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Mrs S McCoy
Dumfries and Galloway Council
Sent By E-mail

Our ref: LDP-170-2

24 April 2019

Dear Shona McCoy

**PROPOSED DUMFRIES AND GALLOWAY LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above proposed plan. Having satisfied ourselves that the planning authority's consultation and engagement exercises conformed with their participation statement our examination of the proposed plan commenced on 24 October 2018. We have completed the examination and now submit our report.

In our examination we considered all 17 issues arising from unresolved representations identified by yourselves to the Proposed Local Development Plan. In each case we have taken account of the original representations, as well as your summaries of the representations and your responses to such, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included site inspections and requests for additional information from the yourselves and other parties.

We did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report will be available to view at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=119904>;

and it will also be posted on your website at:

<http://www.dumgal.gov.uk/ldp2>

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.

Steve Field

STEVE FIELD

Lance Guilford

LANCE GUILFORD

Andrew Sikes

ANDREW SIKES

**REPORT TO DUMFRIES AND GALLOWAY COUNCIL
ON THE
PROPOSED DUMFRIES AND GALLOWAY
LOCAL DEVELOPMENT PLAN 2 EXAMINATION**

Reporters: Steve Field BA(Hons) MRTPI
Lance Guilford DipTP MRTPI
Andrew Sikes BA (Hons), DipUD, MRTPI

Date of Report: 24 April 2019

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Examination of conformity with Participation Statement

Legislative context

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires firstly that an examination by the appointed person (reporter) is undertaken to consider whether or not the planning authority has consulted and involved the public at large in the preparation of the proposed plan in the way that it said it would in its participation statement.

2. Section 20B of the Act requires each planning authority to prepare a development plan scheme as it considers it appropriate to do so but in any event within 1 year after last preparing such a plan. The scheme is required to set out the authority's programme for preparing and reviewing its local development plan, within which it should include a participation statement. The statement should state when, how and with whom consultation on the plan is to take place, and the planning authority's proposals to involve the public at large in its preparation.

3. Scottish Government Circular 6/2013: Development Planning, at paragraph 110, states that 'The Act restricts the Examination to the actions of the authority concerning consultation and public engagement in respect of the Proposed Plan, rather than the extended plan preparation process. In carrying out this assessment, Scottish Ministers envisage that the reporter will only refer to existing published documents such as the Participation Statement itself, the authority's statement of conformity with this, and any representations relating to the authority's consultation and public involvement activities.'

The participation statement

4. The 9th edition of the Dumfries and Galloway Local Development Plan Scheme (November 2017) was extant at the time that the council placed the proposed Dumfries and Galloway Local Development Plan 2 on deposit for the submission of representations in January 2018. It is, however, the participation statement contained in the 8th edition of the development plan scheme (November 2016) that describes the stakeholder engagement that was to take place in the preparation of the proposed plan, including engagement with key public sector agencies, private sector interests and local communities notably community councils, community organisations and representatives and other interested bodies. The 2016 scheme also describes the methods of engagement, which in addition to conventional methods of engagement included the use of social media and a commitment to engage with young people and other groups that may not normally get involved in the plan preparation process.

5. Although not relevant to my assessment of this matter, I note that the 2016 scheme also contains a summary of the activities undertaken to inform the preparation of the Main Issues Report (MIR), in particular, the use of the Place Standard Tool to facilitate discussion at six independently run community based workshops.

6. The participation statement contained in the 2017 scheme describes the stakeholder engagement undertaken in the preparation of the proposed plan and notes those that were consulted. It also describes how those wishing to make formal representations to the proposed plan, once published, would be able to do so.

The statement of conformity

7. Together with the proposed local development plan, section 18(4)(a)(i) of the Act requires an authority to submit a report to the Scottish Ministers that shows the extent to which it has met, or has gone beyond, the requirements of section 19(4), which I refer to above. In this regard, Dumfries and Galloway Council has submitted a Statement of Conformity with Participation Statement, dated July 2018.

8. The Statement confirms that the council made the proposed plan available for the submission of representations for a period of 13 weeks, from 29 January 2018 to 30 April 2018. The council undertook the following actions prior to the proposed plan's formal consideration by members of the council, on its publication and during the consultation period:

- notified all those that made representations to the proposed plan at the MIR stage, community councils and other parties that had noted an interest in the proposed plan of the date that it would be considered by the council, including a link to the relevant pages on the council's website;
- sent hard copies of the proposed plan to all community councils, neighbouring local authorities, key agencies and Scottish Ministers;
- placed hard copies of the proposed plan in libraries and council offices;
- placed statutory notices in all local newspapers;
- created a dedicated web-page which described the status of the plan at that time and instructions on how to make a representation
- updated the council's Facebook and Twitter accounts on a weekly basis to raise awareness of the plan and how to engage in the consultation process;
- notified by letter owners, lessees/occupiers and neighbours of land/buildings within 20 metres of an allocated site;
- delivered a presentation on the proposed plan to the annual meeting of the Dumfries and Galloway Agents Forum; and,
- delivered presentations to four community councils.

9. In addition, during the 13-week period, the council ensured that members of its development planning team were available to take calls and meet members of the public to respond to general enquiries on the proposed plan. 519 separate representations were received by the council from 281 parties during this period.

Conclusions

10. Dumfries and Galloway Council has met its aim of publishing a proposed plan and making it available for the submission of representations. It has met its statutory obligations in this regard and, likewise, with respect to neighbour notification and the placing of advertisements in the regional and local press.

11. Issue 1 (general comments – support, consultation and action programme, sustainability, vision and spatial strategy) provides a summary of unresolved representations which raise concerns regarding the proposed plan's preparation and consultation process, none of which suggest that the council has not done, or engaged, in a way that the participation statement said it would. I note the criticism regarding the council's 'call for sites' exercise, however, as I set out in paragraph 3 above, my concern in this matter is with the consultation and public engagement undertaken in respect of the proposed plan and not the extended plan preparation process. As such, I am satisfied that

the requirements of section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) have been satisfied.

12. Having considered all the evidence, I find that the planning authority has consulted on the proposed plan and involved the public in the way that it said it would in its participation statement. Being satisfied on these matters, we therefore proceed to examine the proposed plan.

Andrew A Sikes

Reporter

24 October 2018

Issue 1	General Comments: Support, Consultation and Action Programme. Sustainability, LDP Vision and Spatial Strategy	
Development plan reference:	Pages 12 - 23	Reporter: Andrew A Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (002) Sportsotland (008) J A Carruthers (014) EDF Energy (067) Forestry Commission Scotland (068) Natural Power (080) Scottish Water (083) Scottish Renewables (131) RSPB Scotland (133) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) David McHale (261) Visit Scotland (347) Infinergy Ltd (383) Environment Agency (423) Defence Infrastructure Organisation (MOD) (429) David Pedley (443) Scottish Government (455) SSE Generation Development (523) RPMI Railpen (538) Calmac Developments (539) Nuclear Decommissioning Authority (545) National Grid (552) Renewable Power Exchange (553) North Lowther Energy Initiative (554) SP Energy Networks (561) Sandy Robson (565) Jack Cooper (573)</p>		
Provision of the development plan to which the issue relates:	Introduction, How to Use the Plan, Overarching Approach to the Plan, Vision, Spatial Strategy; Economic Strategy, B&I Land Requirement, Energy Strategy, Retail Strategy, Housing Strategy, Transport Strategy, Waste Management Strategy	
Planning authority's summary of the representation(s):		
<p>INTRODUCTION</p> <p>General</p> <p><u>Forestry Commission Scotland (068.003); Scottish Water (083.004); Environment Agency (423.001); National Grid (552.001)</u> - Fully supports the Council's vision, strategy and policies.</p> <p><u>Calmac Developments Ltd (539.001)</u> - Questions the process of the preparation and development of the Proposed Local Development Plan 2 (LDP2). Recognition that these flaws</p>		

may not permit the reporter to safely conclude conformity of the Council's Participation Statement. Additional information submitted in support of representation (RD01).

How to use the Plan

David Pedley (443.001); (433.003); (443.004); (443.007); (443.009)

- (i) Planning permissions granted does not necessarily result in the specified development being implemented.
- (ii) It would avoid confusion if the Council stated its procedure for the preparation of delegated reports. Previous appeal submissions to planning applications have contained inconsistent material to justify refusal of acceptable applications.
- (iii) The Council's website says it has 'an appointed contractor' working with the Council, and nearly every application has been by the appointed contractor (which changed in January 2017). The Council has a bad record of delay in achieving the 8 week target for dealing with planning applications. However, suddenly, because the Government wants it, decisions on behalf of specially- favoured applicants employing Council 'appointed contractors' are produced on external wall insulation in 5 weeks or less. Some applications have been (quite legally, but unusually) made and decided within the period when some community councils don't hold a monthly meeting for August.
- (iv) The LDP should include reference to unimplemented permissions being approved if a new application is submitted and is the same as the expiring permission.
- (v) The Planning Acts do not specify the standard of proof required for any grant of planning permission, but general legal principle would require that all applications should be subject to the same standard of proof. This does not currently happen in Dumfries and Galloway.

Overarching Approach to the Plan - paragraph 1.8

SP Energy Networks (561.002) - The plan fails to refer adequately to National Planning Framework 3 (NPF3) and omits reference to national development designations defined by NPF3 which are of relevance to Dumfries and Galloway. The plan does not mention national development number 4 relating to high voltage electricity transmission network throughout Scotland.

Visit Scotland (347.001) - Request that the National Tourism Development Framework be referenced in the policy framework statement.

Scottish Government (455.011) - It is not apparent that the Proposed Plan has been developed with regard to the National Marine Plan as is required.

Overarching Approach to the Plan - paragraph 1.9

J A Carruthers (014.004) - Whilst the word 'sustainability' is used widely in many contexts, and Scottish Government believes its definition is well understood, it is important, in order to give developers the degree of certainty they need from an LDP that the word 'sustainability' is properly defined.

Overarching Approach to the Plan - paragraph 1.12

RSPB Scotland (133.023) - Net Gain is defined as development that leaves biodiversity in a better state than before – this should be included as a key principle as a way for the Council to deliver their biodiversity obligations.

VISION

Network Rail (002.008); SportsScotland (008.009); EDF Energy (067.003); North Lowther Energy Initiative (554.001); Jack Cooper (573.001) - Support the proposed vision for Dumfries and Galloway.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006), (146.009) - Welcome the commitments made in the Proposed Plan about the historic environment and will encourage and support Dumfries and Galloway Council by continuing to remind them of their responsibilities in relation in particular to listed buildings and Conservation Areas.

Natural Power (080.020) - The use of the word 'safeguard' suggests the maintenance or preservation of the status quo which goes against the principle of sustainable economic growth and development, demonstrates a lack of 'vision' for the area and could undermine the ability of the plan to meet its other objectives.

Instead the plan should seek to develop a sustainable economy which recognises the importance of these assets but 'manages' them in a positive manner, as suggested by Scottish Planning Policy (SPP), rather than relying on negative 'safeguarding'.

Natural Power (080.021) - At present, the only mention of energy in the vision for towns, villages and Dumfries is in a general statement alongside allotments and recycling. The need to manage energy demand and supply at a regional, national and global level as part of the overall development and decarbonisation of the economy needs to be given greater status in the vision for these areas than at present.

SPATIAL STRATEGY

Spatial Strategy - paragraph 3.1

Natural Power (080.022) - Whilst agreeing with the general principles with regard to promoting sustainable patterns of development, there are assumptions that decarbonising travel can only be overcome through the need to reduce travel.

This ignores the fact that large elements of the economy in Dumfries and Galloway are tied up in or affected by the cost and unsustainable nature of fossil fuel based transport sector (including agriculture, forestry, haulage and tourism), they cannot simply reduce their vehicular use and so need to adapt to electric or other sustainable power sources.

To see how this can be achieved in practice, suggest look to island communities such as Orkney where relative levels of isolation from mainland power sources has driven an alternative approach.

Spatial Strategy - Map 2

SP Energy Networks (561.004) - Map 2, or an additional map, should be updated to illustrate existing electricity transmission network and likely general areas of strategic reinforcement during the plan period. This would be consistent in the approach from Reporters in the East Lothian LDP examination report.

Economic Strategy

Renewable Power Exchange (553.001) - The Scottish Government's Scottish Energy Strategy is an important national policy consideration. LDP2 should seek to align its economic strategy with the shared ownership policy position set out in the Scottish Energy Strategy.

Jack Cooper (573.001) - Support the LDP2 Economic Strategy.

Economic Strategy - paragraph 3.8

Visit Scotland (347.001) - Based on the emphasis that the Scottish Government has placed on the development of the visitor economy, reference to the National Tourism Development Framework should be included.

Economic Strategy - paragraph 3.11

J A Carruthers (014.006) - The development of new housing on greenfield (and brownfield) sites and the conversion of redundant farm buildings to provide new homes contributes greatly to the economic fortunes of some rural businesses.

B&I Land Requirement

Natural Power (080.024) - The approach to the identification of business and industrial land should include consideration of access to power (especially electricity and heat) requirements and opportunities to make use of decentralised power supply options.

B&I Land Requirement - paragraph 3.17

Defence Infrastructure Organisation (MoD) (429.001) - Recognition that the Eastriggs site is likely to be available during the plan period is welcomed. However, the reason why the site is not identified as a development opportunity in the plan is not made clear.

Energy Strategy

EDF Energy (067.003); Natural Power (080.025); Scottish Renewables (131.002); RSPB Scotland (133.024); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Welcome and support the approach.

EDF Energy (067.003); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001); SP Energy Networks (561.004) - There is no reference as to what the purpose of the Regional Energy Strategy would be, or the policy basis for it at national level? The draft Scottish Government Onshore Wind Policy Statement (OWPS) explored the idea of regional energy strategies but the final version of the OWPS made no mention of this as a requirement. The Council should fully explain what is intended in this regard as it is unclear from the existing documentation. It will be essential for any energy strategy to be fully consulted on.

Infinergy Ltd (383.005) - The text on renewable energy was drafted before the Scottish Energy Strategy was issued in December 2017, and does not fully reflect the large increase in the use of energy from renewables that is required over the development plan period.

SSE Generation Development (523.001) – The Regional Energy Strategy will need to include

sustainable renewable energy industries including wind and all renewable sources of energy. The strategy will also require full consultation.

SP Energy Networks (561.004) - A new paragraph should be inserted regarding investment in the electricity transmission network. This relates to the new proposed infrastructure policy IN0 (see issue number 8)

Energy Strategy – paragraph 3.21

Scottish Government (455.019) - The final version of the Climate Change Plan has been published. Updates needed to the text to reflect this.

Retail Strategy

Natural Power (080.026) - The Proposed Plan fails to recognise the need for and opportunities to strengthen the region's town centres by providing access to and developing opportunities for energy management including but not limited to heat networks and other decentralised systems. Town centres are often well placed to take advantage of these opportunities, having relatively higher density developments and communal infrastructure. They may also have concentrations of fuel poverty alongside sources of surplus heat as well as users with complimentary power demand profiles.

Scottish Government (455.025) - SPP states that local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. The plan indicates a Retail Study has been carried out, but there is no reference in the plan to town centre health checks, strategies or action plans. SPP says that the spatial elements of town centre strategies should be included in the development plan or supplementary guidance.

Retail Strategy and Table 1

RPMI Railpen (538.001) - Gretna Gateway Outlet Village is identified within the network of centres in Table 1 of the LDP2. It performs an important, specialist retail function that complements the more traditional centres within the network.

Although providing a qualitatively different offer to the traditional retail centres such as Dumfries and the 'Larger Town' and 'Town' Centres, the Outlet Village should be defined as a 'Town Centre'. This would reflect its scale and range of retail and leisure uses its established function in meeting specialist retail requirements. This revised designation on the Inset Map would enable the Outlet Centre to benefit from policy support for additional retail and other main town centre uses (pursuant to Policy ED5).

Housing Strategy

J A Carruthers (014.005) - It is for developers to decide how much development is proposed in villages and the wider rural area and not the Council.

Natural Power (080.027); Scottish Renewables (131.002) - It is disappointing that having identified the need to promote more sustainable patterns of growth and development in the region that the plan does not mention fuel poverty or the potential to future-proof housing developed during the plan period by linking housing provision with energy management.

David McHale (261.003) - The housing supply targets are still completely unrealistic and set at too high a level. The effective supply of land in adopted plan is more than capable of meeting all of the scenarios detailed in the Housing Needs and Demand Assessment (HNDA) 2016. Adoption of these proposed housing supply targets will lead to unnecessary strain on local services and will change the nature of local communities.

The Plan is driven by the unrealistic assumption that there will be migration into Dumfries and Galloway of 250 in 2016, 300 in 2017 and 350 pa each year thereafter till 2035 (Table 6 Migration assumptions) in contrast to the National Register for Scotland (NRS) estimate of 100 pa for each year from 2016 to 2035. This high migration assumption means an additional 4850 people in the population by 2035, rather than the 4.6% decline predicted by the NRS.

The figures supplied for windfall development suggest that the major element of the HNDA principal estimate could be met through this channel alone and that none of the proposed large developments around any of the major settlements in Dumfries and Galloway are required.

Scottish Government (455.005) - There is no information related to the Housing Supply Target (HST) within the plan. SPP paragraph 120 requires Local Development Plans to set out the HST separated into affordable and market sector housing. The HST should be clearly identified within the plan showing how it was derived from the HNDA, rather than directing the reader to the Housing Land Requirement Technical Paper.

Scottish Government (455.006) - Without knowing the HST it is not possible to determine if the Housing Land Requirement (HLR) shows generosity. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

Scottish Government (455.007) - The HLR is not clearly set out and should be provided to help illustrate the new housing land requirements of the Plan. This is required to ensure that there is sufficient land allocated within the plan to meet the housing land requirements in full and that the plan is maintaining a 5-year effective land supply from the outset as is required by SPP paragraph 120.

Scottish Government (455.008) – SPP paragraph 128 states that LDPs should clearly set out the scale and distribution of the affordable housing requirement for the area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this.

Scottish Government (455.009) – There is no commitment within the development plan to set out how the plan can influence/ensure the delivery of specialist provision for all residents, including Gypsy/Travellers. There is nothing in the plan to show that the needs of Travelling Show people have been considered.

Sandy Robson (565.001) - The Proposed Plan does not take a sustainable approach to the proposed spatial strategy for new housing development. There should be a greater distribution of new housing towards Dumfries. There is an overreliance on historic allocations, which have yet to deliver any housing completions. A number of allocated housing sites in the adopted LDP have been carried over to the Proposed LDP, but have yet to deliver any housing completions. There is significant doubt that they will do so in the near future. Therefore, additional/ replacement housing sites require to be allocated in the Dumfries town, in sustainable and deliverable locations.

In support of this representation, attach submissions to the LDP2 Main Issues Report (MIR)

regarding housing supply and demand and to the Draft Housing Land Audit 2017. Not aware that the Council made any substantive changes in finalising the HLA, consider the HLA not to be a reasonable depiction of the likely future housing land supply. Given that the proposed LDP is based on the HLA, consider the LDP to be fundamentally flawed and does not provide for a generous housing land supply.

Transport Strategy

Natural Power (080.028); Scottish Renewables (131.002) - This section of the plan fails to recognise the need to transform the transport sector as part of the wider move towards decarbonisation of the economy. This is a major failing of the plan given its recognition of the importance of the transport sector, recognition that rural communities will continue to be reliant on transport and the plans promotion of tourism which in a rural area is inherently unsustainable if dependent on fossil fuel based modes of transport.

Jack Cooper (573.001) - An integrated approach to transport and development needs to be implemented in the LDP and the development of a Strategic Transport Interchange should be examined taking account of the region’s location as a western gateway.

Transport Strategy - paragraph 3.37

Scottish Government (455.027) - The Proposed Plan wording is misleading and infers that the update of Strategic Transport Project Review (STPR) will focus in the Dumfries and Galloway area only. It also fails to identify that the South West Scotland Transport Study will inform the update to STPR.

Transport Strategy – Active and Green Networks – paragraph 3.40

RSPB Scotland (133.025) - The creation of wildlife corridors would be very beneficial in terms of helping to meet the Council’s biodiversity obligations. Consider this could be delivered as part of the active travel and green network objective.

Waste Management Strategy

Natural Power (080.029) - It is notable that opportunities to generate energy from ‘waste’ within Dumfries and Galloway are not further explored in this section of the plan. As well as municipal waste there may be opportunities for food, forestry and agricultural wastes to be used to develop energy through a variety of processes and in doing so overcome some of the inherent disadvantages deriving from transportation and other fuel costs in the region.

Modifications sought by those submitting representations:

INTRODUCTION

General

Forestry Commission Scotland (068.003); Scottish Water (083.004); Environment Agency (423.001); National Grid (552.001) - No change requested

Calmac Developments Ltd (539.001) - Remedy the many flaws in the process associated with the evolution of the proposed LDP2.

How to use the Plan

David Pedley (443.001); (433.003); (443.004); (443.007); (443.009)

(i) After How to Use the Plan insert new paragraph: "1.4D Consideration of an application may involve an assumption that unimplemented planning permissions will be built, or permission may be conditional in some way upon such permissions being implemented."

(ii) Add at end of How to Use the Plan: "1.7A Applicants should note that the delegated reports submitted under this Plan may be altered, after preparation by the case officer, to reflect policy changes instituted outside the statutory planning framework."

(iii) Add after How to Use the Plan: "1.4C Council collaboration with selected developers. Where the Council seeks to give preferential treatment to private contractors, this information will be important to planning applicants. Full disclosure should therefore be given on the Council's website."

(iv) Add after How to Use the Plan: "1.4B 'Rubber stamping' applications to renew. An unimplemented permission may be approved without further consideration ('rubber stamped') if the new application is absolutely the same as the expiring permission, provided that no submission raises any new point of objection."

(v) Add after How to Use the Plan: "1.4A Standard of proof for applications. The standard of proof required for grant of a planning application is to show full compliance with the Local Development Plan on the balance of probabilities."

Overarching Approach to the Plan - paragraph 1.8

SP Energy Networks (561.002) - Amend paragraph to include reference to NPF3's national development 4, which relates to the high voltage electricity transmission network throughout Scotland.

Visit Scotland (347.001) - Include the National Tourism Development Framework in the list of plans and strategies.

Scottish Government (455.011) - Take into account and evidence that the Proposed Plan has been developed with regard to the National Marine Plan.

Overarching Approach to the Plan - paragraph 1.9

J A Carruthers (014.004) - Amend paragraph to include definition of sustainability.

Overarching Approach to the Plan - paragraph 1.12

RSPB Scotland (133.023) - Add additional principle for 'net biodiversity gain'.

VISION

Network Rail (002.008); Sportscotland (008.009); EDF Energy (067.003); North Lowther Energy Initiative (554.001); Jack Cooper (573.001) - No change requested.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006), (146.009) - Request 8th bullet point under viable rural economy heading amended to read: "A protected and enhanced natural and historic environment, streetscape and open spaces conservation led approach to regeneration of the historic environment."

Natural Power (080.020) - Delete the word 'safeguard' and replace with 'manage'.

Natural Power (080.021) - The statements for vibrant towns and villages and regional capital should have or be characterised by: 'Efficient and effective energy management solutions linking the energy demands of the area with sources of renewable generation.'

SPATIAL STRATEGY

Spatial Strategy - paragraph 3.1

Natural Power (080.022) - The plan should consider opportunities to decarbonise transport by encouraging the use of non-fossil based fuels in all forms of transport across the region and to start to provide the infrastructure needed to facilitate this change.

Spatial Strategy - Map 2

SP Energy Networks (561.004) - Include map with strategic level reference to existing electricity transmission network and likely general areas of strategic reinforcement during the plan period.

Economic Strategy

Renewable Power Exchange (553.001) - LDP2 should seek to align its economic strategy with Government's shared ownership policy position set out in Scottish Energy Strategy.

Jack Cooper (573.001) - No change requested.

Economic Strategy - paragraph 3.8

Visit Scotland (347.001) - Include reference to the National Tourism Development Framework.

Economic Strategy - paragraph 3.11

J A Carruthers (014.006) - Add the following sentence: 'Provision of housing is also an important driver of sustainable economic growth and the creation of a low carbon place'.

B&I Land Requirement

Natural Power (080.024) - LDP should reflect the Scottish Energy Strategy.

B&I Land Requirement - paragraph 3.17

Defence Infrastructure Organisation (MoD) (429.001) - Request the plan clarifies why the site is not allocated as a development opportunity.

Energy Strategy

EDF Energy (067.003); Natural Power (080.025); Scottish Renewables (131.002); RSPB Scotland (133.024); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - No change requested.

EDF Energy (067.003); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001); SP Energy Networks (561.004) Request the Council explain what the purpose of the regional energy strategy is.

Infinergy Ltd (383.005) - Paragraph 3.21, add the following sentence, before the last sentence: “The Scottish Energy Strategy issued in December 2017 sets a target of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources by 2030. In 2015, 17.8% of Scotland’s overall energy needs were met by renewable sources.”

SSE Generation Development (523.001) – Request the Regional Energy Strategy includes all renewable energy industries.

SP Energy Networks (561.004) - After paragraph 3.21 add following new paragraph: “Significant investment in the electricity transmission network is anticipated during the Plan period. Such development is afforded national development status by NPF3 and will be supported subject to the requirements of policy IN0.”

Energy Strategy – paragraph 3.21

Scottish Government (455.019) - Delete the word “draft” and replace “seven” with “eight”.

Retail Strategy

Natural Power (080.026) - The final plan should include provision and commitment from the Council and others to address these issues and opportunities.

Scottish Government (455.025) - Suggest the inclusion of a connection in the plan, to allow the spatial elements of the town centre strategies to be developed into supplementary guidance as and when they are prepared, allowing them to gain the formal status as being part of the development plan as envisaged in SPP.

Retail Strategy and Table 1

RPMI Railpen (538.001) - Outlet centre should be defined as a “Town Centre” and coloured orange on the Gretna Border inset map.

Housing Strategy

J A Carruthers (014.005) - Delete the second sentence in paragraph 3.4.

Natural Power (080.027); Scottish Renewables (131.002) - The plan should take some of the energy concepts identified elsewhere in the strategy and vision for the area and ensure that these are implemented through the delivery of this important part of the plan. This should include but not be limited to the development of heat networks and other decentralised energy systems especially in areas where there are concentrations of surplus heat and electrical generation.

David McHale (261.003) - Lower the target for house builds.

Scottish Government (455.005) - Include table 46 from the technical paper in the LDP.

Scottish Government (455.006) - The plan should identify what level of generosity has been applied. Whilst there is a brief explanation on page 35 of the Technical Paper of 20% generosity allowance, there is not a robust justification as to why the at figure has been chosen. This should be included within the LDP.

Scottish Government (455.007) - The Plan should set out how the HLR will be met by existing

and new land supply. Recommend Table 2 be supplemented by Table 49 from the HLR Technical Paper. Furthermore, there should be an indication of what the expected contribution windfall sites will make to meet the overall land requirements.

Scottish Government (455.008) – Table 46 from the HLR Technical Paper should be included in the LDP to help establish what the affordable housing requirements are for each housing market area (HMA).

Scottish Government (455.009) – The Plan should address any identified need for gypsy travellers and showpeople. If there is a need, the plan should identify suitable sites for these communities as part of the spatial strategy and settlement plans.

Sandy Robson (565.001) - Additional housing sites require to be allocated in the LDP.

Transport Strategy

Natural Power (080.028); Scottish Renewables (131.002) - To overcome this, the plan should consider the support and recognition it provides elsewhere to the renewable energy sector in Dumfries and Galloway and seek opportunities stemming from this to decarbonise, future-proof and support the transport requirements of the region.

Jack Cooper (573.001) – It is assumed the representor is referring to the development of a Strategic Transport Interchange at Stranraer or Cairnryan should be examined to take account of the region’s location as a western gateway.

Transport Strategy - paragraph 3.37

Scottish Government (455.027) - Amend paragraph to the following: “The delivery of some of the above interventions has been achieved and others are subject to the transport allocation within the Scottish Government’s future spending reviews and affordability. The Scottish Government have announced the second STPR. This will consider the rationale for improvements to road, rail, public transport and active travel on the key strategic corridors throughout Scotland. In Dumfries and Galloway, the South West Scotland Transport Study will consider the rationale for potential improvements to the A75, A76, A77 and A701 together with the railway corridors to Stranraer and Carlisle via Kilmarnock and Dumfries, the study will also focus on access to the ports at Cairnryan. This will report by Winter 2018/19 and is intended to inform the update to the STPR. The Plan will need to recognise that if any developments which rely on STPR interventions come forward prior to the intervention being identified for delivery in future spending reviews, they will require an alternative funding and delivery mechanism (i.e. they will not receive Scottish Government funding).”

Transport Strategy – Active and Green Networks – paragraph 3.40

RSPB Scotland (133.025) - More reference to the joint potential for green networks to provide wider biodiversity gains.

Waste Management Strategy

Natural Power (080.029) - The Plan should recognise the wider consideration of ‘waste’ within the local area and encourage innovative ways to derive power from these where it is environmentally acceptable to do so.

Summary of responses (including reasons) by planning authority:

INTRODUCTION

General

Forestry Commission Scotland (068.003); Scottish Water (083.004); Environment Agency (423.001); National Grid (552.001) - Support noted.

No modification proposed to the Plan.

Calmac Developments Ltd (539.001) - Following comments received to the way the initial Call For Sites was run, the Council decided to re-run the process. This was explained in 2 letters sent to the representors legal advisors Morton Fraser (CD41). It was acknowledged that it might have been concluded from the original approach that some landowners or others may have felt excluded from the process. The criteria-based approach used in the first Call For Sites exercise was intended to avoid raising expectations and simply reflects the long-term spatial strategy within the adopted LDP. The Call For Sites is a non-statutory process which does not form part of the adopted Plan or the MIR. It is a matter of discretion for the planning authority as to how to run such a process. Notwithstanding this, and in order to ensure that as many sites were available for consideration as possible, the Council decided to re-run the process. Clarification wording was put on the website explicitly stating that there were no criteria restrictions on submissions. All reference to criteria was also removed from the submission forms, and all sites which were previously considered ineligible were taken into the process and the owners/agents advised accordingly.

All submissions received to the Call For Sites process, along with sites allocated in the adopted LDP, were assessed using the same criteria and the assessment forms were published alongside the MIR. Circular 6/2013 states that the MIR should identify the planning authority's preferred options but it also needs to consider reasonable alternatives, where these are available. The MIR that was agreed by Full Council followed this approach. Given the number of sites that were considered, there were some that were not considered to be preferred or alternative options. To ensure that all the information that had been considered when preparing the MIR was available, the 'Sites submitted through the Call For Sites not included in the Main Issues Report' (CD38) was published as a supporting document to the MIR. Elected Members were made aware of the report and were provided with electronic links to the document.

The Council are of the view that the process is open and transparent, and reflects the guidance contained in Circular 6/2013, Planning Act and Regulations. This is further evidenced in the Council's report of conformity with the participation statement.

No modification proposed to the Plan.

How to use the Plan

David Pedley (443.001); (433.003); (443.004); (443.007); (443.009) (i) – (v) – The LDP provides the planning framework and the future use and development of land, where it should happen and where it should not. The determination and implementation of planning permissions forms part of the Development Management process. Further information on Development Management procedures can be found on the Councils website.

No modification proposed to the Plan.

Overarching Approach to the Plan - paragraph 1.8

SP Energy Networks (561.002) - The development plan is required to have regard to the NPF, which is why it is included in the list of documents in paragraph 1.8 of the Proposed Plan. As national development 4 is not the only national development that relates to Dumfries and Galloway, it is unclear why the Council should amend the plan to make reference to national development 4.

No modification proposed to the Plan.

Visit Scotland (347.001) - The policies in the plan have been informed by and taken account of NPF3 and SPP which reference Scotland's Tourism Development Framework.

The plan supports the principles of the Dumfries and Galloway Regional Tourism Strategy (CD11), which in turn complements the National Tourism Strategy, Scotland 2020 and the Dumfries and Galloway Regional Economic Strategy (CD07). The Regional Economic Strategy is referenced in paragraph 1.8 and the Regional Tourism Strategy is referenced in paragraph 3.8 of the Proposed Plan. It is therefore not considered necessary to include the National Tourism Development Framework in the list of documents.

No modification proposed to the Plan.

Scottish Government (455.011) - It is not agreed that the Plan has been developed without regard to the National Marine Plan. There is reference to the National Marine Plan in paragraph 4.13. There is also a reference to the National Marine Plan and the relationship of the LDP to marine planning in paragraph 4.75, which helps to set the context for Policy NE8: Developed and Undeveloped Coast and Policy NE9: Erosion and Coastal Protection. It follows from this placing in the Plan and the text that the interconnections between marine and terrestrial planning below the low water mark and above the high tide mark are recognised. The first sentence of paragraph 4.75 should be modified to improve clarity and read as follows:- 'The Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 established a new marine planning system. Marine Scotland, a Directorate of the Scottish Government, was established and is responsible for the integrated management of Scotland's seas. The first National Marine Plan was published in 2015.'

The Council considers this to be a non-notifiable modification.

Overarching Approach to the Plan - paragraph 1.9

J A Carruthers (014.004) – A definition is included in the glossary to the plan, it is not considered necessary to include another one in paragraph 1.9.

No modification proposed to the Plan.

Overarching Approach to the Plan - paragraph 1.12

RSPB Scotland (133.023) – Whilst the principle of having an objective that seeks net biodiversity gain as a broad principle is laudable, it is considered a difficult objective to measure or monitor.

No modification proposed to the Plan.

VISION

Network Rail (002.008); SportsScotland (008.009); EDF Energy (067.003); North Lowther Energy Initiative (554.001); Jack Cooper (573.001) - Comments noted.

No modification proposed to the Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006), (146.009) - In the LDP2 Vision pages 12 and 13 under Vibrant towns and villages ..., the 6th bullet point states enhanced historic environment, streetscape and open places.

It is therefore not considered necessary to repeat the phrase in the section above. Policy OP2: Design Quality and Placemaking includes a number of points which require high quality elements in the design and ensure a good relationship with existing patterns of development. As these are the elements that make up streetscape, it is considered that the point made is covered. OP2 also requires high quality and linked open spaces so this point is also covered.

The Historic Environment section of the Proposed Plan, in the explanatory text paragraph 4.28 states: The Council is committed to supporting the conservation led management of our rich and diverse historic environment... This approach is also advocated in the draft Historic Built Environment Supplementary Guidance (HBE SG) (CD21) where the wording is very similar to the current HBE SG.

No modification proposed to the Plan.

Natural Power (080.020) - The word safeguard is not considered to be negative; it is intended to mean 'to prevent something undesirable'. The Vision seeks to keep the character of the landscape and natural / historic environment rather than prevent any change. However, managing is a process which should be led by Vision and Policy. The word 'manage' alone would be neutral but the Vision sets out to keep the character.

No modification proposed to the Plan.

Natural Power (080.021) - It is considered that the issue of energy in development is encompassed in the general statements to which the representor refers. This is in the section on the Overarching Approach to the Plan. Nevertheless, the words 'along with efficient and effective energy solutions' should be added at the end of the first bullet point of paragraph 1.12. This would provide further clarification of the overarching principle set out in paragraph 1.11.

The Council considers this to be a non-notifiable modification.

SPATIAL STRATEGY

Spatial Strategy - paragraph 3.1

Natural Power (080.022) - Dumfries & Galloway is an extensive area with a rural economy based on part of that characteristic. It is well understood that this generates a relatively greater need for transport and over longer distances than would be the case for areas that are more highly urbanised. There is also a relatively greater need to adapt to electric or other sustainable power sources. This understanding has informed the terms of the Proposed Plan.

Policy T2: Location of Development/Accessibility expects all development proposals to consider providing electric vehicle charging points as part of the development.

No modification proposed to the Plan.

Spatial Strategy - Map 2

SP Energy Networks (561.004) - If the Plan were to include such a map, it is not clear why it should only show the existing electricity transmission network. The representor refers to the East Lothian LDP. The diagram in that plan included additional information so the representor is not comparing like-with-like.

The representor has also requested that such a map should show likely general areas of strategic reinforcement. The Council consider showing such information could indicate the proposals are acceptable ahead of them going through the statutory planning process. The representor did not include a map with their representation or make a similar representation earlier in the plan preparation process. The Council do not consider it necessary for the plan to include such information in the Plan.

No modification proposed to the Plan

Economic Strategy

Renewable Power Exchange (553.001) - It is considered that the position is set out in sufficient detail in the Proposed Plan paragraphs 1.8 – 1.12.

No modification proposed to the Plan

Jack Cooper (573.001) - Support noted.

No modification proposed to the Plan.

Economic Strategy - paragraph 3.8

Visit Scotland (347.001) - Paragraph 3.8 makes reference to a number of regional strategies including the Regional Tourism Strategy. The regional strategy adopts the approach set out in the national strategic framework but from a local context. Therefore, it is not considered necessary to make reference to the national tourism development framework in the plan.

No modification proposed to the Plan.

Economic Strategy - paragraph 3.11

J A Carruthers (014.006) - Whilst the development of housing may contribute to the economic fortunes of some rural businesses, the development of housing in the rural area is not considered a driver of sustainable economic growth. Paragraph 3.11 is seeking to promote the development of businesses and the infrastructure required to support their creation and development.

No modification proposed to the Plan.

B&I Land Requirement

Natural Power (080.024) - It is considered that the issue of energy in development is encompassed in the general statements to which the representor refers. This is in the section

on the Overarching Approach to the Plan. Nevertheless, the words 'along with efficient and effective energy solutions' should be added at the end of the first bullet point of paragraph 1.12. This will provide further clarification of the overarching principle set out in paragraph 1.11. The Council will consider this area in more detail in the Action Programme.

The Council considers this to be a non-notifiable modification.

B&I Land Requirement - paragraph 3.17

Defence Infrastructure Organisation (MoD) (429.001) – The site was assessed as part of the Call for Sites exercise. As the MoD’s timescales for disposing of the site were unknown, the site was not included in the MIR or the Proposed Plan. At the Call for Sites and MIR stage, the landowner did not provide evidence to justify the site’s inclusion in the Proposed Plan, or that the extensive constraints could be overcome. The site is discussed further in Issue 10.

No modification proposed to the Plan.

Energy Strategy

EDF Energy (067.003); Natural Power (080.025); Scottish Renewables (131.002); RSPB Scotland (133.024); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Support noted.

No modification proposed to the Plan.

EDF Energy (067.003); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001); SP Energy Networks (561.004) - It is believed that the preparation of a Regional Energy Strategy will become mandatory for local authorities. However, while national guidance on what it should contain is not yet available, it is anticipated that there will be full consultation to support the stages of its preparation.

No modification proposed to the Plan.

Infinergy Ltd (383.005) - Comments noted. As acknowledged by the representor, the Scottish Government’s Energy Strategy was published after the Proposed Plan had been drafted.

The proposed text is considered by the Council to be a factual statement and will be updated before the Plan is adopted.

SSE Generation Development (523.001) – Comments noted. Whereas national guidance on what the Regional Energy Strategy should contain is not yet available, it is anticipated that it will include all renewable energy industries.

No modification proposed to the Plan.

SP Energy Networks (561.004) -The Proposed Plan has been informed by and has taken account of NPF3. It is therefore not clear why the plan needs to include the additional text suggested by the representor especially when Scottish Ministers want development plans to be succinct. Any proposals will be assessed against the relevant policies in the plan.

No modification proposed to the Plan.

Energy Strategy – paragraph 3.21

Scottish Government (455.019) - Comments noted. The proposed text is considered by the Council to be a factual statement and will be updated before the Plan is adopted.

Retail Strategy

Natural Power (080.026) - It is considered that the issue of energy in development is encompassed in the general statements to which the representor refers. This is in the section on the Overarching Approach to the Plan. Nevertheless, the words ‘along with efficient and effective energy solutions’ should be added at the end of the first bullet point of paragraph 1.12. This will provide further clarification of the overarching principle set out in paragraph 1.11. The Council will consider this area in more detail in the Action Programme.

The Council considers this to be a non-notifiable modification.

Scottish Government (455.025) - The Council acknowledge they have not carried out a formal health check for any of the town centres in the region. However, the Council are in the process of working with a number of partners to develop a strategy for Dumfries town centre. Depending on the availability of resources, it is an approach the Council will look to develop for other town centres. The Council will also look to investigate the possibility of such strategies becoming supplementary guidance to the plan.

No modification proposed to the Plan.

Retail Strategy and Table 1

RPMI Railpen (538.001) - Whilst the outlet centre provides a scale and range of retail uses, it does not provide the range of services and facilities that can be found in a town centre. SPP states that plans should identify those centres which have a more specific focus on retailing and/or leisure uses, (such as factory outlet centres) as commercial centres. The Proposed Plan identifies the Gretna Gateway Outlet Centre as an outlet centre in the network of centres. The planning objectives for Gretna Border support developments that promote and enhance Gretna Border’s important role as the Gateway to Scotland as a major retail and tourist destination. For the reasons set out above, the Council do not consider it appropriate to identify the outlet centre as a town centre in the network of centres.

No modification proposed to the Plan.

Housing Strategy

J A Carruthers (014.005) - The aim of the spatial strategy is to get the right type of development in the right place which meets the needs of the community whilst promoting a more sustainable pattern of development, creating opportunities for sustainable economic growth and active travel, reducing carbon emissions and minimising the need to travel. That is why the majority of new development is focused on Dumfries and the District and Local Centre and a smaller amount of development is proposed in villages and the wider rural area.

The amount of development considered acceptable in these locations is assessed against Policies H2 and H3 and the accompanying supplementary guidance. Whilst developers propose development schemes, it is for the Council as the planning authority to determine those proposals in accordance with the development plan.

No modification proposed to the Plan.

Natural Power (080.027); Scottish Renewables (131.002) - In addition to the position set out in paragraphs 1.8 - 1.12, Overarching Approach to the Plan, it is considered that there is general support for energy reduction and efficiency in Policies OP1f) Sustainability and OP2: Design Quality and Placemaking. These require the inclusion of sustainable energy and design measures.

The issue of fuel poverty is covered in the Local Housing Strategy (LHS) (CD08). There are a number of drivers that impact on fuel poverty that fall outwith the scope of the development plan which is why the Council consider this topic is most appropriately covered in the LHS and not the development plan.

No modification proposed to the Plan.

David McHale (261.003) - In preparing the HNSA (CD10), the Housing Market Partnership considered that the high variant scenario for migration best reflects the Council's ambitions for Dumfries and Galloway as set out in the Regional Economic Strategy (CD07). This scenario uses the NRS 2012 based high migration variant projection. The spatial strategy set out in the Proposed Plan promotes a pattern of development that allocates the majority of development to those settlements with a good range of services and facilities, employment opportunities and which have the physical ability to grow and for the surrounding landscape to absorb the proposed development. It is perhaps worth noting that the housing land requirement set out in the Proposed Plan is 818 units less than the HLR in the adopted plan. Housing completions provided through windfall developments provide further flexibility and generosity.

No modification proposed to the Plan.

Scottish Government (455.005), (455.006), (455.007) - The Council accepts that the level of generosity applied to the HST, and how the HLR will be met by existing and new land supply should be clearly set out in the Plan. The Council propose to include the relevant information from the HLR Technical Paper (CD24) in the Plan. This change will help to provide clarity and is incorporating information from a document that was published alongside the Proposed Plan.

The Council considers this to be a non-notifiable modification.

Scottish Government 455.008) - The Council propose to include Table 46 from the HLR Technical Paper (CD24) in the Plan in response to representation (455.006) from the Scottish Government.

The Council considers this to be a non-notifiable modification.

Scottish Government (455.009) - The LHS (CD08) states that the region currently has 2 Travelling Peoples sites at Collin in the East and Glenluce in the West of the region offering a total of 32 pitches. The sites offer permanent and temporary ground spaces but the Glenluce site is underutilised. The occupancy rate of 69% indicates that despite the growth in overall numbers of Gypsy Traveller households, the area is well equipped in terms of pitches and services available. There is no evidence that additional sites are required within the region and there are no current plans to offer additional spaces.

The Showmen's Guild of Great Britain and Ireland is the governing body for all Funfairs and Fairground Rides operated by Members in Scotland. The Housing Market Partnership

contacted the Scottish Section of the Showmen’s Guild in June 2016. The Guild responded saying that they were “not aware of any need within the Guild for housing or a yard within the Dumfries and Galloway area.”

The Council has long-standing lease arrangements in place to provide appropriate sites for showpeople to stay over the Spring and Autumn fair season. This includes encampments at the Brooms Road Car Park in Dumfries as well as other sites in the main towns across the region. These arrangements ensure that the accommodation needs of showpeople are fully addressed within Dumfries and Galloway.

As there is no evidence of need, there is nothing for the plan to say on the matter. Any proposals for Gypsy/Travellers and Travelling Showpeople will be considered against the relevant policies in the plan.

No modification proposed to the Plan.

Sandy Robson (565.001) - The spatial strategy for new housing development allocates the majority of development to those settlements with a good range of services and facilities, employment opportunities and which have the physical ability to grow and for the surrounding landscape to absorb the proposed development. The Settlement Hierarchy Technical Paper (CD16) explains this in more detail. If the amount of development allocated to Dumfries were to be increased, it would reduce the amount of units that could then be allocated to the other settlements within the rest of the Dumfries HMA. The Dumfries HMA is the largest in the region with a number of district centres. If the number of units allocated to them was reduced because more had been allocated to Dumfries, it could have an impact on their ability to grow and develop in the future. The current allocation of 50% of the housing supply target to Dumfries is considered, by the Council to be sufficient. It is acknowledged that some of the allocations in the Proposed Plan have been carried over from previous plans. This is because in a rural area like Dumfries and Galloway market demand can be slow which means it can take a while for sites to come forward for development. The sites that have been allocated in the Proposed Plan are considered, by the Council, to be effective or are capable of becoming effective within the 5 year period from adoption of the Plan.

No modification proposed to the Plan.

Transport Strategy

Natural Power (080.028); Scottish Renewables (131.002) - The Climate Change Plan 2018 sits alongside the Scottish Government’s Energy Strategy, and provides the strategic framework for Scotland’s transition to a low carbon country. The Climate Change Plan sets out the path to a low carbon economy while helping to deliver sustainable economic growth and secure the wider benefits to a greener, fairer and healthier Scotland in 2032.

Scottish Government Policy, A Nation with Ambition: The Government’s Programme for Scotland 2017-18 sets out a target to phase out the need for petrol and diesel vehicles by 2032.

Policy T2: Location of Development/Accessibility requires development proposals to consider providing electric vehicle charging points as part of the development.

It is considered that this issue is not a matter for the Proposed Plan at this stage and in future the relationship of the transport strategy and energy strategy can be considered as policy and

practice develops.

No modification proposed to the Plan.

Jack Cooper (573.001) - Paragraph 4.118 in the Proposed Plan recognises the links between land use and transport. The Scottish Government’s second (STPR) will consider the rationale for improvements to road, rail, public transport and active travel on the key strategic corridors throughout Scotland. The South West Transport Study will inform the STPR. Any key transport proposals identified as part of these strategic transport reviews would be included in future development plans. The Plan recognises the importance of the A75 and A77, railway corridor to Stranraer and access to the ports at Cairnryan.

No modification proposed to the Plan.

Transport Strategy - paragraph 3.37

Scottish Government (455.027) - The proposed text is considered by the Council to be a factual statement and will be updated before the Plan is adopted.

Transport Strategy – Active and Green Networks – paragraph 3.40

RSPB Scotland (133.025) - At paragraph 3.38 Active Travel and Green Networks reference is made to the fact that the other benefits of green networks including their role in biodiversity is discussed in the section on Community Facilities and Services. Paragraph 4.92 of this section recognises the importance of green networks to an area’s biodiversity.

No modification proposed to the Plan.

Waste Management Strategy

Natural Power (080.029) - Paragraph 3.45 states that proposals for new or extended facilities will be supported where they meet the objectives of the Zero Waste Plan. Policy IN5: Energy Recovery from Waste supports proposals in appropriate locations provided they comply with Policy IN3: New Waste Management Infrastructure. The current wording in paragraph 3.45 and IN5 are considered appropriate in terms of support for potential energy recovery from waste

No modification proposed to the Plan.

Reporter’s conclusions:

General matters

1. The examination is restricted to matters raised in unresolved representations to the proposed plan. As such, the expressions of support from various parties on a range of matters only require further consideration where they are related to matters within the representations. Similarly, the concerns of Calmac Development Ltd regarding the preparation of the proposed plan are noted but lie outwith the scope of this examination; Circular 6/2013: Development Planning, at paragraph 117, states that “Scottish Ministers intend the reporter... primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan.” The merits or otherwise of matters raised by Calmac Developments Ltd in respect of issues and individual sites are addressed below and in my conclusions to Issue 12 (Dumfries town – general, settlement boundary, housing and business and industry sites).

Introduction*How to use the Plan*

2. The representations lodged by Mr Pedley variously seek modifications to the introduction of the proposed plan to clarify the basis on which the council will determine individual planning applications. I agree with the council that the concerns raised by Mr Pedley are not matters for the proposed plan, rather they relate to the council's operation of the development management process. Accordingly, I do not agree that the proposed plan should be modified as suggested.

*Overarching Approach to the Plan**Paragraph 1.8*

3. Paragraph 1.8 of the proposed plan lists the principal national, regional and local strategies and plans that have shaped the policies of the proposed plan, including the National Planning Framework 3 (NPF3). Given the purpose of the paragraph, I do not consider it necessary to list the specific designations, proposals or actions of NPF3 that relate to Dumfries and Galloway, of which there is more than one. The merits or otherwise of describing National Development 4 and its implications for the electricity distribution network of Dumfries and Galloway are addressed in Issue 8 (infrastructure policies).

4. Neither do I consider it necessary to refer specifically to the National Tourism Development Framework (NTDF) given that NPF3 (key action 24, page 69) and Scottish Planning Policy (SPP) (paragraph 100) make reference to it, requiring development plans to support and be informed by Visit Scotland's Tourism Development Framework, respectively.

5. I do consider, however, that reference should be made to the National Marine Plan (NMP). To do so would demonstrate that the proposed plan has been prepared having had regard to the provisions of the NMP and that there is consistency of policy and guidance between marine and terrestrial planning. I recommend a modification on this matter below. Other matters raised by the Scottish Government in respect of the NMP, and the council's proposed response, are addressed in Issue 3 (economic development policies).

Paragraph 1.9

6. A definition of the term 'sustainable development' is contained in a glossary of terms at end of the proposed plan. I note that the definition is based on that found in SPP. I do not therefore consider it necessary to repeat its definition in paragraph 1.9, particularly when read with the subsequent paragraphs of the chapter, notably paragraphs 1.11 and 1.12, which describe the broad principles that have informed the selection of sites for development and those which are to be incorporated into new development proposals.

7. Paragraph 1.9 also contains the phrase 'sustainable economic growth', which is also defined in SPP but not in the proposed plan. As noted in the representation, the word 'sustainable' is widely used in many contexts and I consider that it would be helpful to users of the proposed plan for this phrase to be defined in the glossary of terms. I recommend a suitably worded modification below.

Paragraph 1.12

8. RSPB Scotland argues that the principle of ‘net biodiversity gain’ should be added to the list at paragraph 1.12 of the proposed plan. To do so, it claims, would assist the council in the delivery of its biodiversity obligations. The council considers that such a principle would be difficult to measure and monitor.

9. RSPB Scotland defines ‘net biodiversity gain’ as development that leaves biodiversity in a better state than before. The proposed plan at paragraph 4.61 notes the intrinsic importance of biodiversity to the region and states that ‘maintaining and enhancing biodiversity... habitats and the wildlife which occurs within them is an important aim of the plan.’ As such, I consider that the modification sought would not only reflect the council’s stated intention in this regard but also underscore its importance. I recommend a modification to this effect below.

10. In addition, paragraph 4.64 notes that the statutory duties placed upon the council by the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity is not restricted to sites, habitats or species that are subject to statutory protection. It also notes that the council has identified a range of other sites known to be of local importance for biodiversity. Proposed Policy OP1 (development considerations), part (d) (biodiversity and geodiversity), requires development affecting these and other designated sites to respect, protect and/or enhance the region’s rich and distinct biodiversity. In doing so, it is reasonable to assume that prospective developers would undertake appropriate site assessments prior to the commencement of development and after its completion to record and monitor the biodiversity and geodiversity interests of a site. Such assessments would provide the council with the necessary information to measure and monitor the impact of new development on biodiversity.

Vision

The historic environment

11. The proposed plan vision describes, among other things, a future rural economy and community characterised by ‘a protected and enhanced natural and historic environment’ and vibrant towns and villages that have an ‘enhanced historic environment, streetscape and open spaces’. The Architectural Heritage Society of Scotland (AHSS) seeks a modification to the vision that states that the regeneration of the region’s historic environment will be pursued by adopting a conservation-led approach, although it is not clear whether such an approach is to be acknowledged in the opening paragraph or the bullet points that follow. However, I consider that it is the role of the spatial strategies and topics that follow to describe how the vision is to be achieved.

12. With regard to the historic environment, the proposed plan at paragraph 4.28 notes the council’s commitment to support the conservation-led management of the region’s rich and diverse historic environment. Accordingly, in light of this statement, I do not consider it necessary to modify the proposed plan.

Use of the word ‘safeguard’

13. The vision of the proposed plan foresees, in part, a thriving region ‘with a sustainable economy built on sustainable principles that safeguard the landscape, natural and historic environment, promote growth, maximise the use of existing infrastructure and enhance connectivity.’ The representation seeks a modification to the wording of the vision to remove the word ‘safeguard’, believing it to imply the maintenance or preservation of the status quo

and to run counter to the principle of sustainable economic growth. The council argues the use of the word 'safeguard' is intended to demonstrate that it seeks to prevent something undesirable.

14. I agree that the use of the word 'safeguard' in the first sentence of the vision could infer the maintenance or preservation of the status quo. I also agree that the opening sentence of the vision could be construed as being negative and inconsistent with the other aspects of the vision, for example, the promotion of sustainable economic growth. As such, if the proposed plan is to satisfy the Scottish Government's ambition to increase sustainable economic growth, enable positive change in the historic environment and facilitate positive change while maintaining and enhancing distinctive landscape character, as stated in SPP (paragraphs 137 and 197 refer) I agree that the wording of the vision should be modified. I recommend a form of words below.

Efficient and effective energy management solutions

15. It is also suggested that the need to manage energy demand and supply should be given greater prominence in the vision by adding the statement 'efficient and effect energy management solutions linking the energy demands of the area with sources of renewable generation' to the bullet points under the headings 'vibrant towns and villages that have -' and 'a successful regional capital in Dumfries characterised by -' on pages 12 and 13 of the proposed plan, respectively. In response, the council suggests that this matter could be addressed by a non-notifiable modification adding the words "along with efficient and effective energy solutions' to the end of the first bullet point at paragraph 1.12 under the heading 'overarching approach to the plan'. To do so, it comments, would add clarity to the overarching principle described in the preceding paragraph.

