clydebank.

Rothesay Dock

Clydeport Operations Ltd (23) own this vacant brownfield site which forms part of the Queens Quay Our Changing Place. Clydeport is supportive of the principle of residential development on the site but object to the indicative tenure being for affordable housing. Clydeport refers to the decision not to introduce an affordable housing quota policy into the Plan but to specifically identify sites for affordable housing, most of which are in the ownership of the Council or Housing Associations. Clydeport considers it is inconsistent and unfair to impose 100% affordable housing on this site when other sites and private developers are not required to provide affordable housing. It could have a negative impact in terms of promoting development or make it unviable.

Modifications sought by those submitting representations:Dalmuir housing sites

None of these sites should be identified for housing (**75, 76, 81,134,167**).

All sites should be identified for green open space not housing (**83, 168**).

No development including residential on any of these sites (**84**).

Allocate BC1(62) Caledonia Street for parking provision and BC1(35) Former Transfer Station, BC1(59) Auld Street, BC1(60) Beardmore Place East as open green space (**133**).

St Eunans PS

Philip Watt (6) wants the site to be designated site for development as a local park with implementation within the Plan period.

Rosebery Place - **Clydebelt (169)** want BC1(79) removed as a housing allocation.

Rothesay Dock

Clydeport Operations Ltd (23) want site BC1(82) allocated for 40 private units.

Summary of responses (including reasons) by planning authority:Dalmuir housing sites

These four sites – BC1(35) Former Transfer Station, BC1(59) Auld Street, BC1(60) Beardmore Place East and BC1 (62) Caledonia Street – are all identified as housing opportunity sites in the adopted West Dunbartonshire Local Plan (CD22). All are urban, brownfield sites, easily accessible to the services and facilities of Dalmuir. BC1(35) Former Transfer Station is a small derelict site which was considered to be a natural extension to the private housing development under construction to the east. BC1(62) Caledonia Street and BC1(59) Auld Street have both had the benefit of detailed planning consent for social rented housing, and BC1(60) Beardmore Place East has planning permission pending subject to a S.75 agreement. The sites are all suitable for new housing and would benefit the local area by redeveloping sites currently on the Scottish Vacant and Derelict Land Register(CD11). They are of a scale which is not likely to have a significant impact on local traffic and the development management process will ensure that sufficient parking will be provided and that overshadowing and privacy issues are dealt with appropriately. The suitability of these sites for housing has been long established and they contribute to the generous all-tenure land supply which the Council is required to provide.

A dismantled railway line which is designated as a local nature conservation site runs along the southern boundary of BC1(35) and BC1(59), and the Forth and Clyde Canal bounds BC1(60) to the north. None of the proposed development sites will impinge directly on these wildlife corridors, and any adverse impacts can be mitigated by the development management process. The area is well located in relation to the Clydeside Community Park, the core path network and the open space to the south of the canal, indicating that there is sufficient open space in the vicinity.

For these reasons, the Council does not consider it necessary to make any modification to the Proposed Plan.

St Eunans PS

This is the former site of the St Eunans primary school which was rebuilt on an alternative site as part of the modernisation of the school estate. The Council has prepared a Property and Land Asset Disposal Strategy (CD47) which identifies sites declared surplus which will be disposed of on a prioritised basis and would have an overall economic benefit to the community. Along with other former school sites, St Eunans is identified as a strategic disposal site which could provide both private and affordable housing within an existing well-established residential area. The site contributes to the generous all-tenure housing land supply that the Council is required to identify and was agreed as effective in 2012.

Any new development will require to be well-connected with the surrounding area with good pedestrian links. Open space will be provided as part of the development, either within the site or within the wider area, taking account of existing provision. Policies DS1 and GN2 will ensure that accessibility and open space issues will be dealt with as part of the development management process.

For these reasons, the Council does not consider it necessary to make any modification to the Proposed Plan.

Rosebery Place

This site is currently occupied by Council offices. The aspiration of the Council is to rationalise and modernise its property assets, which will result in the Rosebery Place offices becoming surplus to requirements. The site lies to the west of Kilbowie Road and the Clyde Shopping Centre, and is bounded by the Forth and Clyde Canal to the north and by modern private flats to the west. New housing on this site would be ideally located in terms of all services, facilities and public transport, and would have the added benefit of increasing activity along the canal and within the town centre. The site contributes to the private sector housing land supply that the Council is required to identify, is in public ownership and is of a size preferred by the house builders.

The Proposed Plan does not require the existing building to be demolished and conversion to residential use would be possible. However, the existing building does not have any great architectural merit and it is likely to be more cost-effective and provide a better residential design and layout if the site was cleared.

Any new development will be required to protect the setting of the Forth and Clyde Canal in line with Policy GN7, and contribute to the green network in line with Policy GN2. The site lies within Clydebank town centre, where open space provision includes the urban space at Three Queens Square and the canal. The canal, which borders the Rosebery Place site, provides a significant green network asset in the area, providing landscaping and green space, core path links and a wildlife corridor. There is no evidence that there is a requirement for additional open space in the locality. New residential development should be orientated towards and integrate with the canal, and will therefore increase canal side activity and supervision.

For these reasons, the Council does not consider it necessary to make any modification to the Proposed Plan.

Rothesay Dock

The owners of this site agree with the principle of residential development in this location, but consider that it should not be identified for affordable housing. The site was originally considered as a second phase of development to follow on from the successful Clydebank Housing Association development completed at Cart Street in 2009. However, it no longer features as a potential project in the latest Strategic Housing Investment Plan(CD32).

The tenure split proposed in Schedules 2 and 3 of the Proposed Plan is indicative, and the Plan suggests that any change to tenure is likely to be acceptable where there is no significant impact on the tenure-specific targets (paragraph 6.2.9). Given that there is greater generosity in the affordable housing land supply than in the private sector supply in the period to 2020, it is accepted that Schedule 4 can be amended to indicate that the indicative tenure for the Rothesay Dock site is private, with the necessary amendments to Table 2 (rows I, J and K).

The Reporter is therefore invited to make this modification to Schedule 4 and Table 2.

Reporter's conclusions:Dalmuir housing sites

1. Planning is dynamic and site BC1(60), Beardmore Place East, is currently under construction. This is in accordance with the provisions of the adopted local plan and represents sustainable development in terms of the re-use of previously developed land.
2. The three remaining sites are grouped to the north and south of Auld Street with sites BC1(59), Auld Street, and BC1(35), the former transfer station, effectively forming a single development opportunity. Development would again be sustainable in providing a new use for derelict land. Housing would be an appropriate land use and, as the council points out, would integrate well with recent adjacent development.
3. Despite concern about traffic generation, no compelling evidence has been brought forward to suggest the council is incorrect in believing the scale of development would have little impact. As the council points out, detailed layout and design would be subject to control in respect of such matters as parking provision and ensuring adequate levels of amenity for houses within the development.
4. The former railway line adjacent to the southern boundary of the site is designated as a local nature conservation site. However, I have no evidence to indicate the development of two sites, BC1(59) and BC1(35), would pose a significant threat to the continuing nature conservation role of this site.
5. Site BC1(62) is semi-derelict and unsightly. There would be significant visual benefit in the re-use of the site and the council explains that detailed planning permission was granted for social rented housing. Residential use is entirely appropriate at this location and, once more, no persuasive evidence has been provided to suggest that unacceptable adverse impacts would result.
6. All in all, I conclude that the residential development of the four sites, including potential social housing, would be appropriate, sustainable and to the benefit of the townscape in the vicinity.

St Eunan's primary school site

7. It has been suggested that the provision of a public park would redress a longstanding omission in this part of Clydebank. However, I note the local development plan Main Issues Report included a background analysis of open space provision. This part of Clydebank was identified as being within 300 metres of open space in excess of one hectare. Although the site of the former primary school is used informally for recreation, this is to be expected in these circumstances in any urban area. This does not suggest to me that there is necessarily a requirement for a public park especially in the light of the background analysis.
8. The council sets out the case for using the land for residential purposes. I believe this would be a sustainable use insofar as it would involve the re-use of land that has previously been developed. The argument that this use would add to the supply of residential land and improve the range of housing available is persuasive. I note that housing potential is not a matter addressed by Mr Watt.

9. I see no reason why a development could not be designed that would integrate well with the existing urban fabric and, as envisaged by the council, provide open space and good connectivity.

10. On this basis, I see no reason to modify the local development plan.

Roseberry Place

11. The council explains that these council offices will become surplus to requirements. The Clydebank Proposals Map shows the site to be within a “Changing Place” designation and the written statement identifies the land as housing opportunity BC1(79), Rosebery Place, with an indicative capacity of 120 private houses.

12. Once the council vacates the site, the premises could continue to be used as offices by others or, as suggested in the local development plan, the site could be put to a new use such as housing. I believe the council’s justification for residential development is persuasive in terms of both the wider context of housing land supply and the locational merits of the site. The identification of the site as a housing opportunity is therefore acceptable.

13. As pointed out by Clydebelt, Policy DS1 states resource efficiency is derived from the use of existing buildings. In response, the council explains that the building would not necessarily be demolished although I agree that a better housing solution, both visually and in terms of design, may well be achieved following site clearance. This is a question of balance and, in any event, in seeking to provide a “successful place” under Policy DS1, housing at this location, as explained, would use previously developed land. To this extent any development would be resource efficient and sustainable.

14. Clydebelt’s suggestion that the site should be converted to green open space appears to contradict the concern expressed in respect of demolition. However, despite the arguments to support additional green space provision, the council has argued that there is no evidence to justify this approach. Certainly, I note that this is not a particular matter raised in the Main Issues Report although the enhancement of the green network was considered. I accept the council’s indication that any redevelopment of the site would require to take into account policy guidance concerning both the green network and the setting of the Forth and Clyde Canal. I do not perceive any insurmountable constraints in these respects. All in all, I do not consider the conversion of the site to open space use has been justified whereas the provisions of the local development plan are reasonable and sustainable.

Rothesay Dock

15. The Clydebank Proposals Map shows the site to be within a “Changing Place” designation and Map 6, Queen’s Quay, Clydebank, identifies the site for a housing-led mixed-use development opportunity under BC1(82). Schedule 4 shows BC1(82), Rothesay Dock, as a release site for 40 affordable houses.

16. The council accepts the argument of Clydeport Operations Ltd that circumstances, particularly the relative overall surplus of planned affordable housing and a less generous supply in the private sector, now point to the tenure being altered to “Private”.

17. I concur and accept that the local development plan should be modified accordingly.

Reporter's recommendations:

Rothesay Dock

Modify the local development plan as follows:

1. Schedule 4, under site BC1(82), Rothesay Dock, change the indicative tenure from "Affordable" to "Private". Make consequential adjustments to Table 2, rows I, J and K by reducing the affordable housing totals by 40 and increasing the private housing totals by 40.

Issue 19	BUILDING OUR COMMUNITIES: DUMBARTON AND MILTON ISSUES	
Development plan reference:	Chapter 6 – Building Our Communities Table 2 (p.60) Schedule 2 (p.66) BC1(14) Dumbarton FC BC1 (20) Crosslet House BC1(21) Milton Brae Schedule 3 (p.68) BC1(51) Valeview Terrace BC1(56) Dalreoch Quarry North BC1(58) Townend Road	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
Sara McCuaig (8) Shona Gordon (17) Lefarge Tarmac Limited (22) Silverton and Overtoun Community Council (57) Senga Oliver (89) Woodland Trust Scotland (93) Mary McCallion (97) Dumbarton Football Club (130)		
Provision of the development plan to which the issue relates:	This Issue deals with matters arising in the Building our Communities section of the Plan that affect the Dumbarton and Milton areas including land proposed for housing at Dumbuckhill Quarry, Castle Road, Crosslet House, Milton Brae, Valeview Terrace, Dalreoch Quarry North and Townend Road.	
Planning authority's summary of the representation(s):		
<p><u>Dumbuckhill Quarry</u></p> <p>Lefarge Tarmac Limited (22) considers that Table 2 illustrates that the generosity of the housing land supply is inadequate, particularly given historic low level of completions. They consider the inclusion of alternative development sites is necessary in order to ensure demand can be met. Lefarge Tarmac Limited own land to the west of Lennox Avenue and Colquhoun Road, Milton, and between Barnhill Road/Hunter's Avenue and Dumbuckhill Quarry. They consider that this land has no major environmental or infrastructure constraints, has benefits over allocated sites such as those in Bowling, and can deliver housing now.</p> <p><u>Dumbarton Football Stadium</u></p> <p>Dumbarton Football Club (130) supports the allocation of their existing stadium for residential purposes after it has relocated. However, it notes that the capacity of BC1(14) in Schedule 2 reflects the current planning application for 37 units, and no allowance has been made for residential development on the remainder of the stadium site. The club expect to have relocated in time to allow the redevelopment of the remainder of the site by 2025, which they consider could have a total capacity of up to 200 dwellings.</p>		

Crosslet House

Silverton and Overtoun Community Council (57) note that the site is a well-used open space with extensive tree cover and conservation and wildlife value, which could be part of a green network opportunity. Access from A82 would also be problematic. The **Woodland Trust Scotland (93)** state that its development would result in the loss of ancient woodland.

Milton Brae

Lefarge Tarmac Limited (22) objects to the inclusion of this site for housing as they consider it to be undeliverable due to an unwilling owner. Lefarge own a substantial amount of land in Milton. They propose the replacement of the Milton Brae site with land to the west of Milton which they own and consider is able to deliver private and affordable housing now. The **Woodland Trust Scotland (93)** considers that the Milton Brae site should not be brought forward unless the protection of the adjacent woodland can be guaranteed.

Valeview Terrace

Senga Oliver (89) notes that the site is greenfield and forms a continuous green space alongside Stirling Road. There are plenty of brownfield sites both within Dumbarton and Bellsmyre which should be used to provide affordable housing for local needs. In addition the proposed development would entail the loss of an extensive grassed area and ecological features. The Council may be disposing of land designated as open space in order to benefit financially from the sale. **Sara McCuaig (8)** and **Senga Oliver (89)** consider that development on this site would alter the landscape, detract from the view and destroy the natural beauty of the area. Any works would be dangerous, cause noise and air pollution and would compromise the privacy of an existing property.

Dalreoch Quarry North

Mary McCallion (97) believes that the flora and fauna of the quarry needs to be conserved and development would destroy the character and landscape of the area. Para 6.2.1 states that there is no net shortfall of affordable housing in West Dunbartonshire expected in the period to 2025, so removal of this site should not have an adverse impact. The development could have an adverse impact on the residential amenity of existing residents in Quarry Place and result in the loss of privacy.

Townend Road

Shona Gordon (17) and **Silverton and Overtoun Community Council (57)** consider that there is a lack of parking and a proper children's playground in this area. There is also a need for more allotments/community gardens and this site would be ideal. In addition **Shona Gordon (17)** believes that there is a Right of Way across this land allowing access to Braehead Primary School; it is imperative that this is maintained if the site is developed.

