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**Report to Clackmannanshire Council**

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**Date of Meeting: 27th January 2011**

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**Subject: Clackmannanshire Local Plan 1<sup>st</sup> Alteration (Housing Land) - Finalised Plan - Representations Received**

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**Report by: Director of Services to Communities**

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**1.0 Purpose**

- 1.1 This report summarises the representations received following the publication of the Local Plan 1st Alteration Finalised Plan, and the proposed Council responses. Where agreement has not been reached, comments made are considered to be formal objections to the Finalised Plan and the Plan must be submitted to the Scottish Ministers for examination. Further details of this process are given in the 'Considerations' section below.
- 1.2 The Local Plan 1st Alteration Finalised Plan was approved on 5<sup>th</sup> November 2009, with consultation between 2<sup>nd</sup> December 2009 - 29<sup>th</sup> January 2010. It was prepared to ensure that adequate housing sites were identified to meet the initial housing requirement of the Structure Plan 3rd Alteration (Approved June 2009) up to 2017. Many of these sites were already identified in the adopted Local Plan, some had been granted planning permission since the Local Plan had been adopted and some additional sites were also identified where they were considered suitable for housing development.
- 1.3 This Local Plan 1st Alteration is only concerned with the allocation of housing land. Other policies and issues which are still relevant to housing, for example affordability, quality, standards, open space, etc. will continue to be addressed by existing Local Plan Policies until such time as the new Local Development Plan is approved. The Alteration includes 'Development Guidelines' in the Schedule of Sites.

**2.0 Recommendations**

- 2.1. It is recommended that the Council
- (a) Agrees the responses to the representations in Appendix 1 and associated changes to the Alteration text.
  - (b) Notes that the outstanding representations will be submitted to the Scottish Ministers for examination.

### 3.0 Considerations

- 3.1 During the consultation period, nine evening drop in sessions were held in Dollar, Muckhart, Alva, Tillicoultry, Menstrie, Tullibody, Sauchie, Clackmannan and Alloa, as well as one to one meetings with members of the public who had requested to speak to an officer. The numbers attending these sessions was not as high as at the previous stages of the Plan, although this would be partly due to the fact that there were very few new sites and issues raised in the Alteration and the fact that many of those who had participated in the earlier stages were satisfied with the content of the Finalised Plan.
- 3.2 There were 31 responses received during the consultation period from 19 individuals, 5 consultants/companies, 3 national bodies/groups and 4 community/local interest groups. Two of these related to more than one aspect of the Plan and there were therefore 36 points raised in relation to the Plan.

Section of Plan	Representation Status		
	Objection	Representation	Support
General		2	
New Sites		3	
RES1a	2	2	
H22 - Sauchie West, Sauchie		1	
H44 - Helensfield, Clackmannan	5		
H45 - Forestmill		1	1
H46 - Menstrie Mains (Site 7), Menstrie		1	
H50 - Middletonkerse, Menstrie	4	9	2
H59 - Dollar Road, Tillicoultry		1	
H64 - Kellyburn, Dollar		1	
H907 - Glentana/Dalmore Centre, Alva		1	
	<b>11</b>	<b>22</b>	<b>3</b>

- 3.3 These points are summarised in the table below and are grouped where they refer to the same sites or issues in Appendix 1. Appendix 1 is written in the format of 'Schedule 4's' as required by the new planning system. The Schedule 4's along with the original representations will be submitted to the Directorate of Planning and Environmental Appeals for their consideration.

## Summary of Representations Received

Contributor	DPEA Ref.	Type	Policy	Summary
Menstrie Community Council	1	Objection	Site H50 - Middletonkerse, Menstrie	Various Issues: Flooding/Traffic/Access/Lack of facilities for more residents e.g. shopping, community facilities, play facilities, sports provision, education.
The Coal Authority	2	Representation	General references to coal extraction and sterilisation of reserves Council wide.	Prior extraction at Sauchie West/Forestmill and in general. Impact of new development on 500m separation distance. Request additional wording on ground condition investigations to identify any mining legacy issues.
Bett Homes	3	Support	Site H50- Middletonkerse, Menstrie	Requests alterations to the Development Guidelines for Site H50 in the Schedule of Sites.
Historic Scotland	4	Representation	General reference to their previous suggested wording alterations	Confirmation that they are happy that wording changes suggested at the Consultative stage have been included in the Finalised Plan.
SNH	5	Representation	Policy RES1a - Tourism related Golf Course Enabling Development, Site H22 - Sauchie West, Sauchie Site H45 - Forestmill	Request additional wording to Policy RES1a and the Development Guidelines for Site H22 - Sauchie West and Site H45 - Forestmill. To include the requirement for Landscape and Visual Assessments at Sauchie West and further biodiversity studies at Forestmill.
Alan Campbell	6	Representation	Site H50- Middletonkerse, Menstrie	Various Issues: Traffic/Flooding/Wildlife concerns. Wishes to see more detailed plans.

Mr & Mrs Dick	7	Representation	Site H50- Middletonkerse, Menstrie	Various Issues: Flooding/Wildlife/Trees/Views.
Deveron Homes c/o HFM		Representation (not being pursued to examination)	Proposed New Site south of Coalsnaughton	Promoting the allocation of a site south of Coalsnaughton for residential development.
Dollar Civic Trust	8	Objection	Policy RES1a - Tourism related Golf Course Enabling Development	Object to the enabling policy in relation to Dollar Golf Club. Should it remain in the plan, more detail should be required.
Tillicoultry Community Council	9	Representation	Site H59 - Dollar Road, Tillicoultry	Question how the designation of Site H59, Dollar Road came about, particularly changes to the urban limit and Green Belt.
Hermiston Securities	10	Support	Site H45 - Forestmill	Support Forestmill development but question alterations to housing figures.
Perry Hutchins	11	Representation	Proposed New Site east of The Glen, Coalsnaughton	Promoting site to the east of The Glen, Coalsnaughton.
Louise Cannon	12	Objection	Site H50 - Middletonkerse, Menstrie	Various Issues: Flooding/Wildlife/Traffic concerns.
Graham Nicol	13	Representation	Site H907 - Glentana/Dalmore Centre, West Stirling Street, Alva	Requests wording change to Development Guidelines.
John and Penelope Lee	14	Representation	Site H50 - Middletonkerse, Menstrie	Concern over flooding if this area is developed.

Ristol Ltd.		Representation (not being pursued to examination)	Proposed New Site, Site H64 - Kellyburn, Dollar, Site H46 - Menstrie Mains, Menstrie (Site 7), Policy RES1a - Tourism related Golf Course Enabling Development	Promote a site east of Dollar should further land release be required in the Plan period, or consideration of the site through the LDP if further land is not required. Support H64 but should emphasise that the number of houses proposed should be clearly identified as an estimate. Merits of the site at Aitkenhead should be given due consideration as well as Forestmill. Support RES1a.
Ross Muirhead	15	Support	Site H50 - Middletonkerse, Menstrie	As landowner, supports the designation of site H50.
Sarah & Roger Ridley	16	Objection	Site H50 - Middletonkerse, Menstrie	Question the need for more development on greenfield sites. If large family homes are to be built, is there a demonstrable need for this type of housing? Flooding and tree preservation concerns. Erosion of green space between Menstrie and Tullibody.
Moira Coulter	17	Representation	Site H50 - Middletonkerse, Menstrie	Flooding and tree preservation concerns. No matching increase proposed for other facilities such as schools, shopping facilities, transport/public transport and health care facilities.
Tom Mack	18	Representation	Site H50 - Middletonkerse, Menstrie	Over development of Menstrie, flooding and traffic concerns. Lack of facilities available to the population of Menstrie is not being addressed.
Lynzie E Mack	19	Representation	Site H50 - Middletonkerse, Menstrie	Over development of Menstrie, road congestion, flooding and lack of facilities in the village.