16. SPP paragraph 154 states that the planning system should, among other things, help reduce emissions and energy use in new buildings and infrastructure by enabling development at appropriate locations that contribute to; energy efficiency; heat recovery; efficient energy supply and storage; electricity and heat from renewable sources; and electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced. Within this context, I agree with the council that this matter is most appropriately dealt with by a modification to paragraph 1.12, as it is here that the broad principles to guide the preparation of development proposals are set out. As the council notes, the preceding paragraph highlights the requirement for all development proposals to support sustainable development, including the reduction of carbon and other greenhouse gas emissions. I conclude, however, that this matter should be addressed by adding a new principle to paragraph 1.12, broadly along the lines suggested in the representation. I recommend a suitable form of words below, including a minor change to the opening sentence.

Spatial strategy

Paragraphs 3.1 -3.3

17. The representation challenges the assumption that the decarbonisation of transport can only be achieved by reducing the need to travel and suggests that consideration should be given to opportunities to decarbonise transport by encouraging the use of non-fossil based fuels in all forms of transport across the region. If addressed properly, the representation adds, it could provide a competitive edge to the area by ensuring that local businesses and communities have access to sustainable sources of power generated efficiently in the local area. The council, whilst recognising the need to adapt to electric or other sustainable power

sources, notes that this concern has informed the terms of proposed Policy T2 (location of development/accessibility), which expects all development proposals to consider the provision of electric vehicle charging points.

18. The spatial strategy recognises that achieving a reduction in carbon and greenhouse gas emissions is a challenge in Dumfries and Galloway given its characteristics and the importance of transport to many sectors of the local economy. For this reason, as noted in the representation, I consider that the proposed plan should encourage consideration of a range of sustainable power sources in all forms of transport, not just the use of electric vehicles, and the provision of infrastructure to support them. To this end, I recommend modifications to the wording of paragraph 3.35 and Policy T2.

Map 2: Spatial Strategy

19. The representation seeks a modification to Map 2 to illustrate the existing electricity transmission network and likely general areas of strategic reinforcement during the plan period. My attention in this regard has been drawn to the East Lothian Local Development Plan (LDP) and a recommendation of the examination report to incorporate details of the electricity transmission network on a strategic map showing energy generation, distribution and transmission infrastructure. Alternatively, the representation suggests that a separate map that focuses solely on the existing transmission network and potential reinforcement areas could be included under the heading 'energy strategy' after paragraph 3.21 or in the infrastructure chapter of the proposed plan. The representation also seeks the introduction of a new paragraph to signal the anticipated investment in the electricity transmission network, which NPF3 identifies as a national development.

20. On this matter, I note that the map of NPF3 National Developments provides an indicative picture of key electricity grid upgrades and cautions that these may change in the future, adding that routes and development components will be confirmed at the consenting stage. On this basis, I agree with the council that in the advance of any consenting process and confirmed details it would be premature to include reference to strategic reinforcements to the transmission network on the spatial strategy or an individual topic map in the proposed plan.

21. Although Scottish Power Energy Networks (SPEN) has offered to provide details of planned reinforcements to the network to assist the preparation of a modified Map 2, such details, as I note above, have yet to be formally assessed, receive statutory consents and may be subject to change. Had there been more certainty on this matter I would have recommended the inclusion of an individual topic map. I do consider it appropriate, however, to include a new paragraph as suggested in the representation to signal anticipated investment in the electricity transmission network. I recommend a suitable form of words below.

Economic strategy

Paragraph 3.8

22. Paragraph 3.8 describes the regional strategies and initiatives that have shaped the policy framework developed to deliver economic development in Dumfries and Galloway, including the Dumfries and Galloway Regional Tourism Strategy (2016-2020). I note that the National Tourism Development Framework (2016) has informed the approach to the development of the visitor economy in the region, and that this is set out in the Regional Tourism Strategy. I further note that the diagram 'A Strategy for Leadership and Growth' on page 10 the National Tourism Development Framework provides the basis for the 'Dumfries

and Galloway Strategic Framework' found on page 7 of the Regional Tourism Strategy, particularly with regard to the identification of growth markets, providing for and improving customer experiences and building capabilities (skills, market intelligence etc.). On this basis, and given that the list of documents referred to essentially focus on the development of the region's economy, I do not consider it necessary to refer specifically to the National Tourism Development Framework and, accordingly, do not agree that the proposed plan should be modified as suggested.

Paragraph 3.11

23. The representation seeks an addition to paragraph 3.11 to acknowledge that the development of housing on greenfield and brownfield land, including the conversion of redundant farm buildings, can contribute to the economic fortunes of some rural businesses and thereby drive sustainable economic growth. However, within the context of describing the council's economic strategy, the focus of the paragraph is the role of businesses as key drivers of sustainable economic growth in the region and the measures required to maintain and improve their competitiveness, for example, through the provision of improved broadband connectivity, opportunities arising from low carbon technologies and the development of the tourism sector. It is not about the provision of housing and its role in the economy.

24. Whilst I recognise the importance of new housing in the countryside to the local economy, I do not consider it a key driver of economic growth, as suggested in the representation. I do, however, recognise that new housing can help sustain and create vibrant rural communities and support the local economy. Accordingly, given the particular focus of the paragraph, I consider that it would be inappropriate to modify the proposed plan as sought in the representation. The context for the council's support for new housing in the countryside is set out in paragraph 4.24 of the proposed plan and is considered in this examination report in Issue 4.

Business and industry land requirement

Paragraphs 3.15 – 3.19

25. A representation argues that the proposed plan's approach to the identification of business and industrial land should include consideration of access to power sources and opportunities to make use of decentralised power supply options. As it did in response to a similar representation by Natural Power in respect of the proposed plan's vision, the council suggests that this matter could be addressed by a non-notifiable modification by adding the words "along with efficient and effective energy solutions' to the end of the first bullet point at paragraph 1.12 under the heading 'overarching approach to the plan' as that is where that the broad principles that guide the preparation of development proposals are set out. In response to the representation seeking a modification to the proposed plan's vision, I have recommended that the proposed plan should be modified by adding a new principle to paragraph 1.12, which requires development proposals to have regard to the energy demands of an area and the sources of renewable generation available. I consider that that modification would also address the concern raised in this representation.

Paragraphs 3.17

26. Paragraph 3.17 refers to the former MOD facilities at Eastriggs and the potential for it and other sites adjacent to the A74 (M) corridor to attract strategic inward investment in the longer term. The representation notes that despite recognition of its potential to accommodate

business/industry and tourism related uses and a commitment by the MOD to release the site within the lifetime of the proposed plan, it has not been allocated for development. The council comments that this is because of uncertainty around the timescale for the release of the site and a failure to demonstrate that extensive site constraints can be overcome.

27. Within the context of a discussion on the region's business and industry land requirement, paragraph 3.17 recognises that sites adjacent to the A74(M), including the MOD site at Easttriggs, offer the potential to attract strategic inward investment in the longer term. I consider it appropriate in this context merely to acknowledge that the site will become available within the lifetime of the proposed plan, the range of uses that may be suitable and that there are constraints to be overcome. I do not, therefore, support the suggested modification to the proposed plan. Whether the site should be allocated in the proposed plan for business and industry development is considered in Issue 10 (Annan HMA – general, district and local centres).

Energy strategy

Regional energy strategy, paragraph 3.21

28. The proposed plan at paragraph 3.21 notes the council's intention to prepare a regional energy strategy. The representations to this matter note that the proposed plan fails to explain the purpose of such a strategy or the policy basis for it at a national level, adding that the Scottish Government's draft Onshore Wind Policy Statement (OWPS) explored the idea of regional strategies but that the final version made no mention of them. The council believes that their preparation will become mandatory for local authorities, adding that it will consult with interested parties on its preparation.

29. The final version of the OWPS (December 2017) acknowledges that consideration was given to alternative strategic approaches to wind energy developments but that the current system, described as 'business as usual' continues to represent an effective and efficient process for developments in excess of 50 megawatts. Where reference is made to regional working, this is the context of planning reform and the move from the current strategic planning focus on the preparation of strategic development plans towards local authorities working together to provide an input to an enhanced National Planning Framework, and to more active, co-ordinated infrastructure investment and development delivery at this scale. In this context, it is also unclear to me what the purpose of a regional energy strategy would be. Furthermore, there is nothing to suggest in the OWPS or the Scottish Government's Energy Strategy (December 2017) that the preparation of regional energy strategies by local authorities will become mandatory. Nonetheless, it is entirely a matter for the council whether or not it chooses to prepare an energy strategy.

30. I note the council's intention to update the factual data contained in the proposed plan in respect of renewable energy. I agree that the proposed plan should be modified to reflect the targets set out in the Scottish Government's Energy Strategy and the status of the Climate Change Plan (February 2018), both of which were published after the publication of the proposed plan. I recommend suitable wording below. I acknowledge, however, that these are factual statements that may require to be updated further if the targets change prior to the adoption of the proposed plan.

Retail strategy

31. The representation argues that the proposed plan should recognise the need for and

opportunities to strengthen the region’s town centres by providing access to and developing opportunities for energy management, including but not limited to heat networks and other decentralised systems. Although some aspects of this issue lie beyond the scope of the planning system and are addressed in the council’s local housing strategy, I consider that this matter, as part of a broader consideration of efficient and effective energy management solutions, is best addressed under the heading ‘Overarching Approach to the Plan’ and in particular paragraph 1.12 of the proposed plan. I have recommended a modification to paragraph 1.12 below, including the introduction of a principle that requires development proposals to have regard to the energy demands of the area and the sources of renewable generation available. I consider that this modification addresses the concerns expressed in the representation.

32. SPP paragraph 64 states, in summary, that local authorities, working with partners, should prepare town centre health checks, the purpose of which is to assess a town centre’s strengths, vitality and viability, weaknesses and resilience and thereby help deliver improvements. It adds that health checks will be used to inform development plans and decisions on planning applications. The council acknowledges that it has not undertaken formal health checks of the region’s town centres. In this regard, the Scottish Government seeks a modification to the plan that would allow the spatial elements of town centres strategies, once prepared, to be developed into supplementary guidance and gain the formal status enjoyed by being part of the development plan.

33. Paragraph 3.23 of the proposed plan refers to the publication of the Dumfries and Galloway Retail Study (2016), which I note includes a recommendation that the environmental quality of town centres should be monitored by undertaking health checks, among other measures (paragraph 4.4.8 refers). I also note that the council is presently working with partners to develop a strategy for Dumfries town centre and that it hopes to undertake similar work in other town centres if resources permit. The council’s response also suggests that it is open to the possibility of such strategies becoming supplementary guidance. If this is to be facilitated, however, it will be necessary for the proposed plan to provide a sufficient ‘hook’ on which to hang the supplementary guidance, as described in paragraph 138 of Circular 6/2013: Development Planning.

34. Scottish Ministers expect town centre health checks to be undertaken. A retail study has been published which includes recommendations to support the future of retailing in the region’s town centres. In addition, the council has commenced work on the preparation of a strategy for Dumfries town centre with an indication that similar work may also be undertaken in other town centres. I conclude that the proposed plan should be modified to address the concerns of the Scottish Government and satisfy the requirements of SPP. I set out appropriate text in my recommendations below.

Table 1: Network of Centres - Gretna Gateway Outlet Centre

35. The representations made in respect the Gretna Gateway Outlet Centre and its designation as a town centre are considered in Issue 10 (Annan Housing Market Area – general, district and local centres).

Housing strategy

36. In accord with SPP, the proposed plan’s spatial strategy seeks to maximise the use of existing infrastructure, promote the efficient use of land and buildings and make travel smarter and more sustainable. For these reasons, the spatial strategy seeks to direct the majority of

new development to Dumfries and the defined district and local centres (the larger settlements), with a smaller amount of development proposed in villages and the wider rural area. To allow development to occur unchecked, as suggested in the representation, would undermine the council's approach and the sustainable principles on which it is based. As the council notes, new development in villages and the countryside will be assessed against the criteria of proposed policies H2 (housing development in villages) and H3 (housing in the countryside) to ensure that it is of an appropriate scale and character to its location, among other things. Accordingly, I do not support the modification proposed.

37. A strategic objective of the Dumfries and Galloway Local Housing Strategy 2108-2023 (LHS) is to help everyone in the region to live in warm, affordable, energy efficient homes. To achieve this objective the LHS describes initiatives and actions to tackle fuel poverty and promote energy efficiency and insulation schemes. I agree with the council that this issue is most appropriately dealt with in the LHS given that many of the factors that can give rise to fuel poverty are not matters that the proposed plan can meaningfully address. It can, however, establish broad principles for all development proposals to follow, requiring them to support sustainable development through choice of location and design – these principles are set out at paragraphs 1.11 and 1.12 of the proposed plan. I have recommended the addition of a further principle to paragraph 1.12, as a modification in response to other representations on energy matters that requires the provision of efficient and effective energy management solutions to be incorporated into all developments. I note that the final bullet point of paragraph 1.12, as it stands, requires all development to consider the need to future proof development to accommodate changing requirements. This requirement could be interpreted to include energy management, but I consider that it should be made explicit. I therefore recommend a further modification to paragraph 1.12 below.

Housing Supply Target (HST)

38. SPP paragraph 115 requires development plans to set out the housing supply target (HST) (separated into affordable and market sector) for each functional housing market area, based on evidence from a Housing Needs and Demand Assessment (HNDA). Within the overall HST, SPP requires plans to indicate the number of new homes to be built over the plan period (paragraph 116). It also states that this figure should be increased by 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin depends on local circumstances and requires to be justified.

39. As noted by the Scottish Government, the proposed plan does not show the HST or the level of generosity applied to it to arrive at the housing land requirement (HLR) shown in Table 2 on page 19. These matters were the subject of a further information request to the council. In response, and in summary, the council confirmed that it has applied a 20% level of generosity to the HST and that this would:

- ensure flexibility in the housing market should conditions improve;
- ensure the continued delivery of new housing even if unpredictable changes to the effective land supply occur during the lifetime of the plan; and,
- in light of the creation of the South of Scotland Enterprise Agency and delivery of the Borderlands Inclusive Growth Deal, help grow the local economy.

40. In light of the above, and evidence contained in the HNDA and local housing strategy, I am satisfied that the council has provided a robust explanation of local circumstances to support the level of generosity that it has applied to the HST. Therefore, in this regard, I find

that the proposed plan is consistent with SPP. To address the requirements of SPP and the matters raised by the Scottish Government, I recommend a modification below that inserts a new paragraph 3.29 to the proposed plan, which explains how the housing land requirement has been derived and a justification for the level of generosity that has been applied to the supply target.

41. Finally, on the matter of the HLR, the council indicates that the development of infill and windfall sites accounted for on average 15% of all completions in the region between April 2012 and March 2017. It explains, however, that whilst the development of such sites has and will continue to make a contribution to the HLR upon the grant of planning permission, the proposed plan does not make any allowance for them in its calculations and does not therefore rely upon them. I note that this approach is consistent with advice contained in Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits, paragraph 62, which notes that windfall sites arise unexpectedly and are by definition not part of the planned housing supply. The council adds that it regards windfall sites as providing opportunities for redevelopment, regeneration and place making through the reuse of buildings and previously developed sites without requiring a specific allocation on the Local Development Plan. Whilst I agree with the council on this matter, I recommend below the inclusion of a sentence within a modified paragraph 3.29 to clarify the proposed plan's position on this matter.

42. The necessity for the proposed plan to make provision for the needs of gypsy travellers and showpeople is addressed in our consideration of Issue 4 (housing policies).

43. In our consideration of Issue 4 (housing policies) and representations to proposed Policy H1 (housing land) we find that the spatial strategy promoted by the proposed plan is entirely appropriate within the context of SPP, which includes a commentary on promoting rural development. Paragraph 3.4 of the proposed plan states that the majority of new development is focused on the town of Dumfries, defined District and Local Centres (the larger settlements) and a smaller amount of development proposed in villages and the wider rural area. With regard to housing, this amounts to almost 53% of all new development being directed to the Dumfries Housing Market Area (proposed plan Table 2 refers).

44. I consider the effectiveness of the allocated housing sites in the Dumfries HMA below. There is also an examination of the provision of effective housing sites to meet the housing land requirement in other issues, where this is raised within the representations, for example, at the start of the reporter's conclusions in Issue 13 (Mid Galloway and Stranraer HMA). I do not intend to rehearse the arguments and the conclusions elsewhere in the report here; suffice it to say that we also find that the proposed plan makes adequate provision for effective sites to meet the housing land requirement.

The effectiveness of allocated sites in the Dumfries HMA

45. SPP paragraph 120 states that outwith city regions, local development plans should set out the housing supply target and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. It adds that they should allocate a range of sites that are effective or expected to become effective in the plan period to meet the housing land requirement in full and provide a minimum of a 5-year effective land supply at all times. Furthermore, PAN 2/ 2010: Affordable Housing and Housing Land Audits states that, it is the planning authority that is responsible for carrying out the annual housing land audit, working with housing and infrastructure providers (paragraph 41).

46. The effectiveness of a number of sites in the Dumfries HMA has been challenged, to the

extent that it is argued that additional housing sites should be allocated in the proposed plan in order to provide a 5-year effective land supply. Based on the evidence before me, including that submitted by the council and on behalf of Mr Robson in response to a further information request, I conclude that the proposed plan allocates sufficient effective land to meet the housing land requirement and provides a 5-year effective land supply.

47. I arrive at this conclusion on the basis that the council does not rely on a number of the housing sites identified by Mr Robson as being ineffective to contribute to the effective land supply (DFS.H3, LMB.H2, LRB.H4 and HLW.H1). Neither does the council rely on sites GCP.H2, JSB.H1 and THN.MU1 to contribute to the land supply before 2022. With regard to the programming of other disputed sites where a contribution to the effective land supply is anticipated, the Housing Land Audit 2017 assumes only a modest contribution, for example, KCN.H1 (10 units from an allocation 90 units) and THN.H2 (part) (10 from 112 units).

48. Generally, I am satisfied that the council has demonstrated that the sites it relies upon either have the benefit of planning permission, are the subject of live planning applications or advanced development proposals, form part of the council's Strategic Housing Investment Programme (SHIP) and/or are being actively marketed (DFS.H2, DFS.H4, DFS.H6, LRB.H1 and SNQ.H2). As such, I consider that it is reasonable to assume that their development will make the anticipated contribution to the effective land supply as shown in the Housing Land Audit 2017 and repeated in the Housing Land Requirement Technical Paper (Appendix B).

49. Finally, with regard to sites MOF.H3 and MOF.H4, I note that whilst planning permission has yet to be granted for their development, the council is confident that each site will make the anticipated contribution to the land supply. Site MOF.H3 has enjoyed the benefit of planning permission in the recent past, is free of constraints and the landowner appears prepared to release it for development. The dispute regarding site MOF.H4 relates to its programming rather than its development in principle. Although a number of issues have yet to be resolved to the satisfaction of the council, I note that the site has been the subject of a pre-application enquiry report in which the issues required to be addressed have been identified if its development is to be considered acceptable. I also note that a masterplan has been prepared for the site, land has been acquired by a housing association and that it is included in the current SHIP. On this basis, I share the council's view and consider that the anticipated contribution indicated in the audit achievable.

50. In light of the above, I do not consider that additional sites require to be allocated in the Dumfries HMA to ensure an effective land supply, as suggested in the representation. I do not therefore propose to modify the proposed plan's spatial strategy or paragraphs 3.28 to 3.32 in response to the particular matters raised by Mr Robson.

Transport strategy

51. I have considered the general comments made in respect of the proposed plan's transport strategy and address these above. I have also recommended modifications to paragraph 3.35 and Policy T2 to encourage consideration of a range of sustainable power sources in all forms of transport, not just the use of electric vehicles, and the provision of infrastructure to support them.

52. As required by SPP paragraph 272, I find that the proposed plan's transport strategy takes account of the relationship between land use planning and transport. Paragraph 3.35 describes the proposed plan's support for a pattern of development that reduces the need to travel, facilitates travel by public transport and the movement of freight by rail or water. The

importance of the relationship is acknowledged in paragraph 4.118 and the strategic transport routes identified on Map 9: Strategic and Regional Transport Network, including the A74, A75 and A77, rail line to Stranraer and access to the ports at Cairnryan. I consider that the proposed plan describes the strategy in sufficient detail for a reader to be able to understand the council’s approach to transport and that no modification to the text is required.

Paragraph 3.37

53. Paragraph 3.37 seeks to place the region’s strategic transport projects within a national context, noting that some interventions are reliant on the support of the Scottish Government and the recommendations of its Strategic Transport Projects Review (STPR). The Scottish Government considers the commentary on this matter to be misleading and notes that it also fails to identify that the South West Scotland Transport Study will inform the update of the STPR. In support of its position, the Scottish Government has provided a detailed background setting out the matters that the South West Scotland Transport Study will examine, a broad timeline and contribution to the second STPR. The council considers references to the STPR and South West Scotland Transport Study to be statements of fact that will be updated prior to the adoption of the proposed plan. However, I consider that it is important that the proposed plan accurately describes the context within which decisions on national transport projects will be taken and that paragraph 3.37 should be modified as suggested by the Scottish Government. Should further information become available on the conclusions of the South West Scotland Transport Study or the STPR I would expect the council to update the proposed plan accordingly.

Active and green networks

54. An overarching aim of the proposed plan is that all development proposals should enhance the environment of, and protect access to, open spaces, green networks and recreational opportunities (paragraph 1.12). Elsewhere, the proposed plan recognises that the region’s network of green spaces provide opportunities to promote sustainable travel choices and have a role to play in improving the health and well-being of the population. In addition, paragraph 4.92 recognises that the green network can help enhance the area’s biodiversity. On this basis, the benefits of creating a well-connected network of green spaces is well made and I do not consider it necessary to make further reference to it in paragraph 3.40, as sought by RSPB Scotland.

Waste management strategy

55. SPP paragraph 176 states that the planning system should, among other things, help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal. The proposed plan at paragraph 3.41 reflects this expectation, save for the omission of the word ‘energy’ from ‘energy recovery’. I consider that a modification to paragraph 3.41 to accurately reflect the requirements of SPP and the wording of paragraph 3.45 as it stands is sufficient to signal that opportunities to generate energy from waste is supported in principle by the proposed plan. I note that paragraph 4.108 and Policy IN5 (energy from waste) use the term ‘energy recovery’.

Reporter’s recommendations:

The proposed plan should be modified by:

Overarching Approach of the Plan

1. adding ‘*National Marine Plan*’ to the list of national documents that have informed the preparation of the proposed plan;

2. adding a definition of sustainable economic growth to the glossary of terms at the end of the proposed plan. SPP at page 75 provides the following useful definition:

‘Sustainable economic growth - Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.’

3. amending the opening sentence of paragraph 1.12 and adding a new first bullet point:

‘The following broad principles should guide the preparation of all development proposals:

- *the provision of efficient and effective energy management solutions, having regard to the energy demands of the area and the sources of renewable generation available;’*

4. adding ‘*a net biodiversity gain*’ as a principle at paragraph 1.12;

5. amending the final bullet point of paragraph 1.12 to add the words:

‘energy management’ after ‘*such as*’;

Vision

6. amending the first sentence of the vision on page 12 to read:

‘It will be a thriving region with a sustainable economy built on sustainable principles, which recognises the importance of its landscape, natural and historic environments and the need to maintain and enhance its distinctive landscape character while facilitating positive change, promoting growth, maximising the use of existing infrastructure and enhancing connectivity.’

Spatial Strategy

7. amending the second sentence of paragraph 3.35 to read:

‘The Plan expects good quality development that builds in sustainable transport modes, making provision for the use of electric vehicles and those driven by other sustainable power sources, at the beginning of the design process.’

8. amending the third bullet point of Policy T2 to read:

‘give consideration to the provision of electric vehicle charging points, and other infrastructure that may be required to support other sustainable power sources, as part of the development;’

Energy Strategy

9. deleting paragraph 3.21 and replacing with the following:

‘The Climate Change Plan sets out a decarbonisation pathway across seven sectors of the economy to 2032. The planning system is seen as an essential element of the Scottish

Government’s approach to meeting statutory climate change targets. The Scottish Government’s Energy Strategy (2017) sets two targets for the Scottish energy system by to be achieved by 2030; the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; an increase by 30% in the productivity of energy use across the Scottish economy. To support the transformational change to a low carbon economy the council proposes to prepare a Regional Energy Strategy.’

10. adding a new paragraph 3.22, and renumbering following paragraphs accordingly:

‘National Planning Framework 3 identifies a need for an enhanced high voltage energy transmission network to facilitate renewable electricity development and its export, including improvements to the network that lies in Dumfries and Galloway. Significant investment in the network is anticipated during the plan period, which the council supports in principle in appropriate locations. Proposals will be assessed against the provisions of policies OP1 AND IN1.’

Retail Strategy

11. amending paragraph 3.26 by adding the following text as the second sentence:

‘The boundaries of the town centres shown on the settlement statement inset maps will be kept under review. Boundary changes may be recommended through the preparation of supplementary guidance.’

12. amending the second sentence of paragraph 3.27 to read:

‘The performance and environmental quality of defined town centres will be monitored regularly. Where appropriate, the council, working with partners, will prepare town centre strategies to identify development opportunities and deliver improvements.’

Housing Strategy

13. adding the following sentence and table to the end of paragraph 3.28:

‘Table 2 and the supporting Housing Land Requirement Technical Paper set out how the Plan meets the housing requirement’;

Table 2: Housing Supply Target 2017-2029

HOUSING MARKET AREA (HMA)	HOUSING SUPPLY TARGET					
	MARKET HOUSING	PER ANNUM	AFFORDABLE HOUSING	PER ANNUM	TOTAL	PER ANNUM
ANNAN	378	29	176	14	554	43
DUMFRIES	2134	164	664	51	2798	215
ESKDALE	35	3	42	3	77	6
MID GALLOWAY	369	28	182	14	551	42
STEWARTRY	564	43	229	18	793	61
STRANRAER	331	25	178	14	509	39
DUMFRIES & GALLOWAY	3811	293	1471	113	5282	406

NOTE: The figures presented in the table are rounded to the nearest whole number. Consequently totals may not equal the sum of its parts

14. deleting paragraph 3.29 and replacing with the following:

‘The Housing Land Requirement (HLR) is the HST increased by a margin of 20% in order to ensure that there is a generous provision of housing land to meet the HST. The additional land will allow the council to achieve the strategic objectives of the Local Housing Strategy, address existing needs and demands, and support economic growth. The margin of generosity applied to the HST also allows for unforeseen circumstances and permits additional development to take place should the delivery of more housing be possible within the plan period than originally planned for. Tables 3 and 4 show numerically the level of generosity applied to the HST as a whole and for each housing market area and how the HLR will be met by existing and new land supply, respectively. Windfall sites can also contribute to the housing land supply, however, they are not relied upon to achieve the HLR and are not included in Table 3 below.’

15. amending Table 2 to add columns which set out the housing supply target and level of generosity and renumbering as Table 3;

Table 3: Housing Land Requirement

HOUSING MARKET AREA (HMA)	HOUSING SUPPLY TARGET (HST)	+ 20% GENEROSITY	HOUSING LAND REQUIREMENT (HLR)
ANNAN	554	111	665
DUMFRIES	2798	560	3358
ESKDALE	77	15	92
MID GALLOWAY	551	110	661
STEWARTRY	793	159	952
STRANRAER	509	102	611
DUMFRIES & GALLOWAY	5282	1056	6339

NOTE: The figures presented in the table are rounded to the nearest whole number. Consequently, totals may not equal the sum of its parts.

16. inserting Table 4 after paragraph 3.29:

Table 4: Programming of sites with planning permission and existing LDP allocations 2017-2029

HOUSING MARKET AREA (HMA)	HLR 2017-2029	PROGRAMMING 2017-2029			SHORTFALL
		SITES WITH PLANNING PERMISSION	EXISTING LDP ALLOCATIONS	TOTAL NO'S OF UNITS	
ANNAN	665	171	1062	1233	0
DUMFRIES	3358	1164	1404	2568	790
ESKDALE	92	138	175	313	0
MID GALLOWAY	661	47	531	578	83
STEWARTRY	952	318	538	856	96
STRANRAER	611	158	536	694	0
DUMFRIES & GALLOWAY	6339	1996	4246	6242	969

Transport Strategy

17. deleting paragraph 3.37 of the proposed plan and replacing it with the following two paragraphs, renumbering those that follow accordingly;

'The delivery of some of the above interventions has been achieved and others are subject to the transport allocation within the Scottish Government's future spending reviews and affordability. The Scottish Government has announced the second Strategic Transport Projects Review (STPR). This will consider the rationale for improvements to road, rail, public transport and active travel on the key strategic corridors throughout Scotland.

In Dumfries and Galloway, the South West Scotland Transport Study will consider the rationale for potential improvements to the A75, A76, A77 and A701 together with the railway corridors to Stranraer and Carlisle via Kilmarnock and Dumfries, the study will also focus on access to the ports at Cairnryan. This will report by Winter 2018-19 and is intended to inform the update to the STPR. The council recognises that should development proposals intended to rely on STPR interventions come forward prior to the intervention being identified for delivery in future spending reviews, it will need to identify an alternative funding and delivery mechanism (i.e. they will not receive Scottish Government funding).'

Waste Management Strategy

18. adding the word 'energy' before 'recovery' at the beginning of the third line of paragraph 3.41.

Issue 2	Overarching Policies	
Development plan reference:	Overarching Policies: pages 23 - 26	Reporter: Andrew A Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sportscotland (008) J A Carruthers (014) Natural Power (080) Scottish Environment Protection Agency (120) Scottish Renewables (131) RSPB Scotland (133) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) Gordon Hodge (369) Southern Uplands Partnership (402) David Pedley (443) Crichton Carbon Centre (450) Scottish Government (455) ABO Wind UK (488) SSE Generation Development (523) North Lowther Energy Initiative (554) Jack Cooper (573)</p>		
Provision of the development plan to which the issue relates:	Policy OP1: Development Considerations; Policy OP2: Design Quality and Placemaking; Policy OP3: Developer Contributions	
Planning authority's summary of the representation(s):		
<p>Policy OP1: Development Considerations <u>Scottish Environment Protection Agency (120.004); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001)</u> - Support wording of Policy.</p> <p><u>North Lowther Energy Initiative (554.001)</u> - The Policy only makes a brief reference to the development of the local economy. Given the socio-economic benefits that can be realised through new developments, it would be welcomed to see an inclusion of consideration of the socio-economic benefits of a proposal as one of the principal considerations against which applications are assessed.</p> <p>Policy OP1: Development Considerations b) Historic Environment <u>J A Carruthers (014.007)</u> - The text in its current form contradicts Policy OP2 and is incompatible with Policies NE1, NE2, NE3, NE4, and NE5.</p> <p><u>Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.003)</u> - Support the sentiments expressed here but will continue to monitor the planning process with LDP1 and then LDP2 to ensure that the Planning laws and advices are maintained and used to the benefit of the historic environment.</p> <p>Policy OP1: Development Considerations c) Landscape <u>J A Carruthers (014.007)</u> - The text in its current form contradicts Policy OP2 and is incompatible with Policies NE1, NE2, NE3, NE4, and NE5.</p>		

Natural Power (080.030); Scottish Renewables (131.002); ABO Wind UK (488.001) - The Policy seems to seek a level of protection for features which is not reflective of and goes well beyond the expectation of Scottish Planning Policy (SPP). SPP 194 states that, in relation to landscape character “the Planning system should: facilitate positive change while maintaining and enhancing distinctive landscape character” and goes on to state that the Planning system should “conserve and enhance protected sites.”

This is substantively different from section c) Landscape and d) Biodiversity and Geodiversity of OP1.

Scottish Government (455.016) - Wording requires to be modified to align with paragraph 200 of SPP.

Policy OP1: Development Considerations d) Biodiversity and Geodiversity

J A Carruthers (014.007) - The text in its current form contradicts Policy OP2 and is incompatible with Policies NE1, NE2, NE3, NE4, and NE5.

Policy OP1: Development Considerations f) Sustainability

J A Carruthers (014.007) - The text needs to be expanded to give developers greater certainty.

Natural Power (080.030) - The recognition given to reducing emissions through measures including district heat networks is supported.

RSPB Scotland (133.026) - Support for the Policy. Welcome production of guidance on development sustainability.

Scottish Government (455.020) - This section includes a bullet point on supporting reduction in carbon emissions. Unfortunately the Policy fails to include a rise in the proportion of emissions saved, as required by the legislation. Other Local Development Plans achieve this by specifying a trigger for a review of the specified proportion of emissions savings or identifying a year when the proportion will increase.

North Lowther Energy Initiative (554.001) - Welcome the inclusion of sustainability, although this does not appear to make any reference to increased renewable energy generation. The requirement to deliver increased renewable energy generating capacity within Policy OP1 would provide a clear link to support for the delivery of the Scottish Government Energy Strategy and OWPS.

Policy OP1: Development Considerations g) Water Environment

RSPB Scotland (133.028) - Welcome production of guidance on development sustainability and would welcome the addition of reference to our best practice guidance on SUDs and wildlife.

Policy OP2: Design Quality and Placemaking

Natural Power (080.031) - Support requirement to integrate sustainable energy and design measures and welcome the proposal to produce Supplementary Guidance on this matter.

Scottish Environment Protection Agency (120.004); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001) - Support for the Policy.

Scottish Renewables (131.002) - Welcome the encouragement for development proposals to “integrate sustainable energy and design measures.”

RSPB Scotland (133.035) - References to biodiversity could be strengthened by including

reference to biodiversity enhancement measures and that detail of these such as swift boxes, wild flower meadows, native trees and hedgerows could be included and/or detailed in the Supplementary Guidance document referred to under this Policy.

Gordon Hodge (369.001) - Object to the present wording of the proposed Policy. Major schemes locally are being approved with little apparent regard to the quality of design. Examples given include the new DGRI, St. Joseph's College and the Hub. The proposed Policy has all the usual fine words but these need to be applied consistently and diligently and with the benefit of an understanding that they are being properly applied in a proposed development. As this proposed Policy is little different from that in the adopted Local Development Plan (LDP) it may continue to be inadequate and therefore needs to be reinforced to avoid the type of design failures outlined in the representation.

David Pedley (443.006) - The Policy of a requirement to make up a private lane to adoptable standard applies where the number of houses served following a consent would exceed a certain number. The Policy is not suitably located for public use. It relates only to the areas of the previous Councils of Wigtown and Stewartry, apparently continuing their individual Planning policies.

Policy OP3: Developer Contributions

Sportscotland (008.009) - A number of areas within the Proposed Plan refer to sporting and recreation interests, and the need to protect and improve opportunities to participate where appropriate. Sportscotland generally support these references. The Policy includes reference to the need to consider leisure, recreation and tourism infrastructure as well as open space and community facilities. These encompass a range of natural and built environments required to support and improve participation in sport and physical activity.

Natural Power (080.032) - Depending on how the Council decide to tackle its climate change duties consideration should be given to seeking contributions towards low carbon energy infrastructure including but not limited to renewable heat networks in areas where there is recognised opportunity to develop practical opportunities in this sector. Consideration should be given to tying this into the spatial elements of the Plan.

RSPB Scotland (133.027) - Support for the Policy. Welcome the inclusion of green networks as part of this Policy.

Southern Uplands Partnership (402.001); Crichton Carbon Centre (450.002) - Developer contributions have a key role to play in realising Policy OP1 d) and should be specifically identified in Policy OP3. This approach would be consistent with SPP and reference is made to the approach undertaken by Scottish Borders in regards to wind farm developments. This demonstrates the potential for protecting and enhancing biodiversity in Dumfries and Galloway.

Scottish Government (455.001) - Planning obligations are those sought through Section 75 of the Planning Act, so at present the text is repetitive. The change is required to be consistent with the terminology in Circular 3/2012 which sets out that Planning obligations are those sought through Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended.

Scottish Government (455.002) - Circular 6/2013 states that items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought should be set out in the Plan itself.

SSE Generation Development (523.001) - More detail required on developer contributions. It is

important that they are carefully considered and meet the tests required of them. If not managed carefully then they can deter development and investment.

Modifications sought by those submitting representations:

Policy OP1: Development Considerations

Scottish Environment Protection Agency (120.004); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001) - No change requested.

North Lowther Energy Initiative (554.001) - Include consideration of the socio-economic benefits of a proposal as one of the principal considerations against which applications are assessed.

Policy OP1: Development Considerations b) Historic Environment

J A Carruthers (014.007) – In the first sentence delete the words “protect and/or enhance” and substitute the word “respect”.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.003) - No change requested.

Policy OP1: Development Considerations c) Landscape

J A Carruthers (014.007) - In the first sentence delete the words “protect and/or enhance” and substitute the word “respect”.

Natural Power (080.030); Scottish Renewables (131.002); ABO Wind UK (488.001) - The requirement to protect and enhance “at any level” in sections c and d should be altered to reflect SPP which only requires the conservation and enhancement of protected sites.

Scottish Government (455.016) - Change text at bullet point c to:

Development proposals should respect, protect and/or enhance the region’s rich landscape character, and scenic qualities including features and sites identified for their landscape qualities **or wild land character as identified on the 2014 SNH map of wild land areas.**

Policy OP1: Development Considerations d) Biodiversity and Geodiversity

J A Carruthers (014.007) - In the first sentence delete the words ' protect and/or enhance' and substitute the word “respect”.

Policy OP1: Development Considerations f) Sustainability

J A Carruthers (014.007) - After the opening sentence insert a second sentence that defines what sustainable development is.

Natural Power (080.030) - Suggest however that this is subject to the same supportive SG that is proposed for other carbon reduction measures.

RSPB Scotland (133.026); North Lowther Energy Initiative (554.001) - No modification requested.

Scottish Government (455.020) - Policy should include a rise in the proportion of emissions saved, as required by the legislation.

Policy OP1: Development Considerations g) Water Environment

RSPB Scotland (133.028) - Include reference to best practice guidance on Sustainable Urban

Drainage Systems and Wildlife. http://ww2.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf.

Policy OP2: Design Quality and Placemaking

Natural Power (080.031) - Consideration should be given to tying the integration of sustainable energy and design measures into the spatial elements of the Plan.

Scottish Environment Protection Agency (120.004); Scottish Renewables (131.002); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001) – No change requested.

RSPB Scotland (133.035) - References to biodiversity could be strengthened by including reference to biodiversity enhancement measures such as swift boxes, wild flower meadows, native trees/hedgerows.

Gordon Hodge (369.001) – Changes to wording of OP2 to make it a more robust Policy. (No alternative wording included in representation.)

David Pedley (443.006) - At the end of OP2 add: “This Policy does not authorise conditions requiring the execution of works unconnected with any of the issues listed above.”

Policy OP3: Developer Contributions

Sportscotland (0008.009); RSPB Scotland (133.027); SSE Generation Development (523.001) - No change requested

Natural Power (080.032) - Consideration should be given to seeking contributions towards low carbon energy infrastructure including but not limited to renewable heat networks in areas where there is recognised opportunity to develop practical opportunities in this sector.

Southern Uplands Partnership (402.001); Crichton Carbon Centre (450.002) - Add to the bullet point list: Biodiversity

Scottish Government (455.001) - Amend sentence 2 to read: Contributions secured through a Planning obligation or other legal agreement as necessary will be consistent with the tests set out in Circular 3/2012

Scottish Government (455.002) - Amend Policy OP3 to include details of the circumstances in which financial or other contributions will be sought.

Summary of responses (including reasons) by planning authority:

Policy OP1: Development Considerations

Scottish Environment Protection Agency (120.004); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001) - Support noted.

No modification proposed to the Plan.

North Lowther Energy Initiative (554.001) - Part f) of the Policy supports developments that assist development of the local economy through sustainable economic growth. Where considered appropriate and relevant, the Policy will include socio-economic benefits as a consideration; such as Policy IN2: Wind Energy.

No modification proposed to the Plan.

Policy OP1: Development Considerations b) Historic Environment

J A Carruthers (014.007) – The words “protect and/or enhance” reflect those used in SPP with which the LDP should conform. The wording used in this Policy also reflects the wording used in Policies HE1: Listed Buildings and HE2: Conservation Areas.

The representor has not provided any information as to why they consider Policy OP1b), c) and d) contradict OP2 and are incompatible with Policies NE1 – NE5. The Council consider that Policies OP1b), c) and d) are compatible with the Natural Environment policies listed in the representation.

No modification proposed to the Plan

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.003) - Comments noted.

No modification proposed to the Plan.

Policy OP1: Development Considerations c) Landscape

J A Carruthers (014.007) – See response to Policy OP1 b) above.

No modification proposed to the Plan.

Natural Power (080.030); Scottish Renewables (131.002); ABO Wind UK (488.001) - The Council recognises the importance of the rich landscape character, scenic and landscape qualities, sense of wilderness and rich and distinct biodiversity and geodiversity throughout the region and not just on designated sites. It considers the current Policy OP1c) and d) wording to accurately reflect this position. This is supported by SPP which states “The SPP promotes consistency in the application of Policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.”

No modification proposed to the Plan.

Scottish Government (455.016) - The Council agree with the points made in the representation but propose to add additional wording to that suggested:-

‘...or wild land character as identified on the 2014 SNH map (or any subsequent revised or amended document) of wild land areas.’

The Council considers this to be a non-notifiable modification.

Policy OP1: Development Considerations d) Biodiversity and Geodiversity

J A Carruthers (014.007) - See response to Policy OP1b) and c) above.

No modification proposed to the Plan.

Policy OP1: Development Considerations f) Sustainability

J A Carruthers (014.007) - A definition is included in the glossary to the Plan, it is not considered necessary to include this again within the Policy.

No modification proposed to the Plan.

Natural Power (080.030) - Comments are noted. The production of Supplementary Guidance is something the Council will give consideration to producing in the future.

No modification proposed to the Plan.

RSPB Scotland (133.026) - Support noted.

No modification proposed to the Plan.

Scottish Government (455.020) - Rather than include a rising target in the Policy, the Council propose to monitor the operation of the Policy as currently written and review the proportion required through the supporting Supplementary Guidance.

The Council propose to add '**(subject to review in Supplementary Guidance)**' after '**at least 10% of the carbon emissions target**'.

The Council consider this to be a non-notifiable modification.

North Lowther Energy Initiative (554.001) - This part of the Policy sets out the various measures development proposals could use to limit the impacts of climate change, support resilience and promote sustainable development. It does not intend specifically to address the issue of increase to renewable energy generation. Rather, this is set out in the Infrastructure section of the Proposed Plan and Policies IN1: Renewable Energy and IN2: Wind Energy in particular.

No modification proposed to the Plan.

Policy OP1: Development Considerations g) Water Environment

RSPB Scotland (133.028) - Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS) and associated Supplementary Guidance are considered to provide sufficient guidance.

No modification proposed to the Plan.

Policy OP2: Design Quality and Placemaking

Natural Power (080.031) - Paragraph 1.12 in the Overarching Approach to the Plan sets out a number of broad principles that should be incorporated into all developments. It includes maximising passive solar gain, using sustainable construction techniques and future proofing development.

No modification proposed to the Plan.

Scottish Environment Protection Agency (120.004); Scottish Renewables (131.002); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.011); Jack Cooper (573.001) – Support noted.

No modification proposed to the Plan.

RSPB Scotland (133.035) - The change suggested is considered by the Council to be too much detail to include in the Policy. It would be better included in the draft Design Quality and Placemaking Supplementary Guidance which supports the Policy (CD28).

No modification proposed to the Plan.

Gordon Hodge (369.001) – The wording of the Policy and the supporting draft Design Quality

and Placemaking Supplementary Guidance (CD28) are considered by the Council to be robust. Design and placemaking is a subjective matter. The wording in the proposed Policy allows for a range of design approaches to be used. The examples given in the representation were fully assessed in relation to the design criteria as part of the development management process. The new hospital was recently shortlisted for a RTPI awards for Planning Excellence. It should be noted that the representor did not provide any alternative wording in their representation.

No modification proposed to the Plan.

David Pedley (443.006) - Policy OP2 aims for development proposals to achieve high quality design in terms of their contribution to the existing built and natural environment. The requested change is in regards the Development Management process and not the LDP. Further information on Development Management procedures can be found on the Planning Controls section of the Dumfries and Galloway Council website.

No modification proposed to the Plan.

Policy OP3: Developer Contributions

Sportscotland (0008.009); RSPB Scotland (133.027) - Comments noted.

No modification proposed to the Plan

Natural Power (080.032) - Policy OP3 already lists offsite infrastructure and the Council is of the opinion this covers the provision of low carbon energy infrastructure. The Spatial Strategy highlights the importance of reducing carbon throughout the region.

No modification proposed to the Plan.

Southern Uplands Partnership (402.001); Crichton Carbon Centre (450.002) – Maintaining and enhancing biodiversity and geodiversity habitats and the wildlife which occurs within them is an important aim of the Plan. Policy OP1d states that proposals will be expected to respect, protect and/or enhance biodiversity in the region. Policy OP3 states that contributions will be sought to secure the mitigation required to address an adverse environmental impact. It is considered that Policies OP1d and OP3 meet the requirements of SPP paragraphs 196 to 201.

No modification proposed to the Plan.

Scottish Government (455.001) - The proposed text is considered by the Council to be a factual statement and will be updated before the Plan is adopted.

Scottish Government (455.002) – If the detail of the circumstances in which financial contributions will be sought are included in the Plan itself, there is a risk it could become outdated and inflexible as not all identifiable needs will remain fixed throughout the duration of the Plan period. For example, education contributions could be identified on a site in the Plan but as the rate of development is slow throughout the region, school capacities could change by the time development commences and thus contributions are no longer required.

No modification proposed to the Plan.

SSE Generation Development (523.001) - No specific information was provided with the

representation as to what additional detail is required of Policy OP3. The draft Developer Contributions Supplementary Guidance (CD22) provides further advice and guidance.

No modifications proposed to the Plan.

Reporter's conclusions:

Policy OP1: Development Considerations

Historic Environment

1. SPP paragraph 139 states that development plans should provide a framework that protects and, where appropriate, enhances all elements of the historic environment. I consider that proposed Policy OP1 parts (b), (c) and (d) are consistent with SPP in this regard. Accordingly, I do not agree that the words 'protect and/or enhance' should be removed, as suggested in the representation.

2. Neither do I agree that the wording of proposed Policy OP1 parts (b), (c) and (d) contradict that of Policy OP2 (design quality and placemaking) and is incompatible with policies NE1 (national scenic areas), NE2 (regional scenic areas), NE3 (sites of international importance), NE4 (species of international importance) and NE5 (sites of national importance for biodiversity and geodiversity). The policies referred to in the representation include criteria that seek to ensure that development proposals achieve a high quality of design in terms of their contribution to the built and natural environment and/or do not adversely affect the integrity of the area or the qualities for which they have been designated.

Landscape & Biodiversity and Geodiversity

3. A number of representations note that the proposed wording of proposed Policy OP1 parts (c) and (d) would apply to landscapes and sites that do not enjoy statutory protection. To address this concern and bring the policy into line with SPP paragraph 194, they argue that the words 'at any level' should be deleted. The council does not consider the policy inconsistent with SPP and adds that as proposed the policy recognises the importance of the landscape and its distinct biodiversity and geodiversity throughout the region, not just sites formally designated as being of importance.

4. Within the context of an overarching policy, I consider that it is reasonable for the council to express in general terms its expectation for all development proposals to respect, protect and/or enhance the landscape and sites that it considers to be important, in addition to those that enjoy protection through one designation or another. I note that specific policy matters are addressed in the topic chapters of the proposed plan, for example, mineral workings in the economic development chapter and renewable energy and wind energy in the infrastructure chapter. In addition, further guidance on these matters is contained in the Dumfries and Galloway Landscape Assessment and Local Biodiversity Action Plan, which are noted as being material considerations in the assessment of proposals.

Wild land

5. Although 'wild land areas' are regarded as being nationally important in SPP, 'wild land' is not a statutory designation. As such, and within the context of an overarching policy, I consider it reasonable to refer to wild land in part (c) of policy OP1. I note the council's agreement to amend the wording of the relevant sentence, in response to the representation of

the Scottish Government, but I do not consider it a non-notifiable modification, as it would involve more than a minor change to the wording of the proposed plan. I therefore include the required change as a recommendation below.

6. I accept, however, the argument that the European Landscape Convention should not be identified as material consideration in the assessment of proposals and that reference to it should be removed from part (c) of the proposed policy. As noted in the representation, the principles promoted by the European Landscape Convention have been integrated into SPP; the UK government signed up to the European Landscape Convention in 2006 and in Scotland provides a framework for the work undertaken by Scottish Natural Heritage.

Sustainability

7. The first bullet under part (f) of the policy states that development proposals should, among other things, assist the development of the local economy through sustainable economic growth. SPP defines sustainable economic growth as building a dynamic and growing economy that provides prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too. I have recommended a modification under Issue 1 to include this definition in the glossary of terms at the end of the proposed plan. I believe that the consideration of socio-economic benefits associated with a development proposal is inherent in the consideration of its contribution to sustainable economic growth. As such, I consider that it is unnecessary to identify socio-economic benefits as a separate policy consideration. Neither do I consider it necessary to define the meaning of sustainable development within the policy as a definition is included in the glossary of terms.

Renewable energy generation

8. The council's draft Design Quality and Placemaking Supplementary Guidance states that development proposals should seek to provide a reduction in carbon dioxide emissions, initially through energy efficiency measures and then through the consideration of installing on-site renewable energy generation, where this is feasible. The guidance also notes the potential renewable and low carbon technologies that could be installed and used on a site. A representation suggests that reference to increased renewable energy generation in the policy would provide a link to support the Scottish Government's commitment to increasing the amount of electricity generated from renewable sources. I agree with this suggestion and recommend below a modification to part (f) of the policy that recognises the potential for development proposals to support sustainable development through the introduction of energy efficiency measures and the installation of on-site renewable energy generation technologies, with reference to the supplementary guidance noted above.

Low and zero carbon generating technologies

9. Section 3F of the Town and Country Planning (Scotland) Act 1997, which was added to the Act by Section 72 of the Climate Change (Scotland) Act 2009, requires the council to include in the proposed plan policies requiring all developments to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use; the calculation is based on the approved design and plans for a specific development and the installation and operation of low and zero carbon generating technologies. The proposed plan seeks to address this matter in the final bullet point of part (f) of Policy OP1 and is one of the general duties set out in legislation with which planning authorities must comply when preparing development plans.

10. The representation from the Scottish Government notes, however, that the proposed policy fails to include a rise in the proportion of emissions to be saved, as required by the legislation. It adds, this has been achieved in other local development plans by specifying a trigger for a review of the specified proportion of emissions savings or by identifying a year when the proportion will increase. Rather than include a rising target in the policy, the council's preference is to monitor the operation of the policy as it stands and review the proportion increase through supporting supplementary guidance.

11. The Building (Scotland) Act 2003 requires new construction work to comply with the standards set out in the Building (Scotland) Regulations 2004. The energy section of the building standards aims to ensure that effective measures for furthering the conservation of fuel and power and the achievement of sustainable development are addressed when undertaking building work. The current energy standards, introduced in 2015 for new buildings, set targets that deliver an aggregate reduction in greenhouse gas emissions of 21% for new homes and 43% for other buildings over the previous 2010 standards.

12. In June 2018, the Scottish Government commenced a review of the energy standards of the Building Regulations, the stated intention being to further enhance the energy performance of buildings and contribute to greenhouse gas abatement targets. The Scottish Government anticipates that the next set of standards and supporting guidance will be introduced in October 2021, with changes published one year in advance. If the proposed plan is adopted in late 2019, as indicated in the council's most recent development plan scheme, the regulations as they relate to low and zero carbon technology will be revised before the plan is replaced. As such, it makes the inclusion of detailed guidance on the reduction of greenhouse gas emissions from future development within the proposed plan difficult.

13. The policy as it stands makes reference to calculations 'using the current building regulations', which helps in overcoming the need to be tied to any specific iteration of the standards. However, to comply with the legislation, the council has to plan for a specified rising reduction. It is difficult to apply appropriate percentage reductions without knowing the detail of any future building regulations. Accordingly, I consider this matter is best dealt with by modifying proposed Policy OP1 (f) so that it reflects in general terms the council's statutory responsibility to meet the terms of Section 3F of the Act but relies on supplementary guidance to specify the methodology for calculating the reduction in carbon emissions to be met through the installation and operation of low and zero carbon generating technologies – I note that the council has prepared draft supplementary guidance on this matter. This will enable the council more readily to adjust the methodology for calculation to reflect changes in building standards than if it was to rely on a review of the local development plan. This approach would be consistent with paragraph 139 of Circular 6/2013: Development Planning. I have recommended a suitably worded modification below.

Water environment

14. Proposed Policy OP1 is an overarching policy. Specific matters relating to sustainable drainage systems and wildlife are appropriately considered in the Infrastructure chapter of the proposed plan, in particular by proposed Policy IN8 (surface water drainage and sustainable drainage systems (SuDS)). Detailed guidance on surface water drainage and SuDS is also provided in draft supplementary guidance, which at Appendix 5 contains a list, with hyperlinks, to selected flooding, drainage impact assessments, and SuDS reference documents. Whilst it is entirely a matter for the council as to whether the RSPB's best practice guide is included in the list, it would seem the most appropriate place to highlight its availability. However, I do not consider there to be a need to modify the proposed plan in response to the RSPB's

representation.

Application of the policy

15. Finally, a representation seeks the addition of a part (h) to the policy to address what is described as a requirement [of the council] to upgrade private lanes to an adoptable standard. The council comments that whilst this may be a requirement for certain types of development in Dumfries and Galloway, it is a development management issue, rather than a matter for the proposed plan to address. I agree with the council on this matter.

Policy OP2: Design Quality and Placemaking

Biodiversity

16. It is suggested that the proposed policy is modified to refer to measures to enhance biodiversity, for example, by requiring, where relevant, the provision of swift boxes, wild flower meadows, native trees and hedgerows. I agree with the council, however, that detailed measures such as these are best addressed in supplementary guidance. The council notes that draft Design Quality and Placemaking Supplementary Guidance has been prepared to support the application of the policy, which, it infers, could be amended to provide the detailed guidance sought by the RSPB. I note that the RSPB considers this an acceptable alternative response to its concerns in the absence of the policy being modified. It is, however, a matter for the council to address in consultation with the RSPB, rather than this examination.

Design quality of new development

17. A representation notes that the wording of policy OP2 of the proposed plan is the same as that found in the corresponding policy in the adopted plan. Without change, it argues, buildings of poor design quality will continue to be developed. The representation does not suggest alternative wording. The council, on the other hand, considers the wording of the policy to be robust and comments that design and placemaking are subjective matters.

18. Whilst I agree that the policy sets out the principal considerations necessary to achieve good design and create successful places, I do not agree that design and placemaking are subjective matters – these are more than matters of individual taste. In this regard, *Designing Places* and *Creating Places*, published by the Scottish Government in 2010 and 2013, respectively, and SPP promote the principles of context, identity and character and set out the six qualities of successful place, that is, distinctive, safe and pleasant, welcoming, adaptable, resource efficient, easy to move around and beyond. *Creating Places* also states that good design is not merely how a building looks. Despite the council’s comments, I consider that Policy OP2 reflects the guiding principles of, and is consistent with, SPP.