Modifications sought by those submitting representations:Dumbuckhill Quarry

Lefarge Tarmac Limited (22) seeks additional land allocations in Milton and west of Dumbuckhill Quarry.

Dumbarton Football Stadium

Dumbarton Football Club (130) wish to see Schedule 2 amended to include provision for up to 200 dwellings on their stadium site BC1(14) for the period 2019-2025.

Crosslet House

Silverton and Overtoun Community Council (57) want the site to be re-designated as an Open Space/Environmental Improvement Opportunity – Local Park and Woodland, or alternatively re-designated for a Care Home.

The **Woodland Trust Scotland (93)** wish to see the site allocation deleted due to the direct loss of ancient woodland.

Milton Brae

Lefarge Tarmac Limited (22) wish to see the inclusion of land west of Lennox Road and Colquhoun Road Milton for a modest residential extension in lieu of Milton Brae BC1(21).

Woodland Trust Scotland (93) request that sufficient buffering between the proposed development and the woodland should be identified in planning policy at the appropriate stage.

Valeview Terrace

Sara McCuaig (8) and **Senga Oliver (89)** both want to see the removal of BC1(51) as a site reserved for housing development.

Dalreoch Quarry North

Mary McCallion (97) wants Dalreoch Quarry North removed as a housing opportunity site and retained as an open space woodland area within the green belt. If this is not acceptable, support development of 1-bedroom bungalows for social rent as there is a shortage of this type of housing in Dumbarton West.

Townend Road

Shona Gordon (17) wishes to see this land used for the community – playground, allotments and parking, and the right of way maintained.

Silverton and Overtoun Community Council (57) want the area to be re-designated as useable public open space.

Summary of responses (including reasons) by planning authority:Dumbuckhill Quarry

The Glasgow and the Clyde Valley Strategic Development Plan May 2012 (CD09) indicates in Schedules 8 and 9 that in the preliminary and indicative comparison of private sector supply and demand there is a surplus of housing supply to both 2020 and 2025 in the Dumbarton and Vale of Leven Housing Market Area. Schedule 10 indicates also that there is no shortfall of affordable housing in West Dunbartonshire within these two periods either. In order to ensure that demand is met, West Dunbartonshire's Local Housing Strategy November 2011(see paragraph 5.6.7) (CD31) has set housing supply targets in excess of the indicative all-tenure housing requirement in Schedule 11A of the Strategic Development Plan. These are set out in Tables 2 and 3 of the Proposed Plan.

Table 2 in the Proposed Plan indicates that there is a requirement for 3,520 all tenure houses up to 2020, and the supply is 3,807, giving a generosity allowance of 8%. The level of generosity in the 2020-25 period is significantly higher at 27%. It is acknowledged that the private sector housing land supply does not have this level of generosity, particularly in the period to 2020. However, the Housing Land Audit 2012 (CD33) indicates that the effective private sector housing land supply in the Dumbarton and Vale of Leven area accounts for two thirds of the West Dunbartonshire housing land supply and includes the only greenfield effective land in West Dunbartonshire. In addition, Schedule 4 of the Proposed Plan indicates that two additional greenfield sites are being released in the Dumbarton and Vale of Leven area at Stirling Road and Lomondgate to augment the effective supply in this area. As there is no strategic requirement to release additional land in this housing market area, and the housing supply has already been augmented by two releases to ensure choice and generosity as required by SPP, it is concluded that any additional release in the Dumbarton area is not required. This supports the settlement strategy (para 4.3 of the Proposed Plan) which indicates that greenfield development outwith the urban area would be less sustainable and reduce the focus on the regeneration of brownfield sites and the urban area as a whole.

Land at Dumbuckhill was included as a potential opportunity for release in the West Dunbartonshire Local Development Plan Main Issues Report (CD12) (see Option 17a) having been promoted by the landowner. The WDLDP MIR Background Report: Green Belt Boundary Review March 2012 (CD14) categorised the green belt boundary in this location as very robust along the A82, robust at Milton west and weak at Barnhill Road (see locations 29, 30 and 32). The WDLDP MIR Background Report: Potential New Housing Sites March 2012 (CD13) made a brief assessment of all the sites highlighted in Issue 17a. The current representation does not include a map of the land proposed for release at Dumbuckhill and proposes an allocation 'in whole or in part'; therefore the boundaries of the land in question are unclear. However, the Background Report on potential new housing sites noted that the land is steeply sloping; the allocation of the sites would weaken the green belt boundary and be visually intrusive. They would also be unlikely to be deliverable in the short term. A much larger site was considered by the Reporter at the West Dunbartonshire Local Plan Inquiry (CD23), who concluded that development, even on only part of the site, would have an adverse environmental impact and in addition would be likely to be detrimental to traffic safety. The adverse environmental impact of development at this location was confirmed by the Strategic Environmental Assessment of the housing land options (CD17).

Any new housing at this location would be likely to have an adverse landscape impact on the setting of the village of Milton and be visually prominent from the A82 Trunk Road. Access to the A82 would have to be taken from via the existing junctions, which could be difficult to obtain. Transport Scotland would require a full assessment to determine the nature and scale of impacts on the A82 (CD55). Since the MIR was published the Dumbuckhill Quarry has restarted operations under new owners. These operations could have implications for the residential amenity of any new housing in the immediate vicinity.

One of the principle arguments is that the land proposed for release is effective because it is in the hands of an owner willing to release the land for development. However, no further evidence is provided to indicate that these sites are immediately effective and could produce houses by 2020. To become effective the sites would have to overcome physical and infrastructure challenges and they would have to be acquired and considered marketable by a house builder.

In conclusion, contrary to the landowners view, the Council believe that there are major environmental and infrastructure constraints which make this site both inappropriate for development and non-effective. For these reasons, the Council does not consider it necessary to make any modifications as proposed by **Lefarge Tarmac Limited (22)**.

Dumbarton Football Stadium

Para 3.4.14 of the Proposed Plan indicates that residential use is supported as a suitable use for the whole current stadium site. Given the sensitive nature of the site adjacent to Dumbarton Castle and the Dumbarton Rock SSSI, a masterplan should be prepared and any application accompanied by a design statement. This will ensure that any new development is design-led and a buffer is provided between it and the Castle. Uses that would increase the attractiveness of Dumbarton Castle to visitors would also be supported on this site. Schedule 2: Opportunities for Private Housing in the Proposed Plan indicates a housing capacity of 37, which reflects the number of units with consent on unused land to north and east of the pitch and stand. Whilst it is not unreasonable to reflect additional capacity on the remainder of this site, its sensitive location means that the potential density on the site is not likely to be as high as on adjacent sites or as high as that being proposed by Dumbarton FC. Given these considerations it is suggested that an indicative capacity of 100 units should be attributed to the stadium site.

The Reporter is invited to modify the indicative capacity for site BC1(14) in Schedule 2 to 100, for all output in the 2019-2025 period.

Crosslet House

The principle of residential use on this site was established in the Dumbarton District, District Wide Local Plan March 1999 (CD28), and it is identified in the adopted West Dunbartonshire Local Plan (CD22) with an indicative capacity of 40 units. It is owned by the Council, and is included in the Council's Property and Land Asset Disposal Strategy (CD47) as a strategic disposal site. At the Inquiry into the current Local Plan (CD23) the Reporter concluded that there was insufficient justification to delete the housing opportunity and designate the site as green belt or open space. It is acknowledged that the site is in attractive parkland, and that access onto the A82 would have to be via the existing junction with Argyll Avenue. These issues have ensured that the capacity of the site remains restricted. This low density will allow significant areas of open space, woodland and areas of nature conservation value to be retained, and protect the visual

and residential amenity of the site. The inclusion of a greenfield site for low density housing contributes to choice and quality within the housing land supply. In supporting the potential re-designation of the site for a Care Home, the Community Council accepts that some built development for residential use would be acceptable on the site.

The Scottish Natural Heritage Inventory of Ancient Woodland indicates that less than 20% of the site is covered by long established woodland of plantation origin. The loss of ancient woodland will be minimised by the low density proposed on the site and appropriate design and layout which will be dealt with as part of the development management process with reference to Policies DS1 and GN5.

For these reasons, the Council does not consider it necessary to make any modifications as proposed by **Silverton and Overtoun Community Council (57)** and **Woodland Trust Scotland (93)**.

Milton Brae

The site is in the adopted West Dunbartonshire Local Plan (CD22) and there has been no local objection to its continued inclusion. It provides an attractive, small, greenfield site within the Milton village envelope. The site is in the private ownership of the owners of Milton House, which is currently on the market separately from the land. It has been marketed in the past and has been the subject of developer interest. There is no evidence to suggest that it cannot be successfully marketed and deliver housing within the timescale of the plan and should therefore be retained as part of the housing supply.

The SNH Inventory of Ancient Woodland indicates the existence of ancient woodland along the Milton Burn. There is already a buffer between this woodland and the site, and the trees within this buffer are protected by a Tree Preservation Order. Any additional protection of the ancient woodland in this location can be dealt with satisfactorily as part of the development management process with reference to Policy GN5.

For these reasons the Council does not consider it necessary to make any modifications as proposed by **Lefarge Tarmac Limited (22)** and **Woodland Trust Scotland (93)**.

Valeview Terrace

The Valeview Terrace site is in the adopted West Dunbartonshire Local Plan (CD22) as a residential opportunity site and has had two planning permissions granted in the past eight years, both of which have now lapsed. The greenfield site provides an element of choice in the affordable housing land supply. The area is not designated as open space, and consists of agricultural grassland of low nature conservation value. The topography of the site and the density proposed means that there will be a significant proportion of structural landscaping and open space provided within the development which will be required to conform with Policy GN2. The retention of existing trees and hedgerows, the provision of new planting and the introduction of private garden space will increase the biodiversity of the site. The overall impact of the development, particularly on the existing residential amenity, can be limited as part of the development management process. The site is in the ownership of Bellsmyre Housing Association, not West Dunbartonshire Council.

For these reasons the Council does not consider it necessary to make any modifications proposed by **Sara McCuaig (8)** and **Senga Oliver (89)**.

Dalreoch Quarry North

The Dalreoch Quarry North site is in the adopted West Dunbartonshire Local Plan (CD22) as a residential opportunity site. Although the whole site is identified for potential development, the physical nature of the site restricts the developable area, and this is reflected in the indicative capacity of the site. This restriction in the developable area will also protect the local nature conservation site interest of the site, as much of the woodland and rock face elements will not be developed. The site is not currently within the green belt and the green belt boundary at this location is very robust. The site is identified for social rented housing, and the specific type of housing provided on the site will reflect what are assessed as the particular needs at the time. Table 3 in the Proposed Plan indicates that there is a shortfall in the affordable housing land supply in the period 2020-2025, which this site helps to reduce. The residential amenity of the surrounding area will be protected by the development management process.

For these reasons the Council does not consider it necessary to make any modification as proposed by **Mary McCallion (97)**.

Townend Road

Townend Road is identified as a site for social rented housing in the adopted West Dunbartonshire Local Plan (CD22). It lies adjacent to a similar sized site which is a school playing field, and also a small area of land used as an eco-school site. The site is also close to the Meadows, a significant area of parkland and recreation facilities. It is considered therefore that there is no need for additional useable public open space on the Townend Road site, as evidenced by the Main Issues Report Background Report on Open Space Analysis (CD35). A path runs within the site from Chapelton Gardens to Allan Place and provides pedestrian access to Braehead Primary School. The development management process could ensure that a pedestrian link is retained as part of any planning permission if this is considered desirable to retain connectivity in the area. There is currently no vehicular access to the site and it is unclear what requirement additional parking on the site would serve.

Table 3 in the Proposed Plan indicates that there is a shortfall in the affordable housing land supply in the period 2020-2025, which this site helps to address. It is a brownfield site, used previously for a mixture of urban uses, and now surrounded by a school and established residential areas.

For these reasons the Council does not consider it necessary to make any modification as proposed by **Shona Gordon (17)** and **Silverton and Overtoun Community Council (57)**.

Reporter's conclusions:Housing Land Supply

1. Housing land supply issues are addressed in Issue 16. My conclusions support the consideration of additional sites where these are appropriate and capable of contributing to the supply of private sector housing land in the period to 2020.

Dumbukhill Quarry

2. The extent of land referred to is not identified in any plan as submitted to the examination. My further information request of 12 September 2014 provided no further response in this respect. However, I have assumed the representations relate to the land as identified at the issues stage and as presented in the council's background report on new housing sites (CD13).
3. Modest development attached to the existing road structures of Milton and Barnhill is referred to. Lefarge Tarmac Ltd. consider this land, in whole or in part, has existing access. It would round off the communities of Milton and Barnhill without the loss of employment land and with significant community gain in terms of amenity open space whilst protecting the most attractive areas of greenbelt. Development here is stated to be deliverable as it has no infrastructure constraints.
4. The strategic environmental assessment of these sites highlights a significant impact on landscape given the prominence of this area as part of the setting of Dumbarton and Milton and its designation as green belt.
5. The area to the west of the quarry adjoining Barnhill retains an attractive landscape setting which in my opinion makes a strong contribution to green belt objectives. I accept there are smaller pockets of land enclosed by trees but it is not clear how a new defensible boundary to the green belt would be achieved. The Green Belt Boundary Review (CD9) assessed the boundary to the west of Milton (area 32) as robust and did not identify any alternative boundary. These conclusions reflect those of the reporter at the last local plan examination (CD 23) although this was in relation to a much larger site surrounding the quarry and extending to the north of Milton and Barnhill Road.
6. Whilst these sites were put forward at the issues stage no detailed information has been submitted to address the current effectiveness of this land. On my site visit, I observed that these land areas are in parts steeply sloping. In addition, I note that whilst access is proposed from the existing residential road network consultation with Transport Scotland is likely to be required in relation to potential impact on the A82. The marketability and feasibility of developing these sites is not currently demonstrated through any known developer interest.
7. The representation refers to preference for these sites over land identified in the proposed plan at Milton Brae (BC21) and Esso Bowling and Scott's Yard. However, this examination is only concerned with whether the proposed plan is appropriate and sufficient not with whether one site is preferable to another. The issues raised in representation regarding Milton Brae are addressed in paragraphs 16 to 18 below. Issues raised regarding the site at Esso Bowling are assessed through Issue 7.
8. Development at Esso Bowling reflects the priority given to regeneration and re-use of brownfield sites and this is also a recognised function of the green belt. Employment opportunities are addressed through the identified supply of employment land and there is no evidence to suggest this is insufficient.
9. Taking all of this into account, I consider that release of these sites would result in a substantially weakened green belt boundary. In addition, the proposal would have a significant impact on the established function of the green belt which maintains the landscape setting of Milton and Dumbarton. It is not clear that the land referred to is

effective or capable of becoming effective by 2020. Consequently, I do not consider these sites should be included.