Kenneth & Kathleen MacDonald	20	Objection	Site H50 - Middletonkerse, Menstrie	Flooding issues and concern over flooding closing the Tullibody road recently. Traffic concerns. Developers poor 'track record' in fulfilling obligations raises concerns over roads and educational improvements required. Lack of 'social infrastructure' in the village. Possible layout implications for current housing adjacent to the site.
Jim Anderson	21	Objection	Site H44 - Helensfield, Clackmannan	Visual amenity concerns. Lack of information on affordable/low cost/special needs units.
Barry Wickham	22	Objection	Site H44 - Helensfield, Clackmannan	Objects to the fields being built on and requests more details.
Bobby Anderson & 10 signatories	23	Objection	Site H44 - Helensfield, Clackmannan	Requesting further information on the Plan in 'simpler' terms and whether a planning consultant could be engaged at a later stage, following their representation. Seeking clarification on how the site came to be identified. Concerns over previous mine workings potentially impacting the site, and amenity issues regarding the proximity to the rail line. Scale of development in relation to Helensfield and loss of views from the bypass. Impact on wildlife. Coalescence of Helensfield and Clackmannan.
Mr & Mrs James McQuillan	24	Objection	Site H44 - Helensfield, Clackmannan	Object to the proposed roundabout access to the site, particularly in relation to the proximity to their house, and the location of a large housing development adjacent to Helensfield. Consider there are more suitable locations within existing town boundaries, although do not give any examples.

John Gourlay	25	Representation	Site H50 Middletonkerse, Menstrie	-	Development should not be approved until all of the residents in Menstrie Mains have been consulted. Queries why less than 25% of the units proposed are for affordable housing. Should be aware of current problems in previous phases of the development and not let them happen again, particularly in relation to SuDS pond design, drainage, open space provision and maintenance and community facilities.
Derek Hughes	26	Representation	Site H50 Middletonkerse, Menstrie	-	Construction traffic should access the site only from the Tullibody road (C101). Traffic calming should be continued from the Menstrie Mains site through Middletonkerse. Any construction compound should be located in the Middletonkerse site, i.e. entirely within the boundaries of site H50 to protect the landscaped amenity areas within the developed parts of the Menstrie Mains estate.
John Caldwell	27	Representation	Site H50 Middletonkerse, Menstrie	-	Flooding concerns, including impact on drainage and sewage. Access improvements to the C101 would be welcomed but it should be guaranteed that the work would be carried out. Improvements to education provision should be established. The developer questions the existence of a TPO (there are 4 areas covered by a TPO) and does not take any notice of trees on the field boundary.
Maureen Wheeler	28	Objection	Site H44 - Helensfield, Clackmannan		Concerned over devaluation of property, loss of views, noise nuisance, overshadowing, overlooking issues. Loss of 'countryside' area and green belt. There would also be adverse impacts on wildlife, drainage problems and road traffic issues.
Muckhart Community Council	29	Objection	Policy RES1a - Tourism related Golf Course Enabling Development	-	Wish to see the section on "Enabling Development and Tourism" removed from the Alteration. If this is not accepted by the Council then there are objections to the wording of the section and Policy RES1a in particular.

- 3.3 As there are still matters of dispute which have not been resolved, the Plan must be submitted to the Scottish Ministers for examination. Ministers will appoint a person to carry out the examination and the arrangements for the examination will be made by the Directorate for Planning and Environmental Appeals.
- 3.4 Under the new planning system the examination will be led by the Reporter and neither the objector nor the Council have a right to be heard at a public local inquiry. Written submissions should usually be sufficient, however it will be for the Reporter to decide whether it will be necessary to hold a hearing to explore the information further, and who to invite to participate in the hearing. Only exceptionally will an inquiry session be necessary to test the information through cross-examination. The Council must summarise the unresolved representations by topic on a standard 'Schedule 4' form. When grouped together there are 9 separate issues to be considered by the Reporter. The Reporter will submit a report of the examination to the Council, containing his or her conclusions and recommendations on each issue and any modifications to the Plan which are recommended by the Reporter will generally be binding on the Council. The Schedule 4 forms are included at Appendix 1.
- 3.5 The majority of responses received (20 of the 31) relate to 2 previously 'white land' sites (land within current settlement boundaries but not previously allocated for housing) at Menstrie and Clackmannan. As they were 'white land', they were favoured for development rather than greenfield sites outwith the settlement boundaries. The sites previously had perceived constraints to their development, which have now been resolved, and they were therefore included in the Finalised Plan as the best additional site allocations, having already been identified as 'white land', to compensate for known and anticipated later starts on other sites. Both of the sites are being actively promoted for development.
- 3.6 Given that the change in status from 'white land' to allocated sites was not made until the Finalised Plan, it is perhaps not surprising that these sites have been the subject of most of the representations. Many of the representations received accepted that the sites were likely to be developed and were seeking clarification and reassurance that issues such as flooding, traffic management and access, densities and the protection of wildlife would be fully considered and highlighted through the Plan.
- 3.7 In resolving issues raised it has been necessary to reword parts of the Plan.

#### **4.0 Sustainability Implications**

- 4.1 It is the intention that the Local Plan Alteration's policies and proposals will be firmly based on the principles of sustainable development, and will provide an important contribution to delivering the Council's objectives on sustainability and climate change, as set out in the Clackmannanshire Sustainability & Climate Change Strategy. The likely significant environmental effects of the Alteration have been assessed through the statutory strategic environmental assessment process and an environmental report has been prepared setting out these likely effects.

## 5.0 Resource Implications

- 5.1 The funding of the Alteration will be met from existing budgets.
- 5.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes
- 5.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.4 There are no additional staffing requirements associated with this work.

## 6.0 Exempt Reports

- 6.1 Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

### (1) Our Priorities 2008 - 2011 (Please double click on the check box )

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input checked="" type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input type="checkbox"/>            |

### (2) Council Policies (Please detail)

## 8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

## 9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Schedule 4's for submission to the Directorate for Planning and Environmental Appeals.

## 11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

Full representations from objectors

Environmental Report

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Julie Hamilton	Development Services Manager	2657

### Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	(Signed: J Gillespie)
Garry Dallas	Director of Services to Communities	(Signed: G Dallas)

## **Appendix 1**

### **Schedule 4's for submission to the Directorate for Planning and Environmental Appeals**

<b>Issue 1</b>	<b>Site H50 - Middletonkerse, Menstrie</b>	
<b>Development plan reference:</b>	H50	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
1 Menstrie Community Council 3 Bett Homes 6 Alan Campbell 7 Mr & Mrs Dick 12 Lousie Cannon 14 John & Penelope Lee 15 Ross Muirhead 16 Sarah & Roger Ridley 17 Moira Coulter 18 Tom Mack 19 Lynzie E Mack 20 Kenneth & Kathleen MacDonald 25 John Gourlay 26 Derek Hughes 27 John Caldwell		
<b>Provision of the development plan to which the issue relates:</b>	Site H50 - Middletonkerse, Menstrie	
<b>Planning Authority's summary of the representation(s):</b>		
<b><u>Flooding</u></b> (Reference of body or person(s) commenting on this matter: 1, 6,7,12,14,16,17,18, 19,20,27)  A number of concerns are raised as the site has a history of flooding. This could also be problematic for drainage/sewerage and the proposed access road.		
<b><u>Roads and Access</u></b> (Reference of body or person(s) commenting on this matter: 1,3,6,12,17,18,19,20,25,26,27)  The developer seeks amendment to the text to clarify the roads and access requirements. It would not be reasonable to expect the development to fund works in isolation where other developments contribute to the requirement for them.  Around 250 additional vehicles would aggravate existing congestion on the road network. Need for clarity about the access arrangements. People will use the Middleton estate as a shortcut with resultant road safety implications. Traffic calming and enhanced public transport access would also be required. Need assurance that the necessary works will be carried out given past experience. Need provision to avoid construction traffic using Hazel Avenue.		

### **Social infrastructure**

(Reference of body or person(s) commenting on this matter: 1,17,18,19,20)

The village does not have adequate facilities to cope with over 600 additional residents. The proposal does not make any provision for enhanced local facilities such as a primary school, local shopping etc. Clarity should be given regarding any expected improvements to education provision. Further classrooms would be required at Menstrie primary school.