19. In addition, in support of the proposed policy, the council has prepared draft Design Quality and Placemaking Supplementary Guidance, which provides commentary and illustrated examples to clarify and explain what is expected in respect of each criterion of the policy. Also, a list of design principles, which mirror the six qualities of successful place, is provided in an appendix to the supplementary guidance. Accordingly, I do not agree that the policy wording should be modified.

20. Finally, it is suggested that the council should make provision to refer certain types of major planning applications to a panel of architects for its advice and comment. Whilst I am aware that some local authorities in Scotland seek the advice of specialists and/or design

panels to inform their assessment of development proposals, this is entirely a matter for the council to pursue and is beyond the scope of this examination.

Policy OP3: Developer Contributions

Consistency with Circular 6/2013: Development Planning

21. The Scottish Government notes that proposed Policy OP3 as presently proposed does not fulfil the requirements of paragraph 139 of Circular 6/2013, insofar that it fails to identify the locations and types of development for which a financial or other contribution will be sought. In addition, it notes, that there is an inconsistency in the terminology used in the policy with that of the circular. The council argues that if the plan were to include details of circumstances in which financial contributions would be sought, it would become outdated and inflexible, as not all identifiable needs would remain fixed throughout the plan period.

22. In short, I consider that it is incumbent upon the council to satisfy the requirements of the circular. This is best achieved by modifying the policy to refer to the settlement statements contained in the proposed plan and the council's Action Programme. In doing so, it is necessary to address the prospect of sites coming forward for development unexpectedly during the life of the proposed plan. I recommend suitable wording below, including a modified second sentence to ensure consistency with the wording of Circular 6/2013.

Developer contributions: low carbon energy infrastructure

23. A representation seeks a modification to the policy requiring developer contributions towards the provision of low carbon energy infrastructure. The council notes that the spatial strategy highlights the importance of reducing carbon emissions and that reference to 'off-site infrastructure works' would allow contributions towards low carbon energy infrastructure to be sought.

24. Whilst developer contributions towards the provision of off-site infrastructure is referred to in proposed Policy OP3, I note there is no specific reference to low carbon energy infrastructure in the commentary or in Table 1 of the supporting draft supplementary guidance on Developer Contributions. Neither is there a requirement to contribute to its provision identified in the council's draft Action Programme. I therefore find the link between 'off-site infrastructure' referred to in the policy and the provision of low carbon energy infrastructure tenuous.

25. That said, I consider that the matters raised in the representation are most appropriately addressed through the design quality of new development and the integration of sustainable energy generation measures, which can be sources of renewable energy, rather than through a developer contributions policy. Proposed Policy OP2 (final bullet point) and the draft Design Quality and Placemaking Supplementary Guidance (Chapter 9) require proposals to integrate sustainable energy measures and reduce carbon dioxide emissions initially through energy efficiency measures and then through the installation of on-site renewable energy generation, where feasible, respectively. Where there is a recognised opportunity to incorporate low and zero carbon technologies in new development and for it to make a contribution to renewable energy sources, these will be integral features of its design and therefore most appropriately addressed through development design and the development management/building warrant processes.

26. As the council notes, the context for requiring development proposals to support

sustainable development, including the reduction of carbon and other greenhouse gas emissions, is appropriately set out in the introduction and spatial strategy of the proposed plan. Accordingly, I do consider it necessary to modify the policy as proposed in response to the representation.

Developer contributions: biodiversity

27. Representations on behalf of the Southern Uplands Partnership and Crichton Carbon Centre seek a modification to Policy OP3 to add ‘biodiversity’ to the bulleted list of matters for which contributions may be sought. In support of their argument, they note that Policy OP1 part (d) requires development proposals to not only respect and protect the region’s rich and distinct biodiversity, but also to enhance it. They also usefully highlight the success of Scottish Borders Council in securing habitat enhancement and management through developer contributions, which, in turn, have underpinned considerable investment from the Scottish Rural Development Programme.

28. SPP paragraph 194 states that the planning system should, among other things, seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. In addition, paragraph 197 states that local nature conservation sites should contribute to national and local biodiversity objectives. In light of the expectations and requirements of SPP and the compelling evidence provided in support of the representations, I agree that the policy should be modified by adding an additional bullet point to the list. In making this recommendation, I note that the Local Biodiversity Action Plan (2009) provides guidance on conservation activities in the region, including measures to conserve and enhance biodiversity, and that this will be a material consideration in the assessment of development proposals.

Developer contributions: further detail

29. Finally, a representation argues that proposed Policy OP3 should contain more detail, without which there is concern that development and investment would be deterred. The representation does not suggest what further detail should be included. However, I have recommend that the policy is modified to include further detail with regard to the location and types of development for which financial and other contributions will be sought. Furthermore, the policy will be supported by supplementary guidance that provides information on the scale and nature of developer contributions, including methods of calculation for some contributions and exceptions that might apply. I conclude that the policy, with supporting supplementary guidance, provide sufficient detail on this matter. Accordingly, I do not agree that the policy should be modified further.

Reporter’s recommendations:

The proposed plan should be modified by:

Policy OP1: Development Considerations

1. amending the first sentence of Policy OP1 part (c) Landscape to read as follows:

‘Development proposals should respect, protect and/or enhance the region’s rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas.’

2. amending Policy OP1 part (c) Landscape to delete reference to the European Landscape Convention. The third sentence of the paragraph would then begin:

'The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any...'

3. adding to part (f) Sustainability a new sub-bullet point immediately after the bullet point 'supporting the reduction in carbon emissions through':

'a reduction in carbon dioxide emissions through the introduction of energy efficiency measures and, where feasible, the installation of on-site renewable energy generation technology (information on this matter is provided in supplementary guidance: Design Quality and Placemaking)'

4. deleting the final sub-bullet point of part (f) under the bullet point 'supporting the reduction in carbon emissions through' in its entirety and replacing with the following:

'all new buildings being required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Regulations will be met through the installation and operation of low and zero carbon technologies. The relevant building standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure that the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.'

Policy OP3: Developer Contributions

5. deleting the parentheses and the words 'Section 75 Agreement' in the second sentence of Policy OP3. The sentence would then read:

'Contributions secured through a planning obligation or other suitable legal agreement, as necessary, will be consistent with the tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.'

6. adding an additional bullet point 'biodiversity' to the list contained in Policy OP3;

7. adding the following paragraph to Policy OP3 immediately after the bulleted list:

'The proposals listed in the settlement statements and shown on the Inset Maps will be subject to a planning obligation or other suitable legal agreement to secure the required contributions towards the relevant actions specified in the Council's Action Programme. For other proposals, individual assessments may be necessary to identify the impacts arising from the development and the mitigation required.'

8. adding an additional sentence to the end of the footnote of the policy to refer to the Local Biodiversity Action Plan. The sentence to read as follows:

'Guidance on measures to conserve and enhance biodiversity is provided in the Local Biodiversity Action Plan.'

Issue 3	Economic Development Policies	
Development plan reference:	Economic Development Policies: pages 27 - 35	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sportscotland (008) Coal Authority (013) Natural Power (080) Moffat & District Community Council (093) Community Windpower (111) Scottish Power Renewables (113) Scottish Environment Protection Agency (120) Scottish Natural Heritage (122) Scottish Renewables (131) RSPB Scotland (133) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) Visit Scotland (347) Cumbria County Council (362) Scottish Government (455) Aldi Stores (544) Nuclear Decommissioning Authority (545) Jack Cooper (573)</p>		
Provision of the development plan to which the issue relates:	Policy ED2: Business Development and Diversification in the Rural Area; Policy ED4: Chapelcross; Policy ED5: Development in Town Centres; Policy ED6: Retail Development Outside a Town Centre; Policy ED9: Tourism; Policy ED11: Dark Skies; Marine Planning; Policy ED12: Fish Farming; Policy ED13: Minerals; Unconventional Oil and Gas; Policy ED15: Advertisements	
Planning authority's summary of the representation(s):		
<p>Policy ED2: Business Development and Diversification in the Rural Area <u>Natural Power (080.033)</u> – Support for the Policy. Opportunities for colocation of development in areas where there might be surplus heat and or power in order to overcome remoteness in rural areas and or make existing businesses and communities more sustainable, resilient and better placed to compete commercially in a low carbon future should also be promoted.</p> <p><u>Jack Cooper (573.001)</u> - In the Main Issues Report, a major change was proposed to amalgamate LDP1 Policies ED2 and ED10, which is not carried forward into the Proposed Plan. Amend Policy in relation to development of new buildings.</p> <p>Policy ED4: Chapelcross <u>Nuclear Decommissioning Authority (545.001)</u> - The spatial strategy confirms the potential for other uses e.g. energy generation and energy park development. At paragraph 4.2, note that “<i>A new and increasingly significant part of the area’s economy is generation of renewable energy.</i>” In the interests of consistency, request the Policy is modified to reflect the potential for other uses. Development proposals must also be allowed to progress in line with the decommissioning programme.</p>		

Policy ED5: Development in Town Centres

Natural Power (080.034) - Opportunities to address fuel poverty through distributed energy including heat networks should be encouraged in this Policy and through supplementary guidance.

Scottish Environment Protection Agency (120.004) - Acknowledge and accept the concept of creating vibrant town centres. However, continue to highlight that the change of use from commercial/retail to residential, which changes the use of a site (increased vulnerability) may not be appropriate in areas where flood risk is a concern and could lead to an objection. Careful consideration will require to be given to areas where new residential areas are proposed as flood risk/increased vulnerability and this could prove to be a constraint to the delivery of this strategy.

Policy ED6: Retail Development Outside a Town Centre

Scottish Government (455.023) - The sequential approach policy set out in the Proposed Plan only covers retail and commercial leisure. It does not cover the full range of uses which Scottish Planning Policy (SPP) expects town centre first policies to cover, specifically it does not refer to offices, community and cultural facilities or the term ‘uses which attract significant numbers of people’ which is set out in SPP.

Aldi Stores (544.001) - Support and value the sequential test and recognise the aspirations behind the ‘Town Centre First Principle’.

Recognise that town and district centres do not always offer opportunities to accommodate stores of Aldi’s size with the necessary parking/servicing required for a viable business. Content with assessment through sequential tests, as part of a comprehensive retail impact, to achieve suitable and viable locations which are sequentially preferable. However, Policy ED6 should reflect SPP paragraph 71 “... gross floorspace over 2500m² ... outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken...” The policy as proposed suggests all retail development regardless of scale would be subject to a retail impact assessment which is not consistent with SPP.

Proposed Policy ED6 also inconsistent with paragraph 73 of SPP as at third bullet point it requires that development demonstrates “qualitative **AND** quantitative deficiency in provision” whereas SPP states “qualitative **OR** quantitative deficiency in provision”

Policy ED9: Tourism

Sportscotland (008.009) - Include reference to the development of tourist and recreational facilities, which could enable sport participation and promote access to the outdoors.

Visit Scotland (347.001) - The Policy does not have a specific mention of development for hotels or country house hotels. Does the planning framework make provision to encourage investment in this specific sector?

Jack Cooper (573.001) - Amend policy wording to include certain aspects of the current Local Development Plan (LDP) wording.

Policy ED11: Dark Skies

Moffat & District Community Council (093.009) - Reference to the Galloway Park Dark Skies status without reference to Dumfries and Galloway’s other Dark Skies area in Moffat underplays the importance of Dark Skies status in the town as a major tourist attraction, with all the opportunities for economic growth that results.

Community Windpower (111.004); Scottish Power Renewables (113.004); Natural Power (080.035); Scottish Renewables (131.002) - The wording should be reconsidered to align with SPP and the presumption in favour of sustainable development. The current wording is negatively worded and each site should instead be considered on its own merits as well as against the intentions of the Dark Sky Park.

Marine Planning – General

Scottish Government (455.015) - The positioning of the only text relating to marine planning currently sits within the fish farm section. However, marine plans could equally apply to any coastal issue such as coastal change / flooding, water environment issues, ports, marine tourism, ferries, marine renewable energy etc.

A Planning Circular on the relationship between the statutory land use planning system and marine planning and licensing has been developed and will be of interest. This explains the relationship between the marine and land use planning systems, and also discusses opportunity for alignment of the two planning regimes.

Fish Farming - paragraph 4.13

Scottish Government (455.011) - It is not apparent that the Proposed Plan has been developed with regard to the National Marine Plan as is required. Paragraph 4.13 recognises marine Planning but states that the authority ‘will seek to ensure coherence with the National Marine Plan’ but does not indicate that it has been taken into account into the Plan process.

Scottish Government (455.013) - The word ‘coherence’ is not recognised in legislation. Authorisation or enforcement decisions e.g. planning permissions that affect or might affect the marine area must be taken in accordance with the National Marine Plan and any subsequent regional marine plan once adopted, unless relevant considerations indicate otherwise. 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.

Scottish Government (455.014) - The third sentence suggests that future regional marine plans will guide decision-making but does not clarify that the National Marine Plan applies currently. It should also be noted that the national marine plans and any forthcoming regional plans apply to decisions which affect, or which may affect, the marine areas as oppose to being limited to decisions up to mean high water.

Policy ED12: Fish Farming

Sportscotland (008.009) – The reference to protection of outdoor sporting and recreation interests in the development of fish farms is supported.

Scottish Natural Heritage (122.004) – Support for the Policy.

RSPB Scotland (133.033) – This section does not highlight the level of adverse risk to the wider environment that fish farming can cause. This section needs to include reference to the fact that a lot of fish farm proposals are in highly sensitive areas and environmental impacts are still very uncertain. This Policy needs to cross-refer to the LDP designated sites policy.

Scottish Government (455.012) - It is not known what is meant by the phrase “overseen” in the first sentence. Marine Scotland is implementing the Marine Planning Framework as the planning authority for the National Marine Plan and is establishing Marine Planning Partnerships, which will have delegated planning powers at a regional level. However, all public authorities have a legal obligation to implement the planning policy so far as their decisions

may affect the marine environment.

Policy ED13: Minerals

Coal Authority (013.003); Scottish Natural Heritage (122.004) - Support for the Policy.

RSPB Scotland (133.034) - The proposed policy text has potential to conflict with other parts of the LDP (and also legal requirements) such as the designated sites Policy, since Natura sites, Ramsar sites & SSSIs require more than local interest level protection.

Cumbria County Council (362.001) - Following the examination into Cumbria County Council’s Plan, the Policy wording was revised to make it more explicit that proposals should ideally demonstrate there would be no unacceptable social or environmental impacts.

Unconventional Oil and Gas - paragraph 4.20

Scottish Government (455.029) - Accurately state the Scottish Government’s position on unconventional oil and gas.

Policy ED15: Advertisements

Natural Power (080.036) - The role of ‘adverts’ required for health and safety purposes should be recognised in this Policy.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.008) - Support for the Policy.

Modifications sought by those submitting representations:

Policy ED2: Business Development and Diversification in the Rural Area

Natural Power (080.033) – Promote opportunities for the colocation of business in the rural area to make the most of any surplus heat or power.

Jack Cooper (573.001) - Amend Policy to read: “Proposals which expand or diversify existing businesses ~~and/or~~ create new ones in the rural area will be **supported and** considered favourably subject to other policies in the Plan. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business, or are related to a site specific resource/**asset** or opportunity for new and existing businesses.

Farm and rural estates diversification proposals which support and complement the existing business will be supported **and considered favourably** by the Council subject to other policies in the plan. Priority will be given to the use of existing farm and rural estate buildings.

Exceptionally, a new building may be permitted where there are no existing suitable buildings to accommodate the proposal, either because they are essential for the existing farm or rural estate enterprise or are clearly unsuitable for adaption and re-use.”

Policy ED4: Chapelcross

Nuclear Decommissioning Authority (545.001) - Amend Policy to read: “The Council will encourage business, ~~and industrial development~~ and energy generating development proposals at Chapelcross. Proposals should be developed in accordance with the Chapelcross masterplan/Development Framework. ~~Priority will be given to the reuse of brownfield land.”~~

Policy ED5: Development in Town Centres

Natural Power (080.034) - Opportunities to address fuel poverty through distributed energy

including heat networks and through supplementary guidance should be referenced here.

Scottish Environment Protection Agency (120.004) - No specific modification requested.

Policy ED6: Retail Development Outside a Town Centre

Scottish Government (455.023) - To comply with SPP, suggest the Policy be renamed as 'Town Centres Sequential Approach' so that it is clear it covers more than just retail.

The opening sentence should be changed to: "Proposals for uses which generate significant numbers of people including new or expanded retail, commercial leisure, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities must demonstrate that a sequential assessment has been made of the following locations:"

Aldi Stores (544.001) - A change to the wording is requested to achieve consistency with SPP by:

- introducing a gross floorspace threshold for retail impact analysis to be required for development outside town centres;
- replacing the word AND with OR in the 3rd bullet point.

Policy ED9: Tourism

Sportscotland (008.009) - Include reference to the development of tourist and recreational facilities, which could enable sport participation and promote access to the outdoors.

Visit Scotland (347.001) - Make reference to development of hotels and country houses in the Policy.

Jack Cooper (573.001) – Amend Policy ED9 to read:

"a) Tourist Attractions and Recreational Facilities

The Council will **support and** favourably consider the development **or expansion** of indoor and outdoor tourist attractions and recreational facilities, subject to other policies in the Plan.

Tourist Accommodation

The Council will support **and favourably consider** the provision of a range (**e.g. b&b, caravan, cabin, chalet, camping pod, camp site, hotel, motorhome, static**), of serviced and non-serviced tourist accommodation, subject to the other policies in the Plan.

Proposals will be supported where they;

Redevelop **existing brownfield land or derelict buildings** or form extensions to existing tourist accommodation sites; or

Support a tourist attraction, tourist asset or recreation facility; or

Are physically associated with existing settlements; or

Involve the conversion **and re-use of a suitable** traditional building; or

Exceptionally where there are no existing suitable traditional buildings a new building may be permitted, which is of an appropriate size and scale; or

The creation of new groups of accommodation in suitable locations, which complement the natural environment and **do not harm the scenic landscape or tourist asset, which is of intrinsic interest to tourists and residents.**

In all cases, there will be a presumption against tourism accommodation being used for permanent residence".

Policy ED11: Dark Skies

Moffat & District CC (093.009) - There should be specific reference made to Council support for

Moffat, as Scotland's only Dark Skies Town.

Community Windpower (111.004); Scottish Power Renewables (113.004); Natural Power (080.035); Scottish Renewables (131.002) - Remove the "*presumption against development*" phrase and replace with a statement requiring proposals to be considered against the intentions of the Dark Sky Park on their merits and relative to the appropriate planning balance which is required by the planning system and other parts of the LDP2.

Marine Planning – General

Scottish Government (455.015) (455.011) - National Marine Plan should either be reflected in each relevant policy area, or placed more centrally to the document where its role in all decision making which may affect the marine area is more explicit.

Fish Farming - paragraph 4.13

Scottish Government (455.013) - Change wording of second sentence to reflect the phrasing of Marine Legislation.

Scottish Government (455.014) - Change wording of third sentence to reflect the current implication of the National Marine Plan, and any forthcoming regional plans' for decision-making.

Policy ED12: Fish Farming

Sportscotland (008.009); Scottish Natural Heritage (122.004) – No change requested.

RSPB Scotland (133.033) – The LDP must ensure that any proposals that come forward are compliant with the National Marine Plan and the specific policies on aquaculture that it contains. Recommend changes in text to include this guidance.

Scottish Government (455.012) – Clarify wording to reflect and clarify inaccuracies in the text relating to marine planning.

Policy ED13: Minerals

Coal Authority (013.003); Scottish Natural Heritage (122.004) - No change requested.

RSPB Scotland (133.034) - Remove the following text: 'there are local, community or economic interests which would outweigh the likely environmental impacts'

Cumbria County Council (362.001) - Amend Policy to following: "Planning applications for coal extraction will only be granted where; the proposal would not have any unacceptable social or environmental impacts; or, if not it can be made so by planning conditions or obligations; or, if not it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission".

Unconventional Oil and Gas - paragraph 4.20

Scottish Government (455.029) - Change text to: "The Scottish Government's preferred Policy position on unconventional oil and gas in Scotland is that it does not support the development of unconventional oil and gas in Scotland. The preferred Policy position is now subject to a statutory assessment, including a Strategic Environmental Assessment."

Policy ED15: Advertisements

Natural Power (080.036) - The role of 'adverts' required for health and safety purposes should be recognised in this Policy.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.008) - No change requested.

Summary of responses (including reasons) by planning authority:

Policy ED2: Business Development and Diversification in the Rural Area

Natural Power (080.033) – Comments noted. The Council is proposing to develop an energy strategy and the issues raised in the representation are likely to be covered in the strategy (see Issue 1 for fuller response to the Energy Strategy).

No modification proposed to the Plan.

Jack Cooper (573.001) - The Council considers it unnecessary to include the proposed text in paragraphs 1 and 2 as the current wording is similar in meaning and the additions will not add value to the Policy.

The Council considers the addition of the third paragraph is unnecessary as the preceding line states that “Priority will be given to the use of existing farm and rural estate buildings.” It does not state that new buildings are unsuitable, should no existing buildings be available.

No modification proposed to the Plan.

Policy ED4: Chapelcross

Nuclear Decommissioning Authority (545.001) - Energy generation is identified as one of the potential uses at the Chapelcross sites as stated in the Planning Objectives for the site on page 227 to 229 of the Proposed Plan. The Council propose to include energy generating development proposals in the Policy for clarity and consistency.

The Council considers this to be a non-notifiable modification.

Priority will be given to the reuse of brownfield land and this should remain in the Policy.

No changes proposed.

The Chapelcross Development Framework (July 2015) (CD36) document is incorrectly referred to in Policy ED4 and the name of the document should be amended for consistency.

The proposed text is considered by the Council to be a factual statement and will be updated before the Plan is adopted.

Policy ED5: Development in Town Centres

Natural Power (080.034) - Comments noted. The Council is proposing to develop an energy strategy, within which the issues raised in the representation are likely to be covered. [See Issue 1 for fuller response to the energy strategy.]

No modification proposed to the Plan.

Scottish Environment Protection Agency (120.004) - The policy basis for the identification of appropriate uses in an area with flood hazard is set out in Policy IN7: Flooding and Development. This responds to the sensitivities noted in this representation.

No modification proposed to the Plan.

Policy ED6: Retail Development Outside a Town Centre

Scottish Government (455.023) – Whilst SPP promotes consistency in the application of policy across Scotland, it also allows for sufficient flexibility to reflect local circumstances. This approach has been adopted when developing Policy ED6. The Policy is based on the 2 uses (retail and commercial leisure) that are considered by the Council to be most damaging to town centres if developed outside the town centre. The Council also considers that the proposed changes are geared towards areas such as the central belt and not large rural areas, such as Dumfries and Galloway. The region has 17 identified town centre boundaries but only 3 are in settlements with more than 5,000 of a population. It is considered such changes would be an unnecessary hindrance, which could result in significant obstacles which may inhibit small-scale developments typical of the rural economy, should there be a requirement to undertake a sequential assessment of the uses listed in the representation.

No modification proposed to the Plan.

Aldi Stores (544.001) - It is assumed that the representation seeks to amend bullet point 2 to read ‘...that **where a gross floorspace of over 2500m² is proposed outwith a town centre, contrary to the development Plan, a retail impact analysis should be undertaken to establish** that there will be ...’

The Council considers that the final sentence of paragraph 71 of SPP which states: “For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary...” supports the Policy as worded.

The Council considers that the type and location of any retail or leisure proposal may require a retail impact assessment and that early engagement with Development Management should be sought to determine if an assessment is required.

Therefore, it is considered that the wording of Policy ED6 is suitable in its objective of protecting the vitality and viability of town centres.

No modification proposed to the Plan.

The Council agree with suggested change to bullet point 3 and will replace the word ‘**and**’ with ‘**or**’ to ensure consistency with SPP.

The Council considers this to be a non-notifiable modification.

Policy ED9: Tourism

Sportscotland (008.009) - The Council consider that the current wording already enables sport participation and promotion of access to the outdoors.

No modification proposed to the Plan.

Visit Scotland (347.001) – Hotels and country house hotels are considered to be tourism accommodation. However, there are many types of tourist accommodation and to avoid confusion and allow maximum flexibility, it was considered appropriate to remove the list of tourism accommodation from the Policy.

No modification proposed to the Plan.

Jack Cooper (573.001) - The Council consider it unnecessary to include the proposed text in paragraphs 1 and 2 as the current wording is similar in meaning and the additions will not add value to the Policy. A non-exhaustive list for tourist accommodation is considered impractical due to the many types of accommodation available and therefore applications will be assessed on a case-by-case basis to determine if proposals are considered tourist accommodation.

The suggested changes to paragraph 3 are considered unnecessary as the current wording is similar in meaning or they are covered by other policies in the Plan.

No modification proposed to the Plan.

Policy ED11: Dark Skies

Moffat & District Community Council (093.009) - Specific reference is made to the Galloway Forest Dark Sky Park, as it is an international designation. The settlement overview for Moffat refers to Moffat's Dark Sky Community designation. This is reinforced in the second Planning Objective for Moffat. The Council do not consider it necessary to make a specific reference to this in the Policy.

No modification proposed to the Plan.

Community Windpower (111.004); Scottish Power Renewables (113.004); Natural Power (080.035); Scottish Renewables (131.002) - Good lighting practice can help contribute towards sustainable development by enhancing the night environment, reducing impact on human health and ecosystems and can reduce energy wastage. Not all lighting requires planning permission and this is acknowledged in the draft Dark Skies Friendly Lighting Supplementary Guidance (CD20). If planning permission is required then all applications are considered on their own merits.

No modification proposed to the Plan.

Marine Planning – General

Scottish Government (455.015) - There is reference to the National Marine Plan and the relationship of the LDP to marine planning in Paragraph 4.75. This helps to set the context for Policy NE8: Developed and Undeveloped Coast and Policy NE9: Erosion and Coastal Protection. It follows from this placing in the Plan and the text that the interconnections between marine and terrestrial planning below the low water mark and above the high tide mark are recognised. The first sentence of paragraph 4.75 will be modified to improve clarity and read as follows:- **'The Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 established a new marine planning system. Marine Scotland (a Directorate of the Scottish Government which is responsible for the integrated management of Scotland's seas) was established and the first National Marine Plan was published in 2015.'**

The Council considers this to be a non-notifiable modification.

Fish Farming - paragraph 4.13

Scottish Government (455.011), (455.014) - This representation does not appear to take account of the text of Paragraph 4.75. It is proposed to modify the first sentence of paragraph 4.75, see above for proposed wording.

The Council considers this to be a non-notifiable modification.

Scottish Government (455.013) - When authorisations in accordance with the National Marine

Plan are in any case a requirement, it is felt that 'coherence' between this and the LDP expresses a more positive position than accordance and conformity. A second reason for the expression 'seek to ensure coherence' rather than saying that the National Marine Plan has been taken into account in preparation of the LDP, is because the reality to date is that there has been little or no practical impact from the National Marine Plan on terrestrial planning within Dumfries & Galloway. It is, however, recognised that this could change, including as a result of the emergence of the Solway Regional Marine Planning Partnership in which Dumfries & Galloway Council will be a major partner. A third reason is that in its representation to the Main Issues Report (published January 2017) Scottish Natural Heritage said "In the future, Local Authorities and Marine Planning Partnerships (MPP) should work together to ensure planning coherence across the land-sea interface."

No modification proposed to the Plan.

Policy ED12: Fish Farming

Sportscotland (008.009; Scottish Natural Heritage (122.004) – Support noted.

No modification proposed to the Plan.

RSPB Scotland (133.033) – The National Marine Plan would have to be followed in any case and it is considered that this does not need to be restated in planning policy. Paragraph 4.75 notes that Dumfries and Galloway Council will seek to ensure coherence with the National Marine Plan.

No modification proposed to the Plan.

Scottish Government (455.012) - This representation does not appear to take account of the text of paragraph 4.75. It is proposed to modify the first sentence of paragraph 4.75, see above for proposed wording.

The Council considers this to be a non-notifiable modification.

Policy ED13: Minerals

Coal Authority (013.003); Scottish Natural Heritage (122.004) - Support noted.

No modification proposed to the Plan.

RSPB Scotland (133.034) - The Council does not agree the Policy conflicts with other policies but rather that they support one another. Any proposals that are within or located near designated sites would also be assessed against Policies NE3, NE4 and NE5. Paragraphs 4.62 – 4.64 in the Proposed Plan would also be relevant.

No modification proposed to the Plan.

Cumbria County Council (362.001) - Comments noted. The Council consider the wording in the Proposed Plan covers the matter and issues which will need to be addressed before Council approval, including considerations to protect the natural and built environment. In line with SPP; that the planning system should minimise the impacts of extraction on local communities, the environment and the built and natural heritage.

No modification proposed to the Plan.

Unconventional Oil and Gas - paragraph 4.20

Scottish Government (455.029) - The Council considers this to be a factual statement and will be updated before the Plan is adopted.

Policy ED15: Advertisements

Natural Power (080.036) - Most statutory health and safety notices will have deemed advertisement consent and will not require a grant of express consent. Where express consent is required, all proposals must meet the criteria as detailed in Policy ED15 regardless of their purpose.

No modification proposed to the Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.008) - Support noted.

No modification proposed to the Plan.

Reporter's conclusions:

Policy ED2: Business Development and Diversification in the Rural Area

1. The promotion of opportunities for the relocation of business to make the most of surplus heat and power is clearly a matter relating to the council's energy strategy, which is examined under Issue 1. I refer to the conclusions and recommendations under Issue 1 where this matter is addressed.

2. I do not consider that it would be appropriate to promote such opportunities through an addition to the text of Policy ED2, which is not intended to manage the council's energy strategy. I consider that any requirement to promote the use of surplus heat and power within business development is sufficiently addressed by the strategy of the proposed plan in the context of Scottish Planning Policy (SPP). I therefore find that no amendment to the text of Policy ED2 should be made in this regard.

3. Notwithstanding what was proposed in the main issues report, I note that separate business development and tourism policies are now included in the proposed plan. I also note that there is support for this separate policy framework within the representations. However, several amendments to the text of Policy ED2 are requested, and these are highlighted in the council's assessment of the modifications sought.

4. There is no requirement to include a reference to supporting and considering proposals favourably; one or the other of those terms is sufficient. There is likewise no requirement to add "asset" to the term "resource", as the latter adequately conveys the intent of the policy in this regard. I understand the basis for the requested additional sentence, but the priority being given to the use of existing buildings already by definition allows for the erection of new buildings in appropriate circumstances.

5. Whilst I accept that the circumstances described may justify a new building, I consider that this is a matter that should be assessed through the development management process in the context of the policy. It is important that the policies in the proposed plan are concise, and do not try to cover all possible scenarios. I therefore find that the requested amendments to Policy ED2 should not be made.

Policy ED4: Chapelcross

6. Chapelcross is the site of a former nuclear power station and airfield. There are three business and industry sites identified on the Chapelcross inset map, these being 19.44 ha, 7.03 ha and 33.34 ha. The sites are identified for strategic and local business development, and the planning objectives set out in the proposed plan support the implementation of the Chapelcross Development Framework; the development of a simplified planning zone; business expansion, inward investment and energy creation; the relocation of existing businesses and the redevelopment of brownfield land.

7. The Chapelcross Development Framework is a baseline report that provides the socio-economic context for development. This examines the prospects for the development of a gateway business park and/or energy park. It appears to be the intention to prepare a masterplan for the development of the area in due course. At this stage, however, it is important that Policy ED4 does not elevate the status of any such masterplan to that of the local development plan by stating that proposals should be developed in accordance with it.

8. Rather the policy should simply state that a masterplan will be prepared to inform proposals for the development of the area. I find that the policy requires to be amended in this respect and I provide suitable text for a modification in my recommendations below. I agree, however, with the council that it would be able to modify the actual terminology of the document to factually accord with whatever the name of the document is or will be at the time the proposed plan is adopted.

9. I have noted that the planning objectives set out in the settlement statement refer to energy creation, and given the previous use of the area and the content of the development framework, I find that energy development appears to be a significant potential use for the Chapelcross sites. I also note that the council considers the inclusion of energy generating development to be appropriate within Policy ED4, although I do not agree with the council that this is a non-notifiable modification in the context of Circular 6/2013. The type of development appropriate for the site is an important material consideration. I therefore provide appropriate text for a modification in this regard in my recommendations below.

10. With respect to the priority to be given to the use of brownfield land, I find that this accords with the planning objectives set out in the proposed plan, and furthermore this also accords with paragraph 40 of SPP, which states that development plans should promote a sustainable pattern of development appropriate to the area, including giving consideration to the re-use or re-development of brownfield land before new development takes place on greenfield sites. Reference to this should therefore be retained in Policy ED4.

Policy ED5: Development in Town Centres

11. With respect to addressing fuel poverty through distributed energy including heat networks, I find that this is a matter related to the council's energy strategy and I refer to the conclusions on this matter in Issue 1. My findings above in relation to Policy ED2 therefore equally apply to Policy ED5, and I find that no amendment to the text of Policy ED5 should be made in this regard. For the avoidance of doubt, I therefore also find that any reference to the preparation of Supplementary Guidance relating to distributed energy including heat networks would not be appropriate for inclusion in Policy ED5.

12. I agree that any increased flood risk requires to be considered with respect to any proposed change from commercial to residential use within town centres. However, Policy IN7

states that where proposed development could lead to an unacceptable on-site or off-site flood risk, as defined by the Risk Framework in SPP, then it will not be permitted. This clearly applies to any change of use from commercial to residential use within town centres that requires planning permission. I find that Policy IN7 is sufficient in this regard, and that no amendment to Policy ED5 is required.

Policy ED6: Retail Development Outside a Town Centre

13. SPP in paragraph 62 states that plans should identify as town centres those centres which display a diverse mix of uses, including shopping; a high level of accessibility; qualities of character and identity which create a sense of place and further the well-being of communities; wider economic and social activity during the day and in the evening; and integration with residential areas.

14. The council states that there are 17 town centre boundaries, but that only 3 are within settlements with more than 5,000 population. However, I expect that the 17 identified town centres have been deemed to accord with the provisions of paragraph 62 referred to above, even where they are in settlements smaller than 5,000 population. Assuming that they accord with the provisions of paragraph 62, it must follow that all of the bullet points in paragraph 62 apply, including that there is a diverse mix of uses.

15. I acknowledge that local circumstances would dictate the nature of any assessment undertaken, and that the council would be able to set parameters for this based on the particular local circumstances that apply. However, since the bullet points in paragraph 62 apply, I therefore also find that paragraph 68 of SPP should be reflected more accurately in Policy ED6 of the proposed plan. This paragraph specifically refers to uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. I find nothing to suggest that the provisions of paragraph 68 are geared towards town centres in the central belt of Scotland.

16. It is of course a matter for the council to determine whether development would be likely to generate significant footfall in the context of paragraph 68 of SPP. I do not therefore agree with the council that there would be any significant obstacles that may inhibit small-scale development. The council would be able to determine where appropriate that small-scale development would not generate significant footfall in the context of paragraph 68, taking into account the characteristics of any town centre that would be relevant to the assessment of a proposed use normally considered appropriate for a town centre.

17. I also refer to paragraph 4.4 of the proposed plan, which clearly indicates that town centres should be the focus for a mix of uses including retail, business, leisure, entertainment, recreation, cultural and community facilities. This provides further justification for the inclusion in Policy ED6 of uses set out in paragraph 68 of SPP.

18. I therefore find that Policy ED6 requires amendment in order to sufficiently accord with the provisions of SPP referred to above, and I provide appropriate text for this within my recommendations below. I have considered the possibility of including the uses as referred to in paragraph 4.4 rather than as set out in paragraph 68 of SPP. However, since there is little difference between the two, I find that it would cause less confusion to replicate the latter so that there is no discrepancy when assessing development proposals both in the context of the development plan and SPP.

19. I also find that the title of Policy ED6 should be changed to refer to a sequential approach to town centres, which would not only then sufficiently accord with the provisions of paragraph 68 of SPP, but would also better reflect the reasoned justification set out in paragraph 4.4 of the proposed plan.

20. Paragraph 71 of SPP relates to the development management process, and specifically refers to the need for a retail impact analysis to be undertaken for retail and leisure development proposals over 2,500 sq ms gross floorspace outside a town centre which are contrary to the development plan. This is a significant material consideration with respect to such a development proposal, and the council would be able to request such a retail impact analysis irrespective of what is contained in the development plan. Developers could also submit such a retail impact analysis in support of their proposal when a planning application is submitted to the council. The council would also be able to request a retail impact analysis for a smaller retail and leisure development proposal in the context of the final sentence of paragraph 71.

21. Policy ED6 sets out what is required for development proposals outside a town centre to enable such development to accord with the development plan, and follows a sequential approach as set out in SPP. It does not specifically require the submission of a retail impact analysis with or without a threshold. Nor does it include any reference to what is required in the event that the criteria to enable proposals to accord with the development plan cannot be met. It may be considered beneficial to refer to this, if not in the actual policy, possibly in the reasoned justification for the policy. However, I find that this would not in the circumstances be consistent with the general approach being taken by the council within the retail and town centre policies of the proposed plan.

22. Furthermore, paragraph 117 of Circular 6/2013 makes clear that the examination of a local development plan should only result in modifications to those parts of a proposed plan that are clearly insufficient or inappropriate. Whilst there may be some benefit from referring to the provisions of paragraph 71 of SPP, with respect to development that is contrary to the proposed plan, I find that the policy is sufficient and appropriate without such a reference, and that therefore no modification to Policy ED6 should be made in this context.

23. However, with respect to the third bullet point of the criteria that a proposal outwith a town centre should meet, to the effect that the proposal will address an identified qualitative and quantitative deficiency in provision, I find that this bullet point should refer to a qualitative or quantitative deficiency. In the context of paragraph 73 of SPP, I consider that one or the other of such a deficiency would be sufficient.

24. I note that the council agrees with this proposed change, although it is a significant wording change and I do not consider it to be non-notifiable in the context of Circular 6/2013. It significantly changes the meaning of the bullet point. In any event, I consider that the third criteria should be so amended, and I therefore recommend the change below.

Policy ED9: Tourism

25. I consider that the representation of sportscotland could be taken to simply express support for Policy ED9 (highlighting the content of the policy) since the text simply states that the policy “includes reference to” the development of tourism and recreational facilities. However, the council has interpreted this to the effect that the representation seeks the inclusion of additional text, because the policy does not include any specific reference to enabling sport participation and promoting access to the outdoors.

26. In my view there is no requirement to add the text (even if that is taken to be what the representation seeks) because Policies CF1 to CF3 set out the council's policies as they relate to outdoor sports facilities. There are separate representations relating to these policies in Issue 7, and I refer to the conclusions and recommendations there. I find however that no change is required to Policy ED9 in this context.

27. The representation from Visit Scotland is in the context of representations seeking the inclusion of the National Tourism Development Framework both in the overarching approach to the proposed plan in paragraph 1.8, and in relation to the economic strategy in paragraph 3.8 of the proposed plan. I refer to the conclusions in Issue 1 on this matter.

28. I am satisfied that hotels generally, and country house hotels specifically, would fall under the description of serviced tourist accommodation. In the interest of keeping policies in the proposed plan as concise as possible, I consider that there is no requirement to list all the different types of accommodation that may fall under the heading of serviced and non-serviced tourism accommodation. Indeed, there would be a danger of inadvertently missing out a type of accommodation that may subsequently be considered to fall under this heading.

29. It is more appropriate to leave judgement on whether a particular use falls under this heading to the development management process. In the event that the council considers that further guidance is required, this could be produced as planning guidance, which would be a material consideration in the consideration of any planning application, and which could be changed or updated outwith the cycle of local development plan preparation and adoption. I therefore find that no change should be made to Policy ED9 in this respect.

30. Other changes are sought to the text of both elements of Policy ED9, relating firstly to tourist attractions and recreational facilities, and secondly to tourist accommodation, and these are highlighted within the council's assessment of the modifications sought. There is no requirement to use both "support" and "favourably consider". Just one of those terms will suffice. I consider that including examples is unnecessary, and potentially misleading for the reasons set out above.

31. The other suggested changes essentially constitute an expansion of the criteria for the favourable consideration of tourist accommodation. I would have had no objection to the expanded criteria if they had been written into the policy, but the council has set out what it considers the essential criteria whilst making the policy as concise as possible. It is likely that the expanded criteria are covered by other policies in the proposed plan. In any event, none of the expanded criteria are in my view required to make the proposed plan sufficient or appropriate in the context of circular 6/2013. My reference to the possible use of planning guidance also applies here. I find that no change should be made to Policy ED9 in this respect.

Policy ED11: Dark Skies

32. National Planning Framework 3 refers to rural areas providing important ecosystem services, and paragraph 4.27 states that World Heritage Sites, geoparks, biosphere reserves and dark skies parks are distinctive assets. SPP presumes in favour of development that contributes to sustainable development, and the council is correct to state in its response above that good lighting practice can contribute to sustainable development by enhancing the night environment, reducing impact on human health and ecosystems and reducing impact on energy wastage. I also consider that where planning permission is required, applications should be considered on their own merits in this context.

33. I note that draft Supplementary Guidance has been prepared under the title “Dark Skies Friendly Lighting”. This provides guidance on good lighting practice within the Galloway Forest Dark Sky Park and across Dumfries and Galloway. It provides details on the implementation of Policy ED11 and aims to ensure that external lighting is designed and installed correctly in order to protect the quality of the dark sky in the Dark Sky Park and across the region.

34. I understand the concern expressed by Moffat and District Community Council, since the settlement statement for Moffat shows that the town has been designated as a dark sky community. I note the council’s response to the effect that the Dark Sky Park is an international designation, which justifies specific mention under Policy ED11. The policy however also applies to the remainder of Dumfries and Galloway, and I find that the interests of the town of Moffat are sufficiently protected under this and the reference to a dark sky community in the settlement statement. I find that there is no requirement to specifically mention the town of Moffat within Policy ED11, and that no change to Policy ED11 is therefore required in this respect.

35. However, I find that the text of Policy ED11(a) does not sufficiently reflect the presumption in favour of sustainable development in SPP. The council actually acknowledges in its response that good lighting practice can contribute to sustainable development, and I find that Policy ED11(a) should reflect this, whilst at the same time seeking to provide development that does not adversely affect the objectives of the Dark Sky status of the Park. The policy requires to be more positively worded in this context, and I set out appropriate text for this in my recommendations below.

36. Whilst I have no remit to examine the content of Supplementary Guidance, it is necessary to ensure that Policy ED11(b) accurately reflects the provisions of Circular 6/2013. The text of Policy ED11(b) currently requires all development proposals across the region to adopt the good lighting principles and practice set out in Supplementary Guidance, essentially elevating the Supplementary Guidance to the status of the local development plan.

37. Paragraph 138 of Circular 6/2013 states that Supplementary Guidance should be limited to the provision of further information or detail in respect of policies or proposals set out in the local development plan. There must be a sufficient “hook” to hang the Supplementary Guidance on, in order to give it statutory weight. Therefore, the role of the proposed plan is to provide the necessary hook for the Supplementary Guidance. It is not to require development to accord with Supplementary Guidance.

38. In my view this is particularly problematic since the Supplementary Guidance relating to the proposed plan has not yet been approved. I therefore find that the text of Policy ED11(b) requires to be changed in order to reflect the proper role of Supplementary Guidance as described above. I set out appropriate text for this in my recommendations below.

Marine Planning – General

39. Circular 1/2015 provides advice on the relationship between the statutory land use planning system and marine planning and licensing. Scottish Ministers have prepared a National Marine Plan that covers both the Scottish marine area (out to 12 nautical miles) and the UK marine area that is adjacent to Scotland (12 to 200 nautical miles). The circular states in paragraph 32 that the importance of alignment between marine and terrestrial plans is reflected in legislation through both the Marine Acts and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, which require that marine plans and development plans have regard to each other.

40. I note that the Scottish Government representation requests that the National Marine Plan be reflected in each relevant policy area, or more centrally in the proposed plan. It is recommended through Issue 1 that the National Marine Plan should be added to the list of national documents that have informed the preparation of the proposed plan. In addition, the council has already referred specifically to the National Marine Plan in paragraph 4.13 (relating to fish farming) and paragraph 4.75 (relating to coastal development).

41. Within paragraph 4.75, the council also proposes to add text to the first sentence, and insert a new sentence (as set out in the council's response above) to clarify the role of Marine Scotland and refer to the publication of the first National Marine Plan, and I refer to the conclusions and recommendations on this matter within Issue 6. The representations from Scottish Government are, however, further examined below insofar as they specifically relate to paragraph 4.13 and Policy ED12 of the proposed plan.

Fish Farming – Paragraph 4.13

42. In order to ensure that the text of paragraph 4.13 and Policy ED12 are sufficient and appropriate both with respect to the National Marine Plan and the proposed Regional Marine Plan, I sought further information from the council about the nature and extent of the consultation undertaken with Marine Scotland, and how the proposed plan has been developed with regard to the provisions of the National Marine Plan.

43. The council states that the adopted plan does not include policies specifically relating to the intertidal area or separately for fish farming in the zone out to 12 nautical miles. It was noted that the National Marine Plan adopted in 2015 does not contain any specific proposals for the intertidal area or for fish farming out to 12 nautical miles. The council therefore considers that the National Marine Plan is compatible with the Dumfries and Galloway Local Development Plan adopted in 2014, and it is understood that conformity between the two plans has been established. In the preparation of the proposed plan, the policies under consideration that might have some possible interaction with the marine environment involve no significant changes from the policies in the adopted plan. Since the National Marine Plan has not changed, the council concludes that there should still be conformity between the two plans.

44. In addition, Marine Scotland is now a Directorate of the Scottish Government and is responsible for the integrated management of Scotland's seas. Marine Scotland was first established in 2009 and is not specified as a Key Agency for the local development plan in the Development Plan Regulations of 2008. However, the council understands that consultation with the Scottish Government now includes consultation with Marine Scotland as a Directorate of the Scottish Government. There was consultation with the Scottish Government on the main issues report, which sets out that there would be no change in the wording of Policy ED12: Fish Farming. No representations from the Scottish Government were received with respect to Policy ED12.

45. I note that a further response from the Scottish Government states that the council will be aware that the Development Plan Gateway of the Scottish Government does not respond to main issues reports. Should there be a wish to discuss marine elements of the plan outwith the Development Plan Gateway; Marine Scotland would welcome early engagement on local development plans. Circular 6/2013 states that Marine Scotland should have the same level of involvement as key agencies. I expect that the council will follow this advice with respect to further consultation on the next review of the local development plan.

46. Whilst Policy ED12 appears to be sufficiently general to enable continuing compatibility

between the local development plan, the National Marine Plan, and subsequently the proposed Regional Marine Plan, I find that the preparation of Supplementary Guidance following the process set out in paragraph 4.13 may be significant. Possible Supplementary Guidance is indeed referred to in paragraph 4.12, but I do not consider this a sufficiently robust hook for the subsequent preparation of Supplementary Guidance in the context of paragraph 4.13. I provide appropriate text to rectify this within my recommendations below.

47. I find that the text of paragraph 4.13 should reflect the relevant marine legislation, which is set out in the representation by the Scottish Government. What is included in paragraph 4.13 needs to demonstrate that there is sufficient regard to the National Marine Plan, and any subsequently adopted Regional Marine Plan, because it refers to what is contained in the proposed plan that is also capable of affecting the marine area. I do not however consider that there is any requirement to amend the text of Policy ED12, which relates to the determination of planning applications, where development affecting the marine area must be in accordance with the provisions of the relevant marine plans in the context of Circular 1/2015. This is a statutory requirement that I do not consider needs to be referred to either within Policy ED12, or within the text of paragraph 4.13.

48. I have noted the council's reasons for the current text of paragraph 4.13, but I find that there is a need to more accurately reflect the provisions of the relevant marine legislation. I therefore find that paragraph 4.13 should be amended to have regard to the marine plans applying at the time. I provide appropriate text for this in my recommendations below. I am satisfied that the amendments to paragraph 4.13 which I recommend following my conclusions above gives appropriate recognition to the current implications of the National Marine Plan. However, the use of the word "overseen" in paragraph 4.13 should be amended by more appropriate wording taken from the council's proposed non-notifiable modification to paragraph 4.75, to reflect the role of Marine Scotland more accurately. I also provide appropriate text for this in my recommendations below. It is important to recognise that development may in the future have more impact on the marine area than has so far been the case.

Policy ED12: Fish Farming

49. I do not consider that it would be appropriate to set out any qualitative or quantitative assessment of the effect of fish farming on either the wider environment or individual designated sites. In my view, this is a matter for the assessment of individual proposals through the development management process, in the context of Policy ED12. Policy ED12 and the associated reasoned justification adequately sets out the parameters for the consideration of individual proposals.

50. The reasoned justification, subject to the recommended modifications, clarifies the role and importance of the National Marine Plan and subsequent Regional Marine Plan. However, I have already found above that there is no requirement to refer specifically to the National Marine Plan within the text of Policy ED12, because the determination of proposals which affect the marine area are in any event statutorily required to accord with the provisions of the National Marine Plan.

Policy ED13: Minerals

51. All mineral extraction is likely to have some environmental impact, but Policy ED13 seeks to ensure that the level of environmental impact is acceptable. This is the purpose of the first part of Policy ED13 that lists extensive criteria that any mineral extraction proposal requires to address to the planning authority's satisfaction. It is for the planning authority to ensure that

each criterion is so addressed when considering individual mineral extraction proposals through the development management process.

52. These all apply to surface coal extraction as well as other mineral extraction, but there is a distinction through paragraph 244 of SPP which states that consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction.

53. I believe that this paragraph recognises the particular characteristics of surface coal extraction and seeks to allow such development to offset adverse environmental impacts through local or community benefits where this is considered appropriate. This is also a matter for the planning authority to assess through the development management process.

54. I find that there is no conflict between Policy ED13 and other policies of the proposed plan. As is the case with the consideration of all development proposals in the context of the development plan, the proposal has to be assessed against all relevant policies and a judgement then has to be made on the overall consistency of the proposal with the development plan. Some policies may support the proposal and others may not. It is a matter of drawing the appropriate balance within the policies in the circumstances of the case.

55. However, I find that the text of the second part of the policy requires clarification to reflect the exact wording and intent of paragraph 244 of SPP. It should be a simple sentence linking directly to the bullet points in the first part of the policy, but providing the option to demonstrate that the proposal has local or community benefits which clearly outweigh the impacts of extraction (with the text taken directly from paragraph 244 to avoid any unnecessary confusion when a proposal is assessed against both the development plan and SPP). I provide appropriate text for this in my recommendations below.

56. I find that the representation by Cumbria County Council simply sets out for information the modification to the equivalent policy in the relevant local plan following its examination. There is no request made by the county council to alter the policy in the proposed plan. I have nevertheless considered the modified text, but I find that such text would not be appropriate within the proposed plan, which should instead be guided by the provisions of paragraph 244 of SPP. There should be no further modification to Policy ED13 beyond that recommended following my conclusions above.

Unconventional Oil and Gas – Paragraph 4.20

57. I find that the change requested by the Scottish Government is appropriate, and it is in particular important to state that the policy is subject to a statutory assessment, including a strategic environmental assessment. I therefore include the requested text as an addition to paragraph 4.20 in my recommendations below. I note that the council agrees with the proposed change, and I acknowledge that this factual statement may be further updated if the position has changed when the proposed plan is adopted.

Policy ED15: Advertisements

58. I acknowledge the importance of advertisements required for health and safety purposes, and I note the council's response to the effect that most of these will not require a grant of express consent. Where they do require express consent, it is reasonable that they be assessed under the criteria set out in Policy ED15, although it needs to be borne in mind that

there is no requirement to have regard to the development plan in the consideration of applications for advertisement consent, which means that the policy is essentially an advisory policy and needs to be interpreted on this basis. I note, however, that the criteria set out in Policy ED15 all relate to amenity and public safety, which are the only provisions upon which the consideration of advertisements can be based.

59. Whilst not specifically stated in the representation, it is likely that the particular concern relates to advertisements not on the land or buildings to which they relate. In this event it is my view that they should also be assessed under the criteria set out, but that there should be support in principle for such advertisements on not only road safety grounds, but also where they may be required for another statutory health and safety purpose. I provide appropriate revised text for Policy ED15 to cover this in my recommendations below.

Reporter’s recommendations:

The proposed plan should be modified by:

Policy ED4: Chapelcross

1. deleting Policy ED4 in its entirety and replacing with the following:

‘The council will encourage business, industrial and energy generating development proposals at Chapelcross. Priority will be given to the re-use of brownfield land. A masterplan will be prepared to inform development proposals for the area.’

Policy ED6: Retail Development Outside a Town Centre

2. amending the first sentence of Policy ED6 to read as follows:

‘Proposals for uses which generate significant numbers of people including new or expanded retail development, commercial leisure development, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries and education and healthcare facilities, must demonstrate that a sequential assessment has been made of the following locations: (list as existing).’

3. amending the title of Policy ED6 to read as follows:

‘Policy ED6: A sequential approach to town centres’

4. amending the third bullet point of the criteria in Policy ED6 which a proposal outwith a town centre should meet as follows:

‘That the proposal will address an identified qualitative or quantitative deficiency in provision.’

Policy ED11: Dark Skies

5. amending Policy ED11(a) to read as follows:

a) Galloway Forest Dark Sky Park

‘The council supports the designation of the Galloway Forest Dark Sky Park, and will assess proposals for development on their merits, securing levels of lighting that are appropriate to the

nature of the development, contribute to sustainable development, and do not adversely affect the objectives of the Dark Sky Park designation.'

6. amending Policy ED11(b) to read as follows:

b) Dark Skies

'The council will prepare Supplementary Guidance on the adoption of good lighting principles and practice for Dumfries and Galloway, including those relating particularly to the Galloway Forest Dark Sky Park.'

Fish Farming – Paragraph 4.13

7. deleting paragraph 4.13 in its entirety and replacing with the following:

'The Marine (Scotland) Act 2010 has established a new marine planning framework, which is being implemented by Marine Scotland (a directorate of the Scottish Government). Policy ED12 sets out the council's policy for the consideration of fish farming proposals, having regard to the National Marine Plan. A Regional Marine Plan (to be prepared by the Solway Marine Planning Partnership) will guide decision making for the Solway Firth up to the mean high-water mark. Once adopted, the council will also have regard to the Regional Marine Plan. The council will work closely with the Solway Marine Planning Partnership to ensure the Regional Marine Plan complements the local development plan and vice versa. In the consideration of Supplementary Guidance to inform the council's approach to fish farming under Policy ED12, the council will have regard to the National Marine Plan and future Regional Marine Plan.'

Policy ED13: Minerals

8. amending the second part of Policy ED13 to read as follows:

'Proposals for surface coal mining should address all of the criteria set out in the bullet points above, to show that the proposal is environmentally acceptable (or can be made so by planning conditions), and if relevant provide evidence to show that there are local or community benefits which clearly outweigh the likely impacts of extraction.'

Unconventional Oil and Gas – Paragraph 4.20

9. amending the first sentence of paragraph 4.20 to read as follows:

'The Scottish Government's preferred policy position on unconventional oil and gas in Scotland is that it does not support the development of unconventional oil and gas in Scotland. The preferred policy position is now subject to a statutory assessment, including a Strategic Environmental Assessment.'