Dumbarton Football Stadium

10. This redevelopment opportunity arises from the current relocation plans of the football club to a potential green-field site at Young's farm (see Issue 11).

11. This is an attractive site in an established residential area and has obvious potential as a housing site. I understand that planning permission has already been granted for 37 units on part of the site. However, I agree with the council that careful design will be required to respect the sensitive setting of the site next to the rock and the castle.

12. I note the relatively high density on adjacent sites but I consider the appropriate density for this site will require careful consideration through the required masterplan and design statement. Given the likely timing of any relocation of the club, I consider it is sensible to programme any output from the site post 2020. In addition, I agree with the council that the proposed indicative capacity of 100 is more likely to reflect the character and sensitive setting of the site than the 200 proposed in this representation. My modification below reflects this.

Crosslet House

13. I appreciate the landscape and open space value of this site as recognised by the local community. The mature trees along its boundaries establish an attractive setting. I note that up to 20% of the site includes long established woodland of plantation origin.

14. The site is well related to the adjacent residential area and can make a useful contribution to the housing land supply and the provision of a range and choice of housing sites. A care home and associated parking would in any event result in a loss of the open nature of the site and raise similar access issues. The site is carried forward from the previous local plan and I find nothing has changed significantly since then which would justify removal of this housing site.

15. I agree with the council that the site is only suited to a low density of development given the importance of retaining the woodland as part of the attractive landscape setting of the site and including appropriate open space. Policies DS1 and GN5 address these matters. I find no reason to dispute the council's view that access onto the A82 can be achieved via the existing junction with Argyll Avenue. The proposed density of 40 units reflects these constraints. Consequently, I find that no change is required.

Milton Brae

16. There is already some separation between the woodland along Milton burn and the site. Some of the trees are protected by Tree Preservation Orders. These matters can be considered in detail through the development management stage. Policy GN5 provides appropriate protection in this respect. Consequently, I am satisfied that the woodland resource can be adequately protected.

17. I appreciate that the site is carried forward from the current local plan and has been available for development for some time. However, the submissions do not provide any detailed evidence to demonstrate that the site is no longer capable of contributing to the

land supply and I note there has been previous developer interest.

18. It is not the purpose of the examination to consider whether one site is better than another but to assess whether it is appropriate and sufficient in the context of the matters raised in representation. I find no reason to conclude that the site should be deleted from the plan. I have addressed the suitability of the alternative sites proposed to the east and west of Dumbukhill Quarry in paragraphs 2-8 above. My conclusion is that no change is required.

Valeview Terrace

19. BC1(51) is a site carried forward from the current local plan. It is a sloping site and a green corridor would be retained along the boundary with the existing housing. I consider that the amenity of the existing house along the access road to the south could be protected through sensitive layout and design including appropriate separation distances. I agree with the council that the existing grassy area is unlikely to be of any particular biodiversity value.

20. The protection of an existing view is not a planning consideration and I do not consider the site would have an unacceptable impact on the landscape setting of the area. The proposal is for 36 houses and this relatively low density should enable an appropriate scheme including provision of open space and landscaping. There has been no change since the current plan was prepared and the site is in the ownership of a social housing provider. Development of brownfield land is an important objective but the council is required to provide a range and choice of sites. I see no reason why the site should be deleted from the plan.

Dalreoch Quarry North

21. I note the site is identified on the proposals map for housing but also as a Local Nature Conservation Site where policy GN3 applies. The development potential of the quarry area is constrained by the landform and ground conditions. This means that the rocky outcrops and sloping wooded area are unlikely to be developed. A capacity of 60 houses is indicated for the site and this relatively low density should allow the retention of an appropriate setting, landscaping and open space along with the protection of the sites recognised nature conservation value.

22. Given the size of the site and its location relative to the existing residential area I see no reason why existing residential amenity cannot be protected. I consider that these detailed matters could be addressed through the development management process in the context of the relevant policy requirements of the plan.

23. My conclusions on Issue 16 do not support the view that there is an over- supply of housing land. Scottish Planning Policy supports a range and choice of sites within a generous overall supply. So whilst the council includes an additional and generous supply of affordable housing sites above that required in the strategic plan, this does not justify deletion of this site. It has potential to contribute to the supply of affordable housing in the longer term (2020-2025) and to address the level of need identified through the council's Local Housing Strategy. Consequently, I find that no change is required.

Townend Road

24. The site is connected by a footpath leading from Chapelton Gardens past the primary school and through to Allan Place. From my site visit I observed that the area is used by dog walkers and as informal open space. Whilst it could undoubtedly function as open space, allotment gardens or as a car park it is carried forward from the current plan. I consider it is ideally located for affordable housing as it is in an accessible location close to the school. The details of the proposal would be addressed through the development management process and there would be an opportunity to ensure the footpath link is retained.

25. I agree with the council that given the availability of other open space in proximity to the site, at the Meadows, there is little justification to retain this site as open space. A car park would increase traffic in the immediate area and I have no information to support this provision. Consequently, I find the site should be retained for housing.

Reporter's recommendations:

Modify the local development plan as follows:

Amend BC1(14): Dumbarton Football Club in Schedule 2, page 66 from 39 to 100 with all output in the period 2019-2025 with consequent amendment to Table 3.

Issue 20	STIRLING ROAD, BONHILL	
Development plan reference:	Chapter 6 – Building Our Communities Schedule 4 (p69) & Table 4 (p70) BC1 (71) Stirling Road, Bonhill	Reporter: Allison Coard
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Elaine Somerville (3) Loch Lomond Rugby Football Club (52) Barratt Homes West Scotland (77) Woodland Trust Scotland (93) Scottish Natural Heritage (129)</p>		
Provision of the development plan to which the issue relates:	This Issue relates to the allocation of a site for housing at Stirling Road, Bonhill BC1(71)	
Planning authority’s summary of the representation(s):		
<p>Barratt Homes West Scotland (77) are promoting this site for development and Loch Lomond Rugby Football Club (52) are supporting the development. An objection to the development has been received from Elaine Somerville (3), and representations on the proposal have been received from Woodland Trust Scotland (93) and Scottish Natural Heritage (129).</p> <p><u>Housing Land</u></p> <p>Elaine Somerville (3) considers that there are enough brownfield sites for housing in the local area, and that development at Stirling Road would result in the loss of valuable green space that adds to the quality of life of existing residents. She questions in particular the justification for new private housing at a time of difficulty in the mortgage market, and cites the development at Lomondgate where there has already been significant loss of green space and where new private housebuilding is still ongoing.</p> <p>Barratt Homes West Scotland (77) have stated that the site is effective (unlike much of the brownfield land supply), immediately available and in their ownership. It will provide choice in the housing land supply and they are confident the site will deliver a range of new housing within the Plan period to 2020 including an element of affordable housing. Cube Housing Association have stated that they are happy to be the affordable housing partner for the development which fits well with their growth strategy and management arrangements of existing stock.</p> <p><u>Traffic Congestion and Flooding Issues</u></p> <p>Elaine Somerville (3) is concerned that the development would worsen existing traffic congestion and also exacerbate existing flooding problems. Barratt Homes West Scotland (77) have provided a Transport Assessment (SD20.2) which suggests that there will be minimal impact on the operation of the surrounding road network and no capacity concerns in relation to the existing Redburn roundabout or the proposed new roundabout further south at the Strathleven Drive/A813 junction. Sustainable travel will be</p>		

promoted and the site is considered to be well located in terms of public transport and walking and cycling routes. In relation to drainage, it is proposed that surface water will be discharged to the watercourse on the northern boundary of the site after appropriate attenuation and treatment. The developers consider that the introduction of a positive surface water drainage system will result in the reduction of surface water run-off discharging onto the A813.

Leisure Facilities

The **Loch Lomond Rugby Football Club (52)** supports the allocation which will help improve the Club's facilities. **Barratt Homes West Scotland (77)** has agreed to provide new/improved facilities as required in Table 4.

Ancient Woodland, Green Network and Table 4 Requirements

Woodland Trust Scotland (93) objects to the allocation of the site unless the protection of the adjacent ancient woodland can be guaranteed. **Scottish Natural Heritage (129)** consider that the development of the site at Stirling Road would provide important opportunities for Green Network provision and enhancements, and consider that Green Network provision would be important in helping offset the loss of Green Belt. **Barratt Homes West Scotland (77)** are happy to comply with the requirements in Table 4 with the exception of the requirement that the development should front the A813. They consider the elevation and surface water drainage arrangements are such that development could not successfully provide an active frontage with a direct relationship with the A813.

Modifications sought by those submitting representations:

Housing Land

Elaine Somerville (3) is opposed to the proposed development BC1(71) at Stirling Road.

Ancient Woodland, Green Network and Table 4 Requirements

The Woodland Trust Scotland (93) requests that sufficient buffering between proposed development and the adjacent ancient woodland should be identified in planning policy at the appropriate stage.

Scottish Natural Heritage (129) recommends the following amendments and additions to Table 4:

- The requirements of housing fronting onto the A813, and a new footpath alongside the road, should be integrated with retention of the existing trees and hedges along the A813 wherever possible, to form a multifunctional link
- Other multifunctional green links should be developed through the site, with paths linking into the adjacent LNCS woodland. Developer contributions to low-impact access provision/enhancement within the woodland would complement this
- South of the Rugby Club landform, the new Green Belt edge should be permeable and integrated with open space to encourage people to use the Green Belt. The proposed Table 4 requirement of "structural planting to strengthen [the] boundary" could result in a screen of trees here, with housing turning its back on the Green Belt.

Barratt Homes West Scotland (77) proposes to modify Table 4, where instead of the requirement for the development to front the A813, that “an area of landscaping is reserved along the A813, with active frontages envisaged onto the internal streets within the development”.

Summary of responses (including reasons) by planning authority:

Housing Land

It is agreed that there is a significant amount of brownfield land identified for housing in West Dunbartonshire and that prioritising the redevelopment of such urban land is reflected in national, strategic and local planning policy. However, the Council is also required to meet specific housing targets based on the outcome of the Housing Need and Demand Assessment, and there is a need to provide sufficient effective land which can allow the delivery of housing in the period to 2020. A significant proportion of the brownfield land supply is currently considered to be non-effective due to physical, marketing and ownership constraints particularly as a result of the current financial difficulties in the housing market. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply, as required by SPP, the Council has allocated a number of additional sites listed in Schedule 4, including Stirling Road. Deletion of this site would reduce further the flexibility in the private sector housing land supply in the first Plan period.

The Stirling Road site is in the ownership of Barratt Homes West Scotland who consider the site to be effective and capable of delivering housing in the period up to 2020. The Council agree that this site is effective, and welcome its contribution to choice and flexibility in the private housing land supply. It will not only offer private housing but an element of social rented housing too.

The Council does not consider it is necessary to make the modification proposed by **Elaine Somerville (3)**.

Traffic congestion and flooding issues

The site will be accessed by a new roundabout at the existing Strathleven Drive/A813 junction. A Transport Assessment (SD20.2) has been prepared indicating that there will be minimal impact on the operation of the surrounding road network and no capacity concerns in relation to the existing Redburn roundabout or the new junction with the A813. Transport Scotland states that it is unlikely that the allocation would have any significant impact on the A82 Trunk Road (CD55).

In relation to drainage, it is proposed that surface water from the site will be discharged to the watercourse on the northern boundary after appropriate attenuation and treatment. The developers consider that the introduction of a positive surface water drainage system will result in the reduction of surface water run-off discharging onto the A813. The conceptual drainage statement being proposed is in principle acceptable to SEPA, who expect the developer to work with Scottish Water to ensure the design fully meets their specifications (CD57).

Ancient Woodland, Green Network and Table 4 requirements

Both Croft Huggan, immediately to the north of the development site and Beech Wood,

which lies to the east of the rugby club, are identified as ancient woodland, and protected by Tree Preservation Orders. Protection of this woodland during construction and thereafter will be provided by the development management process with regard to policies DS1 and GN5.

The Council does not consider it is necessary to make any modification as proposed by **The Woodland Trust Scotland (93)**.

In respect of **Scottish Natural Heritage (129)** modifications, the detailed design and layout of the site will have regard to the criteria in DS1 and be required to follow the integrating green infrastructure approach in line with Policy GN2. Green network provision and enhancement will help to offset the loss of Green Belt, and develop multifunctional green links. The management and maintenance of the adjacent woodland, which is under the control of the developers, does not extend to a level at which ongoing risk-free public access to the woodland can be guaranteed. It is considered inappropriate that such a long-term burden be put on the developers or the owners of new homes on the site through a factoring agreement, and attempts to develop a community woodland here have failed. Therefore, the provision of paths into the woodland as part of the development is not supported. In relation to structural planting, it remains important to create a new robust Green Belt boundary to the east and south of the site. This however can still allow an element of permeability and be integrated with the open space beyond.

For the reasons noted above, the Council does not consider that it is necessary to make any modification as proposed by **Scottish Natural Heritage (129)**.

In relation to Table 4, the requirement that housing will front the A813 will be retained. It is believed that a design solution can be found to ensure that the new development will not turn its back on the A813. Such a design solution could still include a landscape buffer.

The Council does not consider that it is necessary to make any modification as proposed by **Barratt Homes West Scotland (77)**.

Reporter's conclusions:

Housing Land

1. Whilst priority is appropriately given to the regeneration objectives of the plan and the redevelopment of brownfield sites, Scottish Planning Policy requires a continuous supply of housing land. Through Issue 16 my conclusion is that there is a generous supply of housing land overall but an identified shortfall in the shorter term supply to 2020. I agree that there is considerable potential for the redevelopment of brownfield sites. However, the Glasgow and Clyde Valley Strategic Development Plan sets out an ambitious target for private sector house completions by 2020. Inevitably brownfield sites have a number of constraints and can be costly and time consuming to develop.

2. There is no dispute that this site is effective and could contribute to the land supply in the period to 2020. Consequently, I consider inclusion of this site at Stirling Road, if considered acceptable in other respects, could play an important role in contributing to the shorter term housing land requirement.

Traffic Impact

3. I appreciate local concern in this respect as a development of 100 houses will inevitably increase traffic on the local road network. However, a transport assessment has been undertaken and this does not indicate any capacity concerns at Redburn roundabout. A new roundabout is proposed at the existing Strathleven Drive/A813 junction. I note Transport Scotland states the proposal is unlikely to have a significant impact on the A82 although a reasoned statement on this matter is likely to be required. Some detailed issues will remain to be addressed through the development management process. However, at this stage I find nothing to suggest that the traffic impact would be unacceptable.

Flooding

4. There is no indication of the need for a flood risk assessment and the concerns raised appear to relate to localised issues relating to surface water drainage. In this respect, I am content that the conceptual drainage statement provided by the developers is acceptable in principle to the Scottish Environmental Protection Agency.

