

By email to:
ldp@stirling.gov.uk

Our ref: A12313868

9 October 2015

Dear Development Plan Team

STIRLING LOCAL DEVELOPMENT PLAN: MAIN ISSUES REPORT

Thank you for providing the Scottish Government with the opportunity to comment on the above Main Issues Report (MIR). Transport Scotland's response has been attached as Annex 1 to this response.

Main Issue 1 – Housing Land

This section of the MIR was clear in setting out the housing supply target and describing how the housing land requirement, including a generous margin, could be met in the Proposed Local Development Plan (LDP). This was supported by the use of clear tables and graphics which helped display the housing options to the reader.

There was no mention of the specifics of an affordable housing policy or developer contributions towards affordable housing in the MIR. We are aware that policy 2.2 of the adopted LDP requires a 25% contribution for affordable housing, rising to 33% within the Highly Pressured Areas. SPP states that contributions should generally be no more than 25%.

SPP states that development plans should address the need for sites for Gypsy/Travellers and Travelling Showpeople with LDPs identifying suitable sites for these communities. It was unclear from the MIR whether there are any issues of need in the Stirling area as no mention is made of these groups.

Main Issue 2 – Wind Energy Developments

- Q2.1 - The proposed approach in preparing the spatial framework appears to be consistent with Scottish Planning Policy (SPP).

- Q2.4 – The wording of the policy appears to refelect the requirements of SPP.

Main Issue 4 – Policy 1.4: Playing Fields / Outdoor Sports Facilities

- The Scottish Government supports the proposed changes to policy 1.4, to rename it to Outdoor Sports Facilities, and to ensure the policy fits with Scottish Planning Policy, the changes proposed will ensure alignment with national planning policy.

Main Issue 5 – Policy 2.5 Employment Development

- Q5.1 - We agree that Policy 2.5 should be amended to support the area's key business sectors.
- We support the insertion of policy 2.5(a) which allows waste management facilities on employment sites as this reflects paragraph 186 of SPP. You may wish to consider widening this to include sites which have been identified for industry and storage and distribution.
- Paragraph 95 of the SPP encourages opportunities for home working, live-work units, micro businesses and community hubs. We note that the adopted LDP policy 2.5 (b) makes provision for home working but does not address the other options highlighted in the SPP. The policy in the Proposed LDP should therefore be amended to cover live-work units, micro businesses and community hubs.
- Paragraph 99 of the SPP states that development plans outwith SDP areas should identify any nationally important clusters of industries handling hazardous substances and safeguard them from development which would compromise their continued operation or growth potential. Paragraph 104 of the SPP states that local development plans should locate developments which generate significant freight movements on sites accessible to suitable railheads or harbours or the strategic road network. If either of these circumstances applies to your authority area, the Proposed LDP should take this into account.

Main Issue 6 – Policy 2.6: Network of Centres

- The Scottish Government welcomes the proposed changes to the Network of Centres Hierarchy, the sequential order is an issue we had previously raised with the Council, and we welcome the proposed changes to ensure the next LDP aligns with Scottish Planning Policy and supports the Town Centres First approach.

Main Issue 7 – The Town Centre First Principle

- The Scottish Government expects development plans to adopt a town centre first approach in line with Scottish Planning Policy. The Proposed Plan should ensure it fully complies with the terms of SPP on town centres. We welcome the upfront recognition in the Vision of the city centre's key role in the network of centres and the aim for Stirling to be a place with a vibrant City Centre at its heart: the City Centre is vibrant, attractive to live, work and visit, and is the primary location for a mix of uses, including new and better retail space, commercial leisure, office, community and cultural facilities. We also welcome the inclusion of the new requirement for assessments on the impact on centres, this fits with the SPP's expectations set out in paragraph 71 of SPP.

Main Issue 8 – Housing in the Countryside

- Q8.2 – The amended Policy 2.1 (i) states that “*Outwith existing Groups of Infill situations where the proposal is for a Single House at a specific type of site, or for a specific purpose*”. In applying Policy 2.1 a connection could be inferred that occupancy restrictions may be used. SPP (para 81) sets out that occupancy restrictions should generally be avoided in relation to development in rural areas, whilst paragraph 83 sets out that in remote rural areas, plans and decision-making should generally not impose occupancy restrictions on housing. Further detail on why such restrictions are rarely appropriate and should generally be avoided are contained within Circular 3/2012 ‘Planning Obligations and Good Neighbour Agreements’. Given that SG 10 ‘Housing in the Countryside’ is to be amended, you should therefore give due consideration to the above when considering the amendments to this guidance.