Policy ED15: Advertisements

10. amending the final bullet point under Policy ED15 to read as follows:

'where they are considered by the council to be beneficial on road safety grounds or on other statutory health and safety grounds, and where such advertisements have addressed as far as practicable the criteria set out in the bullet points above.'

Issue 4	Housing Policies	
Development plan reference:	Housing Policies: pages 36 - 39	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>J A Carruthers (014) Marc A Henklemann (028) John A MacColl (048) David James (066) Natural Power (080) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) David Pedley (443) Scottish Government (455) Story Homes (560)</p>		
Provision of the development plan to which the issue relates:	Housing General; Policy H1: Housing Land (b) Infill/Windfall Sites; Policy H2: Housing Development in Villages; Policy H3: Housing in the Countryside; Policy H4: Housing Development Immediately Outside Settlement Boundaries; Policy H6: Particular Needs Housing	
Planning authority's summary of the representation(s):		
<p>Housing – General <u>Natural Power (080.037)</u> – The Council's approach to housing development generally should give far greater consideration to the heat and energy requirements of housing developments and promote opportunities to utilise efficient, affordable and sustainable sources of heat and power in all new housing development. It is also notable that the Plan does not reflect current proposals by Scottish Government to introduce Local Heat and Energy Efficiency Strategy (LHEES), local authorities should have an integral role in the delivery of these.</p> <p><u>Scottish Government (455.009)</u> – There is no commitment within the development plan to set out how the plan can influence/ensure the delivery of specialist provision for all residents, including Gypsy/Travellers. There is nothing in the plan to show that the needs of Travelling Showpeople have been considered.</p> <p><u>Scottish Government (455.010)</u> - Scottish Planning Policy paragraph 134 identifies that local development plans should address any need for houses in multiple occupation (HMO). There is nothing currently in the plan on HMOs.</p> <p>Policy H1: Housing Land (b) Infill/Windfall Sites <u>John A MacColl (048.044)</u> - Extend Policy to include areas outwith settlement boundaries and Small Building Groups. This would allow for a reasonable amount of housing growth and not affect development of allocated sites, would provide opportunity to develop brownfield sites outwith settlement boundaries and would benefit the rural economy.</p> <p>Policy H2: Housing Development in Villages <u>David Pedley (443.010)</u> - Two overarching principles emerge from the Housing Development in Villages Supplementary Guidance which should be included in the Policy. Namely that</p>		

whatever the result of detailed analysis, any building must in general conform with or complement the existing architecture (Supplementary Guidance paras 2.18, 2.19); and that it should not in its execution be obtrusive (Supplementary Guidance paras 1.3, 2.10, 2.13). The guidance should also provide illustrations of what not to do. Examples included in representation.

Policy H3: Housing in the Countryside

J A Carruthers (014.008) – The Policy is incompatible with the first two sentences of paragraph 4.24 and with the justification for new affordable housing in paragraph 4.26.

To leave the first 6 bullet points in place defeats the stated objectives of more (particularly affordable) housing and the sustainability of rural businesses.

Many households want to live in the countryside and not in urban housing estates and there is no reason why a rural housing burden could not be applied to sites in the countryside that could sustainably accommodate more than 1 or 2 houses.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) - Support this policy.

Policy H3: Housing in the Countryside - Housing in Remote Areas

J A Carruthers (014.017) – This needs changed to ensure that only houses of the highest environmental quality are developed in order to take account of any possible negative environmental impact.

Marc A Henkleman (028.004) - There is no need for housing in remote rural areas. Similar policies in the past do not seem to have worked. Villages in the Northern part of the Stewartry host a significant amount of empty or redundant houses or buildings and it is these sites that need to be reused or redeveloped to strengthen and revitalise our rural areas, not a hilltop in the middle of nowhere. The low carbon house and lifestyle requirement is achieved in a more sustainable way if people live in villages and do not need to take the car for long drives just to get anywhere.

Policy H4: Housing Development Immediately Outside Settlement Boundaries

David James (066.002) - Request a change is made to the policy.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) - Support this policy.

Story Homes (560.002) - The phrase "by the Council" implies that the Council are the only party who can identify a shortfall in effective housing land supply in a Housing Market Area and, crucially, that this shortfall can only be identified through a Housing Land Audit. By removing "by the Council", the meaning of the Policy is altered to allow housebuilders, developers, and other parties in the development process to identify sites for housing development which they can demonstrate to be effective. Removing "by the Council" does not alter the overall aim of the Policy.

Policy H6: Particular Needs Housing

J A Carruthers (014.009) - There is no reason why particular needs housing cannot be accommodated in rural areas if support needs are relatively low. Many customers for particular needs housing would prefer to live in a rural setting anyway if that is where they have lived all their lives. With the emphasis on caring for people in their own homes, many of these are going to be in rural areas already so to constrain new particular needs housing to urban areas is

irrational.

Story Homes (560.007) - Sentence 2 is vague in its meaning and is not specific in what type and scale of proposed housing developments and units would trigger the requirement for the developer to provide up to 20% of the total proposed unit number as particular needs housing.

When read in conjunction with Policy H5: Affordable Housing, the intent of Policy H6 and the up to 20% criterion become even more opaque as the two policies together can be interpreted to mean that up to 40% of new housing units could be required to be affordable. While it is acknowledged that this is not the intent of Policy H6, it is still a concern as it is considered that the vagueness of the current wording could result in onerous and unrealistic requirements on new development.

Modifications sought by those submitting representations:

Housing – General

Natural Power (080.037) – Mention fuel poverty in the housing section and reflect emerging LHEES requirements.

Scottish Government (455.009) - There should be policies to address small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken for storage and maintenance of equipment as well as accommodation).

Scottish Government (455.010) - The plan should make provisions to address the needs of houses in multiple occupation

Policy H1: Housing Land (b) Infill/Windfall Sites

John A MacColl (048.044) – The term ‘small in scale’ should be replaced with ‘of a size’.

Policy H2: Housing Development in Villages

David Pedley (443.010) - Add following at end of first bullet point: “This is an overriding consideration, examples of which are considered in more detail in Supplementary Guidance. Examples of development which does not conform to these principles are shown here [Insert illustrations].”

Policy H3: Housing in the Countryside

J A Carruthers (014.008) – Delete the first 6 bullet points.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) - No change requested.

Policy H3: Housing in the Countryside - Housing in Remote Areas

J A Carruthers (014.017) – The second paragraph should read 'Proposals for all houses in the countryside will need to demonstrate that the proposal is;

Marc A Henkleman (028.004) - Delete the single houses in the remote rural area part of the policy.

Policy H4: Housing Development Immediately Outside Settlement Boundaries

David James (066.002) – Add following text to the end of the 2nd sentence “or when the regional capital or a district centre lacks a suitable site to meet an important, specific and very

localised demand.”

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) - No change requested.

Story Homes (560.002) - Remove "by the Council" in sentence 2.

Policy H6: Particular Needs Housing

J A Carruthers (014.009) - Delete the 4th Paragraph.

Story Homes (560.007) - Request clarification on what would trigger a proposed housing development to provide particular needs housing.

Also suggest that the following wording, as per Policy H5, is included in Policy: “Development proposals will be assessed on a case by case basis by the Council.”

Summary of responses (including reasons) by planning authority:

Housing – General

Natural Power (080.037) - The Draft Local Housing Strategy 2018 -2023 (LHS) (CD08) contains a chapter on fuel poverty. The chapter contains a number of actions to meet the strategic objective of helping everyone in the region to live in a warm, affordable, energy efficient home.

The Council are proposing to develop an energy strategy, the issues raised in the representation are likely to be covered in the strategy - see the Schedule 4, Issue 1 for fuller response to the energy strategy.

No modification proposed to the Plan.

Scottish Government (455.009) – The Draft LHS (CD08) states that the region currently has 2 Travelling Peoples sites at Collin in the East and Glenluce in the West of the region offering a total of 32 pitches. The sites offer permanent and temporary ground spaces but the Glenluce site is underutilised.

The occupancy rate of 69% indicates that despite the growth in overall numbers of Gypsy Traveller households, the area is well equipped in terms of pitches and services available. There is no evidence that additional sites are required within the region and there are no current plans to offer additional spaces.

The Showmen’s Guild of Great Britain and Ireland is the governing body for all Funfairs and Fairground Rides operated by Members in Scotland. The Housing Market Partnership contacted the Scottish Section of the Showmen’s Guild in June 2016. The Guild responded saying that they were “not aware of any need within the Guild for housing or a yard within the Dumfries and Galloway area.”

The Council has long-standing lease arrangements in place to provide appropriate sites for show-people to stay over the Spring and Autumn fair season. This includes encampments at the Brooms Road Car Park in Dumfries, as well as other sites in the main towns across the region.

These arrangements ensure that the accommodation needs of show-people are fully addressed within Dumfries and Galloway.

As the LHS does not identify any evidence of need, the Proposed Plan does not need to identify any sites.

Should any proposals for Gypsy/Travellers and Travelling Showpeople come forward during the Plan period, they will be considered against the relevant policies in the Plan.

No modification proposed to the Plan.

Scottish Government (455.010) - The Housing Needs and Demand Assessment (CD10) concluded that there was little need or demand for provision to be made for additional houses in multiple occupation. The overall number of HMO Licenses in Dumfries and Galloway are relatively small in comparison to other local authority areas. At present, there are around 106 licenses and new applications are processed by the Council's Houses in Multiple Occupation and Landlord Registration Team.

Proposals for houses in multiple occupancy will be considered against the relevant policies in the Plan. Therefore, it is not considered necessary to make reference to this in the Plan.

No modification proposed to the Plan.

Policy H1: Housing Land (b) Infill/Windfall Sites

John A MacColl (048.044) – Proposals for housing development outwith settlement boundaries and Small Building Groups are assessed against Policy H2: Housing Development in Villages and Policy H3: Housing in The Countryside.

The representor has requested a change to the definition of infill sites. In order to increase the opportunity for this type of development, provide additional generosity and to improve clarity, the Council propose a minor amendment should be made to both definitions.

Infill sites – Small in scale relative to the settlement, ~~generally less than 1.25 hectares and~~ usually only capable of accommodating one or two units.

Windfall sites - ~~Normally comprise previously developed sites that have unexpectedly become~~ available during the Plan period.

The Council considers this to be a non-notifiable modification.

Policy H2: Housing Development in Villages

David Pedley (443.010) - The final sentence of Policy H2 states “Supplementary Guidance provides additional detail on the considerations set out above including ribbon development.” This text is considered suitable for the purpose of the Policy and links to the supporting draft Housing Development in Villages Supplementary Guidance (CD18). The Supplementary Guidance provides positive and negative examples of design and layout, which are considered appropriate.

No modification proposed to the Plan.

Policy H3: Housing in the Countryside

J A Carruthers (014.008) – It is considered that the first 6 bullet points of the Policy support the first two sentences of paragraph 4.24 by setting out what the opportunities are for housing and employment development in the rural area. Whilst a rural housing burden would ensure the property remained affordable, the application of such a burden to a housing development would not, on its own, make the development acceptable in land use planning terms.

No modification proposed to the Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) – Support noted.

No modification proposed to the Plan.

Policy H3: Housing in the Countryside - Housing in Remote Areas

J A Carruthers (014.017) – All housing development irrespective of its location should be of the highest environmental quality. This is reinforced by the overarching approach to the Plan which is set out in paragraphs 1.8 – 1.12 and Overarching Policy OP1f) Sustainability.

No modification proposed to the Plan.

Marc A Henklemann (028.004) – This part of the Policy provides additional opportunity for a single house to be developed in the remote rural areas of the region. It is acknowledged that previous policies may not have worked. However, new overarching policies were introduced into the adopted Plan to cover issues such as design and landscape setting.

The spatial strategy set out in the Proposed Plan promotes a pattern of development that seeks to minimise the need to travel. Whilst it allocates the majority of development to settlements, it also provides an opportunity for some development in the rural area.

No modification proposed to the Plan.

Policy H4: Housing Development Immediately Outside Settlement Boundaries

David James (066.002) – The use of the housing audit to determine whether there is a five-year effective land supply is considered a more robust approach than the additional extra text proposed by the representor. PAN 2/2010: Affordable Housing and Housing Land Audits sets out the approach to be used when preparing the housing land audit. It is not clear what would be used to determine whether there were no suitable sites in the regional capital or district centres.

The representor has not provided information to explain what they mean by “important, specific and very localised demand”.

No modification proposed to the Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.007) - Support noted.

No modification proposed to the Plan.

Story Homes (560.002) – Paragraph 41 of PAN 2/2010: Affordable Housing and Housing Land Audits states: “Scottish Planning Policy (SPP) requires that a five-year ongoing effective land supply is available to meet the identified housing land requirements. Planning authorities should therefore carry out regular monitoring of housing completions and the progress of sites through the planning process. This can be achieved through the preparation of a housing land audit, carried out annually by the planning authority in conjunction with housing and infrastructure providers.”

During the process of preparing the annual housing audit, the Council consults housing developers and infrastructure providers thereby following the advice contained in the PAN. The Council consider the phrase “where a shortfall has been identified by the Council through the housing land audit” is a statement of fact and should be retained in the Policy.

No modification proposed to the Plan.

Policy H6: Particular Needs Housing

J A Carruthers (014.009) – It is preferable for particular needs housing to be located in a residential area so that the residents can have easier access to support services. Should a proposal come forward for particular needs housing in a rural area, it will be considered on its own merits.

There is a particular needs housing strategy group that identifies and prioritises new housing with care projects to be developed in partnership with registered social landlords. Should a specific need be identified in the rural area and a business case is accepted by the Integration Joint Board, the development will be included on the Strategic Housing Investment Plan (SHIP). The Draft LHS (CD08) contains a chapter on specialist provision and independent living, which provides more background information.

No modification proposed to the Plan.

Story Homes (560.007) – Unlike the affordable housing policy, this policy does not contain a requirement for percentage of the units being developed to be particular needs housing. Instead, it is a statement of fact that up to 20% of the housing units delivered through the SHIP will need to be housing for older people and those with particular needs.

The Council do not consider the policy to be unclear or could require the developer to provide 20% affordable and 20% particular needs housing in a development. All proposals are assessed on a case-by-case basis anyway and so it is not considered necessary to include such a statement in the policy.

No modification proposed to the Plan.

Reporter’s conclusions:

Housing – General

1. The council’s Local Housing Strategy for 2018 – 2023 recognises that in 2015 fuel poverty in Dumfries and Galloway was higher than the national average, constituting 42% of households. It sets out the work being done in partnership with the Energy Agency to deliver the Scottish Government funded Home Energy Efficiency Programme Scotland. It also refers to the establishment of the Lemon Aid Fuel Poverty Energy Carer Service in Dumfries and Galloway.
2. Strategic objective 4 relates to the heat and energy requirements of housing development, this being to help everyone in the region live in warm, affordable, energy efficient homes, and the action set out in order to achieve this includes (amongst other things); maximising the use of Scottish Government funding to deliver energy efficiency measures to homes in the private sector; continuing to provide support to deliver the Dumfries and Galloway Lemon Aid Fuel Poverty project; and funding the Energy Agency through the application of the council’s Tackling Poverty funding to deliver the “Home Energy Help for Fuel Poor Households” project.
3. The Council Plan 2017 – 2022 sets out within its table of priorities and commitments, under the heading “vulnerable – tackling the causes and effects of poverty and inequality”, action which includes “working with the Scottish Government and the fuel poverty forum to tackle the high levels of fuel poverty in our region”. The council’s response above also makes clear that the council is proposing to develop an energy strategy. The actions referred to in the above paragraph would clearly be appropriate for consideration in such a strategy.
4. This matter is also examined in Issue 1, where it is recommended that an additional bullet point be added to paragraph 1.12 of the local development plan relating to the provision of efficient and effective energy management solutions, which could include measures to alleviate fuel poverty. Paragraph 3.21 already states that the council proposes to develop a Regional Energy Strategy.

5. Paragraphs 4.22 to 4.25 set out the council's approach to delivering the housing land requirement set out in the spatial strategy of the proposed plan. The majority of this housing land requirement will be delivered through allocated sites, but there is also provision for other housing development within settlement boundaries, villages and the wider rural area. In addition, there is specific provision for affordable housing. Policies H1 to H8 constitute the council's policies for such housing development, also covering temporary housing accommodation and alterations and extensions to existing housing.

6. In my view the above policies, and the reasoned justification for these policies in paragraphs 4.22 to 4.25, essentially set out the land use planning framework for housing development in the local development plan. I do not consider that including provisions for heat and energy in order to address fuel poverty (as important as they are) would be appropriate in the context of such a land use planning framework. They would not have direct land use implications.

7. In any event, the recommended addition through Issue 1 referred to above, and the statement that the council proposes to prepare an energy strategy, satisfactorily cover the matters raised in the representation, the details of which are also separately addressed in the Local Housing Strategy for 2018 – 2023, and the Council Plan 2017 – 2022. I do not consider that there would be significant benefit in also including those details in the local development plan owing to their lack of direct land use implications. I therefore find that no change should be made to the housing policies or their reasoned justification.

8. However, with respect to provision for gypsy travellers and travelling show people, and for housing in multiple occupation, such provision would be likely to have direct land use implications (either new build or change of use/alterations to existing buildings). Paragraph 133 of Scottish Planning Policy (SPP) refers to gypsy travellers and travelling show people, and states that if there is a need, local development plans should identify suitable sites. They should also consider whether policies are required for small privately owned sites for gypsy travellers, and for handling applications for permanent sites for travelling show people.

9. Paragraph 134 of SPP states that local development plans should address any need for houses in multiple occupation, indicating that more information is provided in Circular 2/2012. I therefore consider it important that the proposed plan reflects the provisions of paragraphs 133 and 134 of SPP, which relate to both elements of specialist housing provision referred to in the representations.

10. With respect to gypsy travellers and travelling show people, the council has provided a detailed response above relating to the existing provision, and states that since the Local Housing Strategy for 2018 – 2023 does not identify any additional need, the proposed plan does not need to identify any sites. With respect to housing in multiple occupation, the council states that the housing need and demand assessment concludes that there is little need or demand for further provision. I find that these responses are convincing to the extent that there is no need for specific policies requiring such provision to be made, but that the reasoned justification should explain the council's position.

11. I therefore find that an additional paragraph should be added to the reasoned justification to state that there is no identified need for additional sites for gypsy travellers and travelling show people, and that there is no identified need for additional housing in multiple occupation, in the context of paragraphs 133 and 134 of SPP. The paragraph should also state that any proposals for such specialist housing provision will be assessed against the relevant policies of the plan that apply in the circumstances of the case, taking into account the provisions of the

council's local housing strategy and housing need and demand assessment that apply at the time. I provide appropriate text for this in my recommendations below.

Policy H1: Housing Land (b) Infill/Windfall Sites

12. Policy H1 (b) specifically relates to sites within settlement boundaries (as shown on the inset maps), and reads as follows:

Within settlement boundaries defined on inset maps, proposals for residential development on sites not allocated for development will need to demonstrate to the satisfaction of the council that the proposed development:

- would result in the development of a brownfield site; and/or
- would not prevent or restrict the physical development of an allocated site; and
- is not of a scale to adversely affect the overall spatial strategy of the Plan.

Such sites can either be infill or windfall sites, which are defined as follows:

Infill Sites – small in scale relative to the settlement, generally less than 0.25 hectares and usually only capable of accommodating one or two units.

Windfall Sites – normally comprise previously developed sites that have unexpectedly become available during the plan period.

13. This is the second part of Policy H1, with the first part (a) being to provide for allocated housing sites, which are the primary means of meeting the housing land requirement. In any event, paragraph 3.20 of the proposed plan explains that the majority of the overall housing land requirement identified in Table 2 has been allocated to Dumfries and the District and Local Centres (the larger settlements).

14. I find that this is an entirely appropriate strategy in the context of SPP, which includes a section on promoting rural development. Paragraph 76 states that within pressurised areas easily accessible from Scotland's cities and main towns, plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements. Whilst paragraphs 77 and 78 suggest that in remote or intermediate areas the emphasis should be on maintaining and growing communities or tailoring development to local circumstances, I find that in overall terms, there is a sound basis for the council's strategic approach.

15. Furthermore, paragraph 3.20 of the proposed plan also states that at least 20% of the housing land requirement is expected to be delivered in villages and housing in the countryside. This approach is intended to provide the opportunity for housing development in villages and the countryside, whilst still supporting housing development in line with the vision and spatial strategy. I find that this approach recognises the specific character of Dumfries and Galloway, with a very large rural hinterland, and complements the priority being given to the majority of the housing land requirement being provided within the larger settlements.

16. Following on from the above, extending Policy H1(b) to include areas outwith settlement boundaries would neither reflect the spatial strategy of the local development plan, or the above referred to paragraphs of SPP. I recognise that there may be instances where sites immediately beyond the boundary of settlements may be justified in the circumstances of the case, but such exceptions to the general rule should be addressed through the development management process in the context of Policy H4, which provides some flexibility for

development immediately outwith a settlement boundary where a shortfall has been identified through the housing land audit, and specific spatial and environmental criteria can be met.

17. The identification of the boundaries of individual settlements has been undertaken through an assessment of the physical characteristics of the settlements and the opportunities for development, taking into account landscape and other environmental constraints. Where representations questioning the boundaries of individual settlements have been made, they are assessed separately through this examination.

18. In addition, Policies H2 and H3 state that the council will support proposals for housing development in villages and in the countryside subject to specific criteria being met, therefore already providing for a reasonable amount of housing growth in the context of the spatial strategy. There are specific provisions for housing in small building groups and development on brownfield sites within the criteria contained in Policy H3. Further representations relating to these policies are examined below.

19. I find that it would not be appropriate to include areas outwith settlement boundaries and small building groups within Policy H1 (b), as this would not be consistent with either the spatial strategy of the proposed plan or the provisions of SPP. In addition, I find that there is sufficient provision for these areas in policies H2, H3 and H4.

20. A minor change to the text of Policy H1 (b) is also requested, to the extent that “of a size” should replace “small in scale” in the definition of infill sites. I note that the council proposes to amend the definition of both infill sites and windfall sites. Whilst there is no actual request to amend the definition of windfall sites, I find that both of these changes would add appropriate flexibility to Policy H1 (b), and would therefore address some of the concern expressed in the representation.

21. I consider that “small in scale” should still feature in the definition of infill sites (with the word “generally” added in front and “usually only” deleted because larger sites may occasionally constitute infill sites), and that the removal of “previously developed” from the definition of windfall sites would be appropriate as this would provide more flexibility for the development of larger sites where these meet the specified criteria.

22. I do not consider these to be non-notifiable modifications, as they clearly affect the interpretation and therefore also the implementation of the policy. However, I include the changes proposed by the council (subject to the additional change referred to above) in my recommendations below. Otherwise, no change should be made to Policy H1 (b) in the context of this representation.

Policy H2: Housing Development in Villages

23. I note the paragraphs in the draft Supplementary Guidance referred to in the representation. I have no remit to examine the content of Supplementary Guidance, but I recognise the significance of the matters contained in these paragraphs. In the context of this representation, I need to consider whether there should be any addition or amendment to Policy H2, taking into account the Supplementary Guidance referred to.

24. Paragraph 136 of Circular 6/2013 states that Supplementary Guidance can be adopted and issued by a planning authority in connection with a local development plan. Any such guidance will form part of the development plan, and have that status for decision making in line with section 25 of the Planning Act. This sets out the nature and the significance of

Supplementary Guidance.

25. Paragraph 139 provides a list of suitable topics for Supplementary Guidance, and for the purpose of examining this representation, the key is the first bullet point, which specifies detailed policies where the main principles are already established. Paragraph 79 of Circular 6/2013 states that Scottish Ministers expect local development plans to be concise, map-based documents.

26. Taken together, the provisions set out in the above paragraph provide the context for the level of detail that would be appropriate for inclusion in Policy H2. In this context, I find that Policy H2 sets out the main principles relating to the council's approach to housing development in villages. Key to this representation is the third bullet point that requires housing development to "relate to the layout, density and design of the character and form of the existing village".

27. I do not necessarily agree that this is an overriding consideration; it is a matter that requires to be considered in the circumstances of the case, and the weight to be given is likely to depend on the circumstances of the case. In addition, the provisions in the Supplementary Guidance and the examples provided would be significant matters to consider in the determination of any development proposal in the context of section 25. They do not need to be specifically referred to in Policy H2. I therefore do not consider that the additional text suggested in the representation should be included in Policy H2.

28. Paragraph 138 requires that there should be a sufficient "hook" in the policies or proposals of the local development plan to hang the Supplementary Guidance on, in order to give it statutory weight. In my view, the council's approach in referring to the Supplementary Guidance in a separate paragraph at the end of the policy is correct. There is no need to refer to the Supplementary Guidance under any of the specific bullet points set out in the policy. However, the existing text is misleading because the draft Supplementary Guidance does not yet constitute statutory Supplementary Guidance, and I provide amended text in my recommendations that would be more accurate. Otherwise, there should be no modification to Policy H2 in the context of this representation.

Policy H3: Housing in the Countryside

29. The first two sentences in paragraph 4.2 of the proposed plan state that sustainable economic growth is a key element of the plan's vision. Dumfries and Galloway is primarily a rural economy with agriculture, forestry, tourism and food processing being important sectors. The justification for affordable housing in paragraph 4.26 states that the housing need and demand assessment demonstrated that without intervention, the shortfall in the number of affordable houses in the region would increase.

30. The first 6 bullet points of Policy H3 can essentially be categorised as support for housing in the countryside related to small building groups, related to a rural business (predominantly agriculture), related to brownfield land, or related to existing housing or other existing buildings. One or more of these criteria must be met.

31. Paragraph 79 of SPP states that plans should set out a spatial strategy which reflects (amongst other things) development pressures, environmental assets, and the economic needs of the area; reflects the overarching aim of supporting diversification and growth of the rural economy; promotes economic activity and diversification, including sustainable development; and makes provision for housing in rural areas in accordance with the spatial strategy.

32. I also refer to paragraph 3.30 of the proposed plan which states that at least 20% of the housing land requirement is expected to be delivered in villages and housing in the countryside, and that this approach will provide the opportunity for housing development in villages and the countryside whilst still supporting housing development in line with the vision and spatial strategy.

33. In the above context, I find that there is no inherent conflict between the provisions of paragraphs 4.2 and 4.26 of the proposed plan and Policy H3. Both align with the spatial strategy, and particularly the provisions of paragraph 3.30 of the proposed plan. Policy H3 is a key element of the expected provision of at least 20% of the housing land requirement referred to in paragraph 3.30. The first 6 bullet points under Policy H3 set out the opportunities for housing development in the rural area. These need to be specified in the policy in order to ensure that the housing development is sustainable.

34. I note that some of the quantification for the number of houses that may be appropriate under Policy H3 would be provided through Supplementary Guidance. In any event, I recognise that there will normally be a limit to the number of houses that are appropriate within the countryside, dependent upon the circumstances of the case. I find that affordable housing does not necessarily justify housing in the countryside, and that there is sufficient intervention in relation to affordable housing through Policy H5. I therefore find that no modification to Policy H3 should be made in the context of this representation.

Policy H3: Housing in the Countryside - Housing in Remote Rural Areas

35. One of the representations seeks the deletion of the part of the policy relating to housing in remote rural areas, essentially on the basis that there is insufficient justification for a more flexible policy for single houses in remote rural areas. SPP states in paragraph 76 that plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements. I therefore agree with what is stated in the representation to the extent that it is more sustainable for people to live within settlements in order to reduce the need for car travel. Indeed, the council's approach within its spatial strategy clearly gives priority to development in settlements, and in addition, sets out the limited circumstances where development in the countryside is justified through the criteria contained in Policy H3, which I have already examined above.

36. However, SPP also recognises the special circumstances that may apply in remote rural areas. Paragraph 83 states that in such areas, plans should generally (amongst other things) support and sustain fragile and dispersed communities and allow single houses outwith settlements provided they are well sited and designed to fit with the local landscape character. It is in this context reasonable for the council to make provision for single houses in remote rural areas, which would not be appropriate within other rural areas. I find that the second part of Policy H3 is designed to do this and that in principle this approach accords with the provisions of SPP.

37. The other representation seeks to apply the criteria for housing in remote rural areas to all housing development in rural areas. I find that this misinterprets the intention of the second part of the policy, the reasoned justification for which is set out in paragraph 4.24 of the proposed plan. As implied by the council in its response above, the first two criteria would in any event also apply to housing elsewhere in the rural area (with the details being set out in Supplementary Guidance). The third criterion however appears to be specific to housing in remote rural areas.

38. I find that the intention of the criteria is to qualify the more flexible approach to allowing single houses in remote rural areas, which do not have to meet the criteria in the first part of the policy, by giving additional emphasis to specific environmental criteria (in the context of paragraph 83 of SPP) in order to minimise the visual impact of single houses in potentially sensitive remote rural areas, and by requiring such houses to have a low carbon justification. As a result of this misinterpretation, I find that the policy should be amended to clarify the intent of the policy.

39. However, there is a further matter which causes me some concern, and which needs to be taken into account when considering how the policy may be clarified. Paragraph 137 of Circular 6/2013 states that in deciding whether a policy area or level of detail is appropriate for inclusion in Supplementary Guidance rather than the proposed plan, planning authorities should consider whether it requires the level of scrutiny associated with the examination.

40. In addition, paragraph 138 states that Supplementary Guidance should be limited to the provision of further information or detail in respect of policies or proposals set out in the local development plan. It is of course not within my remit to examine the content of Supplementary Guidance, which is entirely a matter for the council, but I need to ensure that what is included within the local development plan in so far as this relates to Supplementary Guidance accords with the provisions of Circular 6/2013.

41. There are only two references to remote rural areas in the whole of the proposed plan, these being in Policy H3 and the reasoned justification in paragraph 4.24. There is no identification of remote rural areas on the proposals map. Therefore, the area to which the second part of Policy H3 relates relies entirely on Supplementary Guidance. In this context, I note that the draft Supplementary Guidance identifies remote rural areas that constitute a relatively small proportion of the council's administrative area.

42. This means that as the policy is currently worded, any maps within Supplementary Guidance are essentially being afforded the status of the local development plan (because the implementation of the second part of Policy H3 relies on them) even though such areas are as a result defined without being subject to the examination process. For example, the relatively small proportion currently in the draft Supplementary Guidance could be substantially extended outwith any examination of the local development plan, thus significantly altering the effect of Policy H3. A further complication is that the Supplementary Guidance is in draft form, and is not yet formal Supplementary Guidance.

43. To avoid this it would be appropriate to amend Policy H3 (in addition to clarifying the policy as referred to above) in a manner that does not cause the scope of the policy to be directly reliant on maps included within Supplementary Guidance. I find that this should be done by deleting the second part of the policy, and including an additional bullet point in the first part of the policy (which by definition would not require compliance with any of the other bullet points) to allow single houses in the remote rural area which are appropriately designed and have a low carbon justification.

44. Further detail could then be provided through Supplementary Guidance, which would be at the discretion of the council, including any maps defining the remote rural areas. For the avoidance of doubt, however, I find that the final sentence of the policy relating to the preparation of Supplementary Guidance should remain exactly as it is currently worded.

45. I recognise that this matter was not raised during the examination of the same policy, (which is similarly worded) in the existing adopted local development plan, but I find that it is

appropriate to modify the policy in line with my findings above, even though it already constitutes part of the current statutory development plan. I provide appropriate text for this in my recommendations below.

Policy H4: Housing Development Immediately Outside Settlement Boundaries

46. Policy H4 makes provision for housing development immediately outside settlement boundaries only where a shortfall (in the housing land supply) has been identified through the housing land audit and in the housing market area within which the settlement lies. The council in the context of Planning Advice Note (PAN) 2/2010 carries out the housing land audit annually.

47. Paragraph 41 of PAN 2/2010 states that SPP requires that a five-year ongoing effective land supply is available to meet the identified housing land requirement. Planning authorities should therefore carry out regular monitoring of housing completions and the progress of sites through the planning process. This can be achieved through the preparation of a housing land audit, carried out annually by the planning authority in conjunction with housing and infrastructure providers.

48. This is in the context of the wider assessment of the housing land requirement and the provision of an appropriate land supply to accommodate this requirement through the housing need and demand assessment, local housing strategies and the development plan (paragraph 43 of PAN 2/2010). The local development plan essentially enables the sites to ensure that the housing land requirement is met in the context of a spatial strategy. The strategy gives priority to housing development within settlement boundaries, where sites are allocated within the settlements of each housing market area. Provision is also made for infill and windfall sites within settlements, and beyond this it is stated in paragraph 3.30 of the proposed plan that at least 20% of the housing land requirement is expected to be delivered in villages and housing in the countryside.

49. It is possible that the housing land requirement may change over time through a review the housing need and demand assessment, and this may need to be reflected within the next review of the local development plan. However, it is also possible that a shortfall in the 5-year ongoing effective housing land supply may be identified during the period of the plan within any housing market area. This may be as a result of lower completion rates than are expected, or as a result of sites not being able to be developed as expected owing to constraints that reduce the effectiveness of sites. The annual housing land audit is the process that measures the extent of this.

50. The purpose of Policy H4 is to make provision for the possible need for additional housing sites as a result of any such identified shortfall. Aside from housing development in villages and the countryside, there is already the possibility of infill or windfall sites within settlement boundaries that are not specifically identified through the housing land audit process, and this needs to be borne in mind. Nevertheless, there may be a shortfall identified that is large enough to justify additional sites outwith the settlement boundary.

51. Paragraph 123 of SPP sets out how planning authorities should manage the housing land supply, working with housing and infrastructure providers to prepare the housing land audit in a manner which critically reviews and monitors the availability of effective housing land. Paragraph 125 goes on to state that where a shortfall in the five-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up to date. I find that Policy H4 is therefore significant in reducing the possibility of

the plan becoming out of date, because it makes provision for addressing a significant shortfall in the effective housing land supply.

52. The most logical process of addressing such a shortfall is within individual housing market areas. Any additional housing site outwith the boundary of a settlement would logically require the extension of the settlement boundary (unless there were exceptional circumstances related to the characteristics of the settlement concerned) although this could only be formally addressed at the next review of the local development plan. Some settlements may be able to accommodate more extensions to its built-up area than others may, without causing significant adverse environmental impact.

53. I understand that there may be an emerging demand related to a specific settlement, which cannot be met on a site within the settlement boundary, but local development plan policies should not be expected to specify every eventuality. As the council infers in its response, there is no means of defining what “an important specific and very localised demand” may be. I find that the text of Policy H4 strikes the appropriate balance in recognising that there may be a shortfall in the housing land supply identified through the housing land audit, which is a nationally recognised and accepted process for the purpose, and protecting the environment of areas immediately surrounding settlements through the appropriate implementation of the spatial strategy.

54. Furthermore, paragraph 33 of SPP states that where relevant policies in a development plan are out-of-date, or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This is clearly a matter for the development management process, and I find that the circumstances raised in the representation would be more properly addressed through the development management process than through an amendment to Policy H4.

55. With respect to the inclusion or otherwise of the shortfall in the housing land supply being identified “by the council”, and in addition to what is stated in paragraphs 41 and 43 of PAN 2/2010 (referred to above), I have also noted the content of paragraphs 55 and 58 referred to in the representation. Paragraph 58, in stating that planning authorities, housing and infrastructure providers should work together to ensure that sites identified as effective are successfully developed within the expected timescale, complements what is stated in paragraph 123 of SPP also referred to above.

56. However, also taking into account what is stated in paragraph 41 of PAN 2/ 2010, it is the planning authority that is responsible for carrying out the annual housing land audit, working with housing and infrastructure providers. In my view, it is therefore entirely reasonable for the council to use the phrase “where a shortfall has been identified by the council through the housing land audit” within Policy H4. I find that the role of housing and infrastructure providers is clearly set out in in SPP and PAN 2/2010.

57. I therefore find that there should be no change to the content of Policy H4 in the context of these representations.

Policy H6: Particular Needs Housing

58. The Local Housing Strategy for 2013 – 2018 Outcome 7 refers to particular needs housing, stating that people with particular needs will be able to live independently and fulfil their potential. Strategic Objective 2 goes on to state that the council will work with the Health

and Social Care Partnership to ensure solutions are delivered that enable people to live as independently as possible in community settings. A series of actions is then set out, which provides detailed information as to how this objective will be achieved.

59. In this context, I find that the inclusion of a policy in the proposed plan setting out the land use implications for particular needs housing is appropriate, although I do not consider that it is necessary to duplicate the outcome, objective and actions set out in the local housing strategy. However, I also find that particular needs housing should be referred to in the reasoned justification to an extent that sufficiently justifies the policy, reflecting the council's approach as set out in the local housing strategy.

60. I find that support for particular needs housing, an indication of the groups for which such housing is intended, guidelines relating to nursing/care homes and locational requirements for particular needs housing are all reasonable inclusions in the policy, and I consider that the council's text relating to those matters is generally appropriate.

61. However, I note the concern expressed in one of the representations to the extent that particular needs housing can be appropriately provided in rural areas, and I agree that this may be appropriate where circumstances justify this. The council also accepts in its response that such housing may be appropriate in rural areas, and sets out the mechanism through which such housing could be accommodated. Nevertheless, I consider that integrating new provision into the local community with access to local services and facilities should be a priority for the type of housing mentioned in the policy.

62. I find on balance that the concern in the representation can be met by rewording the final sentence of the policy along the lines indicated above, avoiding the specific reference to "residential areas", and thus providing more flexibility within the policy with respect to the type of area where such provision may be appropriate. The remaining housing policies that give priority to housing development on allocated sites and otherwise within settlements would in any event still apply to any proposals for particular needs housing, and it would be a matter for the council to give the appropriate weight to each policy in the circumstances of the case.

63. The other representation essentially seeks clarification on how the policy triggers the provision of particular needs housing within housing development proposals, how it relates to the requirement for affordable housing provision, and what is the intention of the 20% figure for particular needs housing provision. The council has clarified in its response that up to 20% of housing units delivered through the Strategic Housing Investment Plan would be for particular needs housing. It is not a requirement for a percentage of units to be delivered within housing development proposals, as is the case with affordable housing provision under Policy H5.

64. I find that the concern expressed in the representation has been addressed in the council's response, but I also find that the policy needs to be changed in order to reflect the council's response, to avoid any future misinterpretation of the policy. I consider that the paragraph highlighted in the representation should actually be deleted from the policy, and that there should be an additional sentence in paragraph 4.26 which sets out the provision for particular needs housing in the context of the Strategic Housing Investment Plan, and that the council will support proposals for particular needs housing in this context under Policy H6. I find that any benefit in quantifying this by "up to 20%" is outweighed by the confusion that has resulted from this measurement. I provide appropriate text for these changes in my recommendations below.

65. Whilst I recognise that there is such a sentence within Policy H5, I do not consider that a

sentence stating that development proposals will be assessed on a case-by-case basis is necessary. It is a generally accepted practice that policies in the local development plan are applied to development proposals on a case-by-case basis through the development management process.

Reporter's recommendations:

The proposed plan should be modified by:

Housing – General

1. adding the following additional paragraph after paragraph 4.26 and renumbering subsequent paragraphs accordingly:

'4.27. With respect to other specialist housing provision, there is no identified need within Dumfries and Galloway for additional sites for gypsy travellers and travelling show people, and there is no identified need for additional housing in multiple occupation, in the context of paragraphs 133 and 134 of Scottish Planning Policy. Any proposals for such housing provision will be assessed against the relevant policies of the plan that apply in the circumstances of the case, taking into account the provisions of the council's local housing strategy and housing need and demand assessment that apply at the time.'

Policy H1: Housing Land (b) Infill/Windfall Sites

2. amending the definitions of infill and windfall sites to read as follows:

'Infill Sites – Generally small in scale relative to the settlement and capable of accommodating one or two units.

Windfall Sites – Sites that have unexpectedly become available during the plan period.'

Policy H2: Housing Development in Villages

3. amending the final paragraph of the policy to read as follows:

'The council will prepare Supplementary Guidance in order to provide additional detail on the considerations set out above including ribbon development.'

Policy H3: Housing in the Countryside - Housing in Remote Rural Areas

4. deleting the second part of Policy H3 beginning 'Proposals for single houses...', and replacing it with an additional bullet point within the first part of the policy as follows:

'It is for a single house within a remote rural area which is well related to its landscape setting, is of an appropriate scale and design, and would provide a low carbon house and lifestyle.'

Policy H6: Particular Needs Housing

5. adding a sentence at the end of paragraph 4.26 to read as follows:

'Housing for older people and those with particular needs will be provided through the council's Strategic Housing Investment Plan and the council will support proposals for such particular

needs housing through Policy H6.'

6. deleting Policy H6 in its entirety and replacing with the following:

'The council will support proposals for particular needs housing and accommodation (including adaptations to the existing housing stock) for people with particular needs such as housing for the frail, older people and those with special and varying needs. Proposals for public and private nursing/residential care homes must meet locally generated demand and the needs of local client groups. Particular needs housing should be integrated into the local community with access to local services and facilities.'

Issue 5	Historic Environment Policies	
Development plan reference:	Historic Environment Policies: pages 40 - 49	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Historic Environment Scotland (012) J A Carruthers (014) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) Infinergy Ltd (383) David Pedley (443) Scottish Government (455) Story Homes (560)</p>		
Provision of the development plan to which the issue relates:	Historic Environment – General; Policy HE1: Listed Buildings, Policy HE2: Conservation Areas, Policy HE3: Archaeology, Policy HE4: Archaeologically Sensitive Areas	
Planning authority’s summary of the representation(s):		
<p>Historic Environment - General <u>Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006)</u> – In general supportive of the Proposed Plan and its historic environment policies.</p> <p><u>David Pedley (443.005)</u> - [12/P/1/0233] - 2 Commercial Street, Port William, a decision letter of 23 July 2012 (attached to the representation) on the concurrent listed building application, declared that ‘it is considered that Listed Building Consent is not required in this instance’ (and see Note). The delegated report on the planning application said at para 4.16: ‘In this case, it is self-evident that the proposed new house would impact on the settings of listed buildings.....this situation tends to compound the concerns relative to impacts on the character and appearance of the Conservation Area’. This is totally unjustified and should not be repeated.</p> <p>Policy HE1: Listed Buildings and paragraph 4.31 <u>Historic Environment Scotland (012.007)</u> - In line with current Scottish Government advice, policy should clearly set out the Council’s policy position without external referencing. As a result the considerations laid out in the Historic Environment Scotland Policy Statement 2016 (HESPS) should be transposed into the listed buildings policy rather than referencing them.</p> <p><u>Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005)</u> - The word original, which appears in HE1 and 4.31, is dangerous to use because people do not understand its meaning. With historic buildings it should mean 'as designed' or 'as built' but is often taken to mean as existing at the time of the application which is often very different. It is important that applications to return to the 'original' provide convincing evidence to justify what they want to do since it may well be preferable to keep what is known to have existed rather than what might have existed.</p> <p>Policy HE2: Conservation Areas <u>J A Carruthers (014.010)</u> - The wording as it stands is incompatible with the objectives of the</p>		

Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) –

- (i) There is not sufficiency urgency shown over the need for Conservation Area Character Appraisals the lack of which are seriously damaging our Conservation Areas.
- (ii) Design statements do not appear to be mandatory and are often not provided when they should be.

Scottish Government (455.004) - The policy should refer more clearly to the presumption to retain buildings which contribute to the character of conservation areas as set out in Scottish Planning Policy (SPP) paragraph 143 and the HESPS requirements regarding demolition in conservation areas. The current bullet point wording within the proposed policy is not adequate to cover national policy interests on conservation area demolition

Map 5 showing the conservation areas in Dumfries and Galloway is too small a scale to be meaningful.

Policy HE3: Archaeology

J A Carruthers (014.011) – The wording as it stands is incompatible with the objectives of the Plan.

Story Homes (560.006) - The second bullet point is unnecessarily onerous as it requires the applicant to take on the front loaded and costly, expense of undertaking investigative archaeological assessment work. This concern is particularly relevant for development sites where there are no historic or heritage designations on or in proximity to the site.

Archaeological and historical assets have been proven to be equally protected via planning control through conditions being placed upon approved consents. In fact, conditioning archaeological work is standard practice in local and planning authorities across Scotland.

Policy HE4: Archaeologically Sensitive Areas

Infinergy Ltd (383.001) – The phrase “and setting” should be deleted from the policy. An Archaeologically Sensitive Area (ASA) already aims to protect the setting of the cultural heritage assets within it. ASAs have already been drawn quite widely to accommodate the setting of features within them.

Protecting the setting of something that already protects setting results in double counting in the development management process.

Modifications sought by those submitting representations:

Historic Environment - General

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006) – No change requested.

David Pedley (443.005) - Before section 4.31 add: “Relation of listed buildings to planning

Listed Building Consent (LBC) is a totally different application from planning permission, and LBC refusal, or grant with conditions, overrides any planning permission granted. It is not acceptable for a planning decision to cite impact on a listed building as such when it has been held on an LBC application that the listed building is not affected by that planning application.”

Policy HE1: Listed Buildings and paragraph 4.31

Historic Environment Scotland (012.007) - Reword Section b to read: Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that one of the following four key tests are met: (a) the building is not of special interest; or (b) the building is incapable of repair; or (c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or (d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) - Replace the word "original" in Policy HE1 and paragraph 4.31 with either 'historic', 'designed' or 'present' depending on circumstances.

Policy HE2: Conservation Areas

J A Carruthers (014.010) - In the first and third bullet points delete the words "preserve or enhance" and substitute with the word "protect". In the second bullet point delete the words "maintained or enhanced" and substitute the word "respect".

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) –

(i) Include a commitment to produce Conservation Area Character Appraisals more concisely if necessary. A compact description of the character of the area and its buildings is needed so the planners know what they are seeking to 'preserve and enhance'.

(ii) The information requirements for planning applications in historic areas should be made clearer.

Scottish Government (455.004) -. Suggest reference is made to sections 3.52 - 3.58 within HESPS which sets out the consent considerations for demolition in conservation areas. This approach would be consistent with the wording provided for Policy HE1: Listed Buildings and the requirements for demolition as set out in paragraph (b) on page 41.

Policy HE3: Archaeology

J A Carruthers (014.011) - In the first bullet point delete the words 'preserves or enhances' and substitute with the word 'respects'.

Story Homes (560.006) – Remove the second bullet point.

Policy HE4: Archaeologically Sensitive Areas

Infinergy Ltd (383.001) - Change the policy as follows (text to be deleted is shown with a strikethrough) "The Council will support development that safeguards the character, archaeological interest ~~and setting~~ of Archaeologically Sensitive Areas (ASAs) as designated by the Council Boundaries of ASAs are shown on Map 6 and the Proposals Maps"

Summary of responses (including reasons) by planning authority:

Historic Environment - General

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.006) – The comment is noted.

No modification proposed to the Plan.

David Pedley (443.005) - Policy HE1 mainly deals with proposed changes to listed buildings but it also refers to development affecting the setting of Listed Buildings: *The Council will support development that makes effective, efficient and sustainable use of listed buildings. In*

considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that: ...

The representation suggests that there is an element of ambiguity in the Listed Building section of the Proposed Plan leading up to Policy HE1. In looking at the text that accompanies the policy, and Policy HE1 itself, additional wording in the supporting text and re-ordering of the wording within the policy would improve clarity.

See below for proposed non-notifiable modification to Proposed Plan.

Listed Building Consent (LBC) and Planning Permission (PP) are separate procedures of Development Management, but LBC may be required when PP is not to allow any proposed physical works to be considered in respect of their impact on architectural integrity, built fabric, setting and historic interest of a building or structure. PP may be needed for changes of use or new structures when LBC is not but the impact of proposals on the historic environment is part of the decision making process and planning decisions usually take account of buildings and sites near the application site (as well as other policies and procedures). A planning recommendation report should encompass all matters that have been considered when reaching a decision.

The processes are set out in the Development Management Customer Guidance, the Delegation Procedure and the Customer Charter, which are on the Council's website.

Policy HE1: Listed Buildings and paragraph 4.31

Historic Environment Scotland (012.007) - This representation has been considered in conjunction with other representations received. The draft Historic Built Environment Supplementary Guidance (CD21), which supports policy HE1: Listed Buildings, sets out the tests within HESPS that need to be met before demolition is considered. Making it clearer that the draft Historic Built Environment Supplementary Guidance will include detail about alterations, demolition and recording would improve clarity. As the draft supplementary guidance would be part of the Local Development Plan (LDP) it is considered that this would satisfy the requirement that policy should not need reference to an external document.

See below for proposed non-notifiable modification to Proposed Plan.

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) - The representation draws attention to the difficulty in defining what is 'original' in respect of historic fabric. The intention of the policy is to minimise the harm to architecturally and historically significant fabric of a listed building. Therefore substituting the words 'significant architectural or historic' into paragraph 4.31 in place of the word 'original' would help clarify the intention of the policy.

However, within Policy HE1 the word 'original' is used once where it precedes the word 'character'. Character is a broader concept coming about as a result of the design of a range of features which are part of the fabric of a building or structure and its setting. Therefore, it does not seem appropriate to change the use of the word 'original' in the context of the phrase 'original character'.

The meaning of the word 'original' may be clarified further by amending the draft Historic Built Environment Supplementary Guidance (CD21) in respect of both architecturally and historically significant detail and character in order to support the implementation of Policy HE1.

See below for proposed non-notifiable modification to Proposed Plan.

Historic Environment – General, Policy HE1: Listed Buildings and paragraph 4.31

David Pedley (443.005); Historic Environment Scotland (012.007); Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) - In paragraph 4.31- replace word 'original' with '**significant architectural or historic fabric**';

Add new paragraph after 4.31:-

'Development within the setting or vicinity of a Listed Building should avoid harm to the special interest and character of the Listed Building and should not compromise its future use through the unacceptable loss of amenity space.'

Amend position of word **Alteration** in Policy HE1 to ... '**a) Alterations**
Proposals to extend or alter a Listed Building should include...'

Clarify role of SG by adding:-

'The Historic Built Environment Supplementary Guidance provides further information in respect of justifying the design of alterations or extensions; the evidence required in the Historic Environment Scotland Policy Statement, 2016 for demolition to be supported; and ALGAO survey information for recording the existing fabric.'

The Council considers this to be a non-notifiable modification.

Policy HE2: Conservation Areas

J A Carruthers (014.010) – The words 'preserve or enhance' are those used in SPP with which the LDP should conform. They refer to the character of a conservation area rather than individual structures or spaces within it. Alterations to buildings, structures and spaces which preserve or enhance the character of that conservation area are supported by Policy HE2.

No modification proposed to the Plan.

(i) Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.005) – There is an ongoing programme of preparing Conservation Area Character Appraisals and Management Plans. This is a comment on delivery and practice, which would not require amendment to a policy.

No modification proposed to the Plan.

(ii) The draft Historic Built Environment Supplementary Guidance (CD21) refers to documents that help the determination of planning and listed building consent applications. Validation requirements for planning applications are set by Scottish Government.

Design Statements and/or Access Statements are not mandatory for many applications. They are required for some local development (excluding alteration or extension) within a:

- Conservation Area
 - National Scenic Area
 - Site of a Scheduled Ancient Monument
 - Curtilage of a Category A Listed Building
- Historic Garden or Designed Landscape; and for LBC applications with proposed alterations to the access.

No modification proposed to the Plan.

Scottish Government (455.004) - The draft Historic Built Environment Supplementary Guidance (CD21) includes the content of paragraph 3.42 of HESPS. It is agreed that clearer reference to

it within Policy HE2 would be helpful. Section 4 of the draft Historic Built Environment Supplementary Guidance includes the contents of paragraph 3.42 of HESPS. Agreed that clearer reference within this Policy is needed.

Amend Policy HE2 to read:

“The Council will support development within or adjacent to a conservation area that preserves or enhances the character and appearance of the area and is consistent with any relevant conservation area appraisal and management plan. In considering such development the Council will need to be satisfied that:

- new development, as well as alterations or other redevelopment of buildings, will preserve or enhance the character, appearance and setting of the conservation area through appropriate design, general scale, massing and arrangement, use of materials and the detailing of such development;
- the quality of views within, from and into the conservation area will be maintained or enhanced; and
- in the case of the proposed demolition of any building in the conservation area, it can be shown that the demolition will not be detrimental to the character of the conservation area and it can be clearly demonstrated that any redevelopment of the site will preserve or enhance the character of the area.

Conservation Area Character Appraisals and Management Plans for individual conservation areas, and the Historic Built Environment Supplementary Guidance, provide further information in respect of justifying the design of alterations or extensions; the evidence required in the Historic Environment Scotland Policy Statement, 2016 for demolition to be supported; and ALGAO survey information for recording the existing fabric.”

The Council considers this a non-notifiable modification.

Policy HE3: Archaeology

J A Carruthers (014.011) – Paragraphs 150 to 151 in SPP require planning authorities to protect and preserve archaeological sites and monuments as well as non-designated historic assets as they are a non-renewable resource.

Planning Advice Note 2/2011: Planning and Archaeology (CD01) sets out the Scottish Government’s guidance in applying this policy. Paragraph 14 identifies that: “...The objective should be to assure the protection and enhancement of monuments by preservation *in situ* in an appropriate setting (perhaps with a degree of interpretation) or, when preservation *in situ* is not possible, by recording and/or excavation followed by analysis and publication of the results.” The Proposed Plan is required to reflect Scottish Government policy. As the word ‘respect’ is not used in either of the Scottish Government documents it would not be considered to encompass the requirements of the policies and guidance.

Preservation of archaeology can be through a number of means *in situ*, off site or through recording depending on the type of archaeology and the circumstances of the site. Enhancement can be through physical or investigative and interpretation work.

The proposed Plan 20 year Vision is:

“It will be a thriving region with a sustainable economy built on sustainable principles that safeguard the landscape, natural and historic environment, promote growth, maximise the use of existing infrastructure and enhance connectivity. ... //...”

Our Place in Time, Historic Environment Strategy for Scotland, 2014 (CD02) sets out a vision of how heritage can be understood, valued, cared for and enjoyed. It identifies that the majority

of adults are interested in the history of the place they live and that generally the historic environment makes a strong contribution to people’s lives. Knowledge of cultural history comes from archaeological discoveries and Policy HE3 is intended to assist capture that knowledge without thwarting development and progress.

No modification proposed to the Plan.

Story Homes (560.006) - Policy HE3: Archaeology applies to sites where there is a likelihood that archaeology could be found. The second bullet point requires developers to consider, in advance, where archaeology may be found on or under a development site by carrying out a scheme of investigation to inform the design and layout of the development. This has the shared purpose of identifying how the design of the development can best be accommodated on the site to preserve archaeology; reducing potential for delay in decision making; and minimising the potential for delay when physical development works have begun. The requirement set out in the policy is not considered too onerous.

The use of conditions for investigation and survey work prior to commencement of development with an approved layout is a common way of discovering the necessary archaeological information but it may lead to a re-design and amendments being required. Designing a scheme based on knowledge of the archaeology is a more efficient way of achieving an acceptable layout particularly when there are competing issues on a site that need to be resolved.

No modification proposed to the Plan.