Leisure Facilities

5. I note the specific requirement to provide new/improved facilities for the Loch Lomond Rugby Club and that the club support the proposal in this respect.

Ancient Woodland, Green Network and Table 4 requirements.

6. I agree that any development would have to address protection of the woodland to the north of the site and to the east of the rugby club. These trees play an important role in securing an attractive setting for the site. The trees subject to Tree Preservation Orders have statutory protection. For the remaining woodland, policies DS1 and GN5 provide an appropriate framework for this matter to be addressed at the development management stage without the need to refer specifically to inclusion of a buffer area.

7. I appreciate the potential to enhance access and views through the woodland areas which contribute much to the character and setting of this site. However, I also recognise the council's concern to avoid placing an unreasonable burden on the developers of the site or future residents with regard to on-going management and maintenance of paths and public access. I consider there is scope to assess this potential benefit further through the detailed planning stage and have included a recommendation to reflect this conclusion.

8. On the issue of strengthening the green belt boundary I appreciate this need not lead to formation of a barrier to access or views through to the green belt beyond. I consider that some slight addition to the wording of this requirement would clarify this matter. My recommendation reflects this.

9. On my site visit, it was evident that an active frontage onto the A813 would be a desirable objective to ensure a design and layout which reflects the established pattern of development. I appreciate that this requirement may prove more challenging given the requirements to address surface water drainage. However, I support the council's view that this is a desirable objective and should be retained in the plan in the hope that a design solution can be identified. In recognition of the concern raised in representation I

recommend the addition of the words “if possible” after this requirement.

Conclusion

10. Subject to some minor changes to the specific requirements, I find the site is appropriately retained within the plan.

Reporter’s recommendations:

Modify the local development plan as follows:

In table 4, change the second requirement in the second column to read “Structural planting to provide a strong green belt boundary but which avoids acting as a barrier to access and views” and the third requirement to read: “Development to front onto the A813, if possible”. Include a new requirement to state “Assessment of potential recreational access opportunities through the woodland with implementation if feasible”.

Issue 21	BUILDING OUR COMMUNITIES: VALE OF LEVEN ISSUES	
Development plan reference:	Chapter 6 – Building Our Communities Schedule 5 (p71) Schedule 6 (p71) BC4(1) Adjacent to Vale of Leven Cemetery	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Kirsty Davison (18) Asset Crest Investments Limited (121) Vale of Leven Golf Club (126) Irene Muirhead (186)		
Provision of the development plan to which the issue relates:	This Issue deals with matters arising in the Building Our Communities section of the Plan that affect the Vale of Leven area. They include a site proposed for a care home at Lesser Boll of Meal, Alexandria which is designated as open space; an extension to Vale of Leven cemetery; and land proposed for housing at Vale of Leven Golf course.	
Planning authority's summary of the representation(s):		
<p><u>Proposed Care Home site at Lesser Boll of Meal, Alexandria</u></p> <p>Asset Crest Investments Limited (121) currently have consent for a care home, a proposal which has not been reflected in the Proposed Plan. The company has provided evidence to support the case for the development, including a letter of support from the Director of West Dunbartonshire Community Health and Care Partnership stating that additional high quality nursing home capacity would have a clear fit with West Dunbartonshire's vision for older people's services. West Dunbartonshire is looking to replace existing Council run homes with improved accommodation, showing there is strong demand for such services in the area. The company would provide local training and employment and do business with local suppliers.</p> <p>An additional representation, submitted by MacRoberts on behalf of Asset Crest Investments Ltd, was received in response to the consultation on the Proposed Plan (as modified). This seeks the continued identification of the site as a Public Service Opportunity as per the West Dunbartonshire Local Plan (CD22). Further, it states that the Lesser Boll of Meal site is included in Schedule 5 of the Proposed Plan; has had Roads Construction Consent drawings developed for it; is subject to an agreement with the Council in relation to accessing the site; and has the support of health professionals as a nursing home. Points are made in relation to a letter sent by the Council on 17 January 2014 concerning an extant application to renew planning permission for a nursing home on the site. These are: the site has been previously developed and may be subject to contamination; that there is no justification that there are more appropriate and better accessed brownfield sites for new care homes; the West Dunbartonshire Local Plan did not consider the allocation of the site as a care home to be incompatible with its designation as a Local Nature Conservation Site, the site makes little contribution to the nature conservation value of the wider LNCS and that allocating it as open space will not achieve its environmental betterment.</p>		

Vale of Leven cemetery extension

Kirsty Davison (18) notes that the proposed cemetery extension is separated from the existing cemetery and is therefore a standalone new development rather than an extension. The private road separating the two provides pedestrian and vehicular access to the rural and green network and would be compromised with additional vehicular traffic. The proposed site is not a sustainable location because it will be predominantly accessed by car and is located in the designated greenbelt not within the urban area. It will be highly visible from the A82 as it approaches the gateway to the Loch Lomond and the Trossachs National Park. More suitable land to the north, south or west of the existing cemetery would provide a more coherent development, could use existing access and would be less visible. More environmentally sustainable solutions to traditional burials should be considered.

As the owner of the land, **Irene Muirhead (186)** states that she was not notified of this proposal before the Proposed Plan was published. She believes the site is critical to the viability of her business and has offered alternative land immediately adjacent to the cemetery which would lead to a more coherent development with less visual impact.

Residential development at Vale of Leven Golf Club

The **Vale of Leven Golf Club (126)** is considering a significant investment to upgrade its existing facilities and develop and extend the existing golf course. It is considered that this investment is necessary to ensure the long term financial viability of the club. An element of enabling development will be necessary to help fund these improvements. The Club are therefore proposing the release of around 4.5 hectares from the green belt east of Northfield Road and Steadings Drive which could accommodate a mix of 74 residential units, improved club facilities and possibly some commercial development. The precise boundary of the land to be removed would be subject to discussions with the Council. The proposed development would provide a range of other benefits to the Club and local area including improved traffic management, resolution of drainage issues and enhanced biodiversity. It is acknowledged by the Club that ideally this proposal should have come forward earlier in the LDP process.

Modifications sought by those submitting representations:Proposed Care Home site at Lesser Boll of Meal, Alexandria

Asset Crest Investments Limited (121) wish to see the site identified as a Public Service Opportunity.

Vale of Leven Cemetery

Kirsty Davison (18) wants the location of the proposed cemetery extension to be reconsidered. In particular all feasible sites, including those to the north, south and west of the existing cemetery, should also be rezoned for a cemetery extension until such time as further investigative and feasibility works are undertaken to inform a final decision on siting.

Irene Muirhead (186) suggests rezoning all areas suggested with a view to further negotiations resulting in the most suitable area for all concerned.

Vale of Leven Golf Club

The **Vale of Leven Golf Club (126)** want to see the removal of land from the designated green belt for housing development in order to enable its development for residential purposes.

Summary of responses (including reasons) by planning authority:Proposed Care Home site at Lesser Boll of Meal, Alexandria

There has been a history of planning applications in relation to this site. The original application for the erection of a residential care home was submitted in March 1996. It was refused by the Council in December 1996, the grounds being that: the access was narrow and congested; there would be unacceptable noise levels during construction and for new residents from railway line and football pitch; visual amenity; the detrimental effect on a Site of Importance for Nature Conservation and the proposal being contrary to Local Plan No.1 (CD29), which envisaged redevelopment for recreational open space.

However, consent was granted on appeal in May 1997. The Reporter took into account the replacement Dumbarton District, District Wide Local Plan (CD28), which identified the site as a General Redevelopment Opportunity for housing, and considered that any potentially negative impacts of the development could be adequately covered by conditions attached to any planning permission. This outline consent was then renewed in June 2000 and June 2003. In August 2005 a reserved matters application was approved, and an extension of the time period for commencement of the development was approved in November 2008. An application was submitted in September 2013 to again extend the time period for commencement of this development. The applicant has been advised that additional information would be required to progress the application including up to date flood risk assessment, drainage impact assessment, site investigation/contamination report, tree survey and ecological study. This has not yet been provided.

The adopted West Dunbartonshire Local Plan (CD22) identifies the site for a nursing home, reflecting the above planning permission. However, given that the development had not started on site during the last 17 years, and that planning permission was once again due to expire, its continued identification for this type of development was reconsidered at the Main Issues Report stage. This reflected SPP (CD03) which states that the development plan should contain policies and proposals that will achieve predictable outcomes, and that monitoring should consider whether land allocations have proved viable in setting the direction of the review of the plan. Table 30.3 "West Dunbartonshire Local Plan Sites No Longer Considered Development Opportunities" in the Main Issues Report (CD12) indicates that the preferred use for the Lesser Boll of Meal Park in the Local Development Plan is open space. This followed from a review of all West Dunbartonshire Local Plan development opportunity sites undertaken as part of the Local Development Plan process (CD16) which recommended that the Lesser Boll of Meal site should be removed as a development opportunity as it was greenfield, a Local Nature Conservation Site, and more appropriate brownfield opportunities existed for such development. This recommendation was implemented in the Local Development Plan.

Lesser Boll of Meal is part of a larger area of open space with mature and semi-mature trees which has continued to regenerate naturally, adding to its local nature conservation value over time. Understood to previously have been a gravel quarry, it is now difficult to

distinguish from the surrounding woodland. Its value as part of a Local Nature Conservation Site (part of Fishers Wood and Boathouse Wood) was reviewed and confirmed in the West Dunbartonshire Local Plan Review of LNCS December 2008 (CD24), particularly in relation to its mature trees and the connectivity of the area to surrounding habitats.

The site is potentially at risk from flooding during a 1:200-year flood event. Opportunities for four care homes have been identified in Schedule 5 of the Local Development Plan. None of these opportunities are affected by Local Nature Conservation Sites and all will result in the redevelopment of brownfield sites.

Turning to the matters raised by the objector:

- The Director of the Community Health and Care Partnership is responsible for older people's services within West Dunbartonshire. The CHCP were consulted during the preparation of the Main Issues Report and Proposed Plan and raised no objection to the Lesser Boll of Meal site being removed as a care home opportunity. The Local Development Plan identifies opportunities for four new care homes in West Dunbartonshire (Schedule 5), and the Council is currently seeking to identify sites for two new homes on sites other than those identified in that Schedule.
- The Lesser Boll of Meal site is not allocated in Schedule 5 of the Proposed Plan and is not shown on the Proposals Map. Confusion may have arisen here because site BC2(1) Heather Avenue in Schedule 5, which is shown on the Proposals Map, refers to another care home site in the same vicinity.
- The preparation of Road Construction Consent drawings is not relevant to the suitability of the site for a care home in principle.
- Whilst there have been past discussions between the Council and a potential developer of the site regarding the sale of land by the Council to enable the site to be accessed, no agreement was concluded, and there have been no recent discussions on this matter.
- It is arguable as to whether the site meets the definition of greenfield as set out in the Local Development Plan. The site was previously developed, but has naturally regenerated to form part of a woodland. The existence of contamination on the site is still to be investigated.
- Whilst the 2010 Local Plan allocates a nursing home on the Fishers Wood and Boat House Wood Local Nature Conservation Site, the review of the development plan and renewal of the planning permission presents the opportunity to review this.

In conclusion, the Council do not consider the Lesser Boll of Meal site to be an effective or appropriate location for a nursing/care home, and do not consider that a modification should be made to include the opportunity in the Local Development Plan.

Vale of Leven Cemetery

The existing Vale of Leven Cemetery has three years of lair capacity remaining, and the Council has requested that a site should be identified for an extension to meet future requirements locally.

An extension to the existing cemetery offers convenience to visitors and operational efficiencies. Given this locational need, it is considered to be a suitable low intensity use which will not undermine the green belt at this location. Whilst most access will be taken by car, the additional traffic generated is not likely to be significant. It is accepted that the

field identified to the east of the existing cemetery is visible to southbound traffic on the A82, but is not considered to be a significant or unacceptable visual intrusion.

However, because site investigations and negotiations with the landowner have not been concluded, it is suggested that reference to the extension to the Vale of Leven Cemetery is retained in Schedule 6 in the Proposed Plan, thus supporting the principle, but that the specific identification of site BC4(1) be removed from the Proposals Map.

Vale of Leven Golf Club

The proposal for the release of 4.5 ha of land from the green belt east of Northfield Road and Steadings Drive, primarily for residential development, was first made as a representation to the Proposed Plan so did not feature in the Main Issues Report.

The appropriateness of the current green belt boundary in this location has been considered as part of the Plan process, see Main Issues Report Background Report: Green Belt Boundary Review (Item 21: Dalmonach) (CD14). It concludes that the boundary along Northfield Drive, supplemented by hedgerow and trees is identifiable and robust and no alternative is proposed. The representation states that the precise boundary of the land to be released would be subject to discussion with the Council, but it is unlikely that anything east of Northfield Road could be as robust as the existing boundary.

The purposes of the green belt, as per Scottish Planning Policy, are to direct planned growth to the most appropriate locations and support regeneration; protect and enhance the quality, character, landscape setting and identity of towns and cities; and protect and give access to open space within and around towns. The area fulfils these purposes. Significant urban regeneration has occurred within the Vale of Leven (e.g. residential developments at Oakburn Quarry and Dalmonach Works) and opportunities remain (e.g. Heather Avenue and Alexandria Town Centre). These are supported by the current green belt designation and it is not considered necessary or appropriate to draw the green belt boundary any less tightly in this location. The area proposed for release provides part of the landscape setting for the Vale of Leven, lying between the built up area and the Kilpatrick Hills Local Landscape Area. It is currently part of the golf course and provides access to the moorland and hills beyond the course. The development of housing in this area is not consistent with green belt policy and would have an adverse impact on landscape character.

The modification to the plan proposed by the Vale of Leven Golf Club would release land for around 74 houses, with a mixture of private and social rented tenure. The Glasgow and the Clyde Valley Strategic Development Plan May 2012 (CD09) indicates in Schedules 8 and 9 that in the preliminary and indicative comparison of private sector supply and demand there is a surplus of housing supply to both 2020 and 2025 in the Dumbarton and Vale of Leven Housing Market Area. Schedule 10 indicates also that there is no shortfall of affordable housing in West Dunbartonshire within these two periods either. In order to ensure that demand is met, West Dunbartonshire's Local Housing Strategy (CD31) (see paragraph 5.6.7) has set housing supply targets in excess of the indicative all-tenure housing requirement in Schedule 11A of the Strategic Development Plan. These are set out in Tables 2 and 3 of the Proposed Plan.