Main Issue 10 – Policy 4.2 Protection of Carbon Rich Soils

- We agree that the preferred policy approach responds adequately to the publication of the Carbon and Peatland Map.

Main Issue 11 – Primary Policy 5: Flood Risk Management

- Q.11 - We agree that the addition adequately safeguards land that can contribute towards natural flood management.
- In relation to primary policy 5 (b) of the adopted LDP it should be noted that the indicative river and coastal flood map for Scotland has been replaced by SEPA’s flood maps, published in January 2014. The policy approach set out in adopted policy 5 (b) should be revised to reflect this replacement.
- Paragraph 260 of the SPP states that development plans should use Strategic Flood Risk Assessment (SFRA) to inform choices about the location of development and the policies for flood risk management. It was not clear in the MIR or background papers whether such an assessment has been carried out. We do note that you have undertaken a site assessment process following the call for sites which has considered flood risk alongside a range of other factors. We would therefore welcome confirmation within the Proposed Plan of whether SFRA has been used.
- The policy approach in the Proposed LDP should accord with the flood risk framework as set out in the SPP 2014.
- We wish to make you aware that Scottish Government has recently published planning guidance on flood risk that the Council should take into account when preparing the Proposed LDP: www.gov.scot/Resource/0047/00479774.pdf

Main Issue 13 – Policy 9.1 Protecting Special Landscapes

- We agree that the proposed update to Policy 9.1 adequately reflects the requirements of the SPP to identify areas of ‘wild land character.’

Main Issue 14 – Other Renewable and Low Carbon Energy Developments

- We note from the MIR and monitoring statement that heat network opportunities mapping still needs to be done. We are aware that you have been participating in the Heat Network Partnership Strategy Programme and should therefore have started preparing a heat strategy for your area. We would expect the Proposed LDP to take full account of this strategy and to have supportive policies to aid its implementation. The policies should be complemented by a spatial diagram which identifies where heat networks, heat storage and energy centres exist or would be appropriate in order to comply with paragraphs 158-160 of SPP. This is particularly relevant as NPF3 requires Scotland's "cities to be exemplars of low carbon living and a focus for essential energy infrastructure... "New development should be future-proofed to ensure that connections to existing or planned heat networks are taken forward as soon as they are viable". The Scottish Government and their heat network partners would therefore welcome the opportunity to discuss your approach in more detail.

Main Issue 15 – Hutting Developments

- Q15.1 - We agree that it would be appropriate for the LDP to include a policy on hutting developments.
- Q15.2 - We agree that the preferred option for Policy 15.1 provides an appropriate response to SPP.

Additional Comments:

Developer Contributions

In taking forward the Proposed Plan, the approach to developer contributions should accord with circular 3/2012 as well as circular 6/2013, paragraph 139 which sets out what should be in supplementary guidance and what should be in the plan itself.

Supporting Digital Connectivity

The policies in the Supporting Digital Connectivity section of the SPP sets out the important role that the planning system should play in strengthening digital communications capacity and coverage across Scotland. The expectation is that local development plans should provide some context around how this will be delivered locally. This should be done by setting out local roll out plans and confirm how the Proposed LDP will support the digital aspirations of the Council (i.e. as set out in its Strategic Infrastructure Plan).

Page 95 of the proposed East Ayrshire Local Development Plan at www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Developmentplans/LocalAndStatutoryDevelopmentPlans/EALDP-Proposed-Plan.aspx provides an example of how could be covered in the Proposed LDP.

The Plan should also ensure that developers of new residential or business premises consider opportunities to install the necessary digital infrastructure as an integral part of their proposed development in accordance with paragraph 297 of the SPP.

Existing LDP Policy – Primary Policy 4

The current LDP 'Primary Policy 4: Greenhouse Gas Reductions' section (a) (ii) states that all new development should optimise accessibility to active travel opportunities and public transport. This policy does not reflect the strength of precision on the topic which is given in SPP paragraph 287 which is clear that planning permission should not be granted for significant travel generating uses at locations that would increase reliance on the car including: where access to local facilities via public transport networks would involve walking more than 400m. The Proposed LDP could be more purposeful on locational decisions for significant travel generating uses and be brought closer to Scottish Planning Policy through strengthening Primary Policy 4 for how locational decisions about significant travel generating uses should be considered.