Policy HE4: Archaeologically Sensitive Areas

Infinergy Ltd (383.001) – The Report from the Examination of Local Development Plan 1 in 2014 (CD06), Issue 10 Historic Environment, in which the Reporter states at paragraph 30 and 31:

“30. I note that ... the archaeological sensitive areas have been designated to highlight to developers that there is a need to consider extensive archaeological interests at an early stage in formulation of proposals.

31. I note that Policy HE4 encourages development that safeguards the character, interest and setting of the designated areas. ... the policy, ..., is raising awareness. My conclusion is that the representations do not justify alteration to the policy.”

As there have been no changes proposed to the wording or intent of this policy from that in the adopted Plan there does not seem to be any new rationale for its amendment.

No modification proposed to the Plan.

Reporter’s conclusions:

Historic Environment – General

1. The representation from David Pedley suggests that it is not always clear to users of the plan that, in some instances, proposed development will require listed building consent and planning permission. The council acknowledges this and recommends a non-notifiable modification be inserted at the beginning of the sub-section headed Listed Buildings. I have recommended below a formal modification to the plan that takes account of the council’s proposed change. The recommended change is shorter. Information that is more detailed could be provided in supplementary guidance, if required. I have not included the last

sentence of the first paragraph suggested as report preparation is a development management process that does not require local development plan support. Information of this nature would be included more appropriately in customer guidance. I have not included the second paragraph suggested by the council as this relates to the whole proposed plan, not just listed buildings. The council may wish to consider how best to publicise supporting documents of this nature.

2. I consider that the proposed modification goes beyond the scope of that allowed as a non-notifiable modification by The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, which restricts the use of such modifications to minor wording or typographical changes.

Policy HE1: Listed Buildings and paragraph 4.31

3. The council proposes a minor revision to proposed Policy HE1, which would move the sub-heading “a) Alterations” from its current position before the first paragraph of the policy to a position before the first bullet point. This makes clear that the first two sentences of the proposed policy relate to each of sections a), b) and c) which follow, not just to section a). I consider that this would be a helpful revision and agree with the council that it can be treated as a non-notifiable modification.

4. Paragraph 139 of Planning Circular 6/2013: Development Planning indicates that supplementary guidance is suitable for the presentation of detailed policies where the main principles are already established in the development plan. I note that the council proposes that Historic Environment Scotland’s representation can be dealt with by cross-referencing to its Historic Environment Supplementary Guidance. I agree with this in principle but, in light of paragraph 139 of the circular, I find that this approach would require to be supported by reference to the main principles of the council’s approach as part of proposed Policy HE1. Consequently, I have recommended below a modification to part b) of the proposed policy which outlines the evidence that applicants will be expected to provide in order to support applications for the demolition of listed buildings. This follows the terms of paragraph 3.42 of the Historic Environment Scotland Policy Statement 2016.

5. I also endorse the council’s suggested modification to the last paragraph of proposed Policy HE1, which indicates that supplementary guidance provides more information on the proposed demolition or partial demolition of listed buildings. I agree with the council’s position that this as a non-notifiable modification as it involves only minor changes to wording, in line with Circular 6/2013.

6. The listing process described in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and explained further in the Historic Environment Scotland Policy Statement (2016), states that, to merit listing, buildings must be of “special architectural or historic interest”. I consider that concern about the potential ambiguity arising from use of the word “original” in proposed paragraph 4.31 and Policy HE1 could be avoided by use of the phrasing used in the legislation. Accordingly, I have recommended below modifications to both the pre-amble and policy. The proposed modification to the policy also provides consistency within the policy between the requirements for the proposed extension or alteration to a listed building (bullet point 1 of part a) of Policy HE1) and the requirements for a proposed change of use of a listed building (bullet point 3).

7. In response to the representation regarding the potential for proposed development to affect the setting of a listed building, the council recommends the insertion of a new paragraph

into the proposed plan after existing paragraph 4.33. I consider that this would be a helpful addition but am of the view that this goes beyond the minor changes to wording and correction of typographical errors permitted as non-notifiable modifications. Accordingly, I have recommended the council's suggested wording below as a formal modification.

Policy HE2: Conservation Areas

8. Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 defines conservation areas as "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". This is echoed at paragraph 143 of Scottish Planning Policy. Therefore, I consider it is correct that proposed Policy HE2 uses the phrase "preserve or enhance" rather than "respects". I do not consider it is appropriate to modify the plan in response to this representation.

9. The council's work programme for preparation of Conservation Area Character Appraisals is not a policy issue. I do not consider it appropriate to modify the proposed plan in response to this representation.

10. The requirement for a planning application in a conservation area to be accompanied by a design and access statement is set out at Section 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This is a statutory requirement over which the council does not have discretion. The council's suggestion that advice on the circumstances when such statements are required in a conservation area be included in supplementary guidance is reasonable, subject to the addition of a policy hook in proposed Policy HE2. I have recommended below a modification to the last paragraph of the policy to address this.

11. Paragraphs 3.56 to 3.58 of the Historic Environment Scotland Policy Statement (2016) provide advice on how councils should deal with proposals to demolish buildings in a conservation area. In summary, this states a presumption in favour of retaining, restoring and converting buildings of conservation value, outlines circumstances in which demolition may be appropriate and, where redevelopment is proposed, only allowing demolition where the proposals for any new building are acceptable. The policy statement also stresses the statutory requirement to have regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

12. The third bullet point of proposed Policy HE2 deals with proposed demolition of buildings in conservation areas. This goes some way to reflecting Historic Environment Scotland policy but I find that it does not set out the requisite presumption in favour of retention nor the circumstances when demolition may be appropriate. I have recommended below a modification to this part of the proposed policy that I consider will address the Scottish Government's representation.

13. I also endorse the council's suggested modification to the last paragraph of Policy HE2 that indicates that supplementary guidance provides more information on proposed demolition of buildings in conservation areas. I agree with the council's position that this is a non-notifiable representation as it involves only minor changes to wording, in line with Circular 6/2013.

14. I agree with the view that Map 5: Conservation Areas is presented at too small a scale to be meaningful. I have proposed a modification below that the names of the individual conservation areas are either added to the map or included in a separate notation.

Policy HE3: Archaeology

15. Paragraph 150 of SPP requires councils to “protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible”. Paragraph 151 of SPP also requires councils to “protect and preserve” significant non-designated historic assets and areas of historical interest in situ wherever feasible. As the council points out, paragraph 14 of the Scottish Government’s Planning Advice Note 2/2011: Planning and Archaeology states that, where possible, the objective should be to “assure the protection and enhancement of monuments by preservation in situ”.

16. The first bullet point of part a) of proposed Policy HE3 states that, “in considering development proposals, the council will need to be satisfied that the development preserves or enhances the appearance, fabric or setting of the site or asset *in situ*”. I find the wording of the proposed policy reflects Scottish Government Policy as expressed in the SPP and circular. I also find that the proposed policy, as worded, is consistent with that aspect of the local development plan vision, which is to deliver a viable rural economy and community characterised by a protected and enhanced natural and historic environment. I conclude that it is not necessary to modify the proposed plan to address the representation on this point.

17. Paragraphs 15 to 17 of the Scottish Government’s Planning Advice Note 2/2011: Planning and Archaeology provide advice on early discussions between developers and planning authorities. In summary, the circular recommends that developers should contact the council for early advice prior to the submission of an application for planning permission or listed building consent on sites where archaeological remains may exist. The circular indicates that this should be part of the developer’s pre-application research into the development potential of the site. The circular goes on to say that identification of archaeological issues at an early stage can assist the subsequent smooth processing of any application.

18. The circular is a statement of Scottish Government policy and a material consideration to be taken into account in development plans. In that light, I consider that the requirement set out in the second bullet point of proposed Policy HE3 is reasonable and, in some circumstances, may be of advantage to the prospective developer in that they will be able to design or modify proposals at an early stage in order to protect significant archaeological and historic assets. I agree with the council’s point that the use of conditions to require survey and investigation work prior to the commencement of development is a less effective way of achieving the protection of significant archaeological assets in that it may result in re-design of proposals at a later stage of the process. This is less satisfactory for the developer, council and third parties. I would not envisage that the council would recommend pre-application assessment and evaluation where no archaeological interest exists. In conclusion, I do not consider it is necessary to modify the plan to address the representation on this matter.

Policy HE4: Archaeologically Sensitive Areas (ASAs)

19. The preamble to proposed Policy HE4 explains that the purpose of the policy is to highlight to potential developers of large-scale projects that there is a need to consider these areas of extensive archaeological interest at an early stage of developing their proposals. At the suggestion of the council, I have reviewed the examination report from the first local development plan in relation to Policy HE4 and agree with the conclusion of the reporter that the council’s emphasis is on raising awareness, not creating a no-go area around ASAs. Furthermore, I have no evidence to suggest that the policy in the existing plan has resulted in unreasonable constraints on development. Consequently, I do not consider it is necessary to modify the plan to address the representation on Policy HE4.

Reporter's recommendations:

The proposed plan should be modified by:

Policy HE1: Listed Buildings and paragraph 4.31

1. amending the second sentence of paragraph 4.31 to read as follows:

'Alterations and adaptations must be thought through carefully to minimise harm to the special architectural or historic interest of the building.'

2. inserting a new paragraph after existing paragraph 4.31 to read as follows:

'Development within the setting or vicinity of a listed building should avoid harm to the special interest and character of the listed building and should not compromise its future use through the unacceptable loss of amenity space.'

3. adding an additional sentence to paragraph 4.33 to read as follows:

'The requirement for listed building consent and/or planning permission should be checked with the council.'

4. amending the first bullet point of part a) of Policy HE1: Listed Buildings to read as follows:

'proposals to extend or alter a listed building respect the appearance, character and features which contribute to its listing as a building of special architectural or historic interest; and'

5. amending part b) of Policy HE1: Listed Buildings to read as follows:

'b) Demolition or Partial Demolition of Listed Buildings

Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that one of the tests below is met:

- *the building is not of special interest; or*
- *the building is incapable of repair; or*
- *the demolition of the building is essential to the delivery of significant benefits to economic growth or the wider community; or*
- *the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.'*

Policy HE2: Conservation Areas

6. amending Map 5: Conservation Areas to include the names of the individual conservation areas either by direct annotation to the map or by numbering the conservation areas supported by a separate notation;

7. amending the final paragraph of Policy HE2: Conservation Areas to read as follows:

"The Historic Environment Supplementary Guidance and individual conservation area

character appraisals and management plans provide further advice regarding development proposals in conservation areas, including any requirement for a design and access statement.”

8. amending Policy HE2: Conservation Areas by deleting the third bullet point, adjusting the sentence structure of the first and second bullet points above, and substituting the following three new paragraphs:

‘In the case of the proposed demolition of any building in a conservation area, if the council considers that the building, either in itself or as part of a group, is of value to the character or appearance of the area, the council will require to be satisfied that retention, restoration and, where appropriate, sympathetic conversion to some other compatible use is not practical before considering proposals for demolition.

If the building is of little townscape value, demolition may be approved if its structural condition rules out retention at a reasonable cost or its form or location makes re-use extremely difficult.

Where redevelopment of the site is proposed, prior to granting consent for demolition, the council must be satisfied that the proposals for the new building will protect or enhance the appearance of the conservation area.’

Issue 6	Natural Environment Policies	
Development plan reference:	Policies: pages 50 - 60	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Natural Power (080) Scottish Power Renewables (113) Scottish Environment Protection Agency (120) Scottish Natural Heritage (122) RSPB Scotland (133) Natural England (136) Frances McRae (356) Infinergy Ltd (383) South Ayrshire Council (427) Scottish Government (455) SSE Generation (523) Vattenfall Wind Power (546) Everris Ltd (558) SWW Land (559) Story Homes (560) SP Energy Networks (561)</p>		
Provision of the development plan to which the issue relates:	Natural Environment General; Policies NE1: National Scenic Areas, NE2: Regional Scenic Areas, NE3: Sites of International Importance for Biodiversity, NE4: Species of International Importance, NE6: Forestry and Woodland, NE7: Tress and Development, NE8: Developed and Undeveloped Coast, NE9: Erosion and Costal Protection, NE13: Carbon Rich Soil, NE14: Protection and Restoration of Peat Deposits as Carbon Sinks	
Planning authority's summary of the representation(s):		
<p>Natural Environment - General <u>Frances McRae (356.001)</u> - The two green fields facing Sandyhills shore line at Sandyhills Bay on the A710 frontage contribute so much high visual amenity to the Sandyhills settlement and in particular to views from the beautiful Sandyhills bay, suggest that they are given special distinction as a protected area from development in Local Development Plan 2 (LDP2). Suggest that the area, and ideally all the area visible from the shore be protected from development of housing, holiday lodges and other commercial structures, confining any further development to areas north of the fields, beyond Barend House.</p> <p>Natural Environment - paragraph 4.53 <u>SP Energy Networks (561.003)</u> - Include reference to development pursuant to National Planning Framework 3's national development number 4 in the Natural Environment section of the LDP.</p> <p>Landscape - paragraph 4.59 <u>Natural Power (080.038)</u> - Amend the text to reflect the proper purpose of 'wild land' areas rather than to create an additional landscape designation.</p>		

Natural Environment - New Policy for Wild Land Areas

Scottish Natural Heritage (122.004) - Create new policy for Wild Land Areas.

Policies NE1: National Scenic Areas and NE2: Regional Scenic Areas

SSE Generation Development (523.001) - These policies should acknowledge that each individual project will be judged on its individual planning merits and subject to different considerations, so a flexible site-by-site approach is appropriate.

Policy NE2: Regional Scenic Areas

Infinergy Ltd (383.004) - The development of wind energy as a form of development is such that significant effects (in Environmental Impact Assessment terms) on landscape and visual receptors are commonly predicted, and importantly are often found to be acceptable. The statement that any significant adverse effects would not be supported places an unwarranted barrier, not only on the entirety of the Regional Scenic Area (RSA) landscapes, but also those areas adjacent to them. In addition, not aware of higher level policy support for requiring applicant's to demonstrate the need for their proposal within a local landscape designation.

South Ayrshire Council (427.001) - To ensure that any adjoining authority's environment, communities and economy are protected from any negative impacts of new development within Dumfries and Galloway, request additional text added to policy.

Biodiversity and Geodiversity - paragraph 4.63

Scottish Natural Heritage (122.006) - Amend paragraph to clarify that proposals should also consider non-native species.

Policy NE3: Sites of International Importance for Biodiversity

Scottish Government (455.017) - The policy includes the majority of criteria set out in paragraph 208 of Scottish Planning Policy (SPP). However, it is missing the inclusion of compensatory measures. Suggest the paragraph is modified to include all of the criteria within paragraph 208 to accord with SPP.

Policy NE4: Species of International Importance

Story Homes (560.001) - Request first bullet point is removed as it is not clear what the Council would define as a "satisfactory alternative." It is not considered to be a defensible policy criterion.

Policy NE6: Forestry and Woodland

RSPB Scotland (133.037) - Dumfries and Galloway already supports a high level of afforestation and Scottish Government targets for new woodland along with Forestry Commission Scotland's logistical operations for omission afforestation and production entails that this area is going to come under increasing pressure for afforestation proposals. This policy should include recommendations to provide safe checks for open ground habitat and associated vulnerable species, such as breeding waders and habitats such as UK Biodiversity Action Plan priority habitats from inappropriate location of afforestation, which may link to the Council's Woodland Strategy.

Policy NE7: Trees and Development

Scottish Power Renewables (113.013) - Policy should include a reference to the Scottish Government's Control of Woodland Removal policy. The text which states that replacement planting should normally be within the site should be removed.

Scottish Government policy is flexible on location; practically it can sometimes be difficult to identify suitable land for replanting within a site.

Scottish Natural Heritage (122.014) - Support for the policy.

Coastal Development - paragraph 4.75

Natural England (136.002) - Recommend including a reference to England's North West Marine Plan which, when formally adopted, will share a border with Scotland's Marine Plan at the Solway Firth. There is a potential for cross border issues here and the LDP should recognise the presence of this plan. The North West Marine Plan is currently at development stage, and has recently undergone a preferred options consultation.

Policy NE8: Developed and Undeveloped Coast

Scottish Environment Protection Agency (120.004) - Support for the policy.

Scottish Natural Heritage (122.015) - Amend policy to provide clear reference to the Shoreline Management Plan, National Marine Plan policies and the relevant Regional Marine Plan to ensure consistency of approach to marine and coastal planning issues for all types of development and change in use.

Erosion and Coastal Protection - paragraph 4.76

Natural England (136.002) - England's Shoreline Management Plan runs up to the Scottish Border. Proposals within the plan may have potential to effect coastal processes and environment within the Solway Firth, and along the Dumfries and Galloway south coast. Natural England advise that this is acknowledged within Dumfries and Galloway's LDP.

The Cumbria Coastal Strategy, which is being led by Cumbria County Council, and covers the entire Cumbrian coast up to the Scottish Border, may also impact upon Dumfries and Galloway's LDP and should therefore be recognised here. The Strategy seeks to identify and evaluate the risk of flooding and erosion along the coastline, and provide a framework for future infrastructure and development.

Policy NE9: Erosion and Coastal Protection

Scottish Environment Protection Agency (120.004) - Support for the policy.

Scottish Natural Heritage (122.016) - Welcome the approach to default position of the use of natural coastal defences in the policy, what this means may need substantiation.

The term "default preference for natural coastal defences" is very non-committal, 'a presumption in favour of...' may be a more robust choice of words. However, this should not just be about 'protection' but also seeking 'enhancement' or 'improvement' where possible, whether through coastal realignment or reducing impacts on existing coastal habitats.

Policies NE13: Carbon Rich Soils and NE14: Protection and Restoration of Peat as Carbon Sinks

Scottish Environment Protection Agency (120.004) - Support for the policies.

Vattenfall Wind Power (546.001) - Although the SPP requires peat and carbon rich soils to be identified as 'Areas' of Significant Protection, it nevertheless recognises that wind farms may be appropriate in these areas where significant effects can be overcome. The level and depth of peat within the soil on any site is highly varied and extremely complex and should not therefore be subject to a prejudicial form of policy imposing a blanket style ban on development within such areas.

Paragraph 205 in the SPP states in relation to the treatment of peat and carbon rich soils that; Where peat and other carbon rich soils are present, applicants should assess the likely effects

of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

The key phrase in this sentence reflecting the position on Spatial Strategies is the last one that developments should aim to minimise this release. There is no absolute requirement to avoid any level of impact. Comparing this to the proposed Dumfries and Galloway Council policy framework, Policy IN1 and IN2 provide limited direct advice on this matter other than recognising it as a strategic level constraint.

Paragraphs L2 to L6 of the Supplementary Guidance recognise that wind farms can be accommodated in areas of peatland where disturbance can be minimised which is generally in line with the SPP and is welcomed in general terms.

However, Policy NE13 requires developments to clearly justify the loss of the carbon sink, and although the use of the carbon calculator in this is welcomed this appears to be a step beyond aiming to minimise the release as required by the SPP.

NE13 then references NE14 which takes matters a stage further by safeguarding and protecting peat deposits, defining such as those identified on the Scotland Soils website. Although there is then a further caveat providing an exemption for renewable energy projects which are justified using the carbon calculator, there is a potential policy conflict between the requirement to 'Protect and Safeguard' peat deposits in NE14 and the approach proposed in the SPP and adopted in the Supplementary Guidance on wind energy to minimise disturbance and mitigate against significant effects.

Everris Ltd (558.001); SWW Land (559.001) - Peat is a mineral. SPP has a specific section on the responsible extraction of mineral resources. It recognises that minerals make an: "important contribution to the economy, providing materials for construction, energy supply and other uses and supporting employment."

There is the requirement in the SPP that "Planning should safeguard mineral resources and facilitate their responsible use." The requirement relates to all minerals not just coal or construction aggregates.

The Council, as planning authority, also has not defined the term "restoration".

The Council deals with minerals under the Chapter entitled economic development However, not all the requirements of SPP are repeated here in paragraphs 4.14 -4.18. There is no mention of peat and the SPP approach to further extraction. The Council makes comment on peat in a separate paragraph, 4.83, but makes no authoritative source for its claim that: "Unlike minerals, peat is, in general, to be protected as a carbon store to be protected in perpetuity". This statement should be deleted from the proposed plan. Peat is a mineral and SPP is not to protect all peat (from development) in perpetuity. The approach on peat extraction does not prohibit commercial peat extraction, peat cutting for fuel, peat extraction for use in the whisky industry or peat removal during the construction of windfarms etc..

Modifications sought by those submitting representations:

Natural Environment - General

Frances McRae (356.001) - The two fields facing Sandyhills shore line at Sandyhills Bay on the A710 frontage are given special distinction as a protected area from development in LDP2.

Natural Environment - paragraph 4.53

SP Energy Networks (561.003) - A new paragraph following on from 4.53 should read: “The Council recognises that there will likely be an operational requirement for new and upgraded electricity transmission network infrastructure during the Plan period, pursuant to NPF3’s national development number 4, in areas covered by natural environment policy designations.”

Landscape - paragraph 4.59

Natural Power (080.038) - In the first sentence of this paragraph change “...because of their specific landscape qualities’ to ‘because of their specific wild land qualities’.

Natural Environment - New Policy for Wild Land Areas

Scottish Natural Heritage (122.004) - Suggested wording: “Development which would affect a Wild Land Area would not be supported unless the Council as Planning Authority is satisfied that:

It can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”

Policies NE1: National Scenic Areas and NE2: Regional Scenic Areas

SSE Generation Development (523.001) - Amend policies to acknowledge that individual projects will be judged on its planning merits and on a site by site basis.

Policy NE2: Regional Scenic Areas

Infinergy Ltd (383.004) - Change policy text as follows – “The siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:

- **There would not be an unacceptable significant adverse impact on the factors taken into account in designated the area ~~would not be significantly adversely affected; or~~**
- ~~There is a specific need for the development at that location;~~

Boundaries of RSAs are shown on the Proposals Maps.”

South Ayrshire Council (427.001) - Add following text to policy – “The siting and design of development adjacent to Local Landscape area designation of an adjoining authority should respect the special qualities of that designation and should ensure that the designated area is not adversely affected by the proposals, taking into consideration any relevant landscape character assessment, existing development and capacity studies.”

Biodiversity and Geodiversity - paragraph 4.63

Scottish Natural Heritage (122.006) - Amend last sentence of paragraph to read - “All proposals should **also** adhere to the Code of Practice on Non-Native Species made by the Scottish Ministers under Section 14c of the Wildlife and Countryside Act 1982.”

Policy NE3: Sites of International Importance for Biodiversity

Scottish Government (455.017) - Amend second bullet point to read: “there are no alternative solutions and there are imperative reasons of overriding public interest including those of a socio-economic nature **and suitable compensatory measures have been identified and agreed.**”

Policy NE4: Species of International Importance

Story Homes (560.001) - Remove the first bullet point.

Policy NE6: Forestry and Woodland

RSPB Scotland (133.037) - Strengthening policy in relation to its support for the protection of biodiversity through afforestation. Recommend that a separate line is included which specifically highlights this objective.

Policy NE7: Trees and Development

Scottish Power Renewables (113.013) - Include a reference to the Scottish Governments Control of Woodland Removal policy. Remove text that states replacement planting should normally be within the site.

Scottish Natural Heritage (122.014) - No change requested.

Coastal Development - paragraph 4.75

Natural England (136.002) - Include reference to England's North West Marine Plan.

Policy NE8: Developed and Undeveloped Coast

Scottish Environment Protection Agency (120.004) - No change requested.

Scottish Natural Heritage (122.015) - Amend Policy NE8 by expanding paragraph 1, sentence 3 to read: "Development proposals outwith the developed coast and which do not conform to the Shoreline Management Plan, National Marine Plan policies and the relevant Regional Marine Plan (once adopted) are unlikely to be suitable for development unless the Council is satisfied that:".

Erosion and Coastal Protection - paragraph 4.76

Natural England (136.002) - Include reference to the Cumbria Coastal Strategy.

Policy NE9: Erosion and Coastal Protection

Scottish Environment Protection Agency (120.004) - No change requested.

Scottish Natural Heritage (122.016) - Amend policy to read: Planning applications for works to protect ~~land~~ *natural and built assets* against coastal erosion must identify their design life and arrangements for maintenance in the context of the impacts of climate change and in particular sea level rise. They will be supported provided they *are consistent with the Shoreline Management Plan, National Marine Plan and Regional Marine Plan (once adopted) and that they will not have a materially adverse effect on:*

- local amenity; and
- the adjoining coastline; and
- the wider shoreline management.

The Council will only support development proposals where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site. There is a ~~default preference for~~ *presumption in favour of maintaining, restoring or improving natural flood defences and natural sediment processes. Built defences will be accepted only where there is no other reasonable alternative to protect key assets.*

Policies NE13: Carbon Rich Soils and NE14: Protection and Restoration of Peat as Carbon Sinks

Scottish Environment Protection Agency (120.004) - No change requested.

Vattenfall Wind Power (546.001) - The final LDP clearly sets out how it intends to avoid potential conflicts or misinterpretations arising from the implementation of Policies IN1, IN2, NE13 and NE14 in relation to the potential for well-designed and properly considered renewable energy projects in areas which are identified at a strategic level as having carbon rich soils and other peat deposits. This could be achieved by further cross referring overlapping elements of policies NE13 and NE14 back to IN1, IN2 and to the Supplementary Guidance where an interpretation more in line with the current SPP is contained.

Add the word 'significant' into the various tests in NE13 to ensure that the requirements of these policies remain proportionate rather than absolute and that in doing so they more clearly reflect the requirements of the SPP.

Replace the current requirement to justify potential losses in NE13 by a demonstration of measures adopted to minimise potentially significant impacts in line with the SPP.

Everris Ltd (558.001); SWW Land (559.001) - The approach toward commercial peat extraction in the Proposed Plan would be improved and made more consistent with SPP if the following amendments are made to the Plan text and Policies:

1. Define the term restoration in the context of peat extraction;
2. Delete paragraph 4.18 and the same words in paragraph 4.83;
3. Add in paragraph 4.16 'SPP only permits commercial peat extraction in certain cases';
4. Add as a new penultimate paragraph to ED13 'Proposals for commercial peat extraction should be limited to circumstances where areas have already been damaged significantly by human activity where restoration towards wetlands or other habitats could improve the nature conservation of a worked bog';
5. Amend Policy NE14 by replacing all of point '(a)' with 'Development proposal affecting peat deposits already designated for habitat conservation may not be permitted.'; and
6. Add to paragraph 4.16 'Any proposal affecting peat accumulation will also be subject to Policy NE14.

Summary of responses (including reasons) by planning authority:

Natural Environment - General

Frances McRae (356.001) - The two fields referred to in the representation lie within the East Stewartry Coast National Scenic Area and the Solway Coast Regional Scenic Area. These are especially valued landscapes. Whilst these designations give the fields a level of protection from development, it is not possible or appropriate to give these fields special distinction as a protected area from development in the plan. The Development Plan contains specific policies that would be used to assess development proposals on this site. NE1: National Scenic Areas and NE2: Regional Scenic Areas.

No modification proposed to the Plan.

Natural Environment - paragraph 4.53

SP Energy Networks (561.003) - The development plan is required to have regard to the NPF which is why it is included in the list of documents in paragraph 1.8 of the proposed plan. Proposals for new and upgraded electricity transmission network infrastructure will be assessed against the relevant policies in the plan. It is not considered necessary to include the text proposed by the representor.

No modification proposed to the Plan.

Landscape - paragraph 4.59

Natural Power (080.038) - The Council consider the requested changes proposed would provide additional clarity.

The Council considers this to be a non-notifiable modification

Natural Environment - New Policy for Wild Land Areas

Scottish Natural Heritage (122.004) - Development proposals in an area of wild land character would be assessed against overarching policy OP1c) landscape. The Council do not consider it necessary to include a specific policy on wild land areas.

No modification proposed to the plan.

Policies NE1: National Scenic Areas and NE2: Regional Scenic Areas

SSE Generation Development (523.001) -

It is accepted practise that development proposals are assessed on their planning merits and on a case by case basis. Circular 3/2013 development management procedures paragraph 6.4 states "Processing agreement does not guarantee the grant of planning consent. Associated planning applications will be considered on their merits and against the terms of the development plan and other material considerations."

No modification proposed to the Plan.

Policy NE2: Regional Scenic Areas

Infinergy Ltd (383.004) -

It is not correct to say that all major onshore wind farm proposals will result in significant adverse landscape or visual impacts. If the proposed wind farm is well sited to avoid sensitive landscapes and visual receptors it should not have a significant adverse impact on the landscape.

The Council considers that paragraph's 196 and 197 of SPP provide the basis for identifying RSAs. A RSA Technical Paper (CD17) has been produced which defines the 10 RSAs which are locally designated scenic areas within Dumfries and Galloway in the context of the Dumfries and Galloway Landscape Assessment. The RSAs form part of a wider framework of designated scenic areas which include the existing National Scenic Areas (NSA).

Paragraph 1.5 in the Proposed Plan states that "The Plan should be read in its entirety; individual policies and land allocations do not set out the whole of the picture for the various types of development." Policy NE2 would not be used in isolation to determine wind energy development proposals.

No modification proposed to the Plan.

South Ayrshire Council (427.001) - Where there is a possible notable impact on an adjoining authority there should as standard Dumfries and Galloway Council practice be a consultation with that authority and any likely impacts would be considered material. In many such instances there will be a requirement to do so in any case.

No modification proposed to the Plan.

Biodiversity and Geodiversity - paragraph 4.63

Scottish Natural Heritage (122.006) - The Council consider the requested changes proposed would provide additional clarity.

The Council considers this to be a non-notifiable modification.

Policy NE3: Sites of International Importance for Biodiversity

Scottish Government (455.017) - The Council consider the requested changes proposed would provide additional clarity.

The Council considers this to be a non-notifiable modification

Policy NE4: Species of International Importance

Story Homes (560.001) - Whilst it is for the developer to consider the main alternatives they should also indicate the main reasons for their choices, taking into account the environmental effects. In making its determination on a planning application supported by an EIA the planning authority should consider whether the main alternatives have in fact been assessed and whether there is sufficient justification for the choices made by the developer.

No modification proposed to the Plan.

Policy NE6: Forestry and Woodland

RSPB Scotland (133.037) - The first key policy objective under theme A in the Forestry and Woodland Strategy (CD33) is to conserve and enhance biodiversity in the region. The first bullet point in the policy states the Council will take into account environmental and other interests identified in the Forestry and Woodland Strategy. It is therefore not considered necessary to add the additional text suggested by the representor.

No modification proposed to the Plan.

Policy NE7: Trees and Development

Scottish Power Renewables (113.013) - The Forestry and Woodland Strategy (CD33) makes reference to the Scottish Governments Control of Woodland Removal Policy. It is not considered necessary for the policy to also refer to it.

The policy requires replacement planting to normally be located within the site. This implies that a case could be made for an alternative location to be proposed. The Forestry and Woodland Strategy provides further information on replacement planting.

No modification proposed to the Plan.

Scottish Natural Heritage (122.014) - Support noted.

No modification proposed to the Plan.

Coastal Development - paragraph 4.75

Natural England (136.002) - Reference to the Cumbria Coastal Strategy, the North West England and North Wales Shoreline Management Plan, and the North West Marine Plan should be added as clarification at the end of paragraph 4.75. Add the sentence:-

‘At the same time, proper account should be taken of possible cross-border interactions with the Cumbria Coastal Strategy, the North West England and North Wales Shoreline Management Plan, and the North West Marine Plan.’

The Council considers this to be a non-notifiable modification.

Policy NE8: Developed and Undeveloped Coast

Scottish Environment Protection Agency (120.004) - Support noted.

No modification proposed to the Plan.

Scottish Natural Heritage (122.015) - There is reference to the Shoreline Management Plan, the National Marine Plan and the Regional Marine Plan in Paras 4.75 and 4.76 which form the introductions for Policy NE8: Developed and Undeveloped Coast and Policy NE9: Erosion and Coastal Protection. These are therefore identified as material considerations, to be given their due weight, by the Proposed Plan.

No modification proposed to the Plan.

Erosion and Coastal Protection - paragraph 4.76

Natural England (136.002) - Reference to the Cumbria Coastal Strategy, the North West England and North Wales Shoreline Management Plan, and the North West Marine Plan should be added as clarification at the end of paragraph 4.75. See above for proposed text.

The Council considers this to be a non-notifiable modification.

Policy NE9: Erosion and Coastal Protection

Scottish Environment Protection Agency (120.004) – Support noted.

No modification proposed to the Plan.

Scottish Natural Heritage (122.016) - Compliance with other statutory plans is in any case required and does not need to be restated in planning policy. Consistency with other (non-statutory) plans adopted by the Council will also be a material consideration and does not require to be restated in the policy. Dumfries and Galloway Council is commissioning an update to its Shoreline Management Plan of 2005 (referenced in Para 4.76) though the conclusion to this update is not expected before the anticipated adoption of LDP2 in 2019. It is considered that in the circumstances of limited development pressure for coastal flood defences the stated preference for natural flood defences is clear and provides sufficient policy guidance.

No modification proposed to the Plan.

Policies NE13: Carbon Rich Soils and NE14: Protection and Restoration of Peat as Carbon Sinks

Scottish Environment Protection Agency (120.004) - Support noted.

No modification proposed to the Plan.

Vattenfall Wind Power (546.001) - It is considered that neither NE13 nor NE14 impose a blanket ban on development or impose an absolute requirement to avoid any level of impact. Rather they take a balanced approach taking account of the Scottish Government support for the protection of peat and carbon rich soils as stores and sinks of carbon.

No modification proposed to the Plan.

Everris Ltd (558.001); SWW Land (559.001) - The representor considers that peat should be understood as a mineral and commercial peat extraction should be dealt with in the plan on a similar basis to that for aggregate and non-aggregate minerals used for construction and other industrial purposes. However, whilst in the past it was convenient to treat peat as a mineral, climate change and the fact that peat deposits are a store of CO2 have more recently become much more significant factors. The Proposed Plan reflects this changing understanding of the

world, whilst at the same time responding to the circumstances in which extraction of peat is justified. As a matter of fact, peat is not a mineral in the technical/scientific sense of this word.

No modification proposed to the Plan.

Reporter's conclusions:

General matters

1. The Proposals Map for Stewartry Housing Market Area on page 87 of the proposed plan shows the two fields at Sandyhills Bay to be located within the East Stewartry Coast National Scenic Area (NSA) and the wider Solway Coast Regional Scenic Area (RSA). As such, proposed development will be assessed against proposed Policy NE1: National Scenic Areas and proposed Policy NE2: Regional Scenic Areas. Proposed Policy NE1 states that development within the NSA will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. Proposed Policy NE2 requires that the siting and design of development within the RSA should respect the special qualities of the area. The policy also states that development may be supported where the council is satisfied that the factors taken into account in designating the area would not be significantly adversely affected or there is a specific need for the development at that location.

2. These policies, separately and together, provide a high order of protection to the fields in question. Furthermore, Policy NE1 is consistent with the policy advice on National Scenic Areas provided in paragraph 212 of Scottish Planning Policy 2014 (SPP). Paragraph 212 states that development that affects a NSA should only be permitted where the objectives of designation and the overall integrity of the area will not be compromised, or, any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. I have no evidence to suggest that this area justifies the identification of a level of protection over and above that proposed by the council. I do not consider it is necessary to modify the plan to address this representation.

Paragraph 4.53

3. In dealing with a related matter in Issue 1, a recommendation of this report is to modify the proposed plan by adding a new paragraph 3.22. I consider that this is sufficient also to address the representation in relation to the Natural Environment chapter of the proposed plan and no further modification is required. A further related matter raised in the representation is addressed in Issue 8 (infrastructure policies).

Paragraph 4.59

4. Paragraph 200 of SPP advises that wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas that are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. SPP requires development plans to identify and safeguard the character of wild land areas identified on the 2014 Scottish Natural Heritage (SNH) map of wild land areas. I note that the council supports the proposed modification but, in order to ensure that proposed paragraph 4.59 captures fully the essence of this part of SPP, I have recommended below a modification that stresses "wild land character" as opposed to "wild land qualities".

New policy for wild land areas

5. Paragraph 215 of SPP indicates that, in some circumstances, development may be appropriate in wild land areas but that further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Wild land areas are defined as those identified on the 2014 Scottish Natural Heritage (SNH) map of wild land areas.

6. Part c) of proposed Policy OP1: Development Considerations requires that development proposals should respect, protect and/or enhance the region's rich landscape character and scenic qualities, including features and sites identified for their landscape qualities or sense of wildness at any level. They should also reflect the scale and local distinctiveness of the landscape. The reporter dealing with representations on proposed Policy OP1 at Issue 2 of this report did not consider this part of proposed Policy OP1 to be sufficiently specific either to capture the test for development in areas of wild land set out in paragraph 215 of SPP or to relate solely to the two wild land areas in the region, identified at paragraph 4.59 of the proposed plan. Consequently, he has recommended a modification to the plan which deletes the phrase "...or sense of wildness at any level" and substituted the wording "...or wild land character, as identified on the 2014 SNH map". I have recommended below a complementary modification to introduce a new policy on wild land. This is based on that advocated by SNH but makes specific reference to the two wild land areas in Dumfries and Galloway at Merrick and Talla Hart Fell. I have also recommended consequent modifications to paragraph 4.59 and the proposals maps.

Policies NE1: National Scenic Areas and NE2: Regional Scenic Areas

7. Section 37 of the Town and Country Planning (Scotland) Act 1997 requires the council, when dealing with an application for planning permission, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. This statutory requirement requires both an assessment of proposals on an individual application basis in relation to development plan policy and against other material considerations, such as government policy. This applies to all policies in the proposed plan, not just proposed Policies NE1 and NE2. This is clear from paragraph 4.1 of the proposed plan. It is not necessary to reiterate the provisions of the Act in relation to individual policies.

8. I do not consider it is necessary to modify the plan to address this representation.

Policy NE2: Regional Scenic Areas (RSA)

9. Paragraphs 196 and 197 of SPP provide support for the designation of areas of local landscape value. SPP indicates that the purpose of such areas should be to safeguard and enhance the character and quality of a locally or regionally valued landscape, or promote understanding and awareness of the distinctive character and special qualities of local landscapes, or safeguard and promote important local settings for outdoor recreation and tourism.

10. The first bullet point of proposed Policy NE2 indicates that development within, or which affects RSAs may be supported if the council is satisfied that the factors taken into account in designating the area would not be significantly adversely affected. The proposed policy does not say that planning applications with significant adverse impacts will necessarily be refused. This would only be the case where the factors taken into account in designating the area would be fatally compromised by allowing the proposed development.

11. In conclusion, SPP states that locally designated areas should be identified and afforded an appropriate level of protection in development plans. Proposed Policy NE2 is consistent with this requirement. It is not necessary, therefore, to modify the plan in response to the representation from Infinergy Ltd.

12. Paragraph 8 of Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires that the council consults any adjoining planning authority on development likely to affect land in the district of that authority. Consultation on this basis would enable South Ayrshire Council to provide comments on any proposals in Dumfries and Galloway that would potentially affect local landscape designations in its council area. I do not find it necessary to reiterate this statutory requirement in the proposed plan. Consequently, I do not consider it is necessary to modify the plan to address the representation from South Ayrshire Council.

13. I note that the first paragraph of proposed policy NE2 includes an unnecessary reference to the “local” council. I do not have a locus to recommend a modification to amend the sentence in question but the council may wish to consider deleting the word “local” as a non-notifiable modification.

Biodiversity and Geodiversity

Paragraph 4.63

14. SNH proposes the addition of the word “also” to the last sentence of proposed paragraph 4.63 in order to emphasise that proposals should also consider native species. The council supports this suggestion and I accept that this can be treated as a non-notifiable modification.

Policy NE3: Sites of International Importance for Biodiversity

15. Paragraph 208 of SPP allows the council to approve plans which could adversely affect the integrity of a Special Protection Area or Special Area of Conservation (Natura 2000 sites) if there are no alternative solutions, there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

16. The second bullet point of existing proposed Policy NE3 addresses the first and second of these requirements but, as the Scottish Government highlights, not the third. The council supports the suggested amendment of the policy to provide additional clarity. I have recommended below a modification that amalgamates the wording recommended by the Scottish Government and the wording in SPP. As the proposed change adds an additional policy test, I consider it goes beyond what can be treated as a non-notifiable modification.

Policy NE4: Species of International Importance

17. As I have noted at paragraph 15 above, SPP allows the council to approve plans or projects which could adversely affect the integrity of a Natura 2000 site if, amongst other things, there are no alternative solutions. The wording used by the council differs from that in SPP by introducing the requirement that any alternative requires to be “satisfactory”. I find this to be consistent with SPP as it is reasonable to suppose that, for derogation to apply, the alternative proposed would have to be satisfactory. I consider that the proposed policy is consistent with SPP and it is not necessary to modify the plan in response to this

representation.

Trees, Forestry and Woodland

Policy NE6: Forestry and Woodland

18. The first bullet point of proposed Policy NE6 states that, in responding to felling, planting and replanting consultations, the council will take account of its Forestry and Woodland Strategy 2014. In response to a further information request, the council has advised that it intends to review and update the strategy as supplementary guidance to the proposed plan. Theme A: Woodlands and the Environment of the strategy sets out five key policy objectives. These relate to biodiversity, water (including flood risk management), landscape setting, historic environment and land restoration. However, I consider the proposed wording at Policy NE6 does not provide the necessary policy hook required by Regulation 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 on which to hang the supplementary guidance. Therefore, I have recommended a modification below which I consider would ensure compliance with the Regulations and address RSPB Scotland's representation.

19. I note that the fifth bullet point of the proposed policy indicates that the council will encourage proposals to have a positive effect on nature conservation. This seems to be to be an exhortation in relation to planting proposals whereas the main focus of the representation is on protecting valuable open ground habitat. The modification will, hopefully, lead the reader more directly to the paragraph within the supplementary guidance that specifically refers to protection of open habitats from woodland expansion where these areas are important for biodiversity.

20. Paragraphs 4.66 and 4.68 of the proposed plan describe the Forestry and Woodland Strategy as "planning guidance". I consider that this description could lead the reader to believe the guidance is non-statutory planning guidance in terms of Circular 6/2013: Development Planning when the council has clarified that the reviewed and updated strategy will be statutory supplementary guidance, as defined by the circular. Therefore, I have recommended below modifications to both paragraphs to ensure the status of the strategy is clear.

Policy NE7: Trees and Development

21. The Scottish Government's Control of Woodland Removal Policy is referred to at paragraph 218 of SPP. SPP states that the criteria for determining the acceptability of woodland removal explained in the policy should be taken into account when preparing development plans and determining planning applications.

22. The council's Forestry and Woodland Strategy 2014 refers to the Control of Woodland Removal Policy on page 45. Paragraph 8.5 of the strategy summarises the key requirements for developers set out in the Scottish Government document. It is clear from this that the policy has been taken into account in preparing the proposed plan. The representation from Scottish Power Renewables is made in the context of that section of the plan that relates to trees and development. However, there is no reference to either the council strategy or government policy in paragraphs 4.72 and 4.73, which precede proposed Policy NE7. There is a reference to the strategy at proposed paragraph 4.68 but this is in the context of forestry policy whereas a prospective developer is more likely to turn to the section on trees and development.

23. Therefore, I find it would be helpful to modify proposed paragraph 4.72 to include a reference to the policy. This would make it more likely that Scottish Government policy on woodland removal would be taken into account when determining planning applications. I have recommended a modification below.

24. The third paragraph of proposed Policy NE7 requires that any replacement planting scheme associated with a proposed development, where it is not possible to retain the woodland affected, should normally be located within the site. I consider this to be a reasonable policy requirement on the basis that replanting on site is, in most cases, likely to offer the most effective compensation in terms of biodiversity, landscape and other impacts. However, the policy is not categorical and does allow the council to consider and approve alternative, off-site proposals. I do not consider it necessary to modify the proposed policy to address the second part of Scottish Power Renewables' representation.

Coastal Development

Paragraph 4.75 and Policy NE8: Developed and Undeveloped Coast

25. The council refers to the National Marine Plan and proposed Regional Marine Plan in proposed paragraph 4.75, which sets the context for proposed Policy NE8. I do not consider it necessary also to include references to these documents in the policy. In particular, I note that the Regional Marine Plan has not yet been prepared and do not consider it appropriate to cross-reference a statement of policy to a plan that has still to be finalised. The council accepts the request by Natural England to include a reference to the emerging North West Marine Plan at proposed paragraph 4.75. I have endorsed this in the modification recommended below. Natural England flags up the possibility that the North West Marine Plan may raise cross-border issues. On this basis, I do not consider this change can be treated as a non-notifiable modification.

26. The Shoreline Management Plan (2005) is referred to in paragraph 4.76 but this is in the context of erosion and coastal protection. I accept SNH's representation that it is also relevant to coastal development. Consequently, I have also recommended adding a reference to the Shoreline Management Plan at the end of paragraph 4.75.

Erosion and Coastal Protection – paragraph 4.76

27. The council accepts the suggestion from Natural England that reference be made to the Cumbria Coastal Strategy and North West England and North Wales Shoreline Management Plan at the end of proposed paragraph 4.75. However, Natural England's representation is made in respect of proposed paragraph 4.76. Therefore, I have recommended below that this latter paragraph is modified to include these references.

Policy NE9: Erosion and Coastal Protection

28. In my view, the minor amendment to the proposed plan sought by Scottish Natural Heritage (SNH) in order to make clear that proposed Policy NE9 refers to buildings as well as land provides a helpful strengthening of the policy. I have endorsed SNH's proposed change in the modification recommended below.

29. Proposed paragraph 4.76, in setting the context for proposed Policy NE9, refers to the Shoreline Management Plan, 2005 and its proposed replacement. I do not consider it is also necessary to refer to the plan in the policy. Proposed paragraph 4.75 refers to the National

Marine Plan and the proposed Regional Marine Plan but this is by way of setting the scene for proposed Policy NE8. I consider it would be useful also to refer to these key policy documents in the preamble to proposed Policy NE9 as the reader with a primary interest in coastal erosion and protection may go straight to paragraph 4.76. I have recommended an appropriate modification below.

30. I also consider that SNH's suggestion that greater clarification be provided as to what the phrase "default preference for natural flood defences" means in policy terms is helpful to the non-expert reader in interpreting the practical intent of the policy. I have endorsed SNH's proposed modification below.

The Water Environment

Policies NE13: Carbon Rich Soils and NE14: Protection and Restoration of Peat Deposits as Carbon Sinks

31. I consider that the proposed policy approach to the assessment of proposals for renewable energy development that would potentially affect peat deposits through Policies IN1, IN2, NE13 and NE14 is consistent with SPP. Specifically, the approach accords with that set out in:

- Table 1 of SPP, which identifies carbon rich soils and peat as areas of special protection where it is necessary to show that any significant effects of wind farm development can be substantially overcome;
- paragraph 169 of SPP, which identifies impacts on carbon rich soils, using the carbon calculator, as a consideration to be taken into account in assessing energy infrastructure developments;
- paragraph 205 of SPP, which requires proposed development to minimise the release of carbon dioxide from the draining or disturbance of peatland; and
- paragraph 241 of SPP, which requires development plan policies to protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity, where the conservation value is low and restoration is impossible.

32. The policies do not prevent renewable energy development taking place in areas of peat deposits. Rather, they provide consistent and reasonable guidance for prospective developers in establishing that proposals must aim to minimise the release of carbon dioxide to the atmosphere.

33. There is a suggestion that the proposed policies and the council's draft supplementary guidance; Wind Energy Development: Development Management Considerations are not consistent. However, I note that paragraph L3 of the supplementary guidance states that areas of peat soils should be avoided or addressed through appropriate mitigation measures. Paragraph L3 also states that siting wind farms on deep peat can undermine significantly the carbon benefits of renewable energy and that wind farms should be steered towards areas where constraints are likely to be lowest. Paragraph L4 states that the council should be satisfied that soil, especially peat, disturbance would be minimal in order to maximise the carbon-saving potential of wind energy developments. In my view, this is all consistent with proposed Policies NE13 and NE14.

34. It is suggested that the word "significant" should be introduced to the policy tests in proposed Policy NE13. However, the first paragraph of the policy refers to "the balance of

advantage” and the second paragraph refers to adoption of measures “as appropriate”. I consider this wording is sufficiently balanced that a reasonable outcome can be expected from any assessment of proposals against the policy as worded.

35. I do not consider it appropriate to define peatland restoration in proposed Policy NE14 as the specific requirements may vary greatly from site to site. I consider it is sufficient to state at paragraph 2 of Policy NE14 that, in general terms, the council will support peatland restoration, including rewetting, and note at paragraph 4 of Policy NE14 that particular considerations apply to renewable energy developments and opencast coal extraction. Detailed methodology can be determined through the development management process

36. I do not consider it appropriate to delete proposed paragraph 4.83, which states that peat is, in general, to be protected in perpetuity as a carbon store as this is broadly consistent with paragraphs 205 and 241 of SPP, which I refer to at paragraph 29 above.

37. I do not consider it appropriate to change the wording at part (a) of proposed Policy NE14, as this is consistent with the wording at paragraph 241 of SPP.

38. I note that the SEPA supports proposed Policies NE13 and NE14.

39. In conclusion, I do not consider it necessary to modify the plan to address these representations.

Reporter’s recommendations:

The proposed plan should be modified by:

Landscape – paragraph 4.59

1. amending the first sentence of paragraph 4.59 to read as follows:

‘Some of Scotland’s remoter upland, mountain and coastal areas are recognised as being of national importance because of their specific wild land character.’

2. amending the fourth sentence of paragraph 4.59 to read as follows:

‘Policy NE3: Areas of Wild Land sets out the criterion to be applied to any development proposals submitted within or in close proximity to an identified area of wild land.’

Policy NE3: Sites of International Importance for Biodiversity

3. introducing a new policy after existing Policy NE2: Regional Scenic Areas, as follows, and re-numbering subsequent policies accordingly:

‘Policy NE3: Areas of Wild Land

Development which would affect the Merrick Wild Land Area in Galloway and the Talla Hart Fell Wild Land Area north of Moffat would not be supported unless the council is satisfied that it is demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.’

4. identifying The Merrick Wild Land Area and Talla Hart Fell Wild Land Area on the proposed

plan proposals maps;

5. amending the second bullet point of existing Policy NE3: Sites of International Importance for Biodiversity to read as follows:

'there are no alternative solutions; there are imperative reasons of overriding public interest, including those of a social or economic nature; and compensatory measures have been identified and agreed to ensure that the overall coherence of the Natura network is protected.'

Policy NE6: Forestry and Woodland

6. changing references to the Dumfries and Galloway Forestry and Woodland Strategy in paragraphs 4.66 and 4.68 from 'planning guidance' to:

'supplementary guidance'

7. amending the first bullet point of Policy NE6: Forestry and Woodland to read as follows:

'take into account environmental and other interests identified in the Forestry and Woodland Strategy including biodiversity, water (including flood risk management), soil and air, landscape setting, historic environment and land restoration;'

Trees and Development

8. amending paragraph 4.72 by adding a new final sentence to read as follows:

'The council's Forestry and Woodland Strategy and the Scottish Government's Control of Woodland Removal Policy provide more guidance on managing the relationship between proposed development and trees and hedgerows.'

Coastal Development: paragraphs 4.75

9. amending paragraph 4.75 by adding a new final sentence to read as follows:

'At the same time, proper account should be taken of the Shoreline Management Plan, 2005 and possible cross-border interactions with the North West Marine Plan.'

Policy NE9: Erosion and Coastal Protection and paragraph 4.76

10. amending paragraph 4.76 by adding a new final sentence to read as follows:

'Proper account should also be taken of the National Marine Plan, the Regional Marine Plan, once adopted, and possible cross-border interactions with the Cumbria Coastal Strategy and North West England and North Wales Shoreline Management Plan.'

11. amending the first sentence of the second paragraph of Policy NE9: Erosion and Coastal Protection to read as follows:

'Planning applications for works to protect natural and built assets against coastal erosion must identify their design life and arrangements for maintenance in the context of the impacts of climate change and, in particular, adverse effect on:'

12. amending the second sentence of the third paragraph of Policy NE9: Erosion and Coastal Protection to read as follows:

‘There is a presumption in favour of maintaining, restoring or improving natural flood defences and natural sediment processes.’ and a that a new final sentence be added to the third paragraph of Policy NE9 to read as follows: “Built defences will be accepted only where there is no other reasonable alternative to protect key assets.’

Issue 7	Community Services and Facilities Policies	
Development plan reference:	Community Services and Facilities Policies: pages 61 - 65	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sportscotland (008) J A Carruthers (014) Scottish Environment Protection Agency (120) Scottish Natural Heritage (122) RSPB Scotland (133) Natural England (136) Tracy and Robert Clacherty (382) Hugh Campbell (386) Patricia Herries (387) Kathleen Scaife (398) Robert Jefferson (410) Steven Todd (425) David C Coulter (432) Heather Coulter (433) Noblehill & Parkhead Community Development Association (434) Scottish Government (455) Theatres Trust (491) Dilys McCaig (497) Story Homes (560)</p>		
Provision of the development plan to which the issue relates:	Policy CF1: Community Facilities; Policy CF2: Green Networks; Policy CF3: Open Space; Policy CF4: Access Routes	
Planning authority's summary of the representation(s):		
<p>Community Services and Facilities – General <u>Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001)</u> - The Noblehill and Parkhead Community Development Association was formed in response to a lack of any meaningful community engagement by the Council on the future of the open spaces at Parkhead. The changes suggested are intended to address a lack of trust, respect and confidence in both the planning system and the developing system of community empowerment. At worst, the planning system is regarded by many in our local community as unfair and inequitable, with the balance of power resting not with the community but with the Council as a corporate planning authority and its strategic partners, for example Dumfries and Galloway Housing Partnership.</p> <p>There is a gap between the rhetoric of community empowerment and our community's experience of trying to influence the planning system. There is a concern that having influenced the outcome of the Proposed Local Development Plan (PLDP), the concerns of the community and established will of the Council may now be undermined by formal planning applications</p>		

being submitted before the PLDP is adopted or that alterations will be made at later date by a Reporter. Policies therefore need to be strengthened to ensure that in future there is meaningful engagement/consultation with communities whenever there are proposals that impact on the future of community facilities and services. This can be achieved by ensuring tangible and clearly understood links between community planning and development planning.

There needs to be a clear statement on the link between development plan policies on Community Services and Facilities and Community Planning, with an emphasis on the Council's approach to community engagement, community empowerment and community ownership.

The Council should only accept or declare that a community facility or service is surplus to the needs of the community following a thorough needs assessment and engagement/consultation with the local community (whether a geographic community or community of interest). Any needs assessment and engagement/consultation should examine the potential for community ownership.

Developer contributions should also be required to reverse the decline in the physical fabric of existing community facilities for example at Noblehill Park, Noblehill Community Centre and Parkhead Playing Fields.

The inset map for Dumfries omits a number of Child Play Areas.

The decline in physical fabric of community facilities in the Noblehill/Parkhead area of Dumfries is in stark contrast to other parts of the town. The lack of investment in the physical fabric of our community facilities is seen by some as a deliberate policy designed to justify and enable the disposal of assets. Whether true or not, it is essential that the planning system is capable of recognising and tackling decline in the fabric of the public realm when preparing the Local Development Plan.