### **Environment/amenity**

(Reference of body or person(s) commenting on this matter: 6,7,12,16,19)

Concern about loss of trees protected by a TPO. Loss of green space between Menstrie and Tullibody merging the two towns. Further expansion will destroy the character of the village. West Myreton has already destroyed the village character.

The site is of wildlife value with buzzards, bats and owls.

The privacy and amenity of adjoining properties should be protected by setting back the development and careful location of play parks. Landscape and amenity areas on the Menstrie Mains estate should be protected by locating the working compound away from the site boundaries.

The owners of the site state that it is suitable to form a natural extension to Menstrie Mains and the settlement of Menstrie.

### **Site Capacity**

(Reference of body or person(s) commenting on this matter: 3,16)

The density suggests large family homes which are not required if the size of households is decreasing.

### **Affordable housing**

(Reference of body or person(s) commenting on this matter: 3,25)

Accept the need for affordable housing but a footnote to the schedule should clarify a degree of flexibility. Wording suggested below (in the modifications box).

Why does the Finalised Plan show less than 25% of the housing as Affordable Housing?

### **Other**

(Reference of body or person(s) commenting on this matter: 1,3,6,7,12,15,18,20,26)

In the Schedule of Sites, the site status is missing from the text, this should read (A) for additional site. The text on open space provision should be amended as detailed below to remove reference to off site provision.

The proposed housing is in the wrong place, there is potential for further development next to the new houses in the Menstrie Mains estate which were built recently.

### **Modifications sought by those submitting representations:**

Removal of the site from the housing allocations in the Local Plan Alteration.

Further detail in relation to flooding, roads and access and protection of trees and wildlife.

The Development Guidelines text should be amended to secure necessary improvements as follows.

“Subject to Development Brief and Design Statement. Developer to create main access from either Menstrie Mains or from the C101. A link from Menstrie Mains to C101 should be considered as part of delivering the site. Improvements to C101, including the hump back bridge and the C101/A91 junction, must be considered as part of a transport assessment and provided as required. It is not expected that this site should have to fund highway works in isolation where other proposed developments are likely to also contribute to the requirement for them. If required, it is considered that the railway line can be crossed at grade.”

It is requested that the following footnote be added to the text in the ‘Afford’ column of the Schedule.

Footnote – “This figure is indicative only and the actual number of affordable homes will be considered in the context of Government guidance in SPP3 and PAN74 and in light of Policy RES4 in the Local Plan. All forms of affordable housing as included in PAN 74 (at paragraph 11) and SPP 3 (at paragraph 91) will be considered appropriate for the site. A commuted payment may be accepted if circumstances suggest this.”

The Development Guidelines Text should be amended as follows.

“Developer to provide for...formal and informal open space provision on site only.”

### **Summary of responses (including reasons) by Planning Authority:**

#### **Site History**

The site was shown as being within the Settlement Boundary in the Local Plan (Adopted August 1994) and identified as part of a 'Long Term Growth Area' in the Clackmannanshire Local Plan 2nd Alteration (Housing Land Supply), October 1996.

#### **Appeal**

- Outline Planning Application (00/00129/OUT) by Bett Homes for Residential Development, associated infrastructure and Community Facilities - Submitted 20/04/2000.
- Site area encompassed 24 hectares but did not include site H50. A masterplan was submitted that showed 6 housing sites, and area of public open space/amenity/recreation, a site for a shop and for community and potential business use, all to the west of the rail line.
- Refused by the Council on 27 September 2000 for 5 reasons, including the fact that the land east of the rail line was excluded from the site and that therefore the preferred link road between the A91 and C101 could not be delivered.
- An appeal was lodged against this decision, and a public enquiry held between 25 and 27 June 2001.
- Planning Permission granted on appeal - 4 March 2002, following the conclusion of a S75 Agreement.

Following the appeal decision, the Adopted Clackmannanshire Local Plan, December 2004 indicated the site as being within the settlement boundary, but not allocated for development within the timescale of the local plan. It is therefore "white land".

### **Flooding**

(Reference of body or person(s) commenting on this matter: 1, 6,7,12,14,16,17,18, 19,20,27)

The Development Guidelines for the site require the submission of a detailed Flood Risk Assessment which will help to determine which parts of the site will and will not be developable and consider water management requirements. These detailed assessments will be undertaken either as part of the Development Brief/Design Statement process or as an integral part of any application for planning permission. **It is therefore considered that the Plan makes provision to address this issue and no changes are proposed to the Alteration.**

### **Roads and Access**

(Reference of body or person(s) commenting on this matter: 1,3,6,12,17,18,19,20,25,26,27)

A Transport Assessment will be required and infrastructure improvements, including the road network, will be a major consideration when assessing any planning application for this site.

Improvements required will be clearly laid out in either the conditions attached to any planning permission or through a legal Section 75 agreement. These will also include details of the timescales for the completion of any works required in relation to the construction of houses on the site. These detailed assessments will be undertaken either as part of the Development Brief/Design Statement process or as an integral part of any application for planning permission.

The site must be accessed from the C101 and must link into Menstrie Mains, including the construction of the road and cyclepath/footways on the west side of the disused railway to complete the link between the A91 via Menstrie Mains to C101. The disused railway should be crossed at grade and all necessary traffic management measures should be installed to accommodate a future cycle/pedestrian route on the line of the disused railway.

Contributions will be sought towards the improvement of the hump back bridge on the C101 and construction of a new road/footway and cycle route at grade level over the disused railway over the C101. Precise details will be determined through the Development Management process. As the road through the proposed site will link the C101 (Tullibody road) through the Menstrie Mains estate to the A91, it is hoped that a bus route will be routed along the new road and that footpath links can be provided with the Middleton estate to allow easier access to public transport.

Road safety improvements to the C101 (Tullibody road) will also be required.

Access arrangements for construction traffic will form part of the conditions of any planning permission for the site and safety considerations will be a major part in determining the access routes and hours. Any upgrades required prior to the

commencement of construction on site will also be conditioned.

Details such as traffic calming measures will be considered in detail through a Development Brief, or a detailed planning application. It is likely that these will reflect the previous phases at Menstrie Mains.

**It is considered that the Plan makes provision to address these issues and no changes are proposed to the Alteration.**

### **Social infrastructure**

(Reference of body or person(s) commenting on this matter: 1,17,18,19,20)

Developer contributions have enabled the extension of the Primary School and the Dumyat Centre, and open space provision for the benefit of the local community. The latest information from Education Services is that a further extension to the school would be the most appropriate way to accommodate any increased pupil numbers from the proposed development.

The Development Guidelines require developer contributions to address any primary education needs arising as a result of the development, formal and informal open space provision and funds for public art. As the Alteration only addresses housing, it identifies what is needed, i.e. improvements required as a result of the development of this phase of the site.

**It is therefore considered that, within the remit of the Alteration, provision is made to address this issue. Further detailed consideration can be given to all aspects of social infrastructure through the Local Development Plan Main Issues Report. No changes are proposed to the Alteration.**

Education Services will continue to be consulted on the suitability of the school to accommodate any additional pupil numbers from this development and developer contributions will be sought for changes to the school to accommodate these pupils if necessary. This is highlighted in the Development Guidelines for the site.

**No changes are proposed to the Alteration.**

### **Environment/Amenity**

(Reference of body or person(s) commenting on this matter: 6,7,12,16,19)

The TPO covers the two groups of trees in the east field, and the two lines of trees on the east and west boundaries of the east field. TPO policies will therefore apply to these areas. Depending on their condition, they should be retained and incorporated into any development layout.

**TPO reference to remain in the Development Guidelines. No changes are proposed to the Alteration.**

### **Site Capacity**

(Reference of body or person(s) commenting on this matter: 3,16)

While the number of units identified in the Schedule of Sites is indicative, it is considered that constraints on the site such as areas prone to flooding and the requirement for the provision of open space make it unlikely that the site capacity would exceed around 200 units. It is envisaged that the developable area of the site will be developed at medium density, however the whole site is included in the Alteration to allow for design solutions to be developed without the potential

constraints of the smaller site size. A previous submission by Gladedale indicated that the site capacity would be between 150-200 units. It is considered that this is a reasonable number and that the Local Plan figure of approximately 175 is representative of the site capacity.