Electric Vehicle Provision

The current LDP does not address electric vehicle provision, which is an Action of National Planning Framework 3 and an expectation of SPP paragraph 289. The Proposed LDP could therefore address the infrastructure requirements for electric vehicles.

National Marine Plan

- Scottish Ministers adopted and published a statutory National Marine Plan for Scotland in March 2015. The Plan applies from Mean High Water Springs and covers both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). The National Marine Plan has statutory effect for any public authority taking decisions which can affect the marine environment. [The National Marine Plan](#) (NMP) may therefore be of relevance to some decision making and development planning by Stirling Council given the tidal elements of the Firth of Forth within its plan area. There would be benefit in recognising the National Marine Plan, and any subsequent regional marine plans, within the Proposed LDP. While it is noted the relevance of the NMP may be relatively small within your authority area, it could be recognised as part of the planning framework together with SPP and NPF3 and/or recognised as being of relevance to particular aspects of the Proposed LDP where there is potential to affect the marine environment.
- The recently published [Planning circular 1/2015](#) provides additional information on marine planning and its relationship with land use planning.
- Relevant marine legislation (Marine (Scotland) Act 2010 and UK Marine and Coastal Access Act 2009) requires that:
 - Public authorities taking authorisation or enforcement decisions that affect or might affect the marine area must do so in accordance with the National Marine Plan and any subsequent regional marine plan once adopted, unless relevant considerations indicate otherwise. This includes decisions on terrestrial planning applications and enforcement action which affect the UK marine area.
 - Public authorities when making decisions which are capable of affecting the marine area which are not authorisation or enforcement decisions must have regard to National and regional marine plans. This applies to the preparation and adoption of terrestrial development plans.

Education Provision Background Report

We note that Appendix A 'Capacity of Primary Schools' section 1.1 and Appendix B, 'Capacity of Secondary Schools' refer to the "*The Application of the 80% rule*". Please be aware that this is no longer applicable as the Education (Publication and Consultation etc) (Scotland) Regulations 1988 were replaced with the Schools (Consultation) (Scotland) Act 2010. There is not a comparable reference to 80% of capacity within the 2010 Act.

The Scottish Government Guidance on determining Primary School Capacity published on October 2014 can be found at: www.gov.scot/Resource/0046/00461513.pdf

Historic Environment Scotland

On 1 October Historic Environment Scotland (HES) took on its full powers from Historic Scotland. HES have informed us that they will respond directly to you.

We hope these comments are of assistance. Please contact me should you wish to discuss in more detail or arrange a meeting.

Yours faithfully

Simon Pallant
Senior Planner

ANNEX 1: Transport Scotland Comments

The MIR states that a Transport Appraisal will be undertaken in accordance with Transport Scotland's DMPTAG. The outcome of this appraisal will inform the decision making process on the spatial strategy options and the potential interventions required to deliver the preferred strategy. Stirling Council and their consultants are preparing the appraisal of the spatial strategy options mentioned within the MIR on page 14 and Transport Scotland are currently providing advice to assist in the production of a proportionate and robust appraisal.

This is considered an important exercise as the previous modelling undertaken by the council estimated that only 57% of the Adopted LDP allocations could be developed prior to severe congestion on the transportation network. This is explained within the Transport Background Paper 2015 which highlights the issues with the previous LDP and those which require to be addressed in the forthcoming plan. It is understood the main change to the LDP is the housing land requirement with 3 different housing scenarios considered in the MIR detailing different allocation options at Airthrey Kerse and Plean. The specific impact of the spatial strategy requires to be investigated with appropriate transport interventions identified to enable the full LDP allocations to be accommodated satisfactorily on the local and strategic network.

We note the Background Paper 2015 details that the Adopted LDP includes a new junction between the M9 and A811 and that this aspiration will be considered in the transport appraisal. It is reiterated that the transport appraisal process should determine the appropriate infrastructure required to deliver the land use strategy. While the Council can maintain the new M9 junction is an aspiration, SPP states in paragraph 275: "Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies".

In addition to providing the above comments, early and targeted engagement is a vital aspect of our role as a key agency and we would welcome the opportunity to comment on any draft policies or documents prior to formal consultation. It is hoped this will assist the Council progress the plan more smoothly and reduce the number of issues which could potentially be raised at a later date.