Greater attention needs to be paid to the hierarchy of open and green spaces within the plan so as to avoid any impression that there is an adequate or overprovision of open and green space within a community - particularly within our community.

Policy CF1: Community Facilities

Sportscotland (008.009) - Generally supported. Sportscotland has a statutory role in relation to certain outdoor sports facilities which may fall within the interpretation of this policy. Welcome early consultation on any proposals that may impact on such facilities.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - It is acknowledged that the list of community facilities at paragraph 4:87 is not exhaustive; nevertheless, it is essential that specific mention be made of publicly accessible open space and playing fields.

Scottish Government (455.024) - Scottish Planning Policy (SPP) widened out the previous sequential approach for town centres first to apply it not just to retail and commercial leisure, but to town centre uses more broadly. One of SPP's Policy Principles (paragraph 60) is that "the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities".

As the Town Centre Toolkit explains, the town centre first principle “will mean that, where practical and beneficial, public services like education, health and government offices could continue to be located in town centres, adding to the overall mix of facilities, amenities and activities which are on offer and attracting in different types of footfall.”

Part a) of the policy should provide a stronger, more explicit town centre first approach.

Theatres Trust (491.001) - Cultural activities are an essential element of a sustainable community as they help promote well-being and improve quality of life. They include theatres, museums, public houses (particularly where they support live entertainment), community spaces, libraries and other public venues. They are important in supporting the local and visitor economy by attracting people to these centres where other businesses then benefit from the flow on effects. It is essential the Plan ensures such facilities are promoted and protected.

Green Networks: paragraphs 4.90 – 4.92

RSPB Scotland (133.030) - Welcome the inclusion of how green networks can contribute to wildlife habitats. Support as written.

Green Networks: paragraph 4.92

Natural England (136.002); Scottish Natural Heritage (122.008) - Green Infrastructure and the ecological networks it supports often crosses administrative borders. Recommend the Plan recognises that green infrastructure networks should be considered across administrative boundaries.

Policy CF2: Green Networks

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) – Support the policy.

J A Carruthers (014.012) - The wording of the policy as it stands is incompatible with the objectives of the Plan.

Policies CF2: Green Networks and CF3: Open Space

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - Welcome and support the decision of the Council at its meeting to approve the Proposed Development Plan to afford the open space at Parkhead Playing Fields and the site of the former fever hospital the protection of Policies CF2 and CF3.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - The inset maps should be revised to reflect accurately the hierarchy of green/open space (the Council might refer to the Ordnance Survey’s recent work in this respect). Open space that comprises allotments is valuable. It is not however publicly accessible. The same can be said of space such as the David Keswick Centre and playing fields attached to schools. The inset maps as currently presented can give a false impression of the extent of publicly accessible open space in a particular geographic community.

Policy CF3: Open Space

Sportscotland (008.008) - To maintain consistency with the terminology of SPP (paragraph

226), and for the avoidance of doubt, request that the reference to 'playing fields' is amended to read 'outdoor sports facilities'. This definition includes a broader range than sports pitches and it is important that all facilities defined by the 2013 Regulations are included. Whilst the relevant paragraph in SPP does not necessarily have a heading or section within the wider chapter of Green Infrastructure, our position is that the amended wording will be clearer than as currently written.

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) - Support the policy.

Story Homes (560.005) - The current wording of the Policy is vague, and it does not provide developers upfront with all of the necessary information regarding the Council's expectations and requirements on new open space provision in new development. Request the wording of the policy is clarified.

Also request that the Council provide a clear justification for the stated open space standard, which is "60m² of open space per dwelling." Note that the open space standard in South Ayrshire Council is 16m² per person, and that the average household in South Ayrshire Council is 2.27 people. This comes out to an average household requiring 36.32m² per dwelling, which is notably only 60% of the required 60m² per dwelling in Dumfries and Galloway Council. As such, the justification of the Council's open space standard is queried.

Scottish Government (455.018) – SPP states at paragraph 229, that “Local Development Plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised.” The Proposed Plan does not include text on temporary greening, to comply with this requirement of SPP.

Policy CF4: Access Routes

Sportscotland (008.009) - Access remains the key enabler for participation in outdoor sport and activity and Sportscotland welcomes a policy which protects, provides and enhances established access routes.

Scottish Natural Heritage (122.009) - Generally support the approach taken to modal shift through reducing car use and increasing physical activity through planning for active travel and green networks. However, a stronger link to use of access routes as part of the active travel network would be useful. Recreational routes will be used for active travel either entirely or in part and their role in supporting people in making everyday journeys to work, shopping or for other activities should be set out in policy.

Modifications sought by those submitting representations:

Community Services and Facilities – General

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - There needs to be a clear statement on the link between development plan policies on Community Services and Facilities and Community Planning, with an emphasis on the Council's approach to community engagement, community empowerment and community ownership.

The Council should only accept or declare that a community facility or service is surplus to the

needs of the community following a thorough needs assessment and engagement/ consultation with the local community (whether a geographic community or community of interest). Any needs assessment and engagement/consultation should examine the potential for community ownership.

It is acknowledged that the list of community facilities at paragraph 4:87 is not exhaustive; nevertheless, it is essential that specific mention be made of publicly accessible open space and playing fields.

The inset maps should be revised to reflect accurately the hierarchy of green/open space (the Council might refer to the Ordnance Survey's recent work in this respect). Open space that comprises allotments is valued and valuable. It is not however publicly accessible. The same can be said of space such as the David Keswick Centre and playing fields attached to schools. The inset maps as currently presented can give a false impression of the extent of publicly accessible open space in a particular geographic community.

The inset map for Dumfries omits a number of Child Play Areas.

Policy CF1: Community Facilities

Sportscotland (008.009) - No modification requested.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - The list of community facilities in paragraph 4.87 should include publicly accessible open space and playing fields.

Scottish Government (455.024) - Suggest CF1a) Provision of Community Facilities text be changed to:

“The Council will be supportive of proposals for new or enhanced community facilities. Site selection for new community facilities should follow a town centre first approach, with facilities located so they can be integrated with public transport and path and cycle routes, by considering locations in the following order of preference

- Town centres
- Edge of town centre
- Other commercial centres identified in the development plan;
- Out of centre locations that are, or can be, made easily accessible by a choice of transport

Proposals on the edge of settlement boundaries must:

- represent a logical extension to the built up area; and
- be of an appropriate scale in relation to the size of the settlement; and
- not prejudice the character or natural built up edge of the settlement; and
- not cause any significant adverse effect on the landscape setting of the settlement or the natural or cultural heritage of the surrounding area.”

Theatres Trust (491.001) - Add ‘Cultural’ as an example of the example of facilities covered by the Policy, with specific reference to theatres.

Green Networks: paragraphs 4.90 – 4.92

RSPB Scotland (133.030) - No change requested.

Green Networks: paragraph 4.92

Natural England (136.002); Scottish Natural Heritage (122.008) - Amend paragraph 4.92 to include “and across administrative boundaries”.

Policy CF2: Green Networks

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) - No modification requested.

J A Carruthers (014.012) - In the opening sentence of the Policy delete the words 'protected and enhanced' and substitute with the word 'respected'.

Policies CF2: Green Networks and CF3: Open Space

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) – No change requested.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - Update the Dumfries inset map to reflect accurately the green / open space hierarchy.

Policy CF3: Open Space

Sportscotland (008.008) – Requested amendment: “Proposals to develop outdoor sports facilities should be consistent with the terms of the **outdoor sports facility** section of Scottish Planning Policy.”

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) - No modification requested.

Story Homes (560.005) -

Proposed wording, which is taken from paragraphs 2.8 and 2.14 of the Draft Open Space and New Development Supplementary Guidance document. Proposed wording in bold.

"b) Provision of Open Space

In all housing developments which will, either individually or through phasing, result in the development of 5 or more units, there will be a requirement to provide or contribute towards good quality publicly usable open space (which may also include linkages to wider green networks or to the development of blue-green networks using existing watercourses). **For major developments, the Council may ask the developer to undertake a detailed appraisal of open space needs as part of the statutory pre-consultation engagement.**

The provision standard expected is 60m² of open space per dwelling or a financial contribution towards open space.

The general order of preference for the provision of open space is for it to be created on-site; if this is not possible, then it should be created off-site; if neither of these options are possible or necessary, then a developer contribution towards improvement or enhancement of existing open space will be sought.

Other development may also need to provide or contribute towards open space/green network

provision.

Proposals to provide new open space or to enhance existing open space will usually be supported. There will be a presumption in favour of the provision of allotments, community gardens and community food growing initiatives.

Development proposals will be assessed on a case by case basis by the Council.”

Scottish Government (455.018) - Insert additional wording into the plan to encourage temporary greening. This could sit after paragraph 4.94.

Policy CF4: Access Routes

Sportscotland (008.009) - No modification requested.

Scottish Natural Heritage (122.009) - Amend Policy CF4 to read:

Part A, sentence 2: “Development proposals should not impact adversely on any of the aforementioned **active travel networks**, access routes and Core Paths.”

Part B, sentence 1: ...incorporate new and enhanced access opportunities, linked to wider **active travel** and access...

Part B, sentence 2: An Access Route Plan demonstrating how **active travel** and access routes...

Summary of responses (including reasons) by planning authority:

Community Services and Facilities – General

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - The site at Parkhead DFS.H3 is currently

allocated for housing development in the Local Development Plan (LDP) adopted in September 2014. It was previously shown as committed for development in the Dumfries and District Local Plan adopted in 1993 and as a housing allocation (partly long term) in the 2006 Nithsdale Local Plan (CD04). As part of the development plan processes, its inclusion as a housing allocation has been the subject of public consultation on a number of different occasions.

This site had previously been under offer to another developer back in 2008 and that sale was agreed in 2009. However, this sale did not materialise. A report was presented to Nithsdale Area Committee on 4 Sept 2013 stating that the land was surplus to Council requirements and asked for any suggestions for community use, subject to approval by the Committee. No suggestions were made. The land was sold to Dumfries and Galloway Housing Partnership (DGHP) on 31 March 2017. The site was also included in the Strategic Housing Investment Plan.

At the Council meeting of 18 January 2018 on the Proposed Local Development Plan and in response to community lobbying, it was agreed that the Parkhead housing site would be removed from the Proposed Plan and instead allocated as a Protected Area of Open Space. This significant change was made in response to substantial community concerns and lobbying about the loss of open space, which was regarded as important to the local community.

Substantial public engagement was undertaken both in advance of the Main Issues Report and when the document was published. The Participation Statement details the public engagement undertaken for the Proposed Plan. The site is currently in the ownership of DGHP.

Maintenance of the site is an issue for the current landowner.

Development plans are spatial, land use plans, which are primarily about place. They guide the future use of land and should apply the land use elements of the Community Plan and other Council strategies into an overall spatial plan for the local area.

In this respect, the linkages between spatial planning and community planning for Dumfries and Galloway can be better understood in the context of the Council Plan (2017-2022) (CD05). The Council Plan indicates that a new approach to how the Council works with communities is taking shape. The Council will review the Plan through the Council term, update it for changes in local factors and any national requirements and ensure it continues to focus on the services and activities that matter.

Developer Contributions

Policy OP3: Developer Contributions states that developer contributions will be sought where a development proposal (or a combination of developments) creates an identified need: to secure the mitigation required to address and adverse environmental impact; or to provide for new, extended or upgraded public infrastructure facilities or services in term. In this case, developer contributions would not apply in the absence of a development proposal. The decline in the fabric of the public realm is not an issue for the planning system.

Protected Area Of Open Space

The Open Space Strategy Supplementary Guidance (CD26) and Draft Annex 1: Open Space Audit Supplementary Guidance (CD27) sets out the Strategy and Audit of Open Space. The strategy advises that Planning Advice Note (PAN) 65 sets out a typology for open space and this has been adapted to use in the Dumfries and Galloway Audit as follows:

- Allotments and community growing spaces
- Amenity greenspace
- Cemeteries
- Civic space
- Green corridors
- Semi-natural/natural greenspaces
- Children's play areas
- Parks and gardens
- Outdoor sports facilities
- Other functions greenspace.

The open space strategy recognises that these typologies have been further broken down into "publicly usable" and "limited use" open spaces where there is restricted access. A quantity standard is then applied to publicly usable space which has full open access to all.

The Supplementary Guidance - Open Space and New Development will be reviewed and updated following the adoption of the Plan. The settlement inset maps were updated to reflect changes in protected areas of open space as at August 2017 and were accurate at that point in time.

No modification proposed to the Plan

Policy CF1: Community Facilities

Sportscotland (008.009) – Support noted.

No modification proposed to the Plan.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) - Paragraph 4.84 refers to green networks and open space as vital to every community. Open space and playing fields are referenced and covered by Policy CF3: Open Space, which includes the protection, provision and maintenance of open space.

The Open Space Strategy Supplementary Guidance (CD26) and Draft Annex 1: Open Space Audit Supplementary Guidance (CD27) sets out the Strategy and Audit of Open Space. The Audit identifies various types of open space and distinguishes between “publicly usable” and “limited use” open spaces where there is restricted access.

It is considered that the current wording of Policies CF1: Community Facilities and CF3: Open Space are suitable.

No modification proposed to the Plan.

Scottish Government (455.024) - Whilst SPP promotes consistency in the application of policy across Scotland, it also allows for sufficient flexibility to reflect local circumstances. This approach has been adopted when developing Policy CF1. The Council also considers that the proposed changes are geared towards areas such as the central belt and not large rural areas, such as Dumfries and Galloway. The region has 17 identified town centre boundaries, but only 3 are in settlements with a population over 5,000. It is considered such changes would be an unnecessary hindrance to a range of development proposals, which could result in significant obstacles which may inhibit small-scale developments typical of the rural economy should there be a requirement to undertake a sequential assessment of the uses listed in the representation.

No modification proposed to the Plan

Theatres Trust (491.001) - Cultural facilities are included in paragraph 4.87 as one of many types of community facilities and it is considered this type of facility is adequately referenced in this section of the Plan. It should also be noted that the list of community facilities is non-exhaustive.

No modification proposed to the Plan.

Green Networks: paragraphs 4.90 – 4.92

RSPB Scotland (133.030) - Support noted.

No modification proposed to the Plan.

Green Networks: paragraph 4.92

Scottish Natural Heritage (122.008); Natural England (136.002) - Comments noted. The Council considers the requested change proposed would provide additional clarity.

The Council considers this to be a non-notifiable modification.

Policy CF2: Green Networks

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) - Support noted.

No modification proposed to the Plan.

J A Carruthers (014.012) - SPP (paragraph 220) states that development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats. Policy CF2: Green Networks is consistent with SPP and no change is recommended.

No modification proposed to the Plan.

Policies CF2: Green Networks and CF3: Open Space

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) – Support noted.

No modification proposed to the Plan.

Tracy and Robert Clacherty (382.001); Hugh Campbell (386.001); Patricia Herries (387.001); Kathleen Scaife (398.001); Robert Jefferson (410.001); Steven Todd (425.001); David C Coulter (432.001); Heather Coulter (433.001); Noblehill & Parkhead Community Development Association (434.001); Dilys McCaig (497.001) -The inset maps identify protected areas of open space. The Open Space Strategy (CD26) and draft Annex 1: Open Space Audit (CD27) sets out the Strategy and Audit of Open Space.

The strategy advises that Planning Advice Note (PAN) 65 sets out a typology for open space and this has been adapted to use in the Dumfries and Galloway Audit. (See list of open space types under Council response to Community Services and Facilities: General).

The Open Space Strategy recognises that these typologies have been further broken down into “publicly usable” and “limited use” open spaces where there is restricted access. A quantity standard is then applied to publicly usable space which has full open access to all.

The draft Open Space and New Development Supplementary Guidance was published alongside the Proposed Plan. Depending on the outcome of the examination this may need to be reviewed and reissued for consultation before it can be adopted.

No modification proposed to the Plan.

Policy CF3: Open Space

Sportscotland (008.008) – It is accepted that the proposed amendment would be consistent with SPP policy on outdoor sports facilities and it should also be ‘redevelop’. Amend Policy CF3: Open Space to read -

Protection of Open Space

“Proposals to **redevelop** outdoor sports facilities should be consistent with the terms of the **outdoor sports facility** section of Scottish Planning Policy.

The Council considers this to be a non-notifiable modification.

Sportscotland (008.009); Scottish Environment Protection Agency (120.004) – Support noted.

No modification proposed to the Plan

Story Homes (560.005) - The Vision sets out there will be vibrant towns and villages that have housing developments of a scale and character appropriate to their location that incorporate

features such as open space and green networks. Policy OP2: Design Quality and Placemaking states that development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant, amongst a range of factors, proposals should ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network.

The Open Space Strategy (CD26) advises that there are no national standards to audit the quantity of open space so a regional figure was identified. In Dumfries and Galloway, the standard has been identified as 6 hectares of publicly usable open space per 1,000 population (see paragraph 3.11 of strategy). This amount is based on a median figure identified through analysis of the amount of publicly usable space identified in the Open Space Audit per 1,000 people in each of the 48 settlements.

The draft Open Space and New Development Supplementary Guidance (CD25) sets out the criteria for the open space requirement process (paragraph 2.40).

No modification proposed to the Plan.

Scottish Government (455.018) - The Council consider that the following statement should be included after paragraph 4.94:- “The temporary use of unused or underused land as green infrastructure will be encouraged. This will not prevent any future development potential which has been identified from being realised.”

The Council considers this to be a non-notifiable modification.

Policy CF4: Access Routes

Sportscotland (008.009) - Support noted.

No modification proposed to the Plan.

Scottish Natural Heritage (122.009) - Access routes encompass all types of pathway networks including active travel networks and it is considered unnecessary to amend the policy.

No modification proposed to the Plan.

Reporter’s conclusions:

Community Services and Facilities

Background

1. The representations under this heading are submitted by the Noblehill and Parkhead Community Development Association, and members or supporters of the position of that association. They relate to the whole of the section of the proposed plan entitled “Community Services and Facilities”, covering paragraphs 4.84 to 4.98 and Policies CF1 to CF4. All of the matters raised are examined under this heading to ensure that there is a comprehensive assessment of the matters raised and any modifications to the proposed plan that may be justified by these representations. Matters raised in other representations are examined under the heading of each policy. I have also set out a more simplified list of policy headings than in the council’s summary to avoid confusion.

2. Paragraph 69 of Scottish Planning Policy (SPP) states that it is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve. This is in the context of a sequential approach to town centres, which recognises that such facilities should be located within town centres wherever this is appropriate. There is, however, a hierarchy of community services and facilities, and those of a more local nature should be most suitably located within the community they are intended to serve.

3. Policy ED5 relates to development in town centres, and this provides the context for the establishment of community facilities that are appropriate for town centres. This may include significant open space, recreation and sports facilities. I refer to the conclusions and recommendations in Issue 3 on that matter. However, I find that otherwise the provision of community services and facilities is managed through Policies CF1 to CF4, which are the subject of examination under this issue.

Community Engagement

4. One of the major concerns of the Community Development Association appears to be that there is a lack of meaningful community engagement by the council with respect to services and community facilities. Of particular concern is engagement about the future of open space at Parkhead (examined further below), but the suggested change to the proposed plan would apply to all community services and facilities in the context of Policies CF1 to CF4.

5. I am not convinced by the argument that having influenced the outcome of the proposed development plan, the concerns of the community may be undermined through subsequent planning applications being lodged before the plan is adopted, or by reporters following the examination of the plan. The proposed plan (before it is adopted) would be a material consideration in the determination of relevant development proposals through the development management process, and appropriate community associations and other organisations would be consulted by the planning authority.

6. The reporter simply examines the matters raised in representations (independently from the council) and only recommends modifications to the proposed plan where these are justified in the context of Circular 6/2013, taking into account the provisions of SPP. In any event, any recommended modifications relating to community engagement would not apply until the plan is adopted.

7. However, I recognise that community engagement is an important process, and I need to consider the extent to which this is an appropriate matter for inclusion in the local development plan, insofar as this relates to the provision of services and community facilities. The Council Plan 2017 – 2022 indicates that the council is a statutory partner on the Dumfries and Galloway Community Planning Partnership and refers to a Community Engagement and Participants Strategy.

8. Under the heading of “Community Empowerment” the plan states that there has been a sustained agenda to shift power and assets from public bodies to communities, securing a more equal partnership and sharing of resources. The determination to support empowerment and help communities fully participate is reflected in the creation of a Communities Directorate, bringing together a number of key services to which communities can contribute. There is also a statement under a section entitled “Making Decisions and Working with Communities” to provide public services more responsive to the needs of communities and target resources to sustain services that matter most to communities. There is an appendix containing priorities

and commitments.

9. Furthermore, paragraph 64 of Circular 6/2013 states that evidence of a site being subject to community engagement would be useful in an examination to inform any modifications to the plan that may be considered. This does not just relate to community services and facilities, but I find that it would be particularly relevant in such a case.

10. There is therefore already a substantial commitment to community engagement, which I find would be particularly relevant to policies and proposals for community services and facilities in the local development plan. The local development plan is a statutory document with a spatial strategy and land use policies and proposals, with which development proposals must accord (unless material considerations indicate otherwise), and so, whilst the detailed mechanisms for community engagement are indeed more appropriately addressed in the Council Plan 2017 – 2022, I find that there should be a reference to the importance of community engagement (in the context of the Council Plan) in relation to the provision of community services and facilities.

11. However, this does not require to be within any of the policies (Policies CF1 to CF4), but rather should be set out in the reasoned justification. The importance of these policies to the community is already set out in the text, and indeed, there is already a reference to working in partnership with community groups with respect to the development and operation of leisure and sports facilities in paragraph 4.89. Since community engagement is relevant to all four policies, I find that there should be an additional paragraph after paragraph 4.86 setting out the importance of community engagement in the development and management of community services and facilities, in accordance with the stated policies. I provide appropriate text for this in my recommendations below.

Services and facilities surplus to the needs of the community

12. I agree with what is stated in the representation to the extent that a “rigorous assessment” of the need and demand for existing services or facilities should be undertaken before they are deemed surplus to the needs of the community. I also acknowledge that this is an area where community engagement is likely to be important. This applies particularly to community facilities but could also apply to open space.

13. Policy CF1 (b) states: in considering proposals which seek to reuse or redevelop a community facility for another purpose, the council will need to be satisfied that:

- the facility is surplus to the needs of the community; or
- there would be an overall community gain from a development and the particular loss of land or facilities will have no significant effect on the overall provision of facilities in the locality; or
- alternative provision or equivalent community recreational benefit is made available at a suitable location within the local area.

14. I find that it is reasonable to leave the “rigorous assessment” to the council in the context of the first bullet point, but would comment that the additional paragraph I am recommending in relation to community engagement would apply here. If a facility is not surplus to the needs of the community, then the second or the third bullet point would need to apply, and likewise I find that a “rigorous assessment” of these provisions should also be made. However, I do not consider that the nature of the assessment needs to be specified in the policy; this should be at the discretion of the council as planning authority.

15. The representation does not mention open space specifically in this context, but I recognise that the need for a “rigorous assessment” could also apply. However, Policy CF3 is different to the extent that it applies a presumption against the loss of open space identified as protected open space on the inset maps. Under this policy, the conditions set out in the bullet points would have to be established. For the avoidance of doubt, however, I also find that the nature of any assessment under this policy should also be left to the discretion of the council as planning authority. I therefore find that no modifications to either Policy CF1 or CF3 should be made in the context of this representation.

Developer Contributions

16. Policy OP3 relates to developer contributions and requires these to be consistent with the tests set out in Circular 3/2012 in relation to mitigation that may be required to address an adverse environmental impact, or to provide for new, extended or upgraded public infrastructure facilities or services. Both must be specifically required in relation to a proposed development, and cannot be required in order to address an existing deficiency.

17. Paragraph 4.86 states that the development of new residential areas will apply pressure on existing facilities and therefore developer contributions will be sought for the improvement of existing and/or provision of new facilities. This needs to be read in conjunction with Policy OP3 and Circular 3/2012. As the council has indicated in its response, it therefore appears to me that the concern expressed in the representations cannot be remedied through developer contributions. I therefore find that no amendment to paragraph 4.86 would be appropriate.

List of community facilities

18. Paragraph 4.87 provides an indicative list of the type of uses which constitute community facilities as follows:

- Health – hospitals, medical centres, GPs, dentists, pharmacies;
- Commercial – shop, supermarket, public house, café, restaurant;
- Recreation – sports halls, gymnasiums, health suites;
- Other – church, community halls, post office

19. I find that this list is not intended to cover open space provision, as there is a separate reasoned justification and a separate policy that covers open space provision. I refer to this matter further under the heading of open space below, and I find that there is no justification for any amendment to paragraph 4.87 in this context.

20. I have noted the comment relating to the decline in the physical fabric of community facilities in the Noblehill/Parkhead area of Dumfries, but I find that this is not a matter for examination in relation to the community services and facilities policies.

Open Space

21. Open space is a very important land use within settlements and has a very wide range, from large formal outdoor sports facilities and parks down to small amenity green spaces. I recognise that this may be described as a hierarchy, and that this term is indeed used in Planning Advice Note 65, but I would refrain from attaching great significance to this. Even small amenity green spaces can be important to the provision of green corridors within urban areas. I therefore consider that a distinction between the types of open space is a more appropriate approach in the assessment of open space.

22 Paragraph 224 of SPP states that local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

23. Policy CF3 relates to open space (mainly within settlement boundaries but with reference also to open space outwith settlements which is part of the green network) and sets out the council's policy for the protection of open space (as identified on the proposals map or in Supplementary Guidance), the provision of open space within housing developments, and the maintenance of open space. Further representations are examined under the heading of Policy CF3 below.

24. Paragraph 4.93 of the proposed plan states that the policy on open space relates to that space found within the built-up area of a settlement and which is seen as an integral part of the settlement. Such spaces can include parks and gardens, play areas, allotments, residential amenity space, natural and semi-natural spaces, paths and green corridors and outdoor sports facilities. Other important areas of open space are also found around settlements but may not necessarily be included within the settlement boundary. These areas of open space often have linkages with open space within the settlement and also play an important role for the local community. Protection and enhancement of these wider spaces is sought through Policy CF2 Green Networks.

25. Paragraph 4.94 goes on to state that open space can play a number of different functions ranging from the provision of active play areas and sports pitches to providing a landscape setting for a group of buildings. It also states that further detail regarding the quality and quantity of current provision along with future requirements can be found in Supplementary Guidance.

26. There are 3 intended areas of Supplementary Guidance, covering open space and new housing development, the open space audit (location and typology maps), and the open space strategy for Dumfries and Galloway. All of these would require approval before constituting Supplementary Guidance in relation to the proposed plan, whether or not they are currently in draft, or approved in relation to the existing adopted local development plan.

27. The proposed plan identifies and protects areas of open space that are shown on the inset maps. In addition, Supplementary Guidance would set out in considerable detail the areas and type of open space in each of the settlements. I have noted that not all of the areas of open space are included within the settlement boundaries. It should also be borne in mind that the Supplementary Guidance (when approved) would be part of the development plan, and I am satisfied that this would provide sufficient recognition of the value and types of open space which are available to the community within settlements. This would also be an important input to the protection of open space through the development management process.

28. Furthermore, paragraph 4.93 lists several types of open space, although for the sake of completeness, I find that text should be added to this paragraph clarifying that this list is not exhaustive, and that a detailed breakdown of the types of open space that are protected by Policy CF3 would be provided within Supplementary Guidance. I provide appropriate text for this in my recommendations below.

29. There is a further change that I find is required within Policy CF3, to more accurately reflect the statutory role of Supplementary Guidance as set out in paragraph 138 of Circular 6/2013. It is not appropriate for Policy CF3 to be dependent upon maps included within Supplementary Guidance. Either they should be included in the local development plan, or the

Supplementary Guidance should in itself protect the open space shown on maps provided within it, following a hook provided within Policy CF3. Since open space in villages is being left for Supplementary Guidance, I provide appropriate amended text for this in the first sentence of part (a) of Policy CF3 within my recommendations below.

30. I do not consider that there is any inference to be drawn from any of the above referred to parts of the development plan about either the adequacy or the overprovision of open space within any particular community. As referred to above, any open space considered surplus to requirements would require to be the subject of a “rigorous assessment”. In the event of an additional need for open space being identified, for example through the open space strategy, this can be provided through the development management process in the context of the existing policy framework, and if necessary, through the next review of the local development plan.

31. As indicated above, I do not consider that there is any requirement to provide more information on the types of open space within the proposed plan. There is in particular no need to indicate whether or not such open space is publicly accessible. This will generally be defined by the type of open space, and I am satisfied that the council has given appropriate attention to public accessibility in the designation of protected open space on the inset maps. I also note the council’s response to the extent that “publicly usable” open space is specifically referred to in the open space strategy where a quantity standard has been applied.

32. Children’s play areas are not specifically mentioned in paragraph 4.93 of the proposed plan, and are not shown on the inset maps, but they would be specifically included within the breakdown in the open space audit Supplementary Guidance. I have already found above that this is an appropriate matter for Supplementary Guidance. The actual content relating to children’s play areas within Supplementary Guidance is not a matter for this examination, and therefore requires to be taken up with the council directly. I note however that the council states that the inset maps are accurate as at August 2017.

Parkhead Playing Fields

33. I have noted that there is support in principle for the designation of the Parkhead Playing Fields as open space, and the council has set out a detailed explanation of the background to this in its response above. There is therefore no further issue arising for this examination, other than to demonstrate the importance of community engagement with respect to community services and facilities, emphasising my findings under this heading above, and the recommended addition to paragraph 4.86 contained within my recommendations below.

Policy CF1: Community Facilities

34. The sequential approach to town centres is examined in Issue 3. I refer to the recommendation under Issue 3 that Policy ED6, which sets out the sequential approach to town centres, should be amended to include the uses referred to in paragraph 68 of SPP. These are retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. I also note the provisions of paragraph 60 of SPP in this respect, which is a forerunner to paragraph 68.

35. I am not convinced by the council’s response to this matter, for the reasons set out in Issue 3 where this is examined, although I note that the council has taken account of the sequential approach to town centres when developing Policy CF1. In any event, I find that it is

unnecessary to repeat the provisions of Policy ED6 within Policy CF1, as this would constitute a duplication of the policy framework that may cause confusion.

36. However, Policy CF1 should indicate that proposals for community facilities that generate significant numbers of people would also be required to comply with the sequential approach to town centres set out in Policy ED6. I also consider that the reason for this should be included within paragraph 4.87. I provide appropriate text for these changes in my recommendations below. For the avoidance of doubt, I find that the reference to out of centre locations that are (or can be made) easily accessible by a choice of transport is sufficiently covered under the second part of Policy ED6.

37. I recognise that cultural facilities are an important element of the provision of community services and facilities, particularly in town centres, and I have noted that paragraph 2.17 of National Planning Framework 3 refers to Dumfries as a gateway town. Cultural facilities are recommended for inclusion through an amendment to Policy ED6 (in Issue 3) in line with the provisions of paragraph 68 of SPP. However, I also recognise that cultural facilities apply more widely to settlements generally, and I note that the cultural needs of the community are already referred to in paragraph 4.87 of the proposed plan.

38. However, whilst I recognise that the list of cultural facilities in paragraph 4.87 is not exhaustive, I find that the reference to cultural facilities in paragraph 68 of SPP recognises their importance within the sequential approach to town centres which sets out the general approach to the provision of significant cultural facilities within Dumfries and Galloway. Cultural facilities can also be very local in nature, even applying within villages and the rural area where appropriate. I therefore find that cultural facilities, with examples given by the Theatres Trust, should be included within paragraph 4.87, and I provide appropriate text for this within my recommendations below.

Policy CF2: Green Networks

39. Policy CF2 states that green networks should be protected and enhanced. Proposals for development in areas that form part of this network should seek to avoid fragmentation of a network and/or improve connectivity, where appropriate. Proposals that add to and/or enhance green networks or connections to them will be supported.

40. The introduction to the proposed plan sets out broad principles, which include enhancing the environment of open space, green networks and recreational opportunities. The vision for the proposed plan includes a protected and enhanced natural and historic environment, with which I find protecting and enhancing green networks is compatible.

41. Paragraph 4.84 of the proposed plan states that community facilities along with the wider green network (open space within settlements and surrounding greenspaces) are vital assets for every community. There are further references to the importance of green networks throughout Policies CF1 to CF4 and the reasoned justification for those policies, and indeed elsewhere in the plan where other policies are relevant to the protection and enhancement of green networks, including within the settlement statements.

42. I find that the reference to green networks being “enhanced and protected” is consistent with the proposed plan as a whole, including its objectives. In addition, it is consistent with paragraph 220 of SPP, which states that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. I therefore find that no change to Policy CF2 should be made in this

respect.

43. I consider that the protection and enhancement of green networks may involve extensive green corridors which cross-administrative boundaries, and I note that the council considers that the requested change proposed by Scottish Natural Heritage (supported also by Natural England) would provide additional clarity in this respect. I agree with the proposed change and (notwithstanding that this may indeed constitute a non-notifiable modification), I include this in my recommendations below.

Policy CF3: Open Space

44. Paragraph 226 of SPP states that outdoor sports facilities should be safeguarded from development except where the proposed development (summarised) is ancillary or affects a minor part of the sports facility, the sports facility would be replaced by a facility (new or upgraded) of comparable or greater benefit (maintaining or improving overall playing capacity in the area) or the open space strategy and consultation with sportscotland show that there is excess provision and the overall quality of provision would not be detrimentally affected.

45. The council accepts in its response that Policy CF3 should be reworded to be consistent with the provisions of paragraph 226 of SPP. I note that the council considers this to be a “non-notifiable” modification, but I consider that the rewording should be slightly different in order to more accurately reflect the intention of the bullet points listed in the paragraph, and I provide this text in my recommendations below.

46. Paragraph 229 of SPP states that local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential that has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

47. I therefore agree with the council that it would be appropriate to include the additional text suggested, although I consider that this would more logically included after the first sentence of paragraph 4.94, before the sentence on Supplementary Guidance, and I provide for this additional text in my recommendations below.

48. I note the additional text requested for insertion into Policy CF3, taken from Supplementary Guidance, to replace the reference that states “in line with requirements set out in Supplementary Guidance”. I also note the request for a justification of the standard of 60 sq ms of open space per dwelling.

49. However, I find that there is no requirement for the level of detail suggested for inclusion in the policy. In my view, what is proposed is a level of detail commensurate with that considered appropriate for Supplementary Guidance in paragraph 139 (second column) of Circular 6/2013. I therefore make no findings as to the appropriateness or otherwise of the proposed wording; I only find that it is unnecessary. I do not consider that the policy is vague. It sets out the key principles relating to the provision of open space in relation to housing development.

50. Furthermore, Supplementary Guidance is part of the development plan, and there is no reason why developers should not be able to look to this for detailed guidance on the standards for the provision of open space. Any queries (such as the open space standard per dwelling) should be taken up directly with the council in relation to the preparation and adoption of Supplementary Guidance. There is in addition no reason to state that development will be

assessed on a case-by-case basis, which is a clear requirement under section 25 of the Planning Act.

51. However, I find that the policy should be slightly reworded to avoid it being being directly dependent on the Supplementary Guidance referred to, which I find would not be consistent with paragraph 138 of Circular 6/2013. The Supplementary Guidance should be self-contained in the context of the hook provided by Policy CF3 of the proposed plan. I provide appropriate text for this in my recommendations below.

Policy CF4: Access Routes

52. I agree that a reference to active travel routes would have been useful. However, I note the council’s response to the effect that active travel routes are part of the wider description of access routes, and it is clear that the council has used this wider description to encompass all types of pathway networks. I therefore find that the proposed plan is both sufficient and appropriate without a specific reference to access routes, in the context of paragraph 117 of Circular 6/2013, and that the requested changes to the text of the policy are not therefore required.

Reporter’s recommendations:

The proposed plan should be modified by:

Community Services and Facilities – General

1. adding a new paragraph after paragraph 4.86 to read as follows:

‘The council will ensure that there is appropriate community engagement through the provisions of the Council Plan with respect to the development and management of community services and facilities in the context of Policies CF1 to CF4 below.’

2. amending the second sentence of paragraph 4.93 to read as follows:

‘Such spaces include parks and gardens, play areas, allotments, residential amenity space, natural and semi-natural spaces, paths and green corridors and outdoor sports facilities, although this is not an exclusive list, and a more detailed breakdown of the types of open space that constitute valuable open space in Dumfries and Galloway will be provided in Supplementary Guidance.’

Policy CF1: Community Facilities

3. adding a sentence at the end of paragraph 4.87 (after the bullet points) to read as follows:

‘Paragraph 68 of Scottish Planning Policy requires a sequential approach to town centres with respect to community facilities (amongst other uses) which generate significant footfall, and it is therefore important that proposals for the above types of use which generate significant numbers of people are also consistent with the provisions of the council’s sequential approach to town centres which is set out in Policy ED6.’

4. adding a sentence at the end of part (a) of Policy CF1 (after the bullet points) to read as follows:

‘Proposals for community facilities that generate significant numbers of people will also be required to accord with the sequential approach to town centres set out in Policy ED6.’

5. adding a bullet point to the list of community facilities in paragraph 4.87, before “other”:

‘Cultural – theatres, museums and libraries’

Policy CF2: Green Networks

6. amending the first sentence of paragraph 4.92 of the proposed plan to read as follows:

‘Green networks comprise of a network of green and blue spaces (such as bodies of water and wetlands) as well as green corridors within and around settlements, linking out into the wider countryside and across administrative boundaries.’

Policy CF3 – Open Space

7. amending the first sentence of Policy CF3 (a) to read as follows:

‘Within settlements, there will be a presumption against the development of open space identified for protection on the inset maps. Supplementary Guidance for the protection of open space in villages will be prepared.’

8. amending the final sentence of Policy CF3 (a) to read as follows:

‘Proposals to redevelop outdoor sports facilities should ensure that the conditions set out in the bullet points of paragraph 226 of Scottish Planning Policy have been met.’

9. adding two additional sentences after the first sentence of paragraph 4.94 to read as follows:

‘The temporary use of unused or underused land as green infrastructure will be encouraged. This will not prevent any future development potential that has been identified from being realised.’

10. amending the first paragraph of Policy CF3 (b) Provision of Open Space to read as follows:

‘In all housing developments which will, either individually or through phasing, result in the development of 5 or more units, there will be a requirement to provide or contribute towards good quality publicly usable open space (which may also include linkages to wider green networks or to the development of blue-green networks using existing watercourses). Other development may also need to provide or contribute towards open space/green network provision. Supplementary Guidance will provide detailed information relating to the standards for open space provision in housing developments.’

Issue 8	Infrastructure Policies	
Development plan reference:	Policies: pages 66 - 76	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sportscotland (008) Janet Gibson (041) EDF Energy (067) Natural Power (080) Scottish Water (083) Community Windpower (111) Scottish Power Renewables (113) Scottish Environment Protection Agency (120) Scottish Natural Heritage (122) Banks Renewables (127) Scottish Renewables (131) RSPB Scotland (133) Cumbria County Council (362) Brian Heslop (380) Infinergy Ltd (383) Bernard Stevenson (392) Peter James Lamont (408) South Ayrshire Council (427) Alistair Buckoke (441) Wildfowl & Wetlands Trust (448) Scottish Government (455) ABO Wind UK (488) SSE Generation Development (523) Nuclear Decommissioning Authority (545) Fred Olsen Renewables (547) Renewable Power Exchange (553.001) North Lowther Energy Initiative (554) SP Energy Networks (561)</p>		
Provision of the development plan to which the issue relates:	Infrastructure General, Renewable Energy, Policy IN1, Policy IN2 Waste Management General, Policy IN7, Policy IN8, Policy IN9 Policy IN11	
Planning authority's summary of the representation(s):		
<p>Infrastructure – General <u>SP Energy Networks (561.001)</u> - The Regional Energy Strategy, referenced at paragraph 3.21 in the proposed plan, should be appropriately referenced within the Infrastructure section. The scope and purpose of the document is currently unclear.</p> <p>Renewable Energy – General <u>Alistair Buckoke (441.001)</u> – The support given to decarbonisation of energy use in the Region as a whole is a worthy aim generally, but there must be doubts about the means cited as ways</p>		

of dealing with the problem. Low carbon supplies are compounded with the issue of carbon neutrality. The problem of intermittency of renewables persists, and this is not a small-scale issue. The use of grid-scale batteries to solve this problem is not economically feasible. Pumped storage hydro, is hindered by the lack of geographical sites in the UK. For the immediate future, the use of renewables is supported by fossil fuels (and by nuclear to some extent). This is a dependence, so decarbonisation aims are not being fully achieved.

The Proposed Plan mentions the ‘cheapness’ of low carbon means (e.g. p15, 3.9). The back-up support costs for renewables should be included in their overall cost, and not excluded as they are now. This would make them at least comparable with the costs of new nuclear, perhaps more expensive. These policies are flawed, and do not benefit the Region.

Renewable Energy – paragraph 4.100

Scottish Renewables (131.002) – Welcome the recognition that a wide range of renewable energy technologies will be necessary to meet the Scottish Government’s commitments of increasing the amount of electricity generated by renewable sources. Pleased to see the council support “improving the efficiency of existing wind farm schemes for example, through blade extensions, modifications to the turbines or repowering.” However, request section revised to include the support for onshore wind stated elsewhere in the plan.

Infinergy Ltd (383.006) - The second and third sentences give the impression that the proportion of renewable electricity from onshore wind will decrease, perhaps as a result of changes to the funding of this type of development. The plan was, however, drafted before the Scottish Government issued the Onshore Wind Policy Statement (OWPS) in December 2017. The OWPS provides strong support for further large scale onshore wind development.

Renewable Energy – paragraphs 4.100 to 4.101

Community Windpower (111.006) - Dumfries and Galloway Council (DGC) are forward thinking with regards to renewable energy infrastructure as referenced in paragraphs 4.100 – 4.101.

Renewable Energy - paragraphs 4.100 to 4.103

EDF Energy (067.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - These paragraphs are welcome and supported, in particular the reference to Government targets and a range of technologies that could come forward in the renewables sector. Recommend that the Local Development Plan (LDP) more positively aligns with the Scottish Energy Strategy, which states “our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand”.

ABO Wind UK (488.001) - Policies in support of renewable energy development must reflect the Scottish Government’s OWPS and Scottish Energy Strategy, both published in December 2017. Neither document is referenced in the Proposed Plan or draft Supplementary Guidance.

Renewable Energy – paragraph 4.101

Infinergy Ltd (383.007) - The plan text was drafted before the Scottish Government issued the OWPS in December 2017. The OWPS provides strong support for further large scale onshore wind development. The bullet points do not include ‘subsidy free’ new large stand-alone onshore wind schemes or wind farm extensions, or the incorporation of battery arrays in existing or future wind farm projects. The omission gives the impression that large scale onshore wind will not feature in the technological changes taking place within renewables sector and is not aligned with the recent national level policy statement on onshore wind.

Renewable Energy – paragraph 4.103

RSPB Scotland (133.029) - Welcome the Council's view for taking a balanced view on renewable development proposals in line with potential sensitivities including the environment.

Infinergy Ltd (383.008) - The reference to alternatives gives the impression that the planning authority can require a range of alternatives to be assessed, whereas The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 requires the developer to describe the reasonable alternatives looked at along with an indication of the main reasons for selecting the chosen option.

Policy IN1: Renewable Energy

Sportscotland (008.009); EDF Energy (067.003); Scottish Environment Protection Agency (120.004); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Support the wording of the policy.

Janet Gibson (041.008) - The word "amenity" should be added because "amenity" is not the same as "recreational interest". Amenity includes the facility for improving wellbeing, a recognized desirable health attribute. "Relevant routes" should be added because the Dumfries and Galloway high quality environment attracts tourists (as well as local people) and the environment can only work to this end if people have access "routes" through it.

Natural Power (080.041) - Welcome the inclusion of a statement on district heating, the current paragraph falls well short of the policy framework required to deliver district heating and other related opportunities over the plan period. The Scottish Governments consultation on Local Heat and Energy Efficiency Strategy (LHEES) provides a clear steer that local authorities will be central to the delivery of these strategies and the processes and infrastructure required to make these happen.

A separate policy should be created to deal with the councils emerging role in delivering a (LHEES), including but not limited to the delivery of heat networks and other decentralised energy systems. Any such policy or policies should be informed and driven by identification of zones which recognise the most appropriate options within these areas to meet decarbonisation and fuel poverty objectives and the type of structures that the council and its partners will use to deliver this. This should be linked to other relevant policies in the plan such as those for housing, industry, town centres and where necessary developer contributions.

Natural Power (080.040); Community Windpower (111.008) - Pleased the Council will support proposals based on appropriate location, siting and design, and that a criteria based approach is being used. The requirements of the Policy however are counter-intuitive by adding additional considerations with respect to renewable energy compared to other developments. This goes against the Council's stated support of renewable energy developments by placing an additional burden on renewable energy developments

Scottish Natural Heritage (122.013) - Suggest Policy IN1 and Policy IN2 include similar assessment criteria.

Infinergy Ltd (383.002) - The acceptability test effectively requires a balancing exercise to be undertaken where the impacts relating to the items listed in the bullet points are weighed up against unspecified 'benefits'. This approach would mean that a scheme could be refused because there are a number of adverse environmental impacts that weigh against unspecified benefits. The current (adopted) version of the policy is more positive towards renewable energy proposals because it states that they should be approved unless they have an unacceptable

adverse impact in terms of the listed issues.

The policy text should revert back to the adopted version where there is a presumption in favour of granting an application unless there are unacceptable impacts. At the very least, the benefits set out in the first three bullet points in paragraph 169 of SPP should be listed, to counter balance the long list of possible negative impacts.

The word and should be added before the phrase ‘or storage’ in the first sentence of the policy so that it also relates to situations where battery storage is incorporated with a renewable electricity generation project.

The phrase ‘individually or in combination’ is unclear. In combination with what? The introduction of this phrase relating to cumulative issues in the second sentence of the policy means that it is unnecessary to then also include a bullet point below this on ‘cumulative impact.’

It is difficult to understand what is meant by the bullet point ‘impact on local communities’, those impacts i.e. such as visual environment, noise, emissions and shadow flicker should be listed. The last bullet point should be amended so that it is clear that it is Scottish Government targets that are being referred to and it relates specifically to renewable energy targets. There are no general energy generation targets.

Policies IN1: Renewable Energy and IN2: Wind Energy

Alistair Buckoke (441.002) - The Plan commendably values the quality of regional landscapes but largely avoids acknowledgement of where conflicts arise between these values and renewable energy developments. This conflict is particularly exacerbated by the advent of large wind turbines. Whilst this category is covered in the Supplementary Guidance and Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) to some extent, it is not foregrounded in the main body of the proposed plan. The proposed plan mentions wild lands in several places but fails to discuss the extent this wildness would be compromised by for example 180 m turbines which were situated as much as 20 miles from wild land area.

ABO Wind UK (488.001) - Concerned that the definition of “*acceptability*” is too-narrowly framed and does not properly reflect the requirement of Section 25 of the Town and Country Planning (Scotland) Act 1997. Acceptability is the overall planning assessment reached in the determination process, and the term should not be considered in relation to development plan compliance, let alone individual policy compliance. The test should be whether the development complies with, or satisfies, the policy on balance and the text should be amended accordingly.

SSE Generation Development (523.001) - Welcome that the Council continues to be supportive of a diverse range of renewable energy sources.

Wind Energy – Spatial Framework Table 3

EDF Energy (067.003); North Lowther Energy Initiative (554.001) - The wording of table 3 is consistent with approach set out in SPP.

Scottish Renewables (131.002); Infinergy Ltd (383.009) - The text relating to group 2 areas is a slightly simplified version of the SPP wording. It is important that the explanatory text is included as this explains that wind farms are not precluded from these constraint areas; there might be some circumstances where wind farms are deemed to be acceptable within them.

Scottish Power Renewables (113.015) - The wording needs to be aligned with SPP to ensure consistency across LDPs and with the SPP.

Renewable Power Exchange (553.001) - Table 3 should be consistent with SPP, specifically setting out that the white land areas are Group 3 areas with potential for wind farm development.

Wind Energy - paragraph 4.105

EDF Energy (067.003) - Regard should also be had to Policy IN2 and the spatial framework map.

North Lowther Energy Initiative (554.001) - The paragraph refers to the Supplementary Guidance. However, paragraph 1.1 of the Supplementary Guidance makes it explicit that the Supplementary Guidance provides “further detail in support of the development management considerations in policy IN2”. Explicit reference to policy IN2 should be made in the LDP and specifically at the end of policy IN2 where there is reference to the spatial framework map and Supplementary Guidance.

Wind Energy – Spatial Framework Map 8

Bernard Stevenson (392.001) - The map shows the boundary of the National Scenic Area (NSA). The estuary of Fleet Bay is a precious natural environment which attracts visitors and tourism each year, its boundary should be extended.

Scottish Government (455.022) - The map does not highlight that the remaining area is group 3 which promotes a protectionist stance as opposed to the balanced position taken in Table 1. Paragraph 2 of SPP is clear that the planning system should take a positive approach.

ABO Wind UK (488.001) - While a guide only, the map is printed at too small a scale to be of practical use.

Policy IN2: Wind Energy – General

EDF Energy (067.003); Scottish Renewables (131.002); North Lowther Energy Initiative (554.001) - The text suggests that impacts arising from wind energy developments would be negative. Impacts can be positive, negative, or neutral and wording should reflect that. Revise section to include the full list of considerations set out in paragraph 169 of SPP.

EDF Energy (067.003); Scottish Power Renewables (113.014); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) – The 6 specific sub-headings do not match up with the comprehensive list of SPP considerations. This is problematic, as the first paragraph of policy IN2 states that the acceptability of any proposed wind energy development will be “assessed against the following considerations”.

Community Windpower (111.007) - Pleased to see the Council are generally supportive of wind energy proposals and will support proposals which are located, sited and designed appropriately. The rephrasing of the negative wording regarding detrimental impacts is necessary to avoid the implicit negative connotations of wind energy developments, as they should all be considered on their merits and not be primed to assume negative impacts as wind energy development impacts can be positive, negative or neutral dependant on the site.

Natural Power (080.042); Scottish Renewables (131.002) - The general level of support for wind energy proposals, provided by the opening paragraph of IN2 is welcomed

Peter James Lamont (408.001) - The planning rules for wind farm development should be much more prescriptive. A decision should be made on the total number of developments or the total energy harvest in MWhs that the region requires. As the most energy is obtained at the highest locations where the highest average wind speeds occur, development should be restricted to these sites. No developments should occur below the location of any nearby dwelling or public road. Thought should also be given to the suitability of local roads for the transport of the turbine blades that are becoming longer and longer as technology develops. A restriction could be placed on blade length (or could they be delivered by helicopter or airship?). Other non-planning issues also made.

SSE Generation Development (523.001) - Onshore wind development, including repowering and life extensions, should be supported in order to meet decarbonisation targets and deliver economic benefits on a local, regional and national level. This will also allow the plan to align with SPP, National Planning Framework (NPF) and current Scottish Government energy policy.

Policy IN2: Wind Energy – Assessment of all Wind farm Proposals

Infinergy Ltd (383.003) - The phrase ‘individually or in combination’ in the second sentence of the policy is unclear. In combination with what?

Policy IN2: Wind Energy - Socio economic benefits

Janet Gibson (041.011) - Merely stating socio-economic benefits assumes there will be benefit only. It is more realistic to state both – benefits and dis-benefits. The word directly should also be added to ensure the wording ties in more clearly with the definition of socio-economic benefits set out in para 3.8 of the draft supplementary guidance.

EDF Energy (067.003); Scottish Renewables (131.002); Infinergy Ltd (383.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - The reference to socio-economic benefits is relatively narrow in its terms: in SPP, paragraph 169 covers net economic impact in a wider sense.

Natural Power (080.042) - Welcome the inclusion of socio-economic although it is queried why this is not a general consideration in OP1 given the purpose of the planning system is to promote sustainable economic growth?

Policy IN2: Wind Energy – Landscape and visual impacts

Banks Renewables (127.005) - Bullet point 2 needs to be amended to bring it in line with national policy. With regards to the impact on the natural environment, paragraph 203 of SPP sets out that the test is an ‘...unacceptable impact on the natural environment’, not simply a significant impact. Policy IN2 does not currently include a test of acceptability when discussing significant landscape and visual impacts. It is therefore contrary to SPP.

By their very nature, large scale onshore wind farm developments will result in some significant effects and to infer that the Council will only support wind farm proposals if they do not have a significant detrimental effect would effectively preclude all onshore wind farm development, which would be contrary to Scottish Government policy.

ABO Wind UK (488.001) - Concerned with the text in the second bullet. All major onshore wind farm proposals will result in significant adverse landscape and visual impacts, in the local area at least, so the current wording is disproportionate.

Policy IN2: Wind Energy – Landscape and visual impacts, use of the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)

Natural Power (080.043) - Rather than introduce unnecessary additional requirements for wind energy proposals, the Plan should follow the same protocol used for other forms of development and simply highlight that development proposals will be considered against other relevant policies in the plan. If the Council wishes to achieve its aims of decarbonising the economy of Dumfries and Galloway it should delete the current references to separate constraint mapping and assessment processes that are currently contained in the Supplementary Guidance. These are again unnecessary in light of the requirement for proposals to consider the relevant policies in the plan. The policy should refer to the Spatial Framework for strategic guidance and allow proposals to be considered on their own merits against the relevant policies in the plan in a manner which is consistent with the policy requirements for other forms of development.

Specific reference to the DGWLCS within the policy should be deleted and the DGWLCS removed from the plan itself. This document was written as a background ‘Study’ and should therefore have the same status as other background studies and technical papers. Also by providing a basis for comparative analysis at a strategic level it should not be used to replace the detailed assessment of landscape impacts through the Landscape and Visual Impact Assessment (LVIA) process.

Banks Renewables (127.005) - The DGWLCS is a strategic level study that provides an initial reference point for the consideration of the potential capacity for wind farm developments. As such no site specific conclusions should be drawn from the DGWLCS due to the strategic nature of the document, this should be left to site specific assessments. Clarification needed on the role the DGWLCS plays.

Paragraph 163 of SPP clearly sets out that “...additional constraints should not be applied at this stage.” Inclusion of the phrase ‘However, it must be read in conjunction with...’ in the 3rd last paragraph implies that there are additional constraints to be considered, an approach which is contrary to SPP.

Scottish Renewables (131.002) - This section should begin with a consideration of a proposed development in relation to the site-specific landscape context and not the DGWLCS. The DGWLCS has been undertaken at a strategic level and it cannot anticipate all the potential design responses that may come forward on individual sites supported by a site-specific landscape and visual impact assessment. Would suggest including this in IN2.

Infinergy Ltd (383.003) - The DGWLCS and Maps 1 – 5 should not be included as an appendix to the SG, and should instead be reclassified as a separate technical paper which is associated with but does not have the same status as the Supplementary Guidance and the Spatial Framework Map in the development plan.

Para. 4.106 also refers to the DGWLCS being an appendix to the SG and therefore should also be amended. There will always be some significant adverse and or detrimental impacts with a wind farm scheme. There are many cases of schemes that have been carefully considered and approved even though the ES included a number of significant adverse or detrimental impacts.