**No changes are proposed to the Alteration.**

### **Affordable Housing**

(Reference of body or person(s) commenting on this matter: 3,25)

The number of affordable units identified in the Schedule of Sites have either been agreed through a planning consent, planning brief, RSL programme or are set at 25% of the site total in accordance with Policy RES5 'Affordable and Particular Needs Housing'. As the Alteration only considered housing sites and not the affordable housing policy this 25% figure must remain, although Policy RES5 does state that the 25% figure "may be moved up or down depending on specific local need and circumstances.". As the capacity of the site is listed as approximately 175, a 25% figure would be 43 units. The Plan will be changed to reflect this figure to ensure that provision is in line with Policy RES5.

**Affordable housing figure to be changed to 43 units. This could be revisited when an application is submitted to check if the local need has changed.**

### **Other**

(Reference of body or person(s) commenting on this matter: 1,3,6,7,12,15,18,20,26)

The fields adjacent to the recently built housing lie outwith the settlement boundary in the countryside and it is not considered that these areas represent more suitable sites than the site already identified within the settlement boundary at Middletonkerse.

### **Any further plan changes commended by the Planning Authority:**

Affordable housing figure to be changed to 43 units. This could be revisited when an application is submitted to check if the local need has changed.

'A' to be inserted in the relevant column of the Schedule of Sites.

Propose to delete the reference to "Including of site provision." in the Development Guidelines, but not add "...on site only.". Issue to be resolved at the time of any planning application or the preparation of a Masterplan/Brief.

<b>Issue 2</b>	<b>Site H44 - Helensfield, Clackmannan</b>	
<b>Development plan reference:</b>	H44	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>21 Jim Anderson  22 Barry Wickham  23 Bobby Anderson &amp; 10 signatories  24 Mr &amp; Mrs James McQuillan  28 Maureen Wheeler</p>		
<b>Provision of the development plan to which the issue relates:</b>	Site H44 - Helensfield, Clackmannan	
<b>Planning Authority's summary of the representation(s):</b>		
<p><b><u>Landscape Impact and Visual Amenity</u></b>  (Reference of body or person(s) commenting on this matter: 21,22,23,24,28)</p> <p>The existing site enhances the attractiveness of the area, and it's natural layout, contours, landscape and visual amenity should not be impacted in any way by the proposed development.</p> <p>The development will be in a Green Belt area, Helensfield will be joined up to Clackmannan and the Green Belt context would be lost. Helensfield should remain detached from the town to preserve its current identity. There are more suitable locations to locate a large housing development within existing town boundaries.</p> <p>Development would detract from the views of Helensfield itself and the views over to the church and Clackmannan Tower currently enjoyed by people entering the "Wee County".</p> <p>Neighbouring properties will be devalued and the attractive views from existing housing will be lost. The new build will create adverse and unacceptable overlooking and loss of amenity.</p> <p>Would like to request a more detailed brief before site application is submitted for the site.</p> <p><b><u>Social Infrastructure/Affordable and Special Needs Housing</u></b>  (Reference of body or person(s) commenting on this matter: 21)</p> <p>There are other factors which will have to be considered with regards to the social and welfare and proposed population of the development. It should also be pointed out, that there is little information contained within the Development Guidelines from the developer, in relation to the end use of Affordable/Low Cost/Special Needs units.</p>		

### **Ground Conditions**

(Reference of body or person(s) commenting on this matter: 23)

There are underground mining problems that would need to be overcome to enable any development there.

### **Roads, Access and Infrastructure Issues**

(Reference of body or person(s) commenting on this matter: 24,28)

Object to the prospect of a new roundabout on the A907 since it would detrimentally effect on the market value and amenity of Linsdale, Helensfield, and it would be safer to implement an alternative design solution for an access. Vehicular access from Cherryton Drive would be a more positive option. Access to the A907 will be problematic.

**Note to the Reporter:** Since the Schedule 4's were circulated prior to submission, eight residents of the Cherryton Drive area have contacted the Council to object to the suggestion made by another objector that access could be taken through Cherryton Drive (copies of objections enclosed). These objections are based on the impact of increased traffic in Cherryton Drive, Riccarton and at the junction with Main Street, which will become even busier following the completion of site H42, the unsuitability of the Category C Listed bridge and the inability to improve the bridge to a suitable standard without serious impact on its historical value.

The increase in car ownership in the vicinity will have adverse affects, particularly from increased noise pollution.

There will be major drainage problems associated with any development here.

### **Site Capacity**

(Reference of body or person(s) commenting on this matter: 23,28)

The extent of development is significant and will enlarge the existing village by 700%. This is unacceptable.

It is proposed to build around 220 new homes on the land at Helensfield.

### **Others**

(Reference of body or person(s) commenting on this matter: 21,23,28)

Concern that the residents are not experienced in dealing with the planning system and seek clarification that they can still retain legal services i.e. a planning consultant after the submission of their representations and any meetings with the council and that the deadline for comments of 12th February 2010 does not preclude this.

The residents are not clear on the planning context of how the site can be allocated in the proposed Finalised Alteration i.e. how can it appear now at this stage?

Suggested that perhaps due to the close proximity to the newly re-opened railway, any buildings on site would be adversely affected by trains e.g. vibrations, noise.

Seek confirmation whether all of the other areas identified in the Plan have been “used” or if this area has simply been identified as it is more lucrative/appealing than the other areas.

Seek an explanation of why the Council now wishes to include this land at what would seem to be the request of a developer.

Would like details of any public meetings/notices which may have taken place in the past relating to this proposal.

**Modifications sought by those submitting representations:**

Deletion of the site from the Finalised Plan.

Request more details about the way the site will be developed.

**Summary of responses (including reasons) by Planning Authority:**

**Landscape Impact and Visual Amenity**

(Reference of body or person(s) commenting on this matter: 21,22,23,24,28)

The land at Helensfield is mainly arable and lies within the existing urban boundary as defined in the adopted Local Plan. It is therefore an integral part of the existing urban area. The site is not designated as Green Belt and there are no planning restrictions requiring this land to remain in its current state.

No specific mention is made of any more suitable locations which are referred to.

The Schedule of Sites and the related Development Guidelines in the 1st Alteration make it clear that particular attention and steps are required to secure conservation of valuable habitat and landscape features at Helensfield/Clackmannan. They indicate the key considerations for any form of development at the site e.g. the developer to secure enhanced landscape and habitat values for adjacent riparian features and woodland, and careful attention to urban design is required amongst other requirements.

The perceived devaluation of property and protection of views are not material planning considerations. The currently adopted Local Plan contains policies to protect established residential amenity from any unacceptable and adverse impacts (Policies RES7 to RES12).

**No changes are proposed to the Alteration.**

**Social Infrastructure/Affordable and Special Needs Housing**

(Reference of body or person(s) commenting on this matter: 21)

It is unclear exactly what is meant by "the social and welfare and proposed population of the development". The Development Guidelines are not comprehensive, but do try to include as much information as possible. Further information would be forthcoming from a developer prior to any application being submitted as there is now a duty for them to consult while preparing their plans, rather than after the plans have been submitted. The Council has a Policy requiring affordable homes which will be applied to this development if appropriate.

**No changes are proposed to the Alteration.**

### **Ground Conditions**

(Reference of body or person(s) commenting on this matter: 23)

The whole area south of the Ochil Fault line requires consultation with the Coal Authority to prove that the ground is developable and appropriate technical investigation and advice on ground stability and other risks should be sought prior to the submission of any planning application.

**No changes are proposed to the Alteration.**

### **Roads, Access and Infrastructure Issues**

(Reference of body or person(s) commenting on this matter: 24,28)

The market value of any property is not a material planning consideration as to whether any site ought to be allocated, although amenity issues are taken into account when considering development proposals (please see the last point under 'Landscape Impact and Visual Amenity', above).

The roundabout design to the A907 will comply with the Development Roads Guidelines and Specifications of the Council and related safety considerations.