Table 2 in the Proposed Plan indicates that there is a requirement for 3,520 all tenure houses up to 2020, and the supply is 3,807, giving a generosity allowance of 8%. The

level of generosity in the 2020-25 period is significantly higher at 27%. It is acknowledged that the private sector housing land supply does not have this level of generosity, particularly in the period to 2020. However, the Housing Land Audit 2012 (CD33) indicates that the effective private sector housing land supply in the Dumbarton and Vale of Leven area accounts for two thirds of the West Dunbartonshire housing land supply and includes the only greenfield effective land in West Dunbartonshire. In addition, Schedule 4 of the Proposed Plan indicates that two additional greenfield sites are being released in the Dumbarton and Vale of Leven area at Stirling Road and Lomondgate to augment the effective supply in this area. Both these sites are owned by developers and are agreed as effective and able to provide housing within the period to 2020. The Vale of Leven site is not in control of a developer and is unlikely to be considered effective at present. As there is no strategic requirement to release land in this housing market area, and the housing land supply has already been augmented by two effective releases to ensure choice and generosity as required by SPP, it is concluded that an additional release in the Vale of Leven area is not required. This supports the settlement strategy (para 4.3 of the Proposed Plan) which indicates that greenfield development outwith the urban area would be less sustainable and reduce the focus on the regeneration of brownfield sites and the urban area as a whole.

With regard to the indicative housing and roads layout included in the representation, the proposed development does not relate well to existing housing and roads. At the southern end of the site the proposed new housing would be significantly elevated above Northfield Road, isolating it from existing housing which it would also overlook causing privacy issues. The indicative layout provided indicates that the proposed new housing would be located in a series of cul-de-sacs, which are discouraged by Designing Streets and the Council's Supplementary Guidance on Residential Development: Principles for Good Design. Furthermore the proposed housing would turn its back on existing housing and constitute ribbon development.

Whilst the Council is supportive of the golf club upgrading its existing facilities and developing and extending the golf course, the proposal as submitted as part of the LDP process is unacceptable and would set an undesirable precedent.

For these reasons, the Council does not consider that it is necessary to make a modification to the Proposed Plan.

Reporter's conclusions:

Care Home at Lesser Boll of Meal, Alexandria

1. The representations on this matter seek the identification of the site as a public service opportunity (for a care home) both on the proposals map and in Schedule 5 of the plan, which includes other sites for special needs housing. The site is currently shown on the proposals map for the local development plan as part of a larger area of open space which is protected under Policy GN1, and is also shown as being within a local nature conservation site.
2. The representations also refer to the site being included within Schedule 5 of the proposed local development plan, and the plan as modified. However, this is not the case. Confusion may have arisen from the designation of another site at Heather Avenue, site BC2 (1), which is a different site shown on the proposals map to the west of the railway line.

3. I note that planning permission was granted (outline planning permission and subsequent reserved matters consent) for a care home which expired in November 2013, following an extension of the period for the commencement of development. I also note that a planning application for a further extension of this period is currently before the council, but that this has not yet been determined pending the examination of the proposed local development plan (as modified) and the submission of further information on flood risk, drainage, contamination, trees and ecology. In view of the above, I find that the expired planning permission carries little weight in my examination of this issue.
4. However, and of more relevance, the existing adopted local plan designates the site as a public service opportunity, PS3 (11) on the proposals map, recognising that the site is part of (although not designated as) a larger area of woodland parkland (which is distinguished from open space in this plan). The site is however designated as part of the local nature conservation site. The site is also listed in Schedule PS3 (public service opportunity sites) as a nursing home. Policies and proposals are normally continued from the adopted local plan into the local development plan unless there is a material change in circumstances, and I consider that this is therefore a key element of my examination of this matter. However, I note that the matter was reconsidered at the main issues report stage.
5. I also note the detailed case within the representation which argues that the justification for not continuing the designation into the local development plan is in the circumstances deeply flawed. This is based on the council's assessment of 3 key areas, these being the classification of the site (brownfield or greenfield), the site being within a local nature conservation site, and whether there are other more appropriate sites available for care homes.
6. On the first matter, I note the definition of greenfield in the glossary of the local development plan, and I agree that the characteristics of the site do not strictly accord with this definition. However, I also agree with the council to the extent that the site has naturally regenerated to form part of the larger woodland. The site is extensively overgrown with rough grass and scrub, and there are trees within the area, although I recognise that these do not generally constitute mature woodland. However, from my site inspection, I note that pedestrian access through the site from existing footpaths is readily available, and I consider that the site has some local amenity value (for local recreation), close to and connecting with the promenade (Heather Avenue) on the west bank of the River Leven.
7. With respect to the nature conservation value of the site, I recognise that this area is likely to provide a habitat for local species of wildlife. However, as it is only part of the larger nature conservation site, the effect on local nature conservation is likely to be fairly limited, particularly given that management of the wider habitat may be able to compensate for any loss of habitat that would occur through the development of the site. Nevertheless, the designation of the local nature conservation site does weigh against the development of the site for a care home to some extent, even though this may have been a relevant matter for consideration when permission was granted for an extension of the period for the commencement of development.
8. With respect to other sites for care homes, I have no reason to doubt the evidence on behalf of the council on this matter. In any event, in the context of Circular 6/2013, it is only necessary to ascertain that the plan is sufficient and appropriate with or without the designation of the care home. There is no requirement for a comparison with other

proposed care homes provided for in the local development plan.

9. In addition to the above, I note that outline planning permission was granted for a nursing home on this site in 1997, and whilst I have no reason to doubt the intentions of the prospective developer, a significant amount of additional information has been requested by the council based upon out of date information and/or changed circumstances. I find that this casts some doubt on the effectiveness of the proposed development. If the site is not designated for the proposed use in the local development plan, it would still be possible to pursue a proposal through the development management process in the context of the relevant policies of the local development plan.

10. In overall terms, given the expiry of the planning permission, the reconsideration of this matter at the stage of the main issues report, and taking into account the further information relating to the development of the site which has been requested on behalf of the council, I find that circumstances have materially changed since the adoption of the existing local plan. I also find that the site does not have the appearance of a brownfield site, has some local amenity value, and some (albeit fairly limited) nature conservation value. In addition, there is some doubt about the effectiveness of the proposed development.

11. I therefore conclude (in the context of my assessment above of the merits or otherwise of developing the site) that there is sufficient justification not to continue the designation of this site as a public services opportunity on the proposals map and in Schedule 5 of the local development plan.

Vale of Leven Cemetery

12. I note from the council's response that the existing cemetery has capacity for a further 3 years, and that an extension is therefore necessary in order to meet future needs. Whilst it may be the case that less land take for cemeteries will be required in the future in the interests of sustainable development, I consider that the current requirements (as identified by the council) for the Vale of Leven Cemetery should be reflected in the local development plan.

13. I agree with the council to the extent that cemeteries constitute a low intensity use within the countryside, and I find that in this case a green belt location would not be unacceptable in principle. Whilst I accept that there may be some adverse visual impact, particularly from the A82 travelling south, this could be significantly mitigated by appropriate landscaping. In addition, there would be some loss of agricultural land, but this would be likely to be outweighed by the community benefit resulting from the facility provided. However, I note the representation from the owner of the land expressing concern about the choice of site, and this is further examined below.

14. I recognise that the road leading to the site from the built up area, through the A82 underpass, is relatively narrow, but I do not consider that additional traffic generated by the proposed extension would cause any significant adverse impact on traffic safety, or the use of the road by pedestrians for access to the wider countryside. From my site inspection, although the proposed extension would be separated by the access road from the existing cemetery, I do not consider this to be a significant physical barrier, and the extension would therefore constitute a logical extension of the existing cemetery between the cemetery and the A82.

15. However, I have also noted that there may be other alternatives for the cemetery extension to the north, west or south of the existing cemetery, without crossing the access road, which may be more acceptable to the landowner and local community in terms of land use and visual impact. The council has not provided information about the extent to which alternative sites have been considered so far, but states that site investigations and negotiations with landowners are continuing. From my site inspection, I note that there are other sites which may have no more and possibly less visual and agricultural impact, but it would not be appropriate for me to further examine such sites.

16. I have noted that within the representations it is suggested that all feasible sites should be included within the local development plan. I agree that all feasible sites should be investigated, and this appears to be accepted by the council within its response. However, I do not consider that it would be appropriate to include such sites within the local development plan, because the plan is supposed to represent the council's settled view about development within the plan period, and including alternative sites would not be consistent with this.

17. I agree with the council's position as stated in its response above, and I conclude that it would be appropriate for the council to further investigate alternative sites, but that the appropriate course of action is to retain the principle of the cemetery extension within Schedule 6 of the local development plan, and to remove the identification of a specific site for this extension on the proposals map. This also requires a slight adjustment to the text of paragraph 6.8.2, to clarify that a site for the extension to the Vale of Leven cemetery is still to be identified.

Vale of Leven Golf Club

18. The representation on this matter seeks the removal of 4.5 hectares of land to the east of Northfield Road from the green belt, and its inclusion within the settlement boundary, in order to facilitate its development mainly for housing, although there is also reference to a possible commercial development linked to the club's facilities. With respect to the latter, however, this appears to be a fairly tentative possibility for the future, and I consider that there is insufficient evidence to justify the removal of land from the green belt for this purpose. Any proposal for this should be considered in the context of the golf course, which is already an established use in the green belt, and the policies for the green belt set out in the local development plan.

19. The proposed housing development is being advanced as an enabling development for the improvement of the golf course. A substantial supporting document has been submitted with the representation, in order to explain the need for the improvement of the golf course and its facilities, including a new purpose built club house. I recognise that the Vale of Leven Golf Club supports the economy of the area, and that it is a recreational use of value to the local community. There are letters of support from within the local community accompanying the supporting document.

20. However, whilst these economic and community benefits are a material consideration, I consider that it is necessary for any significant proposed housing development to be considered in the context of the housing land requirement, and the need to avoid unnecessary development in the green belt and adverse impact on the landscape setting and visual amenity of the area. To this extent, whilst an allocation of the land for housing development under Policy BC1 and Schedules 2-4 is not specifically sought in the representation, I find that the release of this green belt land could only be

justified if the land was so allocated.

21. The council considers that the indicative capacity of the site is about 74 houses, and therefore this would be a substantial housing allocation in the context of Schedule 2. Scottish Planning Policy requires local development plans to allocate effective sites in the plan period to meet the housing land requirement of the strategic development plan. Given the conclusions set out in Issue 16, I have given consideration as to whether this site could be included to help address generosity in the private sector land supply in the period up to 2020. My assessment is based on whether the site is likely to be effective in that time period, and whether it is otherwise acceptable as a sustainable location for housing development.

22. I note the council's evidence with respect to the green belt boundary. Item 21 (Dalmonach) within the green belt boundary review states that Northfield Road is an identifiable boundary supplemented by hedgerow and trees along the green belt edge. From my site inspection, I agree with the boundary review to the extent that the existing boundary is robust, and that there are no obvious alternative boundaries. However, since the new housing would be planned together with improvements to the golf course, I recognise that an alternative boundary could be created through the landscaping of the site.

23. From my site inspection, I also find that the golf course and its associated woodland areas contribute to the landscape setting of the eastern edge of the Vale of Leven built up area. There is a clear distinction between the existing housing areas and the golf course to the east. This is particularly evident in views from the car park of the existing club house, where the golf course and woodland are elevated above the level of the housing to the west. However well new development is laid out and designed, it would clearly constitute a linear form of development separated from the existing housing by Northfield Road.

24. In addition, land to the north of the golf course (and east of Northfield Road) constitutes agricultural pastureland which rises to the east from the existing housing. This agricultural land would be lost to development if the northern part of the site were developed for housing. This part of the site is also locally prominent, contributing significantly to the landscape setting of the Vale of Leven built up area, and development there would further extend the linear form of development referred to in the paragraph above.

25. I find that the loss of this green belt land to development would be likely to have an adverse effect on the landscape setting of the built up area, and upon the visual amenity of the area, although I accept that this could be mitigated to some extent through appropriate structural landscaping associated with the further development of the golf course. I am also less convinced about the council's concern over the potential for overlooking and loss of privacy to existing residents. A sufficient distance and structural landscaping would be likely to ensure that there is no significant adverse effect on residential amenity.

26. There is little evidence on infrastructure matters, and notwithstanding the council's expressed concern about the access arrangements shown in the indicative layout, it appears from my site inspection that vehicular access to the site would be feasible. However, no appraisal of the site's effectiveness has been provided in the context of Planning Advice Note 2/2010, and it is not clear that if the site were allocated for housing

in the local development plan, it would be able to contribute to housing delivery specifically within the period to 2020. Consequently, the site is unlikely to address the matters raised in Issue 16 which focus on the lack of generosity in the shorter term housing land supply.

27. In overall terms, I conclude that it has not been demonstrated that housing on this site would be appropriate in environmental and infrastructure terms, or that the site would constitute an effective housing site. I also note that the site was not examined at the main issues report stage and so has not been subject to any due process of consultation or strategic environmental assessment. I therefore conclude that the site should not be allocated for housing and should remain designated as part of the green belt at this time.

28. I note however that Policy BCX (an additional policy recommended for inclusion through Issue 16) provides a framework for the assessment of additional housing sites should a shortfall emerge in the five year effective housing land supply. Further consideration may therefore be given to housing development on this site, in the event of an identified shortfall, and if it could be demonstrated that the site is effective and that environmental and infrastructure concerns could be satisfactorily addressed.

Reporter's recommendations:

Modify the local development plan by:

1. Deleting site BC4 (1) from the Vale of Leven proposals map, retaining the designation of the land as green belt only.
2. Adding a sentence in paragraph 6.8.2 after ... an extension to the Vale of Leven cemetery (tenth line) as follows:

A site for the extension to the Vale of Leven cemetery is still to be identified.

Issue 22	SUPPORTING OUR CENTRES	
Development plan reference:	Chapter 7 – Supporting Our Centres Section 7.2 & Table 5 – Network of centres retail strategy Policy SC3 Schedule 7: Retail Development Opportunities	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
The Theatres Trust (80) British Land Retail Warehouses Ltd (86) The Edinburgh Woollen Mill Group (98) Chester Properties (107) Hermiston Securities Limited (108) Walker Group (Scotland) Ltd & Strathleven Regeneration CIC (125)		
Provision of the development plan to which the issue relates:	Chapter 7 sets out the retail strategy for the Council area which seeks to ensure that all retail centres within the network continue to complement each other and fulfil their roles.	
Planning authority’s summary of the representation(s):		
<p><u>Cultural Assets</u></p> <p>The Theatres Trust (80) states that Policy SC3 should support existing leisure and cultural town centre assets. Theatres are a vital part of the community and provide a beacon of vitality for the evening economy. There is a growing recognition that the cultural offer of a town is essential to drawing trade as well as talent and tourism. Town centre leisure facilities are just as important to residents’ well-being as woodlands and green infrastructure.</p> <p><u>Network of Centres Retail Strategy</u></p> <p>A number of representees have submitted comments in respect of the inclusion or definition of their sites within the network of centres retail strategy detailed in Table 5, and retail opportunity sites in Schedule 7. These sites are: St James Retail Park, Antartex Village, Clyde Retail Park, Lomond Galleries and Lomondgate.</p> <ul style="list-style-type: none"> • St James Retail Park - British Land (86) is committed to the development of a second phase of the St James Retail Park. The proposed development provides opportunity to focus investment in Dumbarton, provide a catalyst to development in the town centre and claw back expenditure being leaked outwith the catchment. A well-considered format of retail floor space has the potential to retain both expenditure and custom within the Dumbarton area benefiting the town centre and area as a whole. • Antartex Village - The Edinburgh Woollen Mill Group (98) wish to record their support for the identification of the existing Antartex Retail Village as a destination commercial centre in Table 5. It notes that planning permission has been granted to refurbish the Antartex Retail Village and this should be included as a retail 		

development opportunity (Schedule 7, p74) as it would reflect the important role that the Antartex Retail Centre plays in the local retail hierarchy.