Scottish Government (455.021) - Bullet point one effectively gives policy status to the DGWLCS. The threshold of acceptability in relation to the capacity study is unclear. As impacts on the landscape are essentially dealt with by bullet point two, and paragraph 4.106 of the proposed plan is clear that the landscape capacity study is an annex of supplementary

guidance, bullet point 1 should be deleted. This would be more in accordance with the Scottish Government's 2016 'Onshore Wind Planning: Frequently asked Questions' which describes landscape capacity studies as 'supportive studies'.

Fred Olsen Renewables (547.001) - Concerned by the manner in which a potentially supportive policy is undermined by references to detailed Supplementary Guidance and other documents which do not have a clear rationale and purpose nor foundation in the current SPP. In particular references to DGWLCS.

The use of landscape capacity studies is not formally recognised in the current SPP. The document is described as a 'study'. There is no reason or justification to have this study incorporated into the plan itself. Its purpose within the planning process generally is also questioned. The study as it stands provides comparative analysis of the relative sensitivity of landscape character units to wind farm development. It is therefore as agreed by the Council and Reporter at the Benbrack Inquiry to be a strategic document designed to allow comparison between strategic areas. It is not intended to be used in place of LVIA undertaken within or even outwith the framework of an Environmental Impact Assessment.

The use of the DGWLCS in isolation propels not only its content to a level in the decision making process that it was not intended to have but in the absence of a properly considered and balanced technical paper on the wider role, purpose and socio-economic benefits of renewable energy generation, distribution and management skews the planning balance in the decision making process towards this single issue agenda. This is incompatible with the SPP, National Energy Strategy and Onshore Wind Policy.

EDF Energy (067.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - The DGWLCS should not be a determining consideration. Whilst it is accepted it is an important matter, it needs to be clearly acknowledged that the Capacity Study has been undertaken at a strategic level and it cannot anticipate all the potential design responses that may come forward on individual sites supported by a site-specific landscape and visual impact assessment. Consideration should also be given to adding this important caveat at the end of policy IN2. Move first bullet point to the end of the sub-section would allow firstly, consideration of a proposed development in relation to the site-specific landscape and visual impact assessment.

Policy IN2: Wind Energy – Cumulative impact

Infinergy Ltd (383.003) - This section suggests that these effects are distinct from landscape and visual effects. The question arises: what is an impact on an existing pattern of development over and above a cumulative landscape and visual impact?

Policy IN2: Wind Energy – Impact on local communities and residential interests

Brian Heslop (380.001) - Adoption of the World Health Organisations (WHO) guidance on siting wind turbines at least 1500m from residential properties would increase the protection to residents. It would prevent their properties being subject to shadow flicker from turbines being inappropriately sited too close, such as Sunnyside. It would also increase resident's protection from noise nuisance, as 12db over background is clearly audible and the council does not enforce planning conditions related to noise levels or other matters with regard to public safety.

Infinergy Ltd (383.003) - There will always be some significant adverse and or detrimental impacts with a wind farm scheme. There are many cases of schemes that have been carefully considered and approved even though the ES included a number of significant adverse or detrimental impacts.

Policy IN2: Wind Energy – Impact on aviation and defence

Community Windpower (111.007) - The Eskdalemuir Safeguard area is an MoD asset and should be accordingly assessed by them, rather than making the matter a material consideration for Dumfries and Galloway Council to consider.

Policy IN2: Wind Energy – Other impacts and considerations

Janet Gibson (041.010) - The word “amenity” should be added because “amenity” is not the same as “recreational interest”. Amenity includes the facility for improving wellbeing, a recognized desirable health attribute.

Banks Renewables (127.005) - With regards to the impact on the natural environment, paragraph 203 of SPP sets out that the test is an ‘...unacceptable impact on the natural environment’, not simply a significant impact. Policy IN2 does not currently include a test of acceptability when discussing significant landscape and visual impacts. It is therefore contrary to SPP.

By their very nature, large scale onshore wind farm developments will result in some significant effects and to infer that the Council will only support wind farm proposals if they do not have a significant detrimental effect would effectively preclude all onshore wind farm development, which would be contrary to Scottish Government policy.

Infinergy Ltd (383.003) - There will always be some significant adverse and or detrimental impacts with a wind farm scheme. There are many cases of schemes that have been carefully considered and approved even though the ES included a number of significant adverse or detrimental impacts.

South Ayrshire Council (427.001) - Consider adding the additional points to ensure that any adjoining authority’s environment, communities and economy are protected from any negative impacts of new development within Dumfries and Galloway area. It could be noted that where a proposed development is likely to impact on an adjoining authority area, Dumfries and Galloway will consult that authority.

Waste Management – General

Cumbria County Council (362.001) - Note the intention of DGC is to continue with zero waste management policy in accordance with Scottish Government legislation. The principle of this is supported. However, concern that policies against landfill will result in Cumbria being expected to provide capacity. It is considered this would not be in accordance with Cumbria County Council’s (CCC) statutory development plan policy SP2 Provision for Waste.

Note that the wording of paragraph 4.108 states that proposals for new landfill facilities will not be supported unless the applicant can demonstrate there is no viable alternative. So there is some recognition that there may be a need to provide for some landfill capacity within your region. Presumably consideration of CCC’s Policy SP2 would be a factor in determining any such proposal.

Waste Management - paragraphs 4.110 to 4.111

Nuclear Decommissioning Authority (545.001) – Welcome the inclusion of paragraphs 4.110 – 4.111. However, it would be helpful if there was a specific reference / acknowledgement of the Scottish Government Higher Activity Waste (HAW) policy.

Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)

Wildfowl & Wetlands Trust (448.001) - Welcome the requirement set out in the opening

sentence of the Policy for SuDS to be part of all proposed development. However, the sentence goes on to explain the purpose of building SuDS, concerned that it does not fully represent the range of benefits that SuDS can provide. SuDS can be used to deliver a number of additional benefits, such as better water quality, enhanced biodiversity and amenity value for local residents.

Wildfowl & Wetlands Trust (448.003) - Welcome the requirement for surface water management arrangements to form part of any Planning in Principle proposal, as stated in the second sentence of the Policy. Suggest amending this requirement to refer specifically to requiring SuDS arrangements in any Planning in Principle proposal. In order to deliver cost effective, multiple benefit SuDS, it is vitally important to consider SuDS at the earliest stage of development. If a SuDS scheme is added at a later stage, it is likely to be squeezed into a gap and be less effective as a result. This proposal would mitigate the risk of SuDS being overlooked at the first stage of the planning process.

Wildfowl & Wetlands Trust (448.005) - Once a planning application has been submitted, planning officers must be able to assess whether the SuDS scheme contained therein will meet the requirements of Policy IN8 and they must be provided with the necessary information to make such an assessment. Therefore, it is crucial that planning applications actually demonstrate how the proposed SuDS will meet each requirement and rewriting the sentence in question as described would help to ensure that happens.

Wildfowl & Wetlands Trust (448.007) - The bullet point list gives SuDS some prominence within a proposal while also placing them in the context of wider development. Welcome the requirement for SuDS to contribute positively to the biodiversity and general amenity of the area of the proposal', which goes some way towards realising the potential of SuDS to deliver multiple benefits. However, the policy in general lacks reference to water quality benefits. Significant improvements in local water quality can be easily delivered by a well-designed SuDS scheme yet there is no explicit requirement for such in policy IN8. Suggest adding 'water quality' as a factor that proposed SuDS should 'contribute positively' to.

Wildfowl & Wetlands Trust (448.008) - The relevant sentence in IN8 be rewritten to strongly encourage SuDS as a solution and require any alternative to protect the local water environment. While the construction phase may well increase the surface water flood risk in the area, there could be significant pollutant runoff, as a result of construction materials and heavy machinery. Therefore, it is important that any temporary drainage arrangements are capable of treating such runoff and SuDS schemes are well placed to do so.

Policy IN9: Waste Water Drainage

Scottish Water (083.004) – Change policy to accurately reflect Scottish Water powers.

Policy IN11: Telecommunications

Scottish Government (455.003) - SPP paragraph 297 states that policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of the development. This should be done in consultation with service providers so that appropriate, universal and future proofed infrastructure is installed and utilised.

Proposed new policy - IN0: Electricity Grid Infrastructure

SP Energy Networks (561.001) - Inclusion of policy and associated text relating to NPF3 national development number 4 and more generally to electricity transmission and distribution infrastructure.

Modifications sought by those submitting representations:**Infrastructure – General**

SP Energy Networks (561.001) - Include reference to the Regional Energy Strategy in the Infrastructure section of the plan.

Renewable Energy – General

Alistair Buckoke (441.001) – Energy policy statements which are more cautious and which show more awareness of issues.

Renewable Energy – paragraph 4.100

Scottish Renewables (131.002) – Revise section to include support for onshore wind stated elsewhere in the plan.

Infinergy Ltd (383.006) – Add the following as the second sentence. ‘The Scottish Energy Strategy issued in December 2017 set a new target of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources by 2030. In 2015, 17.8% of Scotland’s overall energy needs were met by renewable sources.’

The third sentence should be changed to read: ‘Whilst it is anticipated that these two forms of renewable energy will continue to play a key role in providing an increase in renewable electricity generation, and there will be new ‘subsidy free’ large onshore wind schemes, the range of renewable energy technologies will expand with the addition of off-shore wind power, wave and tidal power, solar, biomass, heat recovery and energy from waste and landfill gas as these project types become more feasible and viable.’

Renewable Energy – paragraphs 4.100 to 4.101

Community Windpower (111.006) - No change requested.

Renewable Energy - paragraphs 4.100 to 4.103

EDF Energy (067.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - The LDP should more positively align with the Scottish Energy Strategy.

ABO Wind UK (488.001) - Refer to the Scottish Government’s OWPS and Scottish Energy Strategy in Plan or draft Supplementary Guidance.

Renewable Energy – paragraph 4.101

Infinergy Ltd (383.007) - Add following bullet point to the one above improving the efficiency of existing wind farm schemes: ‘wind farms with large turbines in landscapes judged to be capable of accommodating them without significant adverse impacts’

Amend the 4th bullet point as follows: ‘Improving the efficiency of existing wind farm schemes for example, through the incorporation of battery energy storage arrays, blade extensions, modifications to the turbines or repowering and or wind farm extensions’

Renewable Energy – paragraph 4.103

RSPB Scotland (133.029) - No change requested.

Infinergy Ltd (383.008) - Amend last sentence of para. 4.103 to read: ‘In all cases particular attention will be paid to the need for sensitive siting and design, including the consideration of reasonable alternatives studied by the developer.’

Policy IN1: Renewable Energy

Sportscotland (008.009); EDF Energy (067.003); Scottish Environment Protection Agency (120.004); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - No change requested.

Janet Gibson (041.008) - Add “amenity” and “relevant routes” to first paragraph, last bullet point to read: “The impact on tourism, amenity, recreational interests and relevant routes.”

Natural Power (080.041) - Create a separate policy/policies to deal with the councils emerging role in delivering a LHEES, including but not limited to the delivery of heat networks and other decentralised energy systems.

Natural Power (080.040); Community Windpower (111.008) - Replace the current additional and unnecessary tests applied in Policy IN1 with the same requirements of other similar policies in the LDP2 in order to reflect the Core Values of the planning service as set out in paragraph 4 of SPP (2014), to “*be proportionate, only imposing conditions and obligations where necessary*” as well as facilitating sustainable economic growth.

Scottish Natural Heritage (122.013) - Update IN1 list to reflect the list of IN2 by including a criteria for impact on aviation and defence interests.

Infinergy Ltd (383.002) - The policy text should be changed to read as follows:” The Council will support development proposals for all renewable energy generation **and** – or storage which are located, sited and designed appropriately and provided they do not individually or in combination with other **built or approved schemes** have an **unacceptable*** significant adverse impact on:

landscape and visual receptors;

- local communities in terms of visual environment, noise, emissions and shadow flicker;
- natural and historic environment (including cultural heritage and biodiversity)
- forestry and woodlands
- tourism and recreational interests

To enable this assessment, sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- Any associated infrastructure requirements including road and grid connections (where subject to planning consent)
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.
- relevant provisions for the restoration of the site
- the extent to which the proposal helps to meet the current **Scottish** government targets for **renewable** energy generation and consumption.

The Council will support proposals for district heating systems. Planning applications (where appropriate) for major applications will be required to include an energy statement which includes the considerations of the feasibility of meeting the development heat demand through a district heating network or other de- carbonised alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source, and any land required for the that network infrastructure should be protected.

*Acceptability will be determined through an assessment of the details of the proposal including

the following benefits:

- **net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;**
- **the scale of contribution to renewable energy targets;**
- **effect on greenhouse gas emissions and the extent to which it results in unacceptable significant adverse environmental and cumulative impacts**

Policies IN1: Renewable Energy and IN2: Wind Energy

Alistair Buckoke (441.002) – Address issues of turbines in excess of 135m in body of Proposed Plan not just SG.

ABO Wind UK (488.001) - Reword the definition of acceptability.

SSE Generation Development (523.001) - No change requested.

Wind Energy – Spatial Framework Table 3

EDF Energy (067.003); North Lowther Energy Initiative (554.001) - No change requested.

Scottish Renewables (131.002); Infinergy Ltd (383.009) - Add the following text under the heading Group 2 Areas of Significant Protection. “Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”

Scottish Power Renewables (113.015) – Group 1 - include a reference to ‘National Parks’. Group 2 - remove the reference to Special Protection Areas and Special Areas of Conservation.

Renewable Power Exchange (553.001) - Amend table 3 to specifically set out that the white land areas are Group 3 areas with potential for wind farm development.

Wind Energy - paragraph 4.105

EDF Energy (067.003) - Add reference to Policy IN2 and the spatial framework map.

North Lowther Energy Initiative (554.001) - The LDP should make explicit reference to policy IN2 and specifically at the end of policy IN2 where there is reference to the spatial framework map and SG.

Wind Energy – Spatial Framework Map 8

Bernard Stevenson (392.001) - Extend the boundary of the Fleet valley NSA to include the horizon visible from the estuary. It should also extend west to include Barholm, Barholm Hill, hills Ben John, Mill Knock, Cairnharrow, Kenlum Hill and Doon Hill and Wigtown Bay.

Scottish Government (455.022) – The key should be amended to highlight the group three areas, with associated colouring on the map if necessary.

ABO Wind UK (488.001) - Include a larger scale, higher resolution map.

Policy IN2: Wind Energy – General

EDF Energy (067.003); Scottish Power Renewables (113.014); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) – Revise policy to include the full list of considerations set out in paragraph 169 of SPP.

Community Windpower (111.007) - Rephrase the policy to remove the overtly negative connotations of impacts, as impacts can be positive, negative or neutral.

Natural Power (080.042); Scottish Renewables (131.002) - No change requested.

Peter James Lamont (408.001) - Wind farm planning rules should be more prescriptive. Development should be restricted to the regions highest points. Compensation should be paid automatically to local residents.

SSE Generation Development (523.001) - The policy should be supportive of larger tip heights to reflect commercial viability. Applications for repowering and wind farm extensions should be included in the Proposed Plan and also removing conditions for wind farms that are time limited. This will ensure installed wind capacity is protected and new capacity, as the cheapest form of generation, is enabled.

Policy IN2: Wind Energy – Assessment of all Wind farm Proposals

Infinergy Ltd (383.003) - Rephrase second sentence of the policy to read: ‘individually or in combination with other built or approved schemes’.

Policy IN2: Wind Energy - Socio economic benefits

Janet Gibson (041.011) - Amend consideration to read. “The socio-economic benefits or disbenefits for the surrounding communities and the wider area that will arise directly from the development.”

EDF Energy (067.003); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Amend policy to reflect SPP.

Infinergy Ltd (383.003) - The socio economic benefits consideration should be expanded to include –

- The scale of contribution to renewable energy targets
- Contribution towards reducing greenhouse gas emissions

Natural Power (080.042) - Include socio-economic as a general consideration in OP1.

Policy IN2: Wind Energy – Landscape and visual impacts

Banks Renewables (127.005) - Amend bullet point 2 to read: “the extent to which the landscape is capable of accommodating the development without unacceptable significant detrimental landscape or visual impacts.”

ABO Wind UK (488.001) - Amend text to read: “the extent to which the landscape is capable of accommodating the development with respect to landscape or visual impacts”.

Policy IN2: Wind Energy – Landscape and visual impacts, use of the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)

Natural Power (080.043) - Specific reference to the DGWLCS should be deleted from the policy and the DGWLCS taken out of the plan.

Banks Renewables (127.005) - Amend paragraph 4.106 to read:

“Different landscapes will have a different capacity to accommodate new development, and the scale, siting and design of development should be informed by local landscape character. The DGWLCS is an appendix to the supplementary guidance. **It provides an initial reference**

point for the consideration of potential capacity for wind farm developments. It assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character. **No site specific conclusions should be drawn from the report, this should be left to site specific assessments.** Guidance and advice for offshore wind energy developments is also provided within the supplementary guidance.”

Remove references to the Supplementary Guidance and DGWLCS from 3rd last paragraph of the policy.

Scottish Renewables (131.002) – The first bullet be moved to the end of this section in order to acknowledge that the DGWLCS should not be a determining consideration.

Infinergy Ltd (383.003) – Reword the policy to read: The Spatial Framework Map** (Map 8) provides **important** strategic guidance **and identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities.** ~~However, it must be read in conjunction with the Supplementary Guidance and its appendix, the Dumfries and Galloway Wind Farm Landscape Capacity Study.~~ **Regard should also be had to the DGWLCS technical paper, which is associated with but does not form part of the Supplementary Guidance on Wind Energy Development.**

Para 4.106 should be amended as follows: The DGWLCS is a technical paper, which is associated with but does not form part of the Supplementary Guidance on Wind Energy Development.

Sub heading Landscape and visual impacts - Reword the first two bullet points as follows: “the extent to which the proposal addresses and takes into account the **strategic** guidance contained in the DGWLCS **technical paper.**”

The extent to which the landscape is capable of accommodating the development without **unacceptable** significant **adverse** detrimental landscape and visual impacts.

Scottish Government (455.021) - Delete bullet point 1.

Fred Olsen Renewables (547.001) - The first bullet point under the ‘Landscape and visual impacts’ heading beginning ‘the extent to which the proposal.....’ should be deleted from this policy.

The DGWLCS, is taken out of the wider body of the LDP by not being physically appended to the supplementary guidance as at present.

Remove the specific reference to the DGWLCS in IN2.

The relationship between the LDP including supplementary guidance and the DGWLCS should thereafter be redefined throughout the LDP and Supplementary Guidance to reflect its status as a study / technical paper.

The LDP should instead have greater regard to and specifically reference the Scottish Energy Strategy and OWPS published by Scottish Government in 2017.

EDF Energy (067.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Move first bullet point to the end of the sub-section. Under the sub-heading

'landscape and visual impacts' the first matter referenced is "*the extent to which the proposal addresses and takes into account the guidance contained in the Dumfries and Galloway wind farm landscape capacity study*".

Policy IN2: Wind Energy – Cumulative impact

Infinergy Ltd (383.003) - Delete the following text from the policy "or impacts on existing patterns of development".

Policy IN2: Wind Energy – Impact on local communities and residential interests

Brian Heslop (380.001) - The Council should adopt the WHO guidance on siting wind turbines at least 1500m from residential properties.

Infinergy Ltd (383.003) - Delete detrimental and replace with unacceptable adverse significant.

Policy IN2: Wind Energy – Impact on aviation and defence

Community Windpower (111.007) - Remove mention of the Eskdalemuir Safeguard Area as it is not a Council asset and is not relevant to the LDP2 as a material consideration.

Policy IN2: Wind Energy – Other impacts and considerations

Janet Gibson (041.010) - Add "amenity" to consideration a) to read "the extent to which the proposal avoids or adequately resolves any other significant adverse impact including:- on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism, amenity and recreational interests."

Banks Renewables (127.005); Infinergy Ltd (383.003) – Amend the first bullet point to read "the extent to which the proposal avoids or adequately resolves any other **unacceptable** significant adverse impact including:- on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests."

South Ayrshire Council (427.001) - Include a bullet point that considers the impacts of any wind energy proposals on the adjoining authority's natural and historic environment, cultural heritage, biodiversity, forest and woodlands, tourism and recreational interests. The assessment should also take into consideration the proposed transportation routes of construction traffic which may affect local communities.

Waste Management – General

Cumbria County Council (362.001) - Amend text to include wording similar to Cumbria County Council.

Waste Management - paragraphs 4.110 to 4.111

Nuclear Decommissioning Authority (545.001) – Include a specific reference / acknowledgement of the Scottish Government Higher Activity Waste (HAW) policy.

Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)

Wildfowl & Wetlands Trust (448.001) - Expand the opening sentence of policy IN8 to read 'With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating surface water, managing flow rates, improving water quality, enhancing biodiversity and creating amenity value for local residents'.

Wildfowl & Wetlands Trust (448.003) – Amend the second sentence of policy to read 'surface water management arrangements, including SuDS proposals, must form part of any Planning

in Principle proposal’.

Wildfowl & Wetlands Trust (448.005) – Rewrite the sentence ‘Planning applications must include appropriate and proportionate details of the proposed SuDS which should’ to ‘Planning applications must include appropriate and proportionate details of the proposed SuDS to show how they will’.

Wildfowl & Wetlands Trust (448.007) - Amend the SuDS requirement in policy that reads ‘contribute positively to the biodiversity and general amenity of the area of the proposal’ to read ‘contribute positively to the water quality, biodiversity and general amenity of the area of the proposal’.

Wildfowl & Wetlands Trust (448.008) - Rewrite the penultimate sentence of policy to read ‘This should be by the way of SuDS scheme but some alternative interim solution that protects the water environment would be acceptable’.

Policy IN9: Waste Water Drainage

Scottish Water (083.004) – The following should be changed from ‘Where there is limited or no capacity at the waste water treatment works, early contact should be made with Scottish Water’ to ‘Scottish Water is responsible for funding any required upgrades to its waste water treatment works. Where there is limited capacity at the works early contact should be made with Scottish Water.’

Policy IN11: Telecommunications

Scottish Government (455.003) - The policy would benefit from reference to the provision of digital infrastructure in new homes and business premises as an integral part of the development.

Proposed new policy - IN0: Electricity Grid Infrastructure

SP Energy Networks (561.001) - Text supporting policy IN0 should read as follows:

“The de-carbonisation of the energy industry, coupled with the age of existing electricity transmission and distribution infrastructure, mean significant investment in upgrading and replacing the electricity grid is likely during the plan period. NPF3 affords national development status on major transmission developments and, subject to the requirements of Policy IN0, the Council supports development pursuant to national development number 4.

Such developments include Kendoon to Tongland Reinforcement works, which will include the removal and replacement of overhead transmission lines in Dumfries and Galloway in order to modernise and reinforce the transmission network which supports the area.”

Summary of responses (including reasons) by planning authority:

Infrastructure – General

SP Energy Networks (561.001) - The Regional Energy Strategy is referred to in the Spatial Strategy section of the Proposed Plan, paragraphs 3.20-3.21. For brevity, it is considered unnecessary to duplicate this elsewhere in the document.

No modification proposed to the Plan.

Renewable Energy – General

Alistair Buckoke (441.001) – It is considered that overall the Proposed Plan strikes an appropriate balance, which reflects how the aspirations and assets of the area support the

general approach of the Scottish Ministers as set out in SPP.

No modification proposed to the Plan.

Renewable Energy – paragraph 4.100

Scottish Renewables (131.002) – The Infrastructure chapter is the only section of the plan that includes support for onshore wind.

No modification proposed to the Plan.

Infinergy Ltd (383.006) – The Council consider that Supplementary Guidance would be a more appropriate location to refer to the Scottish Energy Strategy.

It is not the intention to give the impression that the proportion of renewable energy from onshore wind will decrease. It is considered that the removal of the word “However” from the start of the third sentence should address the concerns raised by the representor.

The Council considers this to be a non-notifiable modification.

Renewable Energy – paragraphs 4.100 to 4.101

Community Windpower (111.006) - Support noted.

No modification proposed to the Plan.

Renewable Energy - paragraphs 4.100 to 4.103

EDF Energy (067.003); ABO Wind UK (488.001); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - The Scottish Government’s Energy Strategy and OWPS are material considerations when determining planning applications. The Council consider that overall, the Proposed Plan strikes an appropriate balance, which reflects how the aspirations and assets of the area support the general approach of the Scottish Ministers as, set out in SPP. If it was considered appropriate to make reference to the documents, the Council consider Supplementary Guidance would be a more appropriate location than the development plan.

No modification proposed to the Plan.

Renewable Energy – paragraph 4.101

Infinergy Ltd (383.007) - The bullet points were included in the plan to give an idea of types of new renewable energy technologies. Batteries are included in the third bullet point. The proposed changes in respect of wind turbines and wind farm extensions are not considered new technology and the inclusion of such a blanket supportive statement is not considered appropriate.

No modification proposed to the Plan.

Renewable Energy – paragraph 4.103

RSPB Scotland (133.029) - Support noted.

No modification proposed to the Plan.

Infinergy Ltd (383.008) - Whilst it is for the developer to consider the main alternatives they should also indicate the main reasons for their choices, taking into account the environmental effects. In making its determination on a planning application supported by an EIA the planning

authority should consider whether the main alternatives have in fact been assessed and whether there is sufficient justification for the choices made by the developer.

No modification proposed to the Plan

Policy IN1: Renewable Energy

Sportscotland (008.009); EDF Energy (067.003); Scottish Environment Protection Agency (120.004); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - Support noted.

No modification proposed to the Plan.

Janet Gibson (041.008) - It is considered that overall amenity is covered through the bullet pointed considerations identified in Policy IN1, and through OP1g: Development Considerations – General Amenity. Policies CF2: Green Networks and CF4: Access Routes seek to protect and enhance access.

No modification proposed to the Plan.

Natural Power (080.041) - It is believed that the preparation of a Regional Energy Strategy will become mandatory for local authorities. Whereas national guidance on what the Regional Energy Strategy should contain is not yet available, it is anticipated that it will include the Council's position on this matter.

No modification proposed to the Plan.

Natural Power (080.040); Community Windpower (111.008) - IN1 is a broad policy that seeks to provide support for renewable energy proposals. The 4th core value as set out in SPP also requires the service to “make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system”. The wording of the policy in the Proposed Plan sets out the various considerations that will be taken into account when assessing proposals. The considerations are there to provide transparency, not place additional burdens on developments.

No modification proposed to the Plan.

Scottish Natural Heritage (122.013) - IN1 is a broader policy than IN2 and intends to cover a wide range of possible renewable energy proposals. Wind turbines are probably the only type of renewable energy technology likely to have an impact on aviation and defence interests. This is why they are specifically listed in IN2 and not IN1.

No modification proposed to the Plan.

Infinergy Ltd (383.002) - The proposed changes are trying to ensure the policy covers every eventuality from a proposed development. Paragraph 1.5 of the Proposed Plan states that individual policies do not set out the whole picture for the various types of development. The Council consider the policy is clear and understandable. SPP is a material consideration in the decision making process, the bullet points in paragraph 169 do not need to be included in the policy.

No modification proposed to the Plan.

Policies IN1: Renewable Energy and IN2: Wind Energy

Alistair Buckoke (441.002) – The policies set out the considerations development proposals will be assessed against. Renewable energy technology is constantly evolving, which paragraph 4.101 acknowledges. With this in mind, Supplementary Guidance is considered to be the most appropriate place to address detailed matters such as turbine heights as it can be updated more quickly than the Development Plan.

No modification proposed to the Plan.

ABO Wind UK (488.001) - The definition of acceptability in the proposed plan is the wording that was recommended by the reporter in the Dumfries and Galloway LDP1 Examination Report (CD06).

The Council consider this wording meets the requirements of the Planning Act.

No modification proposed to the Plan.

SSE Generation Development (523.001) - Support noted.

No modification proposed to the Plan.

Wind Energy – Spatial Framework Table 3

EDF Energy (067.003); North Lowther Energy Initiative (554.001) - Comments noted.

No modification proposed to the Plan.

Scottish Power Renewables (113.015); Scottish Renewables (131.002); Infinergy Ltd (383.009) - The change requested would help to provide additional clarity. The Council propose to amend the wording of table 3 to replicate the table in SPP.

The Council considers this to be a factual change that will be updated before the Plan is adopted.

Renewable Power Exchange (553.001) - Table 3 in the proposed plan states that Group 3 areas are areas with potential for wind farm development. The Council accepts that the way this information is shown on map 8 could be improved. The Council therefore propose to amend Map 8 by giving Group 3 areas a colour and including them on the key.

The Council considers this to be a factual change that will be updated before the Plan is adopted.

Wind Energy - paragraph 4.105

EDF Energy (067.003); North Lowther Energy Initiative (554.001) - The purpose of the paragraph is to bring attention to the Supplementary Guidance, not to set out all the criteria or policies that that will be used to determine applications.

No modification proposed to the Plan.

Wind Energy – Spatial Framework Map 8

Bernard Stevenson (392.001) - It is not possible to extend the boundary of the Fleet Valley NSA as part of this process.

No modification proposed to the Plan.

Scottish Government (455.022) – Table 3 in the proposed plan states that Group 3 areas are areas with potential for wind farm development. The Council accepts that the way this information is shown on map 8 could be improved. The Council therefore propose to amend Map 8 by giving Group 3 areas a colour and including them on the key.

The Council considers this to be a factual change that will be updated before the Plan is adopted.

ABO Wind UK (488.001) - The Council will publish a higher resolution map in the adopted version of the Plan. It is also likely that the majority of people will view the map online.

The Council considers this to be a non-notifiable modification.

Policy IN2: Wind Energy – General

EDF Energy (067.003); Scottish Power Renewables (113.014); Scottish Renewables (131.002); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) –

The Council consider that the 6 sub-headings included in the policy encompass the same range of issues included in SPP. This approach is supported by paragraph 161 of SPP which states “Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.” The list in IN2 is considered appropriate and relevant to the local circumstances in Dumfries and Galloway.

No modification proposed to the Plan.

Community Windpower (111.007) - Support noted. Development proposals are considered on a case by case basis. The policy, as currently written is not considered to be negatively worded.

No modification proposed to the Plan.

Natural Power (080.042); Scottish Renewables (131.002) - Support noted.

No modification proposed to the Plan.

Peter James Lamont (408.001) - It is not possible to restrict wind farm developments to the regions highest points as each development proposal is assessed on a case by case basis using a landscape character approach. The Council has developed a spatial framework, following the requirements set out in SPP, to identify those areas that are considered most appropriate onshore wind farms.

No modification proposed to the Plan.

SSE Generation Development (523.001) - Policy IN1 and IN2 support renewable energy and wind energy developments. Each development proposal is assessed on a case by case basis. It is not considered appropriate to give blanket support in a policy of the areas suggested in the representation.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Assessment of all Wind farm Proposals

Infinergy Ltd (383.003) - The phrase “individually or in combination” is considered clear and

does not require to be amended. The reporter for the Dumfries and Galloway LDP1 Examination Report (CD06) recommended that the phrase be included in the policy.

No modification proposed to the Plan.

Policy IN2: Wind Energy - Socio economic benefits

Janet Gibson (041.011) - It is only by setting out what the socio-economic benefits of the scheme are that an assessment can be made of whether the proposed scheme will provide a socio-economic benefit or not. The change requested is not considered to fully reflect the Supplementary Guidance as reference is made to direct and indirect benefits.

No modification proposed to the Plan.

EDF Energy (067.003); Scottish Renewables (131.002); Infinergy Ltd (383.003); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) - The socio-economic sub-heading is considered by the Council to encompass what is set out in SPP. This approach is supported by paragraph 161 of SPP which states “Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.” The supporting draft Wind Energy Development Supplementary Guidance (CD30) provides more information on what information should be submitted in support of a planning application in respect of this criteria.

No modification proposed to the Plan.

Natural Power (080.042) – Socio-economic is included in OP1. The first bullet point of Policy OP1f) requires Development proposals to limit the impact of climate change, support resilience, and support sustainable development by: assisting the development of the local economy through sustainable economic growth.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Landscape and visual impacts

Banks Renewables (127.005); ABO Wind UK (488.001) – It is not correct to say that all major onshore wind farm proposals will result in significant adverse landscape and visual impacts. If the proposed wind farm is well sited to avoid sensitive landscapes and visual receptors it should not have a significant adverse impact on the landscape.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Landscape and visual impacts, use of the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)

EDF Energy (067.003); Natural Power (080.043); Banks Renewables (127.005); Scottish Renewables (131.002); Infinergy Ltd (383.003); Scottish Government (455.021); Fred Olsen Renewables (547.001); Renewable Power Exchange (553.001); North Lowther Energy Initiative (554.001) – SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances (paragraph i). In the Examination Report into the adopted LDP (CD06) the Reporter considered that the appropriate local interpretation of national policy is a key role of the LDP. A locally tailored approach does not in itself demonstrate a deficiency. However, it is important that any local approach should maintain consistency and clarity throughout Scotland and work towards the national objective of achieving renewable energy targets. The Reporters assessment of these issues is based on

the premise that the Proposed Plan, in adopting a locally tailored approach, should not undermine the objectives of SPP.

SPP expects planning authorities to set out a spatial framework for onshore wind within the development plan to identify areas which are most appropriate for onshore development. The Council have prepared a spatial framework following the requirement set out in SPP, the spatial framework is included in the Proposed Plan. The wording of IN2 has been changed to clarify the purpose of SPP in relation to a consistency of application of policy across Scotland and reflecting local circumstance.

The DGWLCS is directly referenced within Policy IN2 of the adopted LDP. It is also an appendix to LDP Supplementary Guidance – Part 1 Wind Energy Development: Development Management Considerations which was adopted on 6 March 2015. An updated version of the Supplementary Guidance was adopted 22 June 2017 in response to the review of the DGWLCS. The Supplementary Guidance was reissued for consultation alongside the Proposed Plan (CD31). It therefore has been afforded significant weight and status as an important policy document by Scottish Ministers through the Supplementary Guidance adoption process. The Council consider the DGWLCS to be part of the Development Plan.

When reviewing the current adopted plan, the major change proposed to Policy IN2 as set out in the Main Issues Report, was in respect of the spatial framework. The Council consider that Policy IN2 broadly reflects the Development Management considerations set out in paragraph 169 of SPP. The landscape and visual impacts part of the policy assess the extent to which wind energy proposals have addressed and taken into account the guidance contained in the DGWLCS. The SNH guidance, Spatial Planning for Onshore Wind Turbines (2015) is the principle reference for developing SPP paragraph 169 and the DGWLCS complies with the advice and guidance relating to capacity studies.

SPP introduces a presumption in favour of development that contributes to sustainable development. The aim is to achieve the right development in the right place; it is not to allow development at any cost. (paragraph 28) and landscape is one of the guiding principles (paragraph 29): protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. The DGWLCS takes a landscape-character based approach to achieving this SPP policy principle: it is a spatially based document, with strategic and more detailed advice.

The DGWLCS is based on mapping of Landscape Character Types / Units (LCT/U), assessing landscape sensitivity to different forms of wind energy development, providing development siting and design guidance, and informing of relative capacity for LCT/Us. It assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character. In this way it guides the right development to the right place, reflecting Dumfries and Galloways local circumstances.

The DGWLCS is used to assist development management decisions on planning applications along with consideration of other material considerations that require to be addressed. In addition to consideration of DGWLCS, applications are assessed on case by case basis in relation to landscape, visual and cumulative matters. The environmental assessment and LVIA submitted alongside such proposals are also used in determining the development. The DGWLCS has not been used to identify areas of constraint on the spatial framework map.

Scottish Natural Heritage guidance; 'Siting and Designing Windfarms in the Landscape' version

3a 2017 (CD03) paragraph 1.9 states that “Developers and those involved in wind farm design should also refer to the Spatial Frameworks being developed by planning authorities in response to SPP. When considering an individual application the adopted development plan, relevant Supplementary Guidance, wind energy capacity studies and SPP provide the framework within which the application should be considered.” The glossary defines capacity or sensitivity study as research which attempts to identify the landscapes more suited to a particular type of development in a given area.

The DGWLCS and its status in the decision making process has been tested through the planning appeals process on many occasions. The majority of appeal decisions within Dumfries and Galloway have accepted the guidance and recommendations of the DGWLCS.

Spatial frameworks by their nature are too strategic to provide sufficient information by which to assess development proposals in a local context. As a result it is considered that the Supplementary Guidance and its appendix are equally important for the purpose of assessing proposals. The Council consider the DGWLCS draws support from SPP and from SNH guidance and is a recognised valuable tool in development management.

The DGWLCS provides The Council’s evidence base to direct appropriate wind farm development to appropriate/less sensitive areas of landscape character, and avoid areas of greater sensitivity/lower capacity. The Spatial Framework Map (Map 8) provides the strategic guidance, consistent with the application of policy across Scotland. However, in line with the purpose of SPP it must be read in conjunction with the supplementary guidance and Appendix C which reflects local circumstance.

The consideration of landscape and visual impacts is clearly stated in paragraph 169 of SPP as a consideration in assessing proposals whilst paragraph 161 also states that development plans should set out the criteria that will be considered in deciding all applications for wind farms. As a result the Council believe it is entirely appropriate that these matters, including the DGWLCS which forms part of these considerations, are discussed within the policy approach. Scottish Ministers have agreed to the adoption of the Supplementary Guidance including its appendices.

The Council consider that the support for renewable energy within the Scottish Government’s Energy Strategy and the OWPS is broadly similar to that of SPP and indeed DGC Policy. The Council therefore does not consider the wider Strategy document to hold any material relevance to the Council’s consideration of wind energy proposals.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Cumulative impact

Infinergy Ltd (383.003) - Developments that are concentrated in appropriate locations with similarities in layout, design and materials can create clusters with a unified appearance which appear to ‘fit’ within the landscape. Conversely, developments that are dissimilar and/or spill over into different landscape character areas are unlikely to achieve a landscape fit. Onshore wind energy development is a relatively recent phenomenon in Scotland and patterns of development are only now becoming apparent. To enable a meaningful assessment to be made of cumulative impact there needs to be a reference to existing patterns of development.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Impact on local communities and residential interests

Brian Heslop (380.001) - For all large and medium turbines a full site-specific noise impact assessment following ETSU-R-97 and Institute of Acoustics methodology (or subsequent accepted national guidelines), which includes cumulative impact, would be required for all appropriate noise sensitive properties as agreed with Environmental Health.

Manufacturer’s noise information data should be provided for all schemes which include turbines below 50m in height to blade tip. Noise effects can be minimised by use of appropriate turbine positioning and separation distance from residential properties, turbine specification and technical controls.

No modification proposed to the Plan.

Infinergy Ltd (383.003) - Wind energy developments can have a range of positive or negative effects on nearby communities. Each proposal is considered on a case by case basis against all the considerations set out in the policy. The wording in the proposed policy is considered acceptable. The draft Wind Energy Development: Development Management Supplementary Guidance (CD30) provides additional information on how the criteria is applied.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Impact on aviation and defence

Community Windpower (111.007) - The Eskdalemuir Safeguard Area is a material consideration in assessing wind farm development proposals. The ownership of it is irrelevant. The draft Wind Energy Development Supplementary Guidance (CD30) requires applicants to consult in detail with aviation and defence stakeholders such as the MoD to ascertain the degree of constraint relevant to the development proposal.

No modification proposed to the Plan.

Policy IN2: Wind Energy – Other impacts and considerations

Janet Gibson (041.010) - Overarching Policy OP1a) considers the issue of amenity. All development proposals will be assessed against the overarching policies. It is not considered necessary to repeat those in IN2.

No modification proposed to the Plan.

Banks Renewables (127.005); Infinergy Ltd (383.003) – The wording in the proposed policy is considered to reflect the wording used in paragraph 203 of SPP as it is seeking to avoid adverse impact on the items listed in the policy. The draft Wind Energy Development Supplementary Guidance (CD30) provides additional information on how the criteria is applied.

No modification proposed to the Plan.

South Ayrshire Council (427.001) - Where there is a possible notable impact on an adjoining authority there should as standard DGC practice, be a consultation with that authority. Any likely impacts would be considered material. In many such instances there will be a requirement to do so in any case.

No modification proposed to the Plan.

Waste Management – General

Cumbria County Council (362.001) - The Proposed LDP2 Waste Management Strategy states that Zero Waste Parks will be used to manage the waste collected through new source separate collections, which will provide additional mixed waste processing capacity in the Ecodeco Plant. Commercial and construction related waste collected by third parties is typically disposed of at privately operated waste disposal sites or transferred out with the region. Special waste will continue to be transported outside of the area for processing.

Paragraph 4.108 in the Proposed Plan section states that landfill sites will not be supported unless an applicant can demonstrate there is no viable alternative.

Comments provided by CCC in relation to the decommissioning of Chapelcross and disposal of other low level radioactive waste were made to LDP1 and acknowledged by the reporter who subsequently inserted new paragraphs in to the Plan. These new paragraphs were carried forward into the Proposed LDP2.

DGC welcome discussions regarding cross-border issues on waste management.

No modification proposed to the Plan.

Waste Management - paragraphs 4.110 to 4.111

Nuclear Decommissioning Authority (545.001) – Comments noted. The current text for paragraphs 4.110 and 4.111 are considered appropriate for the waste policies and is consistent with SPP.

No modification proposed to the Plan.

Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)

Wildfowl & Wetlands Trust (448.001) - It is considered that the text of paragraph 4.114 provides sufficient context for the policy.

More detail is provided in the draft Supplementary Guidance for Surface Water Drainage and SuDS (CD29). It is expected that this Supplementary Guidance will need to be further updated if the approach to the management of surface water from new development set out in the Memorandum of Understanding with Scottish Water is agreed by the Council

No modification proposed to the Plan.

Wildfowl & Wetlands Trust (448.003) – It is considered that the text of para 4.114 provides sufficient context for the policy. The policy itself says ‘Consideration of drainage issues is a planning requirement for every planning proposal. This consideration should be initiated as part of any preliminary site assessment and should progressively inform the generation of schemes as they develop.

More detail is provided in the draft Supplementary Guidance for Surface Water Drainage and SuDS (CD29).

No modification proposed to the Plan.

Wildfowl & Wetlands Trust (448.005) – It is considered that the word ‘should’ in this part of the policy text is appropriate as indicating the policy requirement for all but exceptional circumstances.

No modification proposed to the Plan.

Wildfowl & Wetlands Trust (448.007) - It is considered that the text of paragraph 4.114 provides sufficient context for the policy. This should be understood to include water quality.

Section 2 of the Water Environment and Water Services (Scotland) Act 2003 sets out the responsibilities for public bodies that are designated (including local authorities) as follows:

- to exercise their designated functions to secure compliance with the Water Framework Directive

The main aims of this Directive are to:

- prevent deterioration and enhance status of aquatic ecosystems, including groundwater
- promote sustainable water use
- reduce pollution
- contribute to the mitigation of floods and droughts

No modification proposed to the Plan.

Wildfowl & Wetlands Trust (448.008) - Surface water run-off from a construction site is covered under the SEPA (CAR Regulations) General Binding Rule GBR10(b). It is considered that while the policy text is consistent with that requirement, it should not seek to duplicate it.

No modification proposed to the Plan.

Policy IN9: Waste Water Drainage

Scottish Water (083.004) – The Council consider that the introductory text in paragraph 4.115 provides sufficient clarification of the position.

No modification proposed to the Plan.

Policy IN11: Telecommunications

Scottish Government (455.003) - The purpose of the Policy is to assess telecommunication proposals. The Council consider that Policy OP1f) sustainability, requires development proposals to integrate with existing infrastructure.

No modification proposed to the Plan

Proposed new policy - IN0: Electricity Grid Infrastructure

SP Energy Networks (561.001) – Development proposals to electricity transmission and distribution infrastructure will be assessed against the relevant policies in the plan. The Council do not consider it necessary to include a specific policy in the plan.

No modification proposed to the Plan.

Reporter’s conclusions:

General matters

1. Paragraph 79 of Scottish Government Circular 6/2013: Development Planning charges the council with producing a concise plan. Paragraph 1.5 of the proposed plan indicates that the plan should be read in its entirety. Paragraph 3.21 of the proposed plan indicates that the council proposes to develop a Regional Energy Strategy. Taking these three points together,

I find that the inclusion of a further reference to the proposed Regional Energy Strategy in the Infrastructure chapter of the proposed plan is not necessary. The proposed plan is required to be concise, individual policies and supporting text are not to be read in isolation and the proposed plan already includes a reference to the proposed strategy. I do not consider that any modification to the plan is required to address this representation.

Renewable Energy

2. Scottish Government planning policy on renewable energy is set out in paragraphs 152 to 174 of Scottish Planning Policy 2014 (SPP). The proposed plan is expected to accord with the terms of SPP. Generally, and where relevant, proposed plan Policy IN1 (renewable energy) and Policy IN2 (wind energy) and the associated pre-ambles to these policies conform to SPP. The Infrastructure chapter of the proposed plan does not make any assumptions about low carbon infrastructure that is inconsistent with SPP. I do not consider that any modification to the plan is required to address this representation.

Paragraph 4.100

3. The proposed plan vision includes a statement that, in 20 years' time, there will be a viable rural economy and community characterised by, amongst other things, a range of renewable energy developments. Developing this theme, the economic strategy of the proposed plan highlights the importance of the renewable energy sector and its contribution to the economy and a low carbon place. Additionally, the energy strategy notes that planning policy is seen as a key tool to help deliver climate change action. Proposed Policy IN2: Wind Energy provides council support for wind energy proposals that are located, sited and designed appropriately. The proposed policy sets out a series of considerations against which proposals will be assessed. Clearly, onshore wind energy proposals that conform to proposed plan policy would contribute to the realisation of the vision and strategy of the plan. I am not aware of any specific support for onshore wind elsewhere in the plan and none has been highlighted to me.

4. Paragraph 4.100 of the proposed plan, titled Renewable Energy includes the following statements: "To date, a large share of renewable energy generation in Scotland has been delivered by large scale onshore wind and hydroelectricity schemes. However, it is anticipated that these schemes will increasingly become part of a wider range of productive renewable technologies...as they become more feasible and viable". The use of the word "however" at the beginning of the second sentence quoted could be taken to diminish the anticipated importance of future wind energy projects when I believe the intention of the council is simply to say that, in future, other technologies are likely to play a significant role in the transition to a low carbon economy. Otherwise, I find the paragraph in question to be consistent with the other parts of the proposed plan I have referred to in paragraph 3 above.

5. I consider that deletion of the word "however" would address the representation on this matter and have recommended this below as a modification.

6. Scotland's Energy Strategy: the future of energy in Scotland, published by the Scottish Government in 2017, recognises that the planning system supports the energy system by guiding wind farms to appropriate locations. The strategy notes that the National Planning Framework (NPF) and SPP will be replaced in 2020 and that the period running up to this will create opportunities to collaborate on a revised set of planning policies wholly in line with the goals of the energy strategy and Climate Change Plan. There is nothing in the strategy that requires the council to take any particular action in terms of preparing the proposed local development plan. Rather, as the energy strategy makes clear, any such requirements will

come through the new NPF and SPP. On that basis, I do not consider that any modification to this section of the proposed plan is required to address the representation regarding the energy strategy, other than that already recommended in paragraph 5 above, which I consider would provide an appropriate balance between references to onshore wind and other renewable energy schemes.

Paragraphs 4.100 – 4.103

7. I have set out my finding regarding the relationship of the proposed plan to Scotland's Energy Strategy at paragraph 6 above. The Scottish Government's Onshore Wind Policy Statement, 2017 similarly does not place any particular requirements on the council in preparing the draft plan. The policy statement recognises that many stakeholders believe the existing planning system has worked effectively thus far and can continue to deliver projects that will support the Scottish Government achieve its renewable energy targets. It goes on to say that, proposals to strengthen the status of the NPF and SPP will build on this by giving greater clarity and consistency in development plan policies. This leads me to a similar conclusion that I have come to in relation to the energy strategy, that is, any implications for the development plan arising from the policy statement will come through the review of the NPF and SPP. I do not consider that any modification to the plan is required to address the representation on this matter.

Paragraph 4.101

8. I consider that my conclusions above in relation to the wording of paragraph 4.100, Scotland's Energy Strategy and the Scottish Onshore Wind Policy Statement address the concern expressed in this representation. I do not consider any additional modification to the plan is required.

Paragraph 4.103

9. Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out Information for Inclusion in Environmental Impact Assessment Reports. Paragraph 2 of Schedule 4 requires that the report includes "a description of the reasonable alternatives...studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects." The suggested modification to the second part of the last sentence of paragraph 4.103 so that it reads "...including the consideration of reasonable alternatives studied by the developer" reflects more fully the terms of the regulations than the proposed wording. I have recommended this change below as a modification to the proposed plan. I do not consider that there is anything in the proposed re-wording that undermines consideration of the assessment by the council.

Policy IN1: Renewable Energy

10. Paragraph 157 of SPP requires local development plans to set out the factors to be taken into account in considering proposals for energy developments. Specifically, it says these factors are likely to include the considerations set out at paragraph 169 of SPP. Paragraph 169 includes consideration of public access, including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework 2014 (NPF). The NPF does not identify any scenic routes in Dumfries and Galloway. However, I consider greater consistency with SPP would be achieved were a reference to public access included in

the text of Policy IN1: Renewable Energy. There is no reference to amenity in paragraph 169 of SPP. I consider “amenity” to have a broad and very general meaning which requires greater definition to be meaningful as part of a planning policy. In my view, the existing bullet points, as modified, provide this greater clarity. As the council points out, a number of issues of general amenity are also addressed in part a) of proposed Policy OP1: Development considerations. Where relevant, these could also be applied to an assessment of any wind farm proposals. Consequently, I do not find that the proposed plan would be strengthened by the inclusion of the word “amenity” in the sixth bullet point of Policy IN1.

11. I have recommended a modification below to include reference to public access.

12. Guidance in Scottish Government Circular 6/2013: Development Planning is that development plans are spatial, land use plans that are primarily about place. Their role is to apply and join up the land use elements of local and national strategies into an overall spatial plan for the local area. I have noted at paragraph 1 above that paragraph 3.21 of the proposed plan includes a reference to the proposed preparation of a regional energy strategy by the council. It is not the role of the proposed plan to include a policy to deal with the council’s role in this respect. It may be that the next iteration of the plan includes a policy or policies dealing with any land use implications of such a strategy but, at this juncture, I consider that the existing reference is sufficient. The next local development plan will also be able to take on board any specific additional guidance on renewable energy, including heat networks and other decentralised energy systems, which may emerge through the next NPF and SPP, referred to at paragraphs 6 and 7 above.

13. I do not consider it is appropriate to modify the proposed plan to address the representation on this point.

14. Paragraph 4 of SPP sets out 7 core values of the planning service. As noted in the representations from Natural Power and Community Windpower, the sixth of these is to “be proportionate, only imposing conditions and obligations where necessary”. In the context of these representations, it is also important to note that other values listed relate to “maximising benefits and balancing competing interests”, the service being “plan-led” and, as the council points out, making decisions in a “timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system”. The list of proposed considerations in Policy IN1 against which renewable energy proposals will be assessed are, in my view, necessary to address the core values identified in SPP in the round. They are also broadly consistent with the requirements for development plans set out in paragraphs 157 and 169 of SPP. There is no specific reference to forestry in paragraph 169 but I can appreciate why the council propose to include this consideration given the potential environmental impact of renewable energy developments on the extensive forestry plantations in Dumfries and Galloway. Nor is there any reference in SPP to the impacts associated with construction but I consider that is implicit in the wide range of environmental factors listed.

15. I do not consider it is necessary to modify the proposed plan to address these representations.

16. At paragraph 4.100 of the proposed plan, the council lists a number of types of renewable energy development that may occur in Dumfries and Galloway. These are on-shore wind, off-shore wind, hydroelectricity, wave and tidal, solar, biomass, heat recovery and energy from waste and landfill gas. As indicated in paragraph 4.102, Policy IN1 (renewable energy) provides a general framework for the assessment of all forms of renewable energy whilst Policy IN2: Wind Energy addresses wind energy specifically.

17. Paragraph 157, read with paragraph 169, of SPP indicates that considerations for assessing energy infrastructure developments are likely to include impacts on aviation and defence interests. However, of the potential types of development listed at paragraph 4.100 of the proposed plan, I consider that only wind energy projects are likely to have implications for aviation and defence. Scottish Natural Heritage (SNH) has not provided any evidence to the contrary. Therefore, I consider it appropriate that only Policy IN2, and not Policy IN1, refers to impact on aviation and defence interests.

18. I do not consider it is necessary to modify the proposed plan to address SNH's representation on this point.

19. The proposed insertion of the word "and" into the first sentence of Policy IN1 is a helpful suggestion in that the policy would then provide a policy framework for assessment of a proposed renewable energy generation development that includes storage. There is nothing in the paragraphs that precede the policy that suggest it is the council's intention to exclude this possibility. I have recommended a modification below.

20. The reference in the second sentence of Policy IN1 to the acceptability of any proposed development, either individually or in combination, and the reference in the second bullet point of the policy to cumulative impact appear to me to be duplicative. The guidance in SPP at paragraph 169 refers to cumulative impact as a consideration alongside others such as impact on communities and landscape. I consider that a similar approach would simplify this part of the proposed plan. Accordingly, I have recommended below a modification to delete that existing phrase from the second sentence of the policy.

21. Infinergy's representation suggests that the reference at Policy IN1 to impact on local communities is unclear. SPP paragraph 169 suggests a policy consideration that refers to "impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker". I consider that wording along the lines of that advocated by SPP would address this concern and have recommended this as a modification below.

22. Infinergy is right to describe the acceptability test required by Policy IN1 as requiring an assessment of impacts in relation to benefits. Bullet point 10 of the proposed policy refers to the extent to which the proposal helps to meet the current government targets for energy generation and consumption as a potential benefit. SPP recommends reference to "the scale of contribution to renewable energy generation targets". I am of the view that the SPP wording is to be preferred as it specifically relates to renewable energy targets.

23. Paragraph 169 of SPP also suggests considerations could include net economic impact and the effect of greenhouse gas emissions. Neither consideration is included in the proposed policy. As a result, the proposed policy does not provide the same balance as the range of suggested considerations in paragraph 169 of SPP.

24. I have recommended below a proposed modification to bullet point 10 of proposed Policy IN1, as indicated above. I have also recommended the addition of two further bullet points in relation to economic impact and greenhouse gas emissions which are intended to provide a more appropriate balance to Policy IN1 and reflect more closely the terms of SPP.

Policies IN1: Renewable Energy and IN2: Wind Energy

25. Paragraph 139 of Planning Circular 6/2013: Development Planning requires supplementary guidance to be limited to the provision of further information or detail in respect

of policies or proposals set out in the local development plan, provided there is a sufficient “hook” in the plan policies on which to hang the supplementary guidance in order to give it statutory weight. Policy IN1 and, in particular, Policy IN2, provide the policy framework for assessing wind farm proposals. The same general considerations will apply, to a greater or lesser extent, regardless of turbine size. Therefore, I consider the use of supplementary guidance by the council to address turbine size is an acceptable approach. This is not least because renewable energy technology is developing quickly and, as the council points out, it is easier and quicker to update supplementary guidance to address any significant technological changes than it is to update the local development plan.