The Cherryton Drive option is not favoured, mainly since the footbridge over the River Black Devon can provide for only pedestrian and other light travel.

**Note to the Reporter:** The Council's Roads Department have advised that access through Cherryton Drive would not be favoured due to potential junction issues at Riccarton/Main Road, increased volumes of traffic due to a new development at Burnside (site H42) and potential issues with any required upgrade to the bridge over the Black Devon which is Category C(S) Listed and would require upgrading. Until such times as a more detailed assessment are carried out however, the Roads Department could not categorically state that an access through Cherryton Drive would be impossible or unacceptable. As neither the Council, nor the potential developer were considering access via this route, it has not been looked at in detail. Historic Scotland were not contacted for the same reason.

It is accepted that there will be increased traffic in the Helensfield area. The scale of this development, however, is not considered to be an unacceptable generator of pollution and the development will be required to provide for active travel options which can keep car travel to a minimum e.g. walking and cycling to Clackmannan and Alloa and with links to the nearby national cycle route and the local path network.

Consultation with Scottish Water does not indicate that development of this land is not feasible. The water and drainage infrastructure required for any development here will be required to meet the quality standards prescribed by the relevant authorities.

**No changes are proposed to the Alteration.**

### **Site Capacity**

(Reference of body or person(s) commenting on this matter: 28)

The extent of development is more related to meeting the strategic housing need for the area, as given in the Structure Plan, and specifically whether it can provide a quality place to live and can fit well into the existing landscape. It is considered

that housing on this land can serve such purposes well and it has therefore been allocated.

Whilst the Local Plan seeks to allocate around a gross area of 6.57 hectares of land as a development site the net site area for building will likely be significantly less than that. In any event the site is to be developed at a low density, which is around 12 homes per hectare. This equates to around 55 new homes in total as stated in the Schedule of Sites.

**No changes are proposed to the Alteration.**

### **Others**

(Reference of body or person(s) commenting on this matter: 21,23,28)

As you were advised in the letter from the Council (15th June 2010), this does not prejudice your ability for a fair hearing on any relevant planning considerations. All relevant planning matters can be dealt with through your written representations and such representations must be clearly documented by this Service and reasonable justification provided for any recommended outcome. You were advised to contact us if you had any further questions at any stage of the process and advised that another useful resource was Planning Aid for Scotland, a unique and independent charity which helps people understand, engage and benefit from the planning system.

You were also advised that, having made your comments, you were welcome to give more detail on them, although no new issues should be brought up. Initial representations are usually sufficient unless there are points which need clarified. We further commented that it was unusual for members of the public to engage professional services, although if you wished to approach a planning consultant, that was your choice. You were further advised that your representations would be considered by a Reporter, who are experienced in considering representations from members of the public and the absence of 'professional' input would in no way prejudice their decision.

In order to identify sufficient land to meet the projected housing needs it was necessary to identify 2 additional sites. This was because the previously anticipated start dates and development rates at some other sites was not as early and not as high as previously predicted. There was therefore a shortfall which necessitated the identification of additional suitable sites. The purpose of having an early draft of any Local Plan or Alteration is to enable amendments to be secured fairly and openly. Circumstances may change between the production of the Draft and the Finalised Plan, as was the case here, therefore amendments may be required.

The railway re-opening project considered all issues of this kind and a further opportunity to do so will arise at the formal planning submission stages for this site.

While some sites remain undeveloped, the delay in commencing construction on other sites has resulted in the need to identify additional land for development which it is considered could be developed in the shorter term to make up the shortfall.

Neighbours of the proposed new sites in the Finalised Plan were sent letters advising them of the changes from the Draft Plan, although no further public

meetings were held.

**Any further plan changes commended by the Planning Authority:**

No.

<b>Issue 3</b>	<b>Site H45 - Forestmill</b>	
<b>Development plan reference:</b>	H45	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
5 Scottish Natural Heritage 10 Hermiston Securities		
<b>Provision of the development plan to which the issue relates:</b>	H45 - Forestmill	
<b>Planning Authority's summary of the representation(s):</b>		
<p><b><u>Forestmill (Site H45)</u></b> (Reference of body or person(s) commenting on this matter: 5,10)</p> <p>SNH support the requirement to include the mitigation and enhancement measures as cited in the ER in the development guidelines section. They also refer to their detailed comments made in relation to this application and their natural heritage recommendations that should be incorporated into the development guidelines (ref. SNH's letter of 7 September 2006). These include River corridor surveys and in relation to Parklands Muir LWS adjacent, timing of works and specific landscape/visual recommendations.</p> <p>Hermiston Securities Limited fully support the identification of land within their ownership at Forestmill for housing within the Local Plan First Alteration – Finalised Draft (Site H45). Notwithstanding this, in terms of the number of houses expected to be delivered at Forestmill during the period of the Local Plan Alteration (i.e. up to 2017), the Finalised Draft Alteration articulates a figure of 320no. Conversely, the Consultation Draft Alteration previously suggested that 480no units would be provided within the same timeframe.</p> <p>The Finalised Draft Alteration does not appear to give any explanation for this significant reduction. Given that the indicative phasing strategy approved as part of the planning permission suggests that, allowing for enabling infrastructure works, up to 500no. houses could be developed within the first 6no. years, this revised figure needs to be clarified.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Second last bullet point to be revised to read: Optimising the potential to achieve all of the above whilst minimising the environmental impact of the development and its impact on the landscape of Clackmannanshire. This will require that the mitigation and enhancement measures mentioned in the Environmental Report are firstly assessed in detail e.g. protected species and habitat surveys and River Corridor Surveys are done as relevant and required, and any development protects and enhances the natural heritage in the area for future generations by avoiding unacceptable impacts. Any removal of trees/scrub should be undertaken outwith the bird-breeding season.</p>		

**Summary of responses (including reasons) by Planning Authority:**

**Site History**

The Council has agreed that it is minded to grant an outline application (06/00283/OUT) for the development of a village, comprising houses, school, business units, shops, hotel, golf course, leisure and community facilities with associated roads, footpaths, other infrastructure, open space and landscaping, subject to the conclusion of a Section 75 Agreement.

**Forestmill (Site H45)**

(Reference of body or person(s) commenting on this matter: 5)

The second Environmental Statement prepared by Hermiston's agents and submitted to the Reporter in October 2008 advises that a River Corridor Survey was carried out on the Black Devon from May to July 2008. Later reference to otters, which appears to be the main area of concern, indicates that there were also surveys carried out in February and May 2006.

The Environmental Statement indicates that the mitigation measures for the river corridor will comprise a buffer zone, and there will be further survey work required for where the bridge crosses the river. In the conditions to be attached to the planning permission there is no specific call for additional survey work beyond that described above. Accordingly, as a River Corridor survey has been undertaken, with further survey work to be undertaken with reference to the area around the bridge, it is proposed to add the wording suggested to the text.

The housing figure was changed following information given to the Council that the start date for developing the site would be likely to be delayed from 2012 to 2014. It was therefore considered that the figure of 320 units was more realistic. There will be scope to revise any phasing in the Local Development Plan.

**No changes are proposed to the Alteration.**

**Any further plan changes commended by the Planning Authority:**

No.