- Clyde Retail Park - **Chester Properties (107)** indicate that it would be beneficial to identify the role and function of each of the edge-of-centre commercial centres in the Plan. The Clyde Retail Park's role and function is physically that of a town centre function due to its successful co-existence with the Clyde Shopping Centre. Shoppers do not make a distinction between the two and neither should the West Dunbartonshire Local Development Plan. The defined role and function of Clyde Retail Park set out in the Plan is not supported.
- Lomond Galleries - **Hermiston Securities Limited (108)** give support to the status of Lomond Galleries being referred to in para 7.2.2 and Table 5 as the preferred location for new retail investment in Alexandria after the town centre in order to support the preservation of the A-listed building.
- Lomondgate - **Walker Group (Scotland) Ltd & Strathleven Regeneration CIC (125)** state that para 7.2 fails to recognise the significance of the planned Roadside Services at Lomondgate. Lomondgate is acknowledged to be a Strategic Location, however it is not fully supported in this regard. The services which are currently available and the opportunities which remain justify the location being afforded a "destination" status in the network of centres within the retail strategy.

Modifications sought by those submitting representations:

Cultural Assets

The Theatres Trust (80) suggest that Policy SC3 should be include an opening sentence along the lines of:

'The council will protect existing town centre community, cultural and social facilities by resisting their loss or change of use unless replacement facilities are provided on site or within the vicinity which meets the need of the local population, and it has been demonstrated that there is no demand for another similar use on site.'

Network of Centres Retail Strategy

A number of modifications are proposed to the network of centres retail strategy detailed in Table 5 and the opportunity sites identified in Schedule 7:

- *St James Retail Park* - **British Land (86)** proposes general modifications to the entry in Table 5. The role and function should:
 - continue to support proposals for retail and/or leisure developments in an identified Commercial Centre where their function complements that of other centres within the network of centres, having particular care not to undermine town centres; and
 - clarify that the strategy allows for retail floorspace to be developed outwith the town centre also where its operation ordinarily requires. Retail development of less than 1,000 sq.m for example may be appropriate and justifiable in out of centre retail locations.
- *Antartex Village* - **The Edinburgh Woollen Mill Group (98)** seek a clearer distinction in Table 5 by introducing a line space between the reference to Lomond Galleries and Antartex Village.

They also seek to amend Schedule 7 to include the refurbishment of the Antartex Retail Centre as a retail development opportunity by adding the following below the last entry:

“SC1(5) Antartex Village, Bowie Road, Alexandria Refurbishment”

- *Clyde Retail Park - Chester Properties (107)* propose a specific description of the role and function of the Clyde Retail Park to be inserted into Table 5, as follows:
 - “strong linkages with Clydebank Town Centre and potential to complement the existing retail offer of Clydebank Shopping Centre. The Clyde Retail Park was historically allocated within the Clydebank Town Centre and this allocation should be re- instated in the forthcoming Local Development Plans;
 - the majority of retail units at the Clyde Retail Park are under 1,000sqm Gross Internal Area and this format works well for the current operators;
 - the Clyde Retail Park does not have a bulky goods restriction;
 - future development opportunities at the Clyde Retail Park exist and these should be assessed on their own merits. Due to the Clyde Retail Park’s function future development at the park would complement the town centre rather than have an impact on it”
- *Lomond Galleries - Hermiston Securities Limited (108)* suggest that reference should be made in Table 5 and paragraph 7.2.2 to the unrestricted Class 1 retail status which the site benefits from on account of the extant planning permission VL/4695 covering an internal area of approximately 5,000 sq.metres (SD22.1 - Planning Consent VL4695).
- *Lomondgate - Walker Group (Scotland) Ltd & Strathleven Regeneration CIC (125)* seek to amend Table 5 to include Lomondgate Services within the “Destination commercial centre” type of centre. The role and function column should read as: “planned roadside services integral to the wider Lomondgate Strategic Economic Investment Location and destination services at a principal gateway to the Loch Lomond & the Trossachs National Park can be defined as:
 - Appropriate development including retail uses which enhance roadside facilities (in accordance with 5.5.1) will be supported.
 - retail development over 1,000 sq.m are to be assessed in terms of their impact on centres higher up the hierarchy.”

Summary of responses (including reasons) by planning authority:

Cultural Assets

Para 7.4.1 recognises that non-retail uses make an important contribution to a town centre’s character. The proposed modification by **The Theatres Trust (80)** to Policy SC3 would seek to strengthen this position through policy. However, it is public support, availability of funding and market conditions that determine whether community, cultural and social facilities thrive in town centres and the proposed modification would pose difficulties for the re-use of buildings should a use become unviable or close. Policy SC3 already supports non-retail uses where these comply with the Network of Centres Strategy.

For these reasons the modification is not considered appropriate.

Network of Centres Retail Strategy

Scottish Planning Policy requires local development plans to identify a network of centres, and explain the role of each centre in the network (CD03: Scottish Planning Policy, para 53). Table 5 of the Proposed Plan (CD19: page 75) sets out the network of centres for West Dunbartonshire and includes town centres, edge-of-town commercial centres, destination commercial centres and local centres. Within this hierarchy the Retail Strategy seeks to ensure that the individual role of each centre should support and be supported by other centres, and thus accord with SPP retail policy. The Plan only identifies retail development opportunities within town centres. This is because town centres are the preferred location for new retail development, with other locations less preferred.

The proposed modifications seek to amend the status of key sites which cannot be justified in terms of the role of the Retail Strategy as identified in SPP and the LDP. A more specific response to each site is given below:

- *St James Retail Park* - the commercial centre designation (page 20, Map 5) covers the area that could be developed for new retail development, establishing that, in principle, uses compatible with a commercial centre designation as per Scottish Planning Policy (CD03: page 11, para 54) i.e. specific focus on retail and leisure uses, would be acceptable there, but subject to assessment against policy SC1. It is considered appropriate that St James Retail Park continues to complement the offer of Dumbarton town centre by offering large format/warehouse retailing. The restriction of unit size to above 1,000 sq.m. seeks to protect the town centre which is a role of the Retail Strategy and remains appropriate.

The modification to Table 5 from **British Land Retail Warehouses Ltd (86)** is not accepted.

- *Antartex Village* - the distinction between the two sites in Table 5 is required and the Reporter is invited to accept this modification proposed by **The Edinburgh Woollen Mill Group (98)**.

In respect of the amendment to Schedule 7 to include the refurbishment of the Antartex Retail Centre as a retail development opportunity, Schedule 7 lists the retail opportunity sites that exist within town centres as they are the preferred location for new retail development. The modification proposed by **The Edinburgh Woollen Mill Group (98)** is not accepted

However, the Reporter is invited to amend Schedule 7 to clarify that the retail opportunities therein relate only to town centre opportunity sites.

- *Clyde Retail Park* - the first amendment to Table 5 relates to the issue of Clyde Retail Park being included within Clydebank Town Centre and is covered more fully within Issue 3. Of the remaining amendments the wording provided by **Chester Properties (107)** does not describe a role and function of Clyde Retail Park, rather it reflects aspirations for the site to be included within the town centre and a factual description of unit sizes and its planning status. The role and function/strategy set out in Table 5 of the Plan (page 75) provides appropriate guidance for the future development of the site, safeguarding it for large format/warehouse retailing in an accessible location. The restriction on units under 1,000 sq.m. protects the Core Retail Area of Clydebank town

centre, which largely comprises smaller units. Overall, the approach ensures the continuance of a complementary mix of retail provision in a sustainable location and reflects the Retail Strategy.

The modification proposed by **Chester Properties (107)** is not accepted.

- *Lomond Galleries* - Table 5 and para 7.2.2 identify town centres as the preferred location for retail development although it is acknowledged that the Lomond Galleries is the second preferred location for new retail investment in Alexandria in order to support preservation of the A-listed building. In addition, and notwithstanding extant planning consents granted for the Lomond Galleries site, it is appropriate that consents for significant retail developments in less preferred locations are kept under review. Where Plan allocations reflect historical out-of-town centre retail developments the possibility to carry out reviews is reduced.

The modification by **Hermiston Securities Limited (108)** is not accepted.

- *Lomondgate* - the Lomondgate site is a major residential and business development opportunity. The area to the north of the A82 is designated in the Plan for a business park and roadside services. The roadside services currently comprise of a hotel and food and drink uses, with consent for a petrol filling station. This is in keeping with the roadside services designation and strategy for the site. Designation as a destination commercial centre, with its stronger focus on retailing could result in inappropriate development at this location.

The modification by **Walker Group (Scotland) Ltd & Strathleven Regeneration CIC (125)** is not supported.

Reporter's conclusions:

Cultural Assets

1. The importance of cultural assets is not in doubt both as part of general well-being and in terms of adding to the vitality and viability of a town centre, especially, but by no means exclusively, during the evening hours. The desire to protect these assets by The Theatres Trust is therefore understandable and, in itself, unexceptionable.
2. The council also accepts the contribution of non-retail uses to the character of a town centre but emphasises a variety of factors that influence the location and success of community, cultural and social facilities.
3. I note that paragraph 7.4.1 of the written statement reflects the council's recognition of the range of uses that bring activity to town centres including theatres and cinemas. In turn, Policy SC3 provides a formal basis for supporting non-retail uses provided such uses comply with Policy SC2. I accept the council's argument that this approach is adequate. To insert the further sentence required by The Theatres Trust would lead to a consideration of matters beyond the scope of the land use basis of the local development plan.

Network of Centres Retail Strategy*St James Retail Park*

4. The retail park is also considered under Issue 4, Dumbarton town centre. Other matters raised are addressed in paragraphs 4-10 in the conclusions to Issue.

5. Scottish Planning Policy (SPP) states that plans should identify as commercial centres those centres having a more specific focus on retailing and/or leisure uses, including retail parks. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for instance where retail activity may be restricted to the sale of bulky goods.

6. The local development plan follows SPP guidance by designating St James Retail Park as a commercial centre in Map 5. This is appropriate insofar as, apart from limited fast food outlets, the park is overwhelmingly retail in character. Paragraph 7.2.1 describes the strategy for the network of retail centres, supporting town centres with edge-of-centre commercial centres, such as St James Retail Park, being the next preference for retail development.

7. Table 5 also sets out the retail strategy and shows St James Retail Park as one of two such areas designated as edge-of-town commercial centres. They are “second sequentially preferable locations for retail development over 1,000 sq.m gross floorspace”. Proposals will be assessed in terms of impact on town centres. I believe that the terms of Table 5 also accord with the terms of SPP insofar as the strategy endeavours to protect the town centre by limiting the minimum floor area of retail units. I agree with the council therefore that it is appropriate for the retail park to complement Dumbarton town centre by offering larger retail units.

8. In terms of the requirements of British Land Retail Warehouses Ltd, it is clear that the local development plan supports retail and leisure developments in the retail park with particular attention being given to the impact on the town centre. Although British Land also suggests that retail development of under 1,000 sq. m may be appropriate, I consider that the local development plan is correct to specify this minimum level in order to support the town centre. In any event, I believe the existing character of the St James Retail Park also points to any further development being of a similar scale.

9. Overall, I conclude that the terms of the local development plan accord with the guidance contained in SPP and are also justified in respect of the local circumstances in Dumbarton.

Antartex Village

10. The council accepts the modification to Table 5 whereby, for clarity, Lomond Galleries and Antartex Village should occupy separate lines. I concur.

11. The addition of Antartex Village to Schedule 7 is not accepted by the council as this schedule relates to retail development opportunities within town centres. I note in this respect that paragraph 7.2.2 of the written statement indeed explains that the opportunities set out in Schedule 7 are considered to support the role and function of the relevant centres. This precludes a reference to Antartex Village. I also agree that, for the avoidance of doubt, it would be appropriate for Schedule 7 to be explicit and a

modification of the title would achieve this.

Clyde Retail Park

12. The role of the Clyde Retail Park in the context of Clydebank town centre has been examined under Issue 3. Although I recognised that the retail park and the town centre complement one another, I concluded that there is a distinction between the two elements. On this basis, I considered that Table 5 properly places the retail park within the “edge of town centre commercial centre” category and, in particular, provides reasonable development guidance. In turn, I agree with the council’s response in respect of Chester Properties’ representation under this issue.

13. All-in-all, I conclude that Table 5 provides acceptable guidance for the retail strategy to be applied to the network of centres, including the Clyde Retail Park.

Lomond Galleries

14. Hermiston Securities believes that the scope of the planning permission at Lomond Galleries should be indicated in the local development plan. The council resists this suggestion on the basis that town centres are the preferred location.

15. Although the council also refers to the need to keep the planning permission under review, the details of the review process are not made clear. In the meantime, any extant planning permissions will remain available for implementation.

16. Irrespective of the council’s indication that the planning permission granting unrestricted Class 1 retail status at Lomond Galleries will be kept under review, I do not believe it is necessary for the local development plan to include a reference to that permission. Paragraph 7.2.2 of the written statement clearly sets out the council’s position and further details in respect of the planning permission are not required. Similarly, the “Role and Function/Strategy” column of Table 5 is adequate without further elaboration.

Lomondgate

17. The current facilities at Lomondgate include a Costa Coffee establishment, a Brewer’s Fayre public house and a Premier Lodge hotel. The council explains that there is permission for a petrol filling station. I accept that these facilities are those commonly found within roadside service locations and should not be regarded as part of the network of retail centres defined in the local development plan. That network is clearly set out in Table 5 of the written statement.

18. As pointed out in the introduction to Chapter 7 of the written statement, West Dunbartonshire is well-served by a network of centres. The identification of the Lomondgate roadside service area as a “destination commercial centre” would undermine the established hierarchy. Such a designation would also not respect the guidance in Scottish Planning Policy which places out-of-centre locations at the foot of the order of preference for retail locations. Indeed, there is potential for retail development in West Dunbartonshire in higher preference locations (see Schedule 7) and this in itself points away from Lomondgate.