<b>Issue 4</b>	<b>Policy RES1a</b>	
<b>Development plan reference:</b>	Policy RES1a	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>5 Scottish Natural Heritage  8 Dollar Civic Trust  29 Muckhart Community Council</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy RES1a	
<b>Planning Authority's summary of the representation(s):</b>		
<p><b><u>Policy RES1a - General</u></b>  (Reference of body or person(s) commenting on this matter: 5,8,29)</p> <p>Support the landscape and visual assessment in this policy and consider this is applicable for all three sites. We note your response that once more detailed information on site boundaries is established, there will be more detailed consideration of impacts on the Black Burn Wood and Meadows SSSI. We welcome this and recommend the final bullet point in the policy is revised to include an ecological survey for species and habitats by a suitably qualified professional, with specific assessment of potential impacts on SSSIs adjacent to the Dollar and Muckhart golf courses if applicable.</p> <p><b><u>Policy RES1a - Dollar Golf Club</u></b></p> <p><b><u>Site History</u></b>  Dollar golf club have submitted 2 planning applications which have still to be determined:  10/00226/FULL - Erection Of Golf Club House With Associated Alterations To Car Park.  10/00227/FULL - Alterations (Including Partial Demolition), Stairwell Extension And Change Of Use Of Golf Club House To Form 5 No. Flats.</p> <p>To refer to linking enabling development to Dollar Golf Club is to open the way for speculative development over the length of the golf course.</p> <p>Concerns with regard to “other planning considerations”, which it is our view should be addressed before adoption of The Plan. This site is particularly sensitive in terms of its position at the top of “the most important street in Dollar” (Robin Kent, Dollar Conservation Area Appraisal of 2002) and at the junction between the Conservation Area within which the building lies and the Area of Great Landscape Value to the north.</p> <p>It seems surprising that a number of units or indeed an assessment of planning considerations could be arrived at without professional appraisals of the potential impact on both the Conservation Area and the AGLV; a point on which Dollar Civic Trust would seek reassurance.</p>		

The site is also extremely tight with a small car park and narrow access between the building and the burn. The building, although unlisted, is not without merit.

It seems possible that some limited development, such as extension and conversion of the club house building is an option which should also be considered. It is a concern that a developer partner may wish to demolish the golf club and, whilst this is not an attractive option in terms of preserving built heritage and sustainability principles, any new build should be required to enhance not just the viability of the golf club, but also the heritage character of the area. It would be difficult to ensure that new build would be of equal quality of build.

It would be preferable to consider any proposals for site development through the planning process rather than as part of enabling policy. It is the view of Dollar Civic trust that enabling development is not the best way forward with this site as it is too loose and open to leverage due to economic factors.

Should the reference to Dollar Golf Club remain within the Plan under enabling policy, it should be tied clearly to a boundary which is identical to the current ownership boundary of the Dollar Golf Club and, that Historic Scotland, Scottish Natural Heritage and AHSS should be consulted and involved in the definition of a development brief, before a developer partner is involved. There should be no harm to the character of the Conservation Area or the AGLV, rather there should be clear, open and transparent identified opportunities for enhancement.

#### **Policy RES1a - Muckhart Golf Club**

Object to the use of the enabling development policy to favour the financial gains of a private golf club without any clear indication as to what community gain might accrue from any such development. Whilst the aim of increasing the visitor numbers is to be supported, we would challenge the view that any such increase in the numbers playing golf at Muckhart and other golf clubs amounts to the kind of community gain that should accrue from enabling development. Furthermore that gain is not described or quantified in any detail in the Alteration, nor is there any description of acceptable thresholds for visitor numbers below which there would be no significant community gain. Therefore we would wish to see the section on Enabling Development and Tourism removed from the Alteration.

If the above objection is not upheld, then the following objections would still remain. However before detailing those additional objections, we wish to put on record that we welcome the improvements to policy RES1a contained in the Finalised Plan. They indicate that the Council has recognised many of the concerns that we expressed in our comments on the Consultative Draft of the Alteration.

The wording of 'Enabling Development and Tourism', and RES1a in particular, is far too open-ended. As it stands we have no idea as to how many houses might be built on the golf course or where they might be built. This open-ended approach involves asking the Muckhart community to accept an Alteration which could result in far more houses being built on the golf course than would be deemed acceptable. It could lead to speculative development being pushed through the planning system which results in the largest ever single growth of housing in the Muckhart area.

We cannot see why the enabling development policy as it relates to golf courses needs to detail three golf courses which happen to have approached the Council.

Enabling development is an existing policy which is being refined to attract more golf visitors to Clackmannanshire. Notwithstanding our primary objection to the use of the enabling development policy to benefit private golf clubs, we would argue that if RES1a has been drawn up on the back of a golf tourism policy then surely that policy should apply to all golf courses in Clackmannanshire, not just Muckhart, Dollar and Braehead.

We do not believe that the housing proposed for Muckhart Golf Club should relate to one type of housing only i.e. 'low density' housing. Muckhart requires a balanced range of housing, not just the 'expensive' or 'executive' housing that would result from the golf course proposal. Furthermore we as a community are trying to address the housing issue in Muckhart through the new Development Planning system but it is particularly difficult to deal with those issues when the extent of housing development on the golf course which might result from the Alteration is unknown. The overlap of these two planning processes is unacceptable. We therefore object to housing on the golf course being dealt with through the Alteration, separate from and parallel to the housing issues that will be addressed through the new Development Plan.

If policy RES1a does remain in the Alteration then its wording requires further editing, with appropriate consultation. For example, the words 'where required' should be removed from the section on the landscape and visual impact assessments. Housing on golf courses, (and Muckhart is no exception), always has a landscape impact and therefore a landscape and visual impact assessment should always be made, not just where required.

#### **Modifications sought by those submitting representations:**

Final bullet point to be revised to read:

- Consideration of amenity and environment, including ecological surveys for species and habitats, and measures to address any issues. Potential impacts on the SSSIs adjacent to Dollar and Muckhart golf courses should be specifically assessed.

#### **Summary of responses (including reasons) by Planning Authority:**

##### **Policy RES1a**

(Reference of body or person(s) commenting on this matter: 5,8,29)

It is considered that the principle of enabling development has been covered in great depth in paragraphs 3.18a to 3.22a and in Policy RES1a. This recognises that there will be uncertainties at the outset of such projects and aims to put in place conditions and criteria which must be met before enabling development will be considered. It is considered that these conditions address your concerns in relation to any proposals, e.g. your contention that it is unclear as to what community benefits might accrue from a development at Dollar Golf Club would be picked up in more detail under the very first bullet point of Policy RES1a.

Quantifying any potential benefits is likely to be an inexact science, however it is considered likely that, if facilities are improved, both member and visitor numbers may well increase. A better standard of product usually results in improved patronage, all other factors being equal. The Council is therefore keen to support such proposals in principle and, through Policy RES1a will address any potential issues which may arise as such proposals are progressed.

**No changes are proposed to the Alteration.**

**Policy RES1a - Dollar Golf Club**

It is not clear where the quoted "other planning considerations" referred to can be found in the Finalised Alteration document, however Policy RES1a does list the criteria and issues which will be taken into consideration when considering proposals submitted under the enabling development category.

**No changes are proposed to the Alteration.**

The Alteration does not give any indication of a number of units, it does state that any enabling development should be the minimum amount required. There are therefore a number of variables and these would be addressed under the criteria of Policy RES1a. These would include landscape and visual appraisals of any potential development, with particular regard paid to Conservation Areas, AGLVs and the surrounding area.

**No changes are proposed to the Alteration.**

When advice is sought on a potential development or a proposal is submitted for comment, Roads and Transportation will comment on the traffic and access issues.

**No changes are proposed to the Alteration.**

Comments on support for limited development are noted.

**No changes are proposed to the Alteration.**

In order to attract "developer partner finance" it would be necessary to have some form of development. As this would only be allowed if it directly benefited the Golf Club it would seem appropriate to describe it as enabling development in order that the criteria highlighted in Policy RES1a can be adhered to. Should any more detailed proposals emerge they will be consulted on and, if agreed may be included in the Local Development Plan in future. At this time however there is insufficient information available to allow any more detail to be included in the Alteration.

**No changes are proposed to the Alteration.**

At this stage no boundary has been identified, although constraints mentioned previously such as AGLV and settlement boundary will be consideration in defining a site. Again it may be the case that as options are progressed a site boundary can be defined through the Local Development Plan. A danger in identifying a site at this stage is that it may be larger than necessary and therefore encourage over development, which is not the aim of Policy RES1a.

**No changes are proposed to the Alteration.**

Policy RES1a identifies that the minimum amount of enabling development is all that will be considered and that this should be demonstrated by the submission of a Business Plan. Therefore, while the output may not be as defined as e.g. allocated housing sites, it will always be at the minimum level required to enable the project to proceed.

**No changes are proposed to the Alteration.**

The Development Plan process is intended to identify areas where development may take place over the period of the Plan. In doing this, the Council tries to gather as much information as possible and to consult with the public based on that information. In the case of smaller developments, proposed extensions, etc. it will

normally be sufficient to include a general policy in the Local Plan, giving the option of considering the policies of the Structure Plan and National Guidance in order to ensure everything which needs to be considered in determining an application has been.

Where the Council is aware that there is an interest in development, as is the case with the 3 golf courses mentioned, we would try to get as much information as possible to include in the Local Plan Alteration. If this information is not to hand, or is in insufficient detail, in order to avoid including what could be seen as misleading information, minimal information will be included in the Plan, however the plan will make explicit what further information will be required if a development is being pursued.

Therefore only the clubs who have expressed an interest in investigating enabling development have been included in Policy RES1a in order to avoid complicating the Plan by including areas where there may be no intention of development taking place.

**No changes are proposed to the Alteration.**

**Policy RES1a - Muckhart Golf Club**

One of the fundamental aims of this type of enabling development is to achieve the capital required through the minimum development necessary. In the case of housing in the Muckhart area, this is likely to be best achieved through low volume, low density, high value units. If a housing mix was considered this would likely result in a far higher number of units being required, which could increase the amount of land required, increase traffic issues and infrastructure provision issues as well as visual and landscape issues.

**No changes are proposed to the Alteration.**

It is considered that Policy RES1a identifies all of the points which any submission for enabling development would be required to address. The level at which these are to be considered will be determined by the Council in order that they have sufficient information to enable them to make a decision/recommendation on any proposals submitted. However it is agreed that the wording "where required" should be removed.

**"where required" to be removed from Policy RES1a of the Alteration.**

**Any further plan changes commended by the Planning Authority:**

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<b>Issue 5</b>	<b>Site H22 - Sauchie West, Sauchie</b>	
<b>Development plan reference:</b>	H22	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
5 Scottish Natural Heritage		
<b>Provision of the development plan to which the issue relates:</b>	Site H22 - Sauchie West, Sauchie	
<b>Planning Authority's summary of the representation(s):</b>		
We note that the Sauchie West (H22) allocation now totals 52.81 ha - an increase from 19.80 ha in the Consultative Draft Plan. We support the development guidelines for this site but also recommend a landscape and visual assessment for this development as detailed in the ER for large scale development.		
<b>Modifications sought by those submitting representations:</b>		
Request that reference is made to the need for a landscape and visual assessment in the Development Guidelines for the site.		
<b>Summary of responses (including reasons) by Planning Authority:</b>		
<p><b><u>Site History</u></b>  09/00266/PAN - Residential Development of Land</p> <p>10/00153/PPP - Residential Development of Land received 11th June 2010, no decision.</p> <p>Noted. The increase in size is due to the fact that the whole site has now been identified, not just phase 1 as previously.</p> <p>Development guidelines will be amended to include reference to the need for a landscape and visual assessment as part of the Masterplan exercise.</p>		
<b>Any further plan changes commended by the Planning Authority:</b>		
Development guidelines to be amended to include reference to the need for a landscape and visual assessment as part of the Masterplan exercise		

<b>Issue 6</b>	<b>Site H59 - Dollar Road, Tillicoultry</b>	
<b>Development plan reference:</b>	H59	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
9 Tillicoultry Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Site H59 - Dollar Road, Tillicoultry	
<b>Planning Authority's summary of the representation(s):</b>		
Object to the continued zoning of Site H59, Dollar Road, Tillicoultry		
<b>Modifications sought by those submitting representations:</b>		
Removal of site H59, Dollar Road, Tillicoultry from the Plan.		
<b>Summary of responses (including reasons) by Planning Authority:</b>		
<p><b><u>Site History</u></b></p> <p>The inclusion of this site as a housing site was upheld at the Public Local Inquiry into the Clackmannanshire Local Plan which commenced on 17th June 2003. The Plan sought to allocate the land at Dollar Road for housing, reference H97. Tillicoultry Community Council objected by written submissions.</p> <p>The Reporter's recommendation (paragraph 17.46) was that "There should be no change to the proposed Plan on account of these objections", and therefore housing site H97 was therefore included in the adopted Local Plan, although it was re-numbered as site H96.</p> <p>As your recent submission was seeking clarification and further information on the history and zoning of site H59, and did not specifically object to any part of the Finalised Plan it has been recorded as a representation.</p> <p>Only where objections/representations remain outstanding will the Plan be submitted to the Scottish Ministers for examination. Ministers will appoint a person to carry out the examination and the arrangements for the examination will be made by the Directorate for Planning and Environmental Appeals. They will only consider unresolved objections and representations which were submitted during the consultation on the Finalised Plan. It is considered that, in providing you with the information requested in your submission, your representation has been dealt with however it will still be forwarded to the Scottish Ministers for their consideration.</p>		
<b>Any further plan changes commended by the Planning Authority:</b>		
None.		

<b>Issue 7 Alva</b>	<b>Site H907 - Glentana/Dalmore Centre, West Stirling Street,</b>	
<b>Development plan reference:</b>	H907	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
4 Historic Scotland 13 Graham Nicol		
<b>Provision of the development plan to which the issue relates:</b>	Site H907 - Glentana/Dalmore Centre, West Stirling Street, Alva	
<b>Planning Authority's summary of the representation(s):</b>		
<p><b><u>Site History</u></b> 10/00143/FULL - Land To The Rear Of Glentana Mill West Stirling Street Alva Clackmannanshire - Erection of Confectionary Factory (Class 5) With Associated Offices, Cafeteria and Shop Application. Approved 2nd September 2010.</p> <p>Request the language in Table 3.3 relating to site H907 be changed as "including" is too ambiguous a term and could potentially lead to a future administration electing to ignore the brief entirely whereas "comprising" is a far stronger term and quite clearly sets out the expectation of how this site should be developed.</p> <p>Historic Scotland has received a formal request to consider the former Dalmore Centre building for listing.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Request the language in Table 3.3 relating to site H907 be changed from:</p> <p>Existing/Previous Use: Retail/Tourist Information/Car Park/Community Use Potential for a mixed use development including housing accommodation designed specifically for the elderly, retaining sufficient public parking and a potential new tourism development opportunity. Subject to Development Brief.</p> <p>To:</p> <p>Existing/Previous Use: Retail/Tourist Information/Car Park/Community Use Potential for a mixed use development <b>comprising</b> housing accommodation designed specifically for the elderly, retaining sufficient public parking combined with a potential new tourism development opportunity. Subject to Development Brief.</p>		
<b>Summary of responses (including reasons) by Planning Authority:</b>		
<p>It is considered that the request to change the wording is acceptable and would give clearer guidance on the potential future development of the site. It is proposed to change the wording in Table 3.3 to that suggested above.</p> <p>The Dalmore Centre was listed C(S) on 24th July 2010. The Council are now looking at future uses for the building with an option appraisal being carried out.</p>		

**Note to the Reporter:** The Council will update the Reporter at the time of the examination on the current situation regarding the Dalmore Centre. The site is identified in the Finalised Plan as having potential for mixed use development including housing.

**Any further plan changes commended by the Planning Authority:**

Situation regarding the Dalmore Centre to be updated to reflect Listed status, with the Reporter being provided with up to date wording at the start of the examination.

<b>Issue 8</b>	<b>New site promoted at The Glen, Coalsnaughton</b>		
<b>Development plan reference:</b>	Residential Development - Schedule of Sites for Local Plan Alteration	<b>Reporter:</b>	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>			
11 Perry Hutchins/Solitsa Properties			
<b>Provision of the development plan to which the issue relates:</b>	Housing Schedule of Sites		
<b>Planning Authority's summary of the representation(s):</b>			
Promoting a site east of The Glen, Coalsnaughton for a residential development of general and affordable housing.			
<b>Modifications sought by those submitting representations:</b>			
Inclusion of the site to the west of The Glen, Coalsnaughton as a residential development site.			
<b>Summary of responses (including reasons) by Planning Authority:</b>			
<p>The Alteration already allocates sites in Coalsnaughton within the urban limit with a combined capacity of around 300 units.</p> <p>The recent slowing of the completion rate of new housing and the number of sites available in the Development Plan means that there is not currently a housing land shortage.</p> <p>The Main Issues Report of the Local Development Plan, which will be consulted on in early 2011 will consider the housing land requirement to the longer term, i.e. beyond the 2017 horizon of the Local Plan Alteration, and this would be when sites to the longer term would be considered.</p> <p><b>No changes are proposed to the Alteration.</b></p>			
<b>Any further plan changes commended by the Planning Authority:</b>			
None.			