19. Section 3.10 of the written statement deals with Lomondgate which is described as a

major residential and business development. The strategy includes support for the roadside services area including the petrol filling station referred to above, a visitor facility and further Class 3 food and drink uses. This is appropriate whereas, for the reasons given, support for further retail development at this location should not be contemplated.

Reporter's recommendations:

Modify the local development plan as follows:

1. Change the title of "Schedule 7: Retail Development Opportunities" to:

"Schedule 7: Town Centre Retail Development Opportunities"

2. In Table 5: Network of Centres Retail Strategy, under "Destination commercial centre", change:

"Lomond Galleries Antartex Village" to:

"Lomond Galleries
Antartex Village"

Issue 23	BUILT HERITAGE	
Development plan reference:	Chapter 9 – Protecting Our Built Heritage	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Architectural Heritage Society of Scotland (21) Woodland Trust Scotland (93)</p>		
Provision of the development plan to which the issue relates:	Policies included within Chapter 9 – Protecting Our Built Heritage seek to protect and enhance specific elements of the historic environment.	
Planning authority’s summary of the representation(s):		
<p>The Architectural Heritage Society of Scotland (21) have made representations on various aspects of Chapter 9:</p> <p><u>The Antonine Wall</u></p> <p>Policy BH1 needs to be greatly more proactive. The lack of proactive promotion of the Antonine Wall within West Dunbartonshire and infrastructure is of great concern.</p> <p><u>Listed Buildings</u></p> <p>Concern at the lack of proactive action in reviewing listed buildings. Policy BH3 should include clauses about proactive review of our built heritage and gaining relative expertise, either in-house or through other means.</p> <p><u>Conservation Areas</u></p> <p>Similarly concerned at the lack of proactive review of Conservation Areas. Policy BH4 should include clauses about proactive review of our built heritage. West Dunbartonshire has several areas that deserve consideration as Conservation Areas, either independently or as extensions of existing ones.</p> <p><u>Buildings at Risk</u></p> <p>West Dunbartonshire has many listed buildings which are subject to decay due to no longer being viable in the form they were originally intended or have been wilfully neglected. In spite of it being illegal to allow a listed building to reach a condition where it is beyond recovery without good reason, the Council has not usually asserted its authority to ensure remedial action is taken. There should be a policy that covers this, which would provide officials with a better means with which to assert authority over offenders.</p> <p><u>‘Historic Environment’ Definition</u></p> <p>Woodland Trust Scotland (93) comment that the Local Development Plan does not define an historic environment. The Trust would like to see a definition included, and a</p>		

definition that incorporates ancient woodland as a type of historic environment that will not be available for development.

Modifications sought by those submitting representations:

The Architectural Heritage Society of Scotland (21) seek the following modifications:

The Antonine Wall

Policy BH1 to be more proactive in the promotion of the Antonine Wall.

Listed Buildings

Policy BH3 should include clauses about proactive review of our built heritage and gaining relevant experience, either in-house or through other means.

Conservation Areas

Policy BH4 should include clauses about proactive review of our built heritage.

Buildings at Risk

The inclusion of a policy covering Buildings at Risk.

'Historic Environment' Definition

Woodland Trust Scotland (93) seeks the inclusion of a definition of an 'historic environment'. The definition should incorporate ancient woodland as a type of historic environment that will not be available for development.

Summary of responses (including reasons) by planning authority:

The Antonine Wall

The Antonine Wall Management Plan (2014-19) (CD44) represents the principal mechanism for proactively promoting the Antonine Wall. West Dunbartonshire Council approved the Management Plan in October 2013 and is an active partner in its delivery, alongside Historic Scotland. The Management Plan provides a broad framework for the management, conservation and enhancement of the Antonine Wall and includes a number of aims, objectives and actions to safeguard and enhance the Outstanding Universal Value of the Antonine Wall; promote awareness and understanding by improving physical and intellectual accessibility; and realise the Antonine Wall's full potential as an education and learning resource. Implementation of the Antonine Wall Management Plan Action Plan is noted as an action in the West Dunbartonshire Local Development Plan Proposed Action Programme (CD21) (reference 42.2) and the Council has recently allocated a budget of £20,000 per annum for Antonine Wall projects.

Policy BH1 and the associated Supplementary Guidance (Note: the existing Supplementary Planning Guidance (CD45) is to be revised and re-adopted as Supplementary Guidance) are primarily aimed at ensuring that the development management process safeguards the Antonine Wall from development that would have an adverse impact on the wall or its setting. The policy wording and Supplementary

Planning Guidance has been developed in partnership with the four partner local authorities along the line of the Antonine Wall (East Dunbartonshire, Glasgow, North Lanarkshire and Falkirk Councils) and Historic Scotland. Policy BH1 also refers to the Antonine Wall Management Plan, which would be a material consideration in the determination of any planning application on or close to the Antonine Wall.

The modification of Policy BH1 by **The Architectural Heritage Society of Scotland (21)** is not accepted.

Listed Buildings

The Architectural Heritage Society of Scotland's (21) concern regarding the lack in in-house expertise in relation to listed buildings is noted, however, it is not considered that Policy BH3 is the appropriate place to make commitments regarding skills capacity or the review of listed buildings. These matters are not directly relevant to the determination of planning applications affecting listed buildings. The proposed Action Programme (CD21) includes an action to develop of a list of non-listed buildings of architectural importance and to consider the merits of listing such buildings (ref. 44.1).

The modification is not accepted.

Conservation Areas

The West Dunbartonshire Local Development Plan Proposed Action Programme (CD21) includes an action to undertake Conservation Area Appraisals (ref. 45.1). It is not necessary that Policy BH4 refers to this undertaking.

The modification by **The Architectural Heritage Society of Scotland's (21)** is not accepted.

Buildings at Risk

The Council does not see merit in a new policy which repeats legislative provisions regarding listed buildings. The modification by **The Architectural Heritage Society of Scotland's (21)** is not accepted.

'Historic Environment' Definition

The introduction to Chapter 9 – Protecting Our Built Heritage (paragraph 9.1.1) defines the term 'historic environment' as the monuments, buildings and places that define West Dunbartonshire's local identity. Otherwise, the term is not used in the Proposed Plan (as modified) and for this reason it is not considered necessary to provide further definition.

Section 8.6 of the Proposed Plan (as modified) addresses forestry, woodland and trees, with Policy GN5 stating that: 'Development that would result in the loss of trees or woodland of amenity, cultural, historical, recreational or biodiversity value will not be permitted unless clear justification can be given and appropriate replanting can be agreed'. This policy therefore gives robust protection to ancient woodlands.

There is scope to highlight the importance of ancient woodland within the proposed Forestry, Woodland and Trees Supplementary Guidance.

For these reasons it is not considered necessary to make the modifications to the Proposed Plan (as modified) proposed by **Woodland Trust Scotland (93)**.

Reporter's conclusions:

The Antonine Wall

1. The text in Chapter 9 of the written statement (paragraphs 9.2.1 – 9.2.4) provides a clear description of the historic and cultural value of the Antonine Wall and refers to the supplementary guidance approved by five planning authorities in respect of managing the impact of development. Whilst I believe it would be appropriate to adopt a pro-active approach as advocated by the Architectural Heritage Society of Scotland, Policy BH1 is concerned with Development Management. Consequently, I do not agree this is an appropriate place to promote such an approach.
2. The text (paragraph 9.2.4) refers to the Antonine Wall Management Plan and the objectives of the document. The council, in response to the representation describes the management plan enthusiastically and in more detail. I believe that the text should reflect the response of the council and that a new paragraph should be included to set out the objectives of the management plan in more detail. In itself, the additional paragraph provides a basis for a proactive approach to the Antonine Wall.
3. It should be noted that Issue 1 examines the role of supplementary guidance and explains that it is intended to revise the Antonine Wall Supplementary Guidance and that this will become statutory guidance. Appropriate modifications to Policy BH1 and paragraph 9.2.4 are recommended.

Listed Buildings

4. The proactive objectives of the Architectural Heritage Society of Scotland have merit but the council is correct to point out that the purpose of Policy BH3 is to provide development management guidance. As explained above, Chapter 9 is concerned with protecting the built heritage. However, the council has explained that the local development plan preparation process has led to an action programme which will include further work in respect of listed buildings.
5. I conclude that Policy BH3 should not be modified as a consequence of this representation.

Conservation Areas

6. As in the case of the listed buildings comments, the Architectural Heritage Society of Scotland, is seeking changes to a policy which is essentially providing development management guidance. In this instance, the council's action programme includes the undertaking of conservation area appraisals. Such appraisals are essential in providing a deeper understanding of the character of conservation areas. In turn, appraisals can support proactive responses to secure preservation and enhancement. The continuation of the action programme is to be commended but there is no justification for the modification of Policy BH4.
7. In terms of the designation of new or extended conservation areas, the council has a statutory requirement "from time to time [to] determine which parts of their district are

areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance” and to “designate such areas as conservation areas”. It would not be appropriate or necessary to repeat this requirement in the local development plan. The appraisals referred to above will be important in any review of conservation area designations.

Buildings at Risk

8. The Architectural Heritage Society of Scotland believes that a policy in the local development plan in respect of taking action to protect neglected listed buildings would assist officials of the council. However, as pointed out by the council, legislation enables action to be taken in appropriate circumstances. The Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) 1997 provides local authorities with wide ranging powers in this respect, including the power to execute work required by a listed building enforcement notice. The action required in any particular case must be assessed on merit but I do not believe a policy in the local development plan would significantly assist in this process.

“Historic Environment” Definition

9. As explained by the council, paragraph 9.1.1 contains a definition of the historic environment. However, I note this relates to *built* heritage and therefore does not refer to ancient woodland. Nevertheless, I consider Policy GN5 provides adequate protection for a wide range of trees or woodland, including those with historical importance, without the need for further elaboration.

Reporter’s recommendations:

Modify the local development plan as follows:

1. Delete the final sentence of paragraph 9.2.4.
2. Insert an additional paragraph as follows:

“9.2.5 The Antonine Wall Management Plan (2014-19) is the principal mechanism for proactively promoting the Antonine Wall. The Management Plan provides a framework for management, conservation and enhancement and includes objectives and actions to safeguard and enhance the Antonine Wall. The Management Plan aims to promote awareness and understanding by improving physical and intellectual accessibility and realise the full potential of the Antonine Wall as an education and learning resource.

Note: see also the recommended modifications to Policy BH1 and paragraph 9.2.4 under Issue 1.

Issue 24	KILBOWIE ROUNDABOUT, CLYDEBANK	
Development plan reference:	Chapter 10 – Supporting Development Paragraphs 10.2.1 – 10.2.3 Policy SD1 Map 9	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Yvonne McDonald (27) Gary McDonald (28) Beth McDonald (29) Josh McDonald (30) Mrs Kirkpatrick (32) Scott Fergie (33) David McKenna (36) James Cameron (37) Elaine Forsyth-Mowatt (38) Edward Mowatt (39) Rachel Forsyth (40) Brookland Nursery (51) Parkhall North Kilbowie and Central Community Council (95)</p>	<p>Kilmarnock Community Council (120) Agnes Thomson (135) Alan Alexander Gall (136) Patrick Fox (171) Thomas Brown (172) Gilbert Howatson (173) James Paisley (174) John Prentice (175) Raymond Stirling (176) Alan Moir (177) Allyson Moir (178) Joseph Craig (179)</p>	
Provision of the development plan to which the issue relates:	Policy SD1 of the Plan offers support for transport schemes set out in the Local Transport Strategy including improvements to the Kilbowie Roundabout that are illustrated in Map 19.	
Planning authority's summary of the representation(s):		
<p>Yvonne McDonald (27), Gary McDonald (28), Beth McDonald (29), David McKenna (36), Alan Alexander Gall (136), Joseph Craig (179) object to the closure of Duntocher Road. Brookland Nursery (51) advise that the closure of Duntocher Road would have a significant impact on its business.</p> <p>Yvonne McDonald (27), Gary McDonald (28), Beth McDonald (29), Josh McDonald (30), Parkhall North Kilbowie and Central Community Council (95), Agnes Thomson (135), Patrick Fox (171), Thomas Brown (172), Glibert Howatson (173), James Paisley (174), John Prentice (175), Raymond Stirling (176) object to the loss of open space. Alan Alexander Gall (136) objects specifically to the loss of flora and fauna</p> <p>Mrs Kirkpatrick (32) would prefer for the roundabout to remain as it is.</p> <p>Scott Fergie (33) considers the proposal a waste of money and madness, just adding to or moving the problem. It would cause tailbacks on Kilbowie Road, Hawthorne Street, Duntocher Road and the A82.</p> <p>James Cameron (37), Agnes Thomson (135), Alan Alexander Gall (136), Patrick Fox (171), Thomas Brown (173), Gilbert Howatson (173), Raymond Stirling (176), Allyson Moir (178) consider the proposal will move the problem.</p>		

Elaine Forsyth-Mowatt (38), Edward Mowatt (39), Rachel Forsyth (40) advise that no traffic lights are required on the roundabout.

Parkhall North Kilbowie and Central Community Council (95) state that the proposal received no support at a public meeting attended by 70 people. It is considered too complicated with the potential to create more problems than it solved. It would cost a lot of money with no guarantee it would be completed within a reasonable timeframe or be successful at all.

Kilmarnock Community Council (120) support changes at the Kilbowie roundabout only if average net journey times through the new arrangement on the main A82 artery are reduced. A further set of traffic lights at the proposed new entry exit from Duntocher Road is questioned.

Agnes Thomson (135) considers emergency vehicle access to Duntocher Road would be inhibited.

James Paisley (174) considers the proposal a complication rather than a solution.

John Prentice (175) objects on the grounds of cost.

John Prentice (175) does not consider the proposal will alleviate the problem.

Alan Moir (177), Allyson Moir (178) raise safety concerns.

Modifications sought by those submitting representations:

A number of modifications to the Kilbowie roundabout proposal have been sought by those who have submitted representations on the issue. These are:

- deletion of Kilbowie roundabout improvements from the Local Development Plan;
- a new slip road from Duntocher Road towards Dumbarton (westbound) thus avoiding putting additional traffic onto the roundabout;
- a new slip road from Kilbowie Road onto the A82 westbound
- the suggest removal of bus lane from Kilbowie Road (north of Kilbowie roundabout);
- removal of traffic lights from roundabout;
- changes to traffic light sequence on Kilbowie roundabout.
- modifying the existing roundabout to provide more space to allow traffic to flow more freely;
- a flyover for east-west traffic;
- traffic management changes;
- a new roundabout at the junction of the A82 eastbound and the A810 (Dumbarton Rd, Hardgate), reducing traffic using Kilbowie Roundabout;
- filter lanes at all A82 junctions.
-

Summary of responses (including reasons) by planning authority:

The Kilbowie roundabout is a focal point on the transport network being strategically located between Glasgow, Clydebank, Bearsden/Milngavie, the Erskine Bridge and Dumbarton. Conflicting traffic movements have led to problems of congestion, queuing and delays occurring around the Kilbowie Roundabout and nearby Hardgate Roundabout further to the north on the A8014.