<b>Issue 9</b>	<b>The Coal Authority</b>	
<b>Development plan reference:</b>	General references to coal extraction and sterilisation of reserves	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
2 The Coal Authority		
<b>Provision of the development plan to which the issue relates:</b>	General references to coal extraction and sterilisation of reserves	
<b>Planning Authority's summary of the representation(s):</b>		
<p><b><u>General Sterilisation of Surface Coal Reserves</u></b></p> <p>The vast majority of proposed sites for residential development are located on surface coal resources, which will be cumulatively sterilised if they are built on. There is no reason why prior extraction of surface coal cannot take place to avoid permanent sterilisation.</p> <p>SPP16 identifies that deposits of coal capable of being extracted should not be sterilised unnecessarily, and further indicates that, where practicable, it is desirable to secure extraction prior to new permanent development above workable coal reserves. The Local Plan First Alteration provides the opportunity to set out a phased approach to the development, to facilitate both the proposed housing development and extraction of the surface coal resource.</p> <p>The Local Plan First Alteration is not being consistent in its approach to strategic housing development sites. The presence of coal is recognised at site H22 as part of the Development Guidelines, yet not acknowledged at all in the Development Guidelines for site H45, development of which would result in a far greater sterilisation of coal resource than site H22.</p> <p><b><u>Site H22 – Sauchie West</u></b></p> <p>The Coal Authority welcomes the reference to the need to consider coal reserves that are present within this large 52ha site as part of development proposals. However, we consider that this reference would be clearer if it were to also note the need to consider prior extraction to avoid sterilisation of the resource. It would appear from the Schedule of Sites that residential development of this site is phased beyond the period to 2017, which would allow a reasonable lead-in time for prior extraction to take place.</p> <p><b><u>Site H45 – Forestmill</u></b></p> <p>The potential sterilisation of surface coal resources at Forestmill does not appear to have been a significant consideration in the planning application decision making process, and prior extraction of those resources does not feature as a condition. We are disappointed that the Local Plan First Alteration continues to ignore the significant impact that this proposed housing development would have in terms of permanently sterilising the surface coal resources that are present within the site, and wider area.</p>		

The Coal Authority accepts that, due to the presence of surface coal resources across most of the Clackmannanshire area, it is highly unlikely that an appropriate strategic housing land allocation could be made in the Local Plan First Alteration outside of the surface coal resource area. However, where housing land allocations are proposed that would result in the permanent sterilisation of surface coal resources full consideration should be given to the extraction of the coal prior to development. The proposed housing development would radically redraw the settlement boundary for Forestmill, which in turn could potentially sterilise large parts of this known surface coal resource through the potential imposition of the 500m separation distance from settlements.

The Council stated that the proposal would make a significant contribution to the housing land supply, and delaying development to facilitate coal extraction would not be desirable as it could reduce the contribution this site makes in the plan period to 2017, resulting in the need for further housing allocations in the Eastern Clackmannanshire area. We would contend that the Council could not evidence such an assertion, and that a phased programme of extraction should feature in the Development Guidelines for site H45. We note from Section 7 of the Masterplan, which accompanied the planning application that an indicative phasing plan has been prepared for the site. This assumed a construction period of 12 years, broken down into an enabling works package of 2 years followed by 5 phases, each representing a construction period of 2 years. The Council should therefore consider how the scheme of remediation/reclamation for the Meadowhill site and ground modelling proposed as part of the Masterplan can be phased to incorporate extraction of surface coal resources in the portion of the Aitkenhead area that will otherwise become sterilised, in order not to delay the housing development whilst still achieving extraction of some of the surface coal resource.

#### **Schedule of Sites – Development Guidelines - Zone of Influence**

All of the proposed new residential development set out in the Schedule of Sites are located within the potential zone of influence arising from past coal mining activity, such that the impact of mining legacy in terms of the risks presented may need to be investigated to ensure safety and stability of new housing.

#### **Modifications sought by those submitting representations:**

We would therefore recommend the following text be added to paragraph 3.9a:  
“...for new housing development outwith the settlement boundaries shown. In addition, there is surface coal resource throughout Clackmannanshire, upon which this housing development is proposed. Where practicable, as required by SPP16 developers should give consideration to prior extraction of the coal resource, to avoid it being sterilised.”

#### **Site H22 - Sauchie West**

We suggests the following amendment to the Development Guidelines with respect to Site H22:

“...with road alignment of B908. Coal reserves need to be considered for prior extraction to avoid sterilisation and relative to Policy EN21.”

#### **Schedule of Sites – Development Guidelines - Zone of Influence**

The Coal Authority would therefore recommend including the following text either within the Development Guidelines for each site individually, or as an overarching requirement for an assessment of mining information, to be added to paragraph

3.9a:

"There are potential issues relating to ground conditions in the area as a consequence of former mining activity in the locality. Appropriate technical investigation and advice on ground stability and other risks should be sought prior to submission of any planning application."

#### **Summary of responses (including reasons) by Planning Authority:**

##### **General Sterilisation of Surface Coal Reserves**

SPP16 has now been replaced by the Scottish Planning Policy (SPP), and paragraph 241 of the SPP contains a similar statement to that in paragraph 3.9a of SPP16, stating that "where practicable it is desirable to secure extraction prior to permanent development above workable coal reserves.". Paragraph 244 of the SPP will also be relevant as it identifies areas where surface coal extraction is unlikely to be environmentally acceptable.

Prior extraction of opencast coal is addressed in Local Plan policy EN22 "Opencast Coal and Related Minerals" which supports in principle the prior removal of affected reserves. This policy will remain in place as it does not form part of the Alteration.

**It is therefore considered that national and current Development Plan policies already address these issues and it is not considered appropriate for this housing alteration to go into further detail. When the Local Development Plan is being prepared there will be the opportunity to comment on minerals issues.**

##### **Site H45 - Forestmill**

Policy EN24 of the Clackmannanshire Local Plan generally seeks to protect mineral resources, the exception being where this would prevent residential development which contributes to the strategic housing land requirement and no other sites to meet the requirement are available elsewhere. In order to accord with the Structure Plan Alteration Strategy, this site has been identified as the most appropriate to meet this allocation in Eastern Clackmannanshire. As this site will make a significant contribution to the housing land supply, it is considered that delaying development to facilitate coal extraction would not be desirable as it may result in the need to identify another large land release in the Eastern Clackmannanshire area.

The potential sterilisation of surface coal resources was also considered as part of application 06/00283/OUT. Although the Inquiry into the application did not proceed the Council's statement of case stated that:

"The composite ES includes geological evidence which allows the Council to conclude that, in accordance with national policy guidance, the proposed village will not sterilise economically recoverable shallow coal deposits within or outwith the application site that are not already constrained by the existing village."

**It is therefore considered that there is no need for this issue to be revisited through the Plan and no changes are proposed to the Alteration.**

##### **Schedule of Sites – Development Guidelines - Zone of Influence**

Although no specific mention is made of ground stability issues in the Development Plan, the Council are aware of the history in the area and detailed ground condition surveys will be required as part of the planning application submission process where appropriate.

**It is therefore considered that this issue will be addressed through the Planning Application process and no changes are proposed to the Alteration.**

**Any further plan changes commended by the Planning Authority:**

**Site H22 - Sauchie West**

We suggests the following amendment to the Development Guidelines with respect to Site H22:

“...with road alignment of B908. Coal reserves need to be considered for prior extraction to avoid sterilisation and relative to Policy EN21.”