The Council has recognised the need for intervention on this part of the road network and commissioned a Scottish Transport Analysis Guidance (STAG) Appraisal. This reported in March 2011 (CD62). The STAG appraisal process ensures that potential options to address evidenced-based transport problems or opportunities are identified and appraised in a consistent manner and that such options will contribute to the Scottish Government's purpose and meet the transport needs of Scotland. It is a requirement that an appraisal using STAG is undertaken by commissioning authorities and their agents when seeking Government funding, support or approval for options to change the transport system.

On the issue of whether there are traffic congestion issues on the road network in the vicinity of the Kilbowie and Hardgate roundabouts, the STAG appraisal states: 'Our analysis has shown that network problems in the Kilbowie/Hardgate area are currently being observed and causing significant congestion, queuing and delays. Furthermore, they are only likely to be exacerbated as time goes by and traffic levels grow. It is therefore important that action is taken to address these problems at the earliest possible opportunity' (CD62, pg iv).

The STAG appraisal considered a range of options for improvements to the Kilbowie and Hardgate roundabouts. It concluded that the scheme set out in the Plan (Option 1B in the STAG appraisal) offers the greatest economic and operational benefits with no other option presenting a positive economic case for investment, albeit recognising the loss of open space, loss of biodiversity and conflict with the existing Local Plan (CD62, pg vi-vii).

Many of the alternative options suggested in representations were appraised by the STAG:

- Creation of new slip road from Duntocher Road onto A82 towards Dumbarton – Option 18
- Removal of bus lane from Kilbowie Road (north of Kilbowie roundabout) – Option 11
- Removal of traffic lights from roundabout – not considered by STAG.
- Creation of slip road from Kilbowie roundabout onto A82 westbound – Option 18
- Change traffic light sequence on Kilbowie roundabout – Option 17
- Modify Kilbowie roundabout to provide space to allow traffic to flow more freely – Option 19
- East-west flyover – Option 2
- Traffic management changes – Option 17
- Roundabout at A810/A82 junction – Option 3
- Signalised junction considered under Option 3.
- Filter lanes on all A82 junctions – Option 18

No evidence is presented with any of the representations that the schemes suggested would improve congestion and traffic management better than the preferred scheme.

The proposed scheme was identified as the preferred option in the Main Issues Report. At that stage there were two representations suggesting a flyover as a solution, and one suggesting things be left as they are. There were no objections received when the scheme was identified in the draft Local Transport Strategy. The Local Transport Strategy was approved by the Council in November 2013 (CD30, paras 2.3.1-2.3.5 on pgs 2.4-2.5, & pg 4.8). As a corporate document, the Local Development Plan through, policy DS1 supports the projects and schemes identified in the Local Transport Strategy, including the Kilbowie roundabout project.

The loss of open space and impact on biodiversity will be managed through the development management process with compensatory provision sought in line with policy GN1 and GN3. The site is not a designated nature conservation site.

In conclusion, the Kilbowie roundabout scheme identified in the Plan is the recommended outcome of a robust STAG appraisal and is included within the Council's Local Transport Strategy. For this reason no modification to the Plan is supported.

Reporter's conclusions:

1. Despite some of those making representations believing that no improvements are required, the importance of the roundabout in the transport network is clearly demonstrated by the council. I note that the Local Transport Strategy, 2013-2018, identifies the congestion, queuing and delays at this location as a strategic problem. Personal observation and experience attest to the problems that occur, particularly at peak times at both Kilbowie roundabout and, as a consequence, at the nearby Hardgate roundabout. On this basis, I do not consider that the way forward is to do nothing.

2. The design of the proposed scheme has been criticised and a number of other measures have been suggested. However, the council points out that none of the alternative schemes, including the removal of the existing traffic lights at Kilbowie roundabout, has the benefit of any supporting evidence. On the other hand, the design that has been brought forward is based on a Scottish Transport Analysis Guidance (STAG) Appraisal undertaken by engineering consultants. Indeed, some of the suggested alternatives were assessed as part of the appraisal and discounted.

3. Lacking any compelling evidence to the contrary, I conclude that the design brought forward, as illustrated in Map 19 of the written statement, must be regarded as a credible engineering solution. Whilst not resolving the problem in its entirety, I believe it reasonable to anticipate the implementation of the scheme would lead to a measure of mitigation.

4. I have noted the concern of those who wish Duntocher Road to remain directly linked to Kilbowie roundabout, including those who fear adverse business consequences. However, it does not appear to me that the altered circulation, with an access to Duntocher Road from the A82 west of the roundabout, would have any fundamental impact on accessibility.

5. Despite concerns, the new link from Duntocher Road to the A82 would be across land where there is no nature conservation designation. However, the loss of even a small area such as this can have an impact on biodiversity, albeit marginal. In this respect the council has drawn attention to the policy requirement to compensate for any loss. On balance, I consider that nature conservation is not an issue pointing to the abandonment of the scheme.

6. The area is said to have value for informal recreation. In itself, this activity could have an impact on biodiversity. In any event, I do not believe that the construction of the new link road would impact on the recreational use to an unacceptable extent.

7. All-in-all, I conclude that the support provided in the local development plan for the Kilbowie roundabout improvements should be endorsed.

Reporter's recommendations:

No modifications.

Issue 25	SUPPORTING DEVELOPMENT	
Development plan reference:	Chapter 10 – Supporting Development Section 10.5 – Minerals, Aggregates and Coal & Policy SD4 Section 10.7 – Notification Zones Schedule 9: Aggregate Reserves: SD4(1) – Dumbuckhill Quarry	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (181) Patersons Quarries Limited (182)		
Provision of the development plan to which the issue relates:	This Issue relates to matters dealing with infrastructure and mineral resources.	
Planning authority’s summary of the representation(s):		
<p><u>Minerals, Aggregates and Coal</u></p> <p>Patersons Quarries Limited (182) are encouraged by the policy support expressed for the continuation of quarrying operations at Dumbuckhill but have concerns over the precise wording of Policy SD4 which offers support for the expansion of mineral and aggregate extraction at Dumbuckhill on the basis that proposals ‘avoid’ significant adverse impact, as opposed to ‘minimise significant negative impacts’ which is the wording used in Scottish Planning Policy (SPP) at paragraph 231. This stricter threshold would unduly restrict future development opportunities and has not been justified.</p> <p>They would also welcome the addition of a requirement for all proposed noise and vibration sensitive developments in the vicinity of existing quarries to provide robust noise and vibration assessments in order to avoid future complaints and the possible sterilisation of consented mineral reserves. Paragraph 11 of Circular 1/2011 recognises that Development Plans have an important role to play in helping to limit the overall number of people exposed to the potential adverse effects of noise and promotes Development Plans indicating either a range of uses likely to be permitted in areas affected by existing or potentially high levels of noise, as well as the noise mitigation measures the planning authority will expect to be applied to new development.</p> <p><u>SD4(1) – Dumbuckhill Quarry</u></p> <p>Patersons Quarries Limited (182) also question the inclusion of Dumbuckhill Quarry within the Green Belt, stating that ongoing quarrying operations do not meet the role of the West Dunbartonshire green belt as set out in paragraph 4.3.3.</p> <p><u>Notification Zones</u></p> <p>The Health and Safety Executive (HSE) (181) recommends that the Local Development Plan includes an analysis of compatible development within consultation zones of major hazard installations and major accident hazard pipelines based on the general advice</p>		

contained in the PADHI guidance. HSE also encourages planning authorities to include policies in Local Development Plans in relation to the siting of major hazards and development in their vicinity, highlighting that HSE advice may be necessary to determine the appropriateness of such proposals. Policy DC5 of the West Dunbartonshire Local Plan is referred to as such a policy.

Modifications sought by those submitting representations:

Minerals, Aggregates and Coal

Policy SD4 – Substitute the word ‘avoid’ for ‘minimise’.

Additional requirement for noise and vibration assessments to accompany planning applications for noise and vibration sensitive development in close proximity to consented quarrying operations. **Patersons Quarries Limited (182)**.

SD4(1) – Dumbuckhill Quarry

Removal of Dumbuckhill Quarry, as defined by planning permission DC02/187, from the green belt.

Notification Zones

An analysis of compatible development within consultation zones of major hazard installations and Major Accident Hazard Pipelines.

Inclusion of a policy relating to the siting of major hazards and development in their vicinity, highlighting that HSE advice may be necessary to determine the appropriateness of such proposals. **Health and Safety Executive (HSE) (181)**.

Summary of responses (including reasons) by planning authority:

Minerals, Aggregates and Coal

The proposed modification submitted by **Patersons Quarries Limited (182)** to substitute the word ‘*avoid*’ for ‘*minimise*’ within Policy SD4 is supported. To fully accord with Scottish Planning Policy (CD03, paragraph 231) it is suggested that the sentence reads: “Expansion of mineral and aggregate extraction at these locations and new workings at other locations shall be accompanied by acceptable and fundable restoration and aftercare proposals and *minimise* significant *negative* impact on:”.

To address the second modification proposed by **Patersons Quarries Limited (182)**, the Council suggests that the first criterion in the ‘Safe and Pleasant’ section of Policy DS1, p47 is amended to read ‘avoids unacceptable impacts on *or from* adjoining uses....’. The requirement for noise and vibration assessments would be a requirement of assessment against this policy so does not need to be stated explicitly.

The Reporter is invited to make these two modifications.

SD4(1) – Dumbuckhill Quarry

The Council does not support the removal of Dumbuckhill Quarry from the green belt.

Scottish Planning Policy (CD03, paragraph 159) states that the purpose of green belt designation in the development plan as part of the settlement strategy for an area is to: direct planned growth to the most appropriate locations and support regeneration; protect and enhance the quality, character, landscape setting and identity of towns and cities; and protect and give access to open space. It is considered that the designation of Dumbuckhill meets these purposes, particularly in directing new development to the urban area so as to assist urban regeneration. The green belt in this location is also important in preventing the coalescence of Dumbarton and Milton, protecting the character of these two distinct settlements.

Furthermore, a Green Belt Boundary Review (CD14) completed in 2011 found the green belt boundary in this location, defined by the A82, to be very robust (see site 30). Any change to the green belt in this location would result in the green belt boundary being weakened.

Notification Zones

The Proposed Plan (as modified) identifies a number of development opportunities within the consultation zones of major hazard installations, which are clearly shown on the Proposals Map. It is considered that further analysis of compatible development within the consultation zones, on the basis of general advice contained in the PADHI guidance, is a level of detail which would be best reserved for masterplanning and development management stages, given the level of complexity this could introduce to the Local Development Plan. In the main, the Proposed Plan (as modified) seeks to avoid repeating advice available from other sources.

Paragraph 10.7.1 states that advice will be sought from the Health and Safety Executive for proposals within the vicinity of major hazard installations. It is not considered necessary to restate this in the form of a policy. Furthermore, the modification proposed to policy DS1 above would also apply to development close to major hazard installations.

The modifications proposed by **Health and Safety Executive (HSE) (181)** are not accepted.

Reporter's conclusions:

Minerals, Aggregates and Coal

1. Although reference is made to the previous Scottish Planning Policy, the revised version of SPP also requires the extraction of resources to "minimise" impacts on local communities, the environment and the built and natural heritage. The change suggested in this respect by Paterson's Quarries Limited, and agreed by the council, is therefore acceptable and appropriate.

2. It is reasonable for noise and vibration sensitive developments to have regard to sources of noise and vibration such as existing quarries. Indeed, as indicated, Planning Advice Note 1/2011, "development plans can, where relevant, indicate the range of uses which are likely to be permitted in an area affected by existing or potentially high levels of noise ...". The council's suggestion that a reference to this effect be included in the criteria for creating successful places set out in Policy DS1 would meet this requirement.

SD4(1) – Dumbuckhill Quarry

3. The Dumbarton Proposals Map places Dumbuckhill Quarry within the green belt under Policy DS2. There is also a symbol indicating aggregate extraction under Policy SD4.

4. Although Dumbuckhill Quarry is unlikely to provide an opportunity for access to the open space around Dumbarton, this is not the sole criterion against which to assess the validity of a green belt designation.

5. As Paterson's Quarries Limited states, the existing quarry is a legitimate land use within the countryside having a clear locational justification. Indeed, the recently published revised version of Scottish Planning Policy provides a list of possible uses within a green belt. Included in the list is the intensification of established uses subject to the new development being of a suitable scale and form. On this basis, the green belt designation would not preclude further appropriate development of the quarry operations.

6. On the other hand, Dumbuckhill, despite the substantial quarry operations, is a significant feature in the setting of Dumbarton and clearly defines the limits of the urban area at this location. In this respect, the land to the north of the A82 at this point justifies designation as green belt. The removal from the green belt of the area covered by the planning permission for the quarry would have no rational visual basis and therefore should not be contemplated.

Notification Zones

7. There can be no doubt that precautions must be taken to ensure development does not take place in areas where safety might be put at risk through proximity to major hazard installations.

8. The Health & Safety Executive (HSE) has identified numerous allocations in the local development plan where there is potential for development to encroach on consultation zones. The local development plan proposals maps identify a number of HSE consultation zones. Written statement paragraph 10.7.1 explains that there are a number of sites and installations which, due to their handling of hazardous substances, limit the scope for new development in their vicinity. Advice will be sought from the Health & Safety Executive for proposals within these areas.

9. HSE recommends that the local development plan should include an analysis of compatible development types within the consultation zones for major hazards and major hazard accident pipelines. This analysis should be based on the general advice contained in the Planning Advice for Developments near Hazardous Installations Information. In my opinion this level of detail is not commensurate with the style of the local development plan. I share the council's view that information of this nature is best brought forward later in the development process, the local development plan having identified consultation zones and indicated that HSE will require to assess any proposals.

10. HSE also recommends that the requirement for advice in respect of development in the vicinity of major hazards should be the basis of a policy. Again I agree with the council: this matter is not a policy topic and the text of paragraph 10.7.1 adequately explains the situation.

11. All-in-all, I believe the local development plan strikes a reasonable balance in providing advice on the need for consultation with the Health and Safety Executive.

Reporter's recommendations:

Modify the local development plan as follows:

1. Change the second sentence of Policy SD4 to:

“Expansion of mineral and aggregate extraction at these locations and new workings at other locations shall be accompanied by acceptable and fundable restoration and aftercare proposals and minimise significant negative impact on:”.

2. Change the first criterion in the Safe and Pleasant category of Policy DS1 to:

“avoids unacceptable impacts on or from adjoining uses, including, noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing;”