26. A specific concern for Mr Buckoke is the impact of large turbines on wild land. Both proposed policies refer to assessment of proposals including landscape and visual impact, in line with the guidance at paragraph 169 of SPP. However, SPP also refers to the effects on wild land as a potential consideration in assessing proposals for energy infrastructure developments. I find that inclusion of the same form of words in Policy IN2 would address this representation more fully.

27. I do not consider that any modification to the plan is required to refer to specific turbine heights. I do consider that a modification to Policy IN2 of the plan is required to refer to potential impacts on wild land and have recommended a form of words below.

28. The footnote to Policies IN1 and IN2 explain that acceptability of a wind farm proposal in relation to the policy will be determined through an assessment of its benefits and the extent to which its impacts can be addressed satisfactorily. Section 25 (1) (a) of the Town and Country Planning (Scotland) Act 1997 (the Act) requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan. I do not find a tension between the footnotes to the policies in question and Section 25 of the Act. Even if any proposal complies with Policies IN1 and IN2, as appropriate, whether planning permission is granted will also depend on compliance with other, relevant development plan policies and the implications of any material considerations, as dictated by Section 25.

29. I do not consider it is necessary to modify the plan in order to address this representation.

Table 3: Spatial Framework

30. I note that two representations indicate that the wording of Table 3; Spatial Framework is consistent with the approach set out in Table 1: Spatial Frameworks of SPP. On the other hand, four representations stress the need for Table 3 to be aligned or consistent with SPP.

31. In relation to Group 1 Areas, there is no national park in Dumfries and Galloway so it is not necessary to include that designation. In relation to Group 2 Areas, it is suggested that the explanatory text from SPP is included in the proposed plan as this indicates that, in these areas of significant protection, wind farms may be appropriate in some circumstances. This may be implicit in the heading, “Areas of significant protection” but I consider it would be helpful to users of the plan to make this explicit and to indicate how a wind farm proposal may be progressed in these areas, as in the approach set out in SPP. I have recommended a modification below to include the SPP text at the beginning of the second part of proposed plan Table 3. I note that the council is supportive of this modification but would treat it as a non-notifiable modification. As the proposed modification is intended to make clear that Group 2 Areas are not areas where wind farms are not acceptable, I consider it goes beyond the minor wording or typographical changes permitted by The Town and Country Planning

(Development Planning) (Scotland) Regulations 2008 as a non-notifiable modification and requires to be dealt with as a formal modification.

32. It is also suggested that Special Protection Areas/Special Areas of Conservation (SPAs/SACs) be deleted from Group 2. These are Natura 2000 sites, the inclusion of which is consistent with Table 1 of SPP. There are examples of both areas in Dumfries and Galloway. They are shown on the proposals maps and protected by Policy NE3. No modification is required to address this representation.

33. In relation to Group 3 Areas, I find that the text in the proposed plan follows the wording in SPP sufficiently closely that no modification to Table 3 is required. The council proposes to modify Map 8: Spatial Framework to show Group 3 Areas as well as the Group 1 and Group 2 Areas shown in the proposed plan. I consider that this would provide helpful clarification. However, as this would add a further spatial categorisation to the map, I do not consider such a change would be a non-notifiable modification as defined by the Regulations and referred to in paragraph 31 above. Therefore, I have recommended the proposed modification below.

Paragraph 4.105

34. Paragraph 4.105, which follows on from Table 3: Spatial Framework, could be taken to mean that anyone wishing to understand how a wind energy development proposal would be assessed need refer only to the supplementary guidance. I agree that a reference to Policy IN2 (wind energy) would be helpful here as this provides the policy hook for the guidance. I do not consider it is necessary also to refer to Map 8: Spatial Framework in this paragraph as it is referenced in Policy IN2. I have recommended a modification below.

Map 8: Spatial Framework

35. As noted at paragraph 4.56 of the proposed plan, National Scenic Areas (NSA) are designated at a national level. The existing areas were identified by the Countryside Commission for Scotland, now Scottish Natural Heritage. It is not within the scope of the local development plan to extend the boundary of the Fleet Valley NSA.

36. I have dealt with the suggestion that Map 8: Spatial Framework is modified to show Group 3 areas with potential for wind farm development at paragraph 33 above.

37. In response to the representation that suggests that Map 8 is printed at too small a scale to be of practical use, the council has undertaken to publish a higher resolution map. I am of the view that this can be regarded as a non-notifiable modification. I also note the council's view that the majority of users will view the map online, through which medium they will be able to adjust the scale.

38. I do not consider any modifications to the proposed plan are required to address these representations.

Policy IN2: Wind Energy

General

39. Proposed Policy IN2 includes a requirement to consider the socio-economic benefits of proposed wind farm developments. This is broadly in line with the considerations suggested at paragraph 169 of SPP. However, other potentially positive impacts listed in SPP, that is:

contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage, are not included in the proposed policy. I find that a more balanced assessment of proposals would result if these additional considerations were included in Policy IN2. This would also provide consistency with the modification suggested to Policy IN1 at paragraph 24 above. I have recommended changes below.

40. A number of representations suggest that the considerations listed in Policy IN2, against which wind farm proposals will be assessed, should match the list of considerations provided at paragraph 169 of SPP. As the council points out, this need not necessarily be the case as it is reasonable to select only those considerations appropriate and relevant to local circumstances. Nonetheless, I consider there are a number of issues listed in SPP that could arise in Dumfries and Galloway that are not referenced in Policy IN2 and the policy would be strengthened by their inclusion. These are; impacts on carbon-rich soils, public access, roads, including trunk roads, the water environment and flood risk and telecommunications and broadcasting infrastructure. Accordingly, I have recommended below a modification to the plan.

41. I consider that the modifications I have suggested at paragraph 39 above would provide the balanced policy context sought in the representation from Community Windpower.

42. Paragraph 161 of SPP requires the council to set out in the local development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. SPP also requires the development plan to set out the criteria that will be considered in deciding planning applications for wind farms, taking account of the considerations set out at paragraph 169 of SPP. The proposed plan follows this approach. Proposals are assessed on a case-by-case basis within this policy framework. Whilst this would allow for consideration of impacts on local roads, there is no provision for the council to restrict wind farm developments to the highest locations or below the level of any nearby dwelling or public road, to restrict blade length or instruct compensation be paid to local residents.

43. I do not consider it is appropriate to modify the proposed plan to address the representation on these points.

44. Paragraph 154 of SPP requires the planning system to support the transformational change to a low carbon economy, support the development of a diverse range of electricity generation from renewable energy technologies, guide development to appropriate locations and advise on the issues that will be taken into account when assessing specific proposals. The first sentence of Policy IN2: Wind Energy indicates the council's support for wind energy proposals that are located, sited and designed appropriately. I consider this policy commitment, along with the supporting text, including the reference to the Spatial Framework map and supplementary guidance is consistent with the approach sought by SPP. I do not consider that consistency is reliant on references to prospective planning applications for specific types of onshore wind development, such as repowering and life extensions or specific dimensions of turbines. These can be assessed against the spatial framework and development considerations provided by the proposed plan. This approach is also consistent with paragraph 161 of SPP, which requires development plans to set out the criteria that will be considered in deciding all applications for wind farms of different scales, including extensions and re-powering, taking account of the considerations set out at paragraph 169.

45. Any issues about time limitations on consents can be resolved through the development management process. I note that, whilst paragraph 170 of SPP requires that areas identified

for wind farms should be suitable in perpetuity, individual consents may be time-limited. I understand that this is in order to reflect the limited life of some infrastructure.

46. I do not consider that it is necessary to modify the proposed plan to address the representation from SSE Generation Development.

Assessment of all Wind Farm Proposals

47. The reference in the first paragraph of proposed Policy IN2 to “the acceptability of any proposed wind energy development, either individually or in combination” and the separate fourth paragraph of the policy headed “Cumulative impact” appears to me to be duplicative. The guidance in SPP at paragraph 169 refers to cumulative impact as a consideration alongside others such as impact on communities and landscape. I consider that a similar approach would simplify this part of the proposed plan. Accordingly, I have recommended a modification below to delete the phrase “either individually or in combination” from the first paragraph of Policy IN2. I have recommended a change to Policy IN1 at paragraph 20 above for the same purpose.

Socio-economic benefits

48. The reference in paragraph 169 of SPP to socio-economic benefits is made in the context of a consideration of the net economic impact of energy infrastructure proposals. Incorporation of this wording in Policy IN2 would provide both the greater consistency with SPP and the improved balance between potential benefits and disbenefits sought in these representations. I have recommended this modification below. I note the council’s advice that supplementary guidance provides information on what socio-economic information should be submitted in support of a planning application for a proposed wind energy development. The modification I have recommended at paragraph 39 above addresses the request to expand this section of the plan to include reference to the scale of contribution to renewable energy targets and contribution towards reducing greenhouse gas emissions.

49. The suggested inclusion of a reference to socio-economic benefits in Policy OP1 (development considerations) is dealt with in Issue 1 of this report.

Landscape and visual impacts

50. The representation from Banks Renewables refers to paragraph 203 of SPP. This paragraph indicates, “planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment”. The test in proposed Policy IN2 is “the extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts.” I do not consider that the wording of the proposed policy in this respect is inconsistent with paragraph 203 of SPP. The wording does not indicate that the council would not support wind farm proposals that have a significant detrimental landscape or visual impact, rather that it will not support proposals where these impacts are not accommodated by the landscape, in which circumstances the policy interpretation would be that the proposal would have an unacceptable impact. Only then would the council not support the planning application. This is likely to be a balanced decision weighing up immediate local effects where, as the representation from ABO Wind UK suggests, adverse impacts are likely to be more significant, along with impacts on the wider landscape where, as the council suggests, if sensitive areas and visual receptors are avoided, it may not have a significant adverse impact on the landscape.

51. I do not consider it is necessary to modify the plan to address these representations.

Use of the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)

52. SPP does not provide specific guidance on the role of landscape capacity studies (LCSs) in preparing planning policy for dealing with proposed wind energy developments. However, although not a statement of policy, the Scottish Government's document Onshore Wind Planning, frequently asked questions (2016), offers some advice I find helpful. This describes landscape capacity studies as "supportive studies relevant to development management and for planning policy related to natural heritage and the landscape".

53. The frequently asked questions (FAQ) document describes the role of LCSs as being to establish a better view of local landscape sensitivity, identify acceptable levels of landscape change, identify cumulative effects and set objectives and guidance for managing these effects and identify scope for further development. This would be in support of paragraph 169 of SPP, which identifies cumulative impacts and landscape and visual impacts as potential considerations in assessing wind farm proposals. Use of LCSs are also consistent with paragraph 202 of SPP, which says, "the siting and design of development should take account of local landscape character".

54. Paragraph 1.9 of SNH guidance document, Siting and Designing Windfarms in the Landscape also includes wind energy capacity studies as one of the factors to be considered in assessing individual planning applications. A capacity study is defined by SNH as research that attempts to identify the landscapes more suited to a particular type of development in a given area. The council also points out that the Dumfries, Galloway Wind Farm Landscape Capacity Study (DGWLCS) has not been used to establish the Spatial Framework in the proposed plan, and that this follows the guidance in SPP by providing strategic guidance that should be consistent across Scotland.

55. The representation from Fred Olsen Renewables refers to the reporter's conclusions in his report on the Benbrack wind farm inquiry in 2017. In this, the reporter concludes, "Wind farm capacity studies are helpful in identifying issues and constraints. However, they cannot replace the proposal-specific detailed assessment contained in an individual landscape and visual impact document". This view is consistent with the executive summary of the DGWLCS, which says the study "does not replace the need for individual and visual impact assessments and/or Environmental Assessments for individual wind energy developments".

56. Given this context, I find that inclusion of a separate bullet point in Policy IN2 indicating that the extent to which a wind energy proposal addresses and takes into account the guidance contained in the DGWLCS overstates the role that should properly be afforded to the capacity study. The following bullet point in the proposed policy, relating to landscape and visual impact, and the following paragraph, relating to cumulative impact, address adequately the terms of SPP. Without this reference in Policy IN2, users of the plan would still be aware of the capacity study through paragraph 9 of Policy IN2 and paragraph 4.106. These references describe the LCS as an appendix to the supplementary guidance.

57. However, I consider that these references should make clear that the landscape capacity study is a supportive study, in line with the Scottish Government response to the FAQ quoted at paragraph 52 above and to SNH's reference to such studies as research. It is clear from the study itself that it is not to be viewed as a substitute for site-specific assessment but I consider that it would be helpful also to make this clear in the proposed plan.

58. The Supplementary Guidance: Wind Energy Development has been prepared in accordance with Section 22 of the Act and Regulation 27 of the Development Planning Regulations. Proposed plan Policy IN2 provides the requisite policy hook referred to in paragraph 138 of Circular 6/2013: Development Planning in relation to landscape and visual impacts and cumulative impact. I consider that, if the status of the DGWLCS is clarified in the way I have suggested, there is no reason why it should not be appended to the supplementary guidance and referenced in the proposed plan.

59. I have recommended that paragraph 4.106 and paragraphs three and nine of Policy IN2 be modified to reflect my conclusions on this matter.

60. Part of the representation from Natural Power is wider in scope in that it advocates wind energy proposals should be considered in the context of the spatial framework and against other relevant policies in the plan rather than in the context of specific policy considerations in relation to wind energy proposals. However, paragraph 161 of SPP requires that “development plans should set out the criteria that will be considered in deciding all applications for wind farms... taking account of the considerations set out at paragraph 169”. The proposed plan follows this approach and is supported by supplementary guidance. Consequently, I do not consider that any modification to the plan is required to address this aspect of Natural Power’s representation.

Cumulative impact

61. Paragraph 169 of SPP requires that planning authorities recognise that, in some areas, the cumulative impact of existing and consented energy development may limit the capacity for further development. The wording of the fourth paragraph of proposed plan Policy IN2 relating to cumulative impact reflects this requirement. I note that the representation from North Lowther Energy seeks reference to positive impacts, particularly positive socio-economic interests, in this part of Policy IN2. However, I consider that a balanced assessment of a wind farm proposal would pick up any such benefits in the context of the second paragraph of the policy, headed Socio-economic benefits. I do not consider that it is necessary to modify the plan to address this representation.

Impact on local communities and residential interests

62. There is no requirement in SPP for the council to adopt World Health Organisation guidelines on separation distances between turbines and residential properties. However, I am satisfied that the council deals with these matters reasonably. I consider that it is sufficient for the proposed plan to establish a policy principle at Policy IN2 that assessment of wind farm proposals will include consideration of shadow flicker and noise impact on communities and individual dwellings with detailed policies provided at paragraphs D2 to D7 of the draft supplementary guidance, Wind Energy Development: Development Management Considerations (2018). The issue of planning enforcement is an operational matter for the council’s development management service and not an issue for this examination.

63. I do not consider that any modification to the plan is required to deal with this representation.

64. I have considered the argument that the policy test that requires that proposals should not have significant detrimental impacts be prefixed with the adjective “unacceptable” at paragraph 50 above in relation to landscape and visual impacts. I consider that the same reasoning applies to the issue raised by Infinergy Ltd in relation to impact on local communities

and residential interests. I do not consider that a modification to the plan is required to address this representation.

Impact on aviation and defence

65. Paragraph 169 of SPP indicates that considerations to be taken into account when assessing proposed wind farm developments include aviation and defence interests. Therefore, I find that the inclusion of a reference to the Eskdalemuir Safeguard Area in paragraph 6 of proposed Policy IN2 is appropriate. As the council notes, the draft supplementary guidance on wind energy requires the council to consult with stakeholders, such as the Ministry of Defence, in relation to individual proposals.

66. I do not consider it is necessary to modify the plan to address this representation.

Other impacts and considerations

67. There is no reference to amenity in the list of potential impacts from wind farm developments set out at paragraph 169 of SPP. I consider “amenity” to have a broad and very general meaning which requires greater definition to be meaningful as part of planning policy. In my view, the existing wording of proposed Policy IN2, not just paragraph 7 of the policy, provides that greater clarity. Consequently, I do not find that the proposed plan would be strengthened by the inclusion of the word “amenity” in paragraph 7 (a) of Policy IN2. As the council points out, a number of issues of general amenity are also addressed in part a) of Policy OP1: Development considerations. Where relevant, these could also be applied to an assessment of any wind farm proposals.

68. I do not consider that it is necessary to modify the plan to address this representation.

69. I have considered the argument that the policy test that requires that proposals should not have significant detrimental impacts be prefaced by the adjective “unacceptable” at paragraph 50 above in relation to landscape and visual impacts. I consider that the same reasoning applies to the issue raised by Banks Renewables and Infinergy Ltd. in relation to other impacts and considerations. I do not consider that any modification to the plan is required.

70. Paragraph 8 of Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires that the council consults any adjoining planning authority on development likely to affect land in the district of that authority. Paragraph 10 of Schedule 5 also requires the council to consult the roads authority concerned where the proposed development involves the formation, laying out or alteration of any means of access to, or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a road for which the planning authority is not also the roads authority. I do not find it necessary to reiterate these statutory requirements in the proposed plan.

71. I do not consider that it is necessary to modify the plan to address the representation from South Ayrshire Council.

Waste Management

General

72. Paragraph 182 of SPP records a significant shortfall of waste management infrastructure

in Scotland. SPP indicates that, as long as this shortfall exists, there should be an emphasis on need over proximity and that the achievement of a sustainable strategy may involve waste crossing planning boundaries. SPP goes on to say that, as the national network of installations becomes more fully developed, there will be scope to give greater weight to proximity in identifying suitable locations for new waste facilities. Therefore, it is not necessary for the proposed plan to adopt policy wording similar to Cumbria County Council, which aims for self-sufficiency in terms of waste management.

73. Nonetheless, I have no evidence that the waste management policies in the proposed plan will affect Cumbria. Any prospective land use planning impacts on the county council area from waste management proposals that may arise in Dumfries and Galloway can be dealt with in one of two ways. If the prospective impact results from a proposed development in Dumfries and Galloway, Cumbria can provide its views in any consultation response on the planning application. If the prospective impact arises directly from a proposed development in Cumbria, the county council can deal with the planning application by applying the policies in the Cumbria Minerals and Waste Local Plan, 2017. I also note the helpful commitment by both councils to cross-boundary/border co-operation and discussion on waste management.

74. I do not consider that it is necessary to modify the proposed plan to address this representation.

Paragraphs 4.110 to 4.111

75. Scotland's Higher Activity Radioactive Waste Policy 2011 is a high-level Scottish Government Policy that provides the framework for the long-term management of higher activity radioactive waste arising in Scotland. The request by the Nuclear Decommissioning Agency to refer to the policy in the proposed plan is reasonable in that it would help set out the background to the decommissioning of Chapelcross described in paragraphs 4.110 and 4.111.

76. I have recommended below a modification to paragraph 4.110.

Infrastructure and the Water Environment

Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)

77. Paragraph 4.114 of the proposed plan indicates that better quality SuDS can provide multiple benefits. The fourth bullet point of paragraph 3 of proposed Policy IN8 states that SuDS should contribute positively to the biodiversity and general amenity of the area. These same potential benefits are also referenced in sections 1.2, 2 and 4 of the related draft supplementary guidance. Sections 1.4 and 1.6 of the draft guidance refer to the benefits to water quality of installing SuDS. Generally, I consider these references address the first concern of the Wildfowl and Wetlands Trust (WWT) well. However, the addition of a reference to water quality in the proposed policy would provide a policy hook for that part of the draft guidance.

78. I have recommended below a modification to the fourth bullet point of proposed Policy IN8.

79. I consider that the intention of the first paragraph of proposed Policy IN8 is to require that proposals for SuDS form part of any planning application in principle. This would be consistent with the statement at paragraph 2 of the policy that consideration of drainage issues is a requirement of every planning proposal and the requirement at paragraph 3 that planning

applications must include appropriate and proportionate details of proposed SuDS. For absolute clarity, I recommend below a minor re-working of the first paragraph.

80. The suggestion from WWT that the first sentence of the third paragraph of proposed Policy IN8 is amended to make the objectives of SuDS more emphatic is helpful. I understand the council's view that exceptional circumstances may arise but the policy cannot anticipate these and it is open to the council to relax the policy if satisfied by an applicant that it should not be applied in full in certain circumstances. I have recommended a modification below in line with that suggested.

81. I have addressed WWT's representation in relation to water quality at paragraph 77 above. This would help to demonstrate the council's compliance with Section 2 of the Water Environment and Water Services (Scotland) Act 2003, which it quotes in its response to this representation.

82. I am content to accept the council's argument that, as management of surface water run-off from a construction site is covered by Scottish Environment Protection Agency (SEPA) regulations, it is not necessary to duplicate this through planning control. I do not consider a modification to the plan is required to address this aspect of WWT's representation.

83. I note the SEPA advice that SuDS to serve the construction phase of development require to be authorised by SEPA. This is clear from section 4.C of the draft supplementary guidance on Surface Water Drainage and Sustainable Drainage Systems, 2018. I do not consider that it is necessary also to include that information in the proposed plan. I do not consider a modification to the plan is required to address SEPA's representation.

Policy IN9: Waste Water Drainage

84. Paragraph 4.115 of the proposed plan provides the policy context for Policy IN9. This states that where there is limited or no capacity at the waste water treatment works, Scottish Water is funded to provide strategic capacity for growth and a key factor in the delivery of additional capacity is early engagement. The second sentence of the policy also states that where there is limited or no capacity, early contact should be made with Scottish Water. I do not find it necessary for the terms of the policy to reiterate in full the wording of the pre-ambles to reflect accurately Scottish Water's powers.

85. I do not consider a modification to the plan is required to address this representation.

Telecommunications

Policy IN11: Telecommunications

86. Paragraph 297 of SPP requires that development plan policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. SPP recommends that this should be done in consultation with service providers. The council considers that the fifth bullet point of part f) of Policy OP1 (development considerations) addresses this point. The bullet point says that development proposals should promote sustainable development by integrating with existing infrastructure where possible. This does not convey the positive sentiment of SPP, which seeks to ensure that appropriate, universal and future-proofed infrastructure, is installed and provided.

87. The pre-ambule to Policy IN11 notes the importance of telecommunication development and broadband availability to the region’s growth, social needs and transition to a low carbon economy. I consider an addition to the policy that builds on this recognition would reflect the intent of SPP and address the representation from the Scottish Government.

88. I have recommended below a modification to the proposed policy that aligns with paragraph 297 of SPP.

Proposed new policy – IN0: Electricity Grid Infrastructure

89. National Planning Framework 3 2014 (NPF) identifies the provision of an enhanced high voltage energy transmission network as one of three national developments needed to help achieve the Scottish Government’s ambition of making Scotland a low carbon place. The map included in the framework document headed National Developments includes an east-west route in Dumfries and Galloway. The accompanying text states that the map provides an indicative picture of key electricity grid upgrades and notes these may change in the future. The NPF also acknowledges that full consideration of routes and their development components will be required at the consenting stage. Given the status of the Dumfries and Galloway route described in the NPF, I consider that it would be premature to include policy and associated text relating to electricity grid infrastructure in this version of the local development plan. Any proposals that come forward before that time can, as the council suggests, be assessed against relevant policies in the proposed plan.

90. This representation is closely related to an issue dealt with at Issue 1 under the heading “Spatial Strategy/Map 2”. The recommended modification to that issue is also relevant to this representation. I do not consider any further modification to the plan is required.

Reporter’s recommendations:

The proposed plan should be modified by:

Renewable Energy

1. amending the third sentence of paragraph 4.100 by deleting the word “however” at the start of the sentence;
2. amending the last sentence of paragraph 4.103 to read as follows:

‘In all cases, particular attention will be paid to the need for sensitive siting and design, including the consideration of reasonable alternatives by the developer.’

Policy IN1: Renewable Energy

3. amending the first sentence of Policy IN1: Renewable Energy to read as follows:

‘The council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately.’

4. amending the second sentence of Policy IN1: Renewable Energy to read as follows:

‘The acceptability of any proposed development will be assessed against the following considerations:’*

5. amending the third bullet point of Policy IN1: Renewable Energy to read as follows:
 - *‘impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;’*
6. amending the sixth bullet point of Policy IN1: Renewable Energy to read as follows:
 - *‘the impact on tourism, recreational interests and public access.’*
7. amending the last existing bullet point of Policy IN1: Renewable Energy to read as follows:
 - *‘the scale of contribution to renewable energy generation targets;’*
8. adding two additional bullet points after the last existing bullet point of Policy IN1: Renewable Energy to read as follows:
 - *‘effect on greenhouse gas emissions; and’*
 - *‘net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.’*

Wind Energy: Spatial Framework

9. amending the second box of Table 3: Spatial Framework to include the following text above the existing bullet points:

‘Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.’

Wind Energy – Map 8: Spatial Framework

10. amending Map 8: Spatial Framework to include the Group 3 Areas referred to in Table 3: Spatial Framework by giving them a colour and including them on the key.
11. amending paragraph 4.105 to read as follows:

‘Policy IN2: Wind Energy, supported by Supplementary Guidance: Wind Energy Development, sets out the issues that will be taken into account for all specific proposals, assessed through the development management process.’

Wind Energy – paragraph 4.106

12. amending the second sentence of paragraph 4.106 to read as follows:

‘The Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) is a supportive study and is attached as an appendix to the supplementary guidance.’
13. amending paragraph 4.106 by adding a new fourth sentence to read as follows:

‘Consideration of the DGWLCS does not replace the need to assess the landscape or visual impacts of individual wind energy proposals.’

Policy IN2: Wind Energy

14. deleting Policy IN2: Wind Energy in its entirety and replacing with the following:

'Policy IN2: Wind Energy

Assessment of all Wind Farm Proposals

The council will support wind energy proposals that are located, sited and designed appropriately. The acceptability of any proposed wind energy development will be assessed against the following considerations:*

Renewable energy benefits

The scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage.

Socio-economic benefits

Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Landscape and visual impacts

- *the extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and*
- *that the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.*

Cumulative impact

The extent of any cumulative detrimental landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.

Impact on local communities and residential interests

The extent of any detrimental impact on communities, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Impact on infrastructure

The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised.

Impact on aviation and defence interests

The extent to which the proposal addresses any impacts arising from location within an area

subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area.

Other impacts and considerations

a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access.

b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

Further details on this assessment process, including its application to smaller wind farms and more detailed development management considerations, are provided through Supplementary Guidance on Wind Energy Development. This will also include separate mapping of the constraints relevant to the considerations above.

*The Spatial Framework Map** (Map 8) provides strategic guidance. However, it must be read in conjunction with the Supplementary Guidance and its Appendix, the Dumfries and Galloway Wind Farm Capacity Study. The landscape capacity study is a supportive study, the consideration of which does not replace the need to assess the landscape or visual impacts of individual proposals.*

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily.*

*** The Spatial Framework Map relates to one turbine or more over 20 metres.'*

Waste Management

15. amending paragraph 4.110 by adding a new third sentence, as follows:

'Scotland's Higher Activity Radioactive Waste Policy (2011) provides the framework for the long-term management of higher activity radioactive waste arising in Scotland.'

Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)

16. amending the first paragraph of Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS) to read as follows:

'With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating the surface water and managing flow rates and must form part of any planning permission in principle proposal.'

17. amending the first sentence of the third paragraph of Policy IN8: Sustainable Water Drainage and Sustainable Drainage Systems (SuDS) to read as follows:

'Planning applications must include appropriate and proportionate details of the proposed SuDS to show how they will.'

18. amending bullet point 4 of paragraph 3 of Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS) to read as follows:

- *'contribute positively to the biodiversity, general amenity and water quality of the area of the proposal;'*

Policy IN11: Telecommunications

19. amending Policy IN11: Telecommunications to add a new final paragraph to read as follows:

'The council will encourage developers to explore, in consultation with service providers, opportunities to provide digital infrastructure to new homes and business premises as an integral part of proposed development.'

Issue 9	Transport Policies	
Development plan reference:	Transport Policies: pages 77 - 80	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (002) Sportscotland (008) Natural Power (080) Scottish Environment Protection Agency (120) Scottish Natural Heritage (122) Scottish Government (455) Story Homes (560)</p>		
Provision of the development plan to which the issue relates:	Transport – General; Policy T2: Location of Development / Accessibility; Policy T3: Established Harbours, Marinas and Slipways	
Planning authority’s summary of the representation(s):		
<p>Transport – General <u>Scottish Government (455.026)</u> - The Plan does not contain an exemplar walking and cycling friendly settlement. This should be developed in accordance with National Planning Framework (NPF) 3.</p> <p>Policy T2: Location of Development/Accessibility <u>Network Rail (002.005)</u> - Network Rail requires the continued support of the local authority in safeguarding and improving the railway network; and to meet demands, from new development. It is important that Transport Assessments should be required to take into account the impacts of proposed development on the demand for rail services. This increased demand may result in the requirement for upgraded rail infrastructure or facilities at stations and is particularly important given the extent of development proposed for the area.</p> <p><u>Natural Power (080.045)</u> - The inclusion of electric vehicle charging points is noted and supported although consideration must also be given to the requirement to generate and distribute sufficient electrical power to facilitate this modal change, which is expected to have a significant impact on the economy of the area if not delivered timeously.</p> <p><u>Scottish Environment Protection Agency (120.004)</u> - It is acknowledged that while there are no Air Quality Management Areas (AQMA) in Dumfries and Galloway, the Plan should continue to promote the improvement of air quality and the reduction of exposure to air pollution.</p> <p><u>Story Homes (560.008)</u> - The first bullet point is narrow and prescriptive in its wording and redundant in its intent and that the second bullet point has a flexible tone which is more appropriate for a policy such as Policy T2, which is applicable to all development proposals.</p> <p>It would be onerous for the developers putting forward proposals to meaningfully demonstrate strict compliance with the prescribed hierarchy of travel modes in the first bullet point as, more often than not, the specific context of the site and / or the wider context of the area create</p>		

obstacles which cannot be suitably resolved. Furthermore, the requirement to prioritise walking and cycling provision is often at odds with the requirement to meet private amenity standards as well as safety and road standards.

Policy T3: Established Harbours, Marinas and Slipways

Sportscotland (008.009) - The safeguarding of established harbour, marina and slipway uses would include sporting and recreational use. This is welcomed.

Scottish Natural Heritage (122.017) - Safeguarding and encouraging established harbours, marinas and slipways is heavily dependent on measures outlined in Policies T1 and T2. To secure and strengthen links between marine and terrestrial planning, there is merit in Policy T3 being explicit on the importance of this relationship. Consultation with planning and decision-making authorities and stakeholders for land and sea areas including Northern Ireland and the Isle of Man should inform updates of the policy approach.

Modifications sought by those submitting representations:

Transport – General

Scottish Government (455.026) - An exemplar walking and cycling friendly settlement as per paragraph 5.14 of NPF 3 should be identified and developed.

Policy T2: Location of Development/Accessibility

Network Rail (002.005) –

- (i) Strengthen policy to make specific reference to rail services and rail and station improvements. Under the third bullet point of the section entitled Access Requirements make specific reference to rail services and rail and station improvements.
- (ii) Reference to site masterplans should include a requirement for consideration of impacts on the strategic rail network as defined in Map 9.
- (iii) The ‘certain circumstances’ in which developers will be required to prepare a Transport Statement or Assessment should be more clearly defined in Supplementary Guidance to provide certainty for developers and to ensure that the impacts of development on all modes of transport, including the railway, is made clear.

Natural Power (080.045) – No change requested.

Scottish Environment Protection Agency (120.004) - Recommend a further bullet point is included which requires significant developments to undertake an air quality assessment to assess and if required to undertake appropriate mitigation to ensure development does not have an impact on air quality.

Story Homes (560.008) - Remove the first bullet point which states "prioritise personal travel by mode in the following order: walking, cycling, public transport and lastly car and other motorised vehicles".

Policy T3: Established Harbours, Marinas and Slipways

Sportscotland (008.009) - Include the encouragement of development proposals which have a recreational and or sporting interest, as it is not clear this is the case in the present wording.

Scottish Natural Heritage (122.017) – Policy T3 should include a 3rd criteria: Ensuring that improvement, maintenance of development of harbours, ports and ferry routes is co-ordinated with, and aligned to, improvement in other transport infrastructure and the location / accessibility of development.

Summary of responses (including reasons) by planning authority:

Transport – General

Scottish Government (455.026) - Comments noted. The following projects demonstrate the range of walking and cycling friendly projects that have been implemented in Dumfries. In 2006, Dumfries was identified as a demonstration town for cycling and walking and a range of active travel projects were implemented. This work has continued through Dumfries and Galloway’s Active Travel Strategy and Action Plan (2015) (CD12) which is due to be reviewed, Dumfries Learning Town Active Travel Strategy 2017 (CD14) and various community projects such as Beat the Street (2017) which has been introduced in a number of towns, including Dumfries, and Dumfries Neighbourhood Street Design Project (2017) at Queen Street. In addition, there is an ongoing Audit of accessibility and active travel issues in Dumfries and other settlements.

No modification proposed to the Plan.

Policy T2: Location of Development/Accessibility

Network Rail (002.005) –

(i) Policy OP1: Developer Considerations e) Transport and Travel requires development proposals to minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety. By definition, this includes transport infrastructure in all its forms including rail services and station improvements.

Policy OP3: Developer Contributions acknowledges that developments may create a need for new, extended or upgraded public infrastructure facilities or services. Rail infrastructure is part of transport infrastructure, which is covered in the current policy wording under the criteria “offsite infrastructure works including transport infrastructure”. Draft Developer Contributions Supplementary Guidance provides more detail (CD22).

Policy T2 Access Requirements (3rd bullet point) refers to the need to incorporate appropriate on and / or off-site mitigation measures where required through developer contributions. While some specific examples are stated, by definition, the general requirement would incorporate all forms of transport including rail services.

No modification proposed to the Plan.

(ii) The Proposed Plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. The Council considers that “strategic rail network” should be included after “strategic road network” in the sub paragraph on site masterplans.

The Council consider this to be a non-notifiable modification.

(iii) Scottish Government guidance as set out by Transport Scotland “Transport Assessment Guidance” (2012) sets out advice and guidance on Transport Assessments. Consequently, no Transportation Supplementary Guidance is proposed as part of this policy.

No modification proposed to the Plan.

Natural Power (080.045) – Support noted. At the section on Energy Strategy (paragraph 3.20-3.21), the Council propose to develop a Regional Energy Strategy which would consider generation and distribution of power.

No modification proposed to the Plan.

Scottish Environment Protection Agency (120.004) - There are only a very limited number of possible candidates across the whole of the region. In these circumstances, it is considered that the specification of conditions requiring an air quality assessment would be over-prescriptive and in this way, could obscure the very few occasions when an air quality assessment might be justified.

No modification proposed to the Plan.

Story Homes (560.008) - Active travel is a key element in a number of national, regional and local strategies and in Dumfries and Galloway's Active Travel Strategy 2015 (CD12). The Active Travel Strategy has been developed with the aim of increasing walking and cycling throughout the region. The main focus of the Active Travel Strategy is to promote opportunities for easy, safe and accessible day-to-day functional walking and cycling that will enable residents and visitors to get to and from work, school, shops, health facilities, leisure, sport and recreational activities. This focus on improving the opportunity for and uptake of functional travel will assist in enhancing health and well-being in line with national objectives. These priorities are included in Policy T2.

As part of the Plan's strategy and assessment and allocation of sites, due cognisance has been taken of the proximity of development sites to a bus route and stop, railway station, core paths and cycle paths.

No modification proposed to the Plan

Policy T3: Established Harbours, Marinas and Slipways

Sportscotland (008.009) - The policy encourages development proposals which support the use of facilities, particularly those with a potential commercial or tourist function. It is considered tourism would include the sporting and recreational uses to which the representor refers.

No modification proposed to the Plan.

Scottish Natural Heritage (122.017) – The SWestrans Regional Transport Strategy 2008 (section 3.6) (CD13) recognises the importance of maritime transport and the key roles of the Loch Ryan ferry ports as vital gateways for Scotland.

Dumfries and Galloway Transport Summit (December 2016) (CD15) identified that “key partners will need to focus on what improvement can be made to improve the situation at Stranraer, looking closely at connectivity and access to road, rail and the ports at Cairnryan” (paragraph 5.2). The findings of this summit will feed into both the new National Transport Strategy and Strategic Transport Project Review.

The development of commercial ports and ferry routes out of Loch Ryan are considered to be a matter for national and regional strategies and any future major development proposals would be included in subsequent development plans. The improvement and maintenance of five Council-operated harbours is the responsibility of the local authority. These facilities provide harbouring to a small leisure market and fishing fleet, with exception of Kirkcudbright, which supports a large shellfish fleet.

No modification proposed to the Plan.

Reporter's conclusions:General matters

1. Conclusions and recommendations on the spatial and transport strategies of the proposed plan are considered in Issue 1 and include modifications to paragraph 3.35 (transport strategy) and Policy T2: Location of Development/Accessibility. The conclusions and recommendations below focus on representations made on the specific transport policies of the proposed plan.
2. Paragraph 5.14 of National Planning Framework 3, 2014 (NPF3) states that the Scottish Government “will encourage local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting [its] vision for increased cycling.” Neither NPF3 nor Scottish Planning Policy, 2014 (SPP) requires the council to identify an exemplar settlement in the local development plan. Whilst I can appreciate the advantage of identifying such a settlement in the proposed plan, both as a source of best practice and a benchmark which other communities would be encouraged to meet, this would have, potentially significant, medium-term resource implications for the council, especially were the exemplar settlement to include retro-fitting cycling and walking facilities in an existing community, as opposed to provision through new build development. As paragraph 5.14 of NPF3 is worded as an encouragement rather than a direction, I consider the council is entitled to exercise its discretion not to identify an exemplar walking- and cycling-friendly settlement in the proposed plan. I also note the examples provided by the council of the various initiatives to promote sustainable modes of transport in Dumfries and Galloway that demonstrate a significant commitment to promoting active travel. I do not consider that any modification to the plan is required to address the Scottish Government's representation.

Policy T2: Location of Development/Accessibility

3. The third bullet point of the second paragraph of proposed Policy T2 indicates that access requirements may include developer contributions for public transport services. In the absence of evidence to indicate any particular requirement for developer contributions for rail services and infrastructure improvements, I consider the existing reference is sufficient. This approach is consistent with paragraph 276 of SPP, which says, “where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate”. SPP does not highlight individual modes of public transport in this context. I do not consider it is necessary to modify the plan to address the first part of Network Rail's representation.
4. The inclusion of a reference to the strategic rail network in proposed Policy T2 as a consideration for site masterplans, alongside the existing reference to the strategic road network, would ensure that transport implications of proposed development is considered fully. The council proposes to accept this as a non-notifiable modification. However, I consider that this goes beyond the scope of this provision in The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, which allows only minor wording or typographical changes to be treated in this way. The proposed change to the policy introduces what could be a significant additional requirement to the masterplan process. I have recommended below that it be made as a formal modification.
5. It is clear from Transport Scotland's Transport Assessment Guidance, 2012 that transport assessments should take account of potential impacts on rail services and infrastructure from proposed development. For example, paragraph 2.19 advises developers to discuss public

transport provision to the proposed site with public transport operators, including train operating companies, and the Scottish Government as rail authority. The council considers that Transport Scotland's guidance is sufficiently detailed that it does not require additionally to provide supplementary guidance on the transport assessment process. I consider that a reasonable position. However, that being the case, I find that a reference to the guidance in proposed Policy T2 would be helpful to users of the plan. I have recommended below a modification to the final bullet point of the policy.

6. I note that the council's proposed regional energy strategy will address the issue of generation and distribution of sufficient electrical power to support the proposed modal shift to travel by electric vehicles. I do not consider that it is necessary to amend the plan to address this representation.

7. Paragraph 5.74 of Transport Scotland's Transport Assessment Guidance (2012) states in relation to air quality that "for developments generating significant levels of additional traffic, the local authority may consider that an estimation of the impact upon local air quality should be included within the Transport Assessment". I have recommended at paragraph 6 above that a reference to this document be made in the last bullet point of proposed Policy T2. Given that there appears to be agreement between the Scottish Environment Protection Agency (SEPA) and the council that managing air quality is not a major issue in Dumfries and Galloway, I consider the amendment already proposed is sufficient to deal with SEPA's representation.

8. Paragraph 273 of SPP requires development plans to "promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars". The same paragraph goes on to explain that "the aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars". I consider that the first two bullet points of proposed Policy T2 reflect closely the thrust of Scottish Government policy in SPP. I note that this part of the proposed policy also reflects the priorities of the council's Active Travel Strategy 2015. Issues arising in relation to individual sites can be addressed through the development management process. I consider that the removal of the first bullet point from the proposed policy would weaken the commitment in the plan to promoting sustainable transport and active travel. It would also result in the plan being inconsistent with SPP. I do not consider it is necessary to modify the plan to address the representation by Story Homes.

Policy T3: Established Harbours, Marinas and Slipways

9. The second bullet point of proposed Policy T3 (established harbours, marinas and slipways) indicates council support for development proposals that support the use of such facilities, particularly those with a potential commercial or tourist function. The council considers that the reference to tourism would cover adequately the reference to recreational and sporting interests sought by sportscotland. In that use for tourism purposes implies use by visitors to Dumfries and Galloway, I consider that partly correct insofar as it addresses recreational and sporting use from outwith the council area. I find that with additional wording it would also offer support to acceptable uses by the local community. Paragraph 4.92 of the proposed plan advises that a green network can include blue spaces and the second paragraph of proposed Policy CF2 (green networks) offers support to proposals that add to and/or enhance green networks or connections to them. I also consider that the addition of the proposed references to Policy T3 would be consistent with the terms of proposed Policy CF2. I have recommended below a modification along the lines sought by sportscotland.

10. Regulation 10 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires the council, in preparing the local development plan, to take into account the National Planning Framework and have regard to any adopted national marine or regional marine plan relating to areas adjoining the plan area and to the regional transport strategy. I am not aware from the evidence presented to me that any of these strategic policy documents contains specific land use proposals for Dumfries and Galloway's ports and harbours that requires policy support in the local development plan. As the council suggests, it may be that such a requirement emerges from the replacement National Transport Strategy or Regional Transport Strategy review but that would be a matter for a future local development plan.

11. However, paragraph 283 of SPP requires planning authorities and port operators to work together in general terms to address the planning and transport needs of ports. The change to the plan proposed by Scottish Natural Heritage echoes the policy sentiment of SPP in this regard. I have recommended below a modification to proposed Policy T3 along the lines of that suggested by SNH. I do not consider that consultation with stakeholders requires policy support in the proposed plan. This is simply good practice for the council.

Reporter's recommendations:

The proposed plan should be modified by:

Policy T2: Location of Development/Accessibility

1. amending the third paragraph of Policy T2: Location of Development/Accessibility to read as follows:

'Where site masterplans are prepared, they should include consideration of the impacts of proposals on the local and strategic road network, the strategic rail network, paths and cycle routes.'

2. amending the final bullet point of Policy T2: Location of Development/Accessibility to read as follows:

'prepare a Transport Statement or Transport Assessment in accordance with Transport Scotland's Transport Assessment Guidance and implement appropriate mitigation measures where required.'

Policy T3: Established Harbours, Marinas and Slipways

3. amending the second bullet point of Policy T3: Established Harbours, Marinas and Slipways to read as follows:

- *'encouraging development proposals which support the use of such facilities, particularly those with a potential commercial, recreational, sporting or tourist function.'*

4. amending Policy T3: Established Harbours, Marinas and Slipways by adding a third bullet point to read as follows:

- *'ensuring that improvement, maintenance or development of harbours and ports and their associated transport connections is co-ordinated with, and aligned to, improvements in other transport infrastructure.'*

Issue 10	Settlement Statements and Inset Maps - Annan Housing Market Area District and Local Centres	
Development plan reference:	Chapter 6 - Settlement Statements and Inset Maps: Annan, pages 104 - 107 Gretna Border, pages 148 - 151 Eaglesfield, pages 133 - 134 Eastriggs, pages 135 - 136	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (002) Sportsotland (008) Scottish Environment Protection Agency (120) Toni Balfour (148) Amos Balfour (149) CD and BA Robinson (193) Springfield and Gretna Green CC (238) Mr C and Mrs J Dodd (302) Ingrid Carruthers (309) Mr and Mrs Whiteman (342) William Leonard Iveson (343) Alison Quigley (353) Margaret Clinton (365) Mary Graham (409) Defence Infrastructure Organisation (MOD) (429) William Hogg (430) Sean Buckley (439) Mr and Mrs Dane (470) S J Barry (472) John Troup (486) J D and J Jefferson (524) RPMI Railpen (538) Kerr Investments (543) The Gretna Green Group (568) Murray Bell (574) A Rushton (575)</p>		
Provision of the development plan to which the issue relates:	Annan - ANN.H1, H204, H203; Gretna – GTN.H2, H3, H4, H7, H202, H205, H210, GTN.MU1; Eastriggs - ERL.MU201; Eaglesfield - EGL.H2, EGL.H203	
Planning authority's summary of the representation(s):		
<p>ANNAN General <u>Network Rail (002.009)</u> - The allocated Annan sites total 606 housing units for the Plan period and there is a strong potential for a cumulative impact on Annan Rail Station.</p> <p>Planning Objectives William Hogg (430.001) - Planning objectives should include the establishment of a Harbour</p>		

Revision Order for Annan Harbour.

William Hogg (430.002) - Derelict properties at Albert Hall, Erskine Church and the old bus garage in Station Road reduce the attractiveness of the area. Question the listing building status of some properties.

Allocated sites

ANN.H1: Land north of Windermere Road

S J Barry (472.001); John Troup (486.001) - Concerned about increased traffic resulting from further development. The developer should build in phases to minimise disruption and create new tree planting and green spaces.

ANN.H1: land north of Windermere Road and ANN.H2: land south of Windermere Road

William Leonard Iveson (343.001) - Inset map is out of date and does not reflect the development that has occurred on this site.

Mr and Mrs Whiteman (342.001) – Concerned about impact of construction traffic and noise on neighbouring property during construction period.

ANN.H204: Watchall

Scottish Environment Protection Agency (120.004) – Potential noise and odour nuisance issues associated with the proximity of the allocation to existing regulated premises. These matters require to be taken into account when the sustainability of the site is considered.

Alison Quigley (353.001); Mary Graham (409.001); Sean Buckley (439.001) – Concerns raised include: the scale of development and the impact it will have on existing infrastructure and road network, including Annan south - Hecklegirth and Annerley Road and Watchall Road; proposed junction arrangements with A75(T); flood risk; impact on drainage and water supply; loss of native hedging; safety issues, air quality, noise levels and privacy on property Support redevelopment of brownfield sites in Annan rather than greenfield sites. The site is of historical and archaeological interest.

Sites not allocated in Proposed Plan

ANN.H203: North of Murray Park

Murray Bell (574.001) – Include site in LDP2.

GRETNA BORDER

General

Network Rail (002.015) -The allocated Gretna Border sites total 723 housing units for the plan period and there is a strong potential for a cumulative impact on Gretna Rail Station. For example, while car parking at Gretna appears to have capacity at the moment potential impacts still need to be considered.

Mr C and Mrs J Dodd (302.004) (302.005) – Gretna does not have the infrastructure to support 723 extra homes and there are no proposals in the Plan to provide extra facilities or a secondary school. Instead, allocate more homes to Annan which has a greater range of services and facilities. This reduction could be achieved by removing GTN.MU1 Former Golf Course (200 homes) from the Local Development Plan (LDP) 2 on the grounds that planning permission has expired on this site due to non-compliance in completing a Section 75 within 6 months from May 2016.

No further large developments should take place until a new Water Service Reservoir and extensive water mains upgrades have been completed.

Planning Objectives

RPMI Railpen (538.001) – The proposed Gretna Border planning objectives should be amended to support improvements to Gretna Gateway Outlet Village given the benefits this can have in terms of:

- facilitating private sector investment,
- attracting leading global and national multiple brands,
- increasing the attraction of Gretna Border for retail tourism and
- Creating new jobs and wages.

The Gretna Green Group (568.004) – Support the Gretna Border planning objectives.

Settlement Boundary

RPMI Railpen (538.002) – The Outlet Centre performs a ‘specialist’ retail function and is qualitatively different to other ‘out of centre’ destinations identified within Table 1 (e.g. Cuckoo Bridge Retail Park). It’s identification as a ‘town centre’ is therefore justified, particular given the stated Gretna Border Planning Objectives which is to support its role as a major retail and tourist destination.

The Gretna Green Group (568.002) - Extend the settlement boundary up to the natural boundary formed by the River Sark to form a more logical rounding-off of the settlement. This would provide an opportunity to make a statement for Gretna as the “Gateway to Scotland”. It is considered that additional tourist; leisure or retail facilities could be accommodated on the excluded land in question to complement the extant consents.

The inclusion of the extant planning permission for a food retail store (granted under applications 12/P/4/0090 & 15/P/4/0232) and a cycle centre (16/1660/FUL) within the settlement boundary is welcomed and supported by the landowner.

Allocated sites

GTN.H2: Land north of Victory Avenue (phase 1); GTN.H3: The Hawthorns; GTN.H4: Halcrow Stadium; GTN.H5: Land north of Old Graitney Road; GTN.H7: Land north of Victory Avenue (phase 2) and GTN.H202: Raydale, Annan Road

CD and BA Robinson (193.002) - Object to the development of proposed housing sites as it would involve the loss of prime agricultural land.

GTN.H2: Land north of Victory Avenue (phase 1)

Toni Balfour (148.002); Amos Balfour (149.002); Mr and Mrs Dane (470.001) – Object to development of site for the following reasons:

flooding; congestion and lack of parking spaces at primary school; insufficient capacity at primary school; loss of high quality agricultural land which will lead to a loss of wildlife and their habitat; loss of open space; insufficient capacity at sewage works and poor water supply, and impact on services including Doctor’s surgery. Job opportunities are limited. A series of other non-planning issues were raised.

The Gretna Green Group (568.001) - Planning application for residential development is currently being determined (16/1773/PIP). A full planning application for the formation of a roundabout to provide access to the site is also being determined (16/1774/FUL).

GTN.H3: The Hawthorns

A Rushton (575.001) - Object to the inclusion of the site on the following grounds:

Location of the proposed development and the development of houses in close proximity to

Gables Hotel; the impact upon prosperity and business model of the Gables Hotel, and impact upon future economic growth aspirations. There is a current planning application pending for the residential development of this site (17/1690/FUL) to which a similar letter of objection has been submitted.

GTN.H4: Halcrow Stadium

Sportscotland (008.006) - There appears to be goals on the site containing a potential pitch. If this is the case, additional text should be added to the site guidance to reflect this.

GTN.H7: Land north of Victory Avenue (phase 2)

Mr C and Mrs J Dodd (302.006) – This site meets the third Planning Objective for Gretna Border and is also a natural extension of sites GTN H2, GTN H3 and GTN H4.

Margaret Clinton (365.001) - Support inclusion of site in the Plan.

GTN.H202: Raydale, Annan Road

J D and J Jefferson (524.001) – Owner supports the allocation of site in the Plan.

GTN.MU1: Former Golf Course

Sportscotland (008.007) – Whilst the former golf course site has been subject to planning activity, unaware of having been consulted through this process. The provisions of Scottish Planning Policy (SPP) should be taken into consideration in the future planning of the site and be reflected in the Proposed Plan wording.

CD and BA Robinson (193.002) – Object to the development of the site for the following reasons. Loss of agricultural land; flood risk; lack of water and sewerage capacity; lack of capacity at Doctors surgery and Gretna Primary School; secondary school pupils require to be bused to Annan; lack of facilities for teenagers; lack of employment, health and education facilities; impact on the natural environment, waste management, tourism, and more traffic will have negative impact on air quality and increase carbon and greenhouse gas emissions.

Mr C and Mrs J Dodd (302.006) - This site does not meet the third planning objective for Gretna Border. The site is to the south-west and its vehicle access is on the outskirts of the town, which would increase car journeys to local primary school, shops, doctors etc. Would involve loss of prime agricultural land and green field site. Planning permission was granted in May 2016 subject to a Section 75 to be completed within 6 months. This does not appear to have been completed (May 2018), the permission has surely expired. The site should be removed from the Local Development Plan (LDP) to allow other more logical sites be developed first.

Sites not allocated in Proposed Plan

GTN.H210: School Lane, Springfield

Springfield and Gretna Green Community Council (238.003) - Site should be allocated for housing in the Local Development Plan. It would give a different type and choice of houses in the community and would help sustain the primary school, the local shop, post office and village hall. It would help develop the road known as School Lane that was missed when the Council carried out Safer Routes to Schools. This road is narrow with no footpath and two ditches either side. The road and ditches are not maintained. The Community Action Plan (attached to the representation) prepared for Springfield and Gretna Green found that the residents wanted more housing. There is a waiting list of at least 40 applicants for Springfield and Gretna Green.

EASTRIGGS

Sites not allocated in Proposed Plan

ERL.MU201: MoD site

Defence Infrastructure Organisation (MoD) (429.001) - Offer a clear commitment that the site is available for redevelopment during the Plan period and wishes to work with the local planning authority to bring forward proposals for the site.

Receptive to the case made by the planning authority that as the site was not formally input to the LDP process in the earlier stages, any related proposals have not have been open to the full public consultation process. There remains a need to ensure the site has been given appropriate consideration and to establish a positive planning framework for the Eastriggs site.

EAGLESFIELD

Allocated sites

EGL.H2: Land between Ashyards Crescent and Sunnybrae

Ingrid Carruthers (309.002) - The scale of the development (78 units) combined with site EGL.H1 Former Roads Depot, Burnswark (30 units) do not relate to the size of village. Concerned about increased traffic generation, access, visibility, and impact on wildlife.

Sites not allocated in Proposed Plan

EGL.H203: Land east of former Roads Depot, Burnswark

Kerr Investments (543.002) – This land is under the same ownership as EGL.H1 Former Roads Depot, Burnswark immediately to the west which is currently subject to a planning application 16/1672/FUL for residential development. The intended layout of EGL.H1 makes provision for access to this area of land. Development of the allocated site (EGL.H1) will overcome the principal reason for discounting this site’s inclusion in the previous Local Development Plan. Include site to offer greater choice of sites.

Modifications sought by those submitting representations:

ANNAN

General

Network Rail (002.009) - Recommend that developers be required to undertake transport assessments to identify impacts on station facilities and train capacity.

Planning Objectives

William Hogg (430.001) – Include a Harbour Revision Order for Annan Harbour.

William Hogg (430.002) - Planning objectives should include the reuse of derelict buildings in Annan such as Albert Hall, Erskine Church and the old bus garage in Station Road. Compulsory purchase should be considered or the creation of rate levels that encourages owners to act.

Allocated sites

ANN.H1: Land north of Windermere Road

S J Barry (472.001) – Implement speed restriction measures on Windermere Road.

ANN.H1: Land north of Windermere Road

John Troup (486.001) – No modification requested.

ANN.H1: Land north of Windermere Road and ANN.H2: Land south of Windermere Road

William Leonard Iveson (343.001) - Update the inset map.

Mr and Mrs Whiteman (342.001) - Find another way to develop ANN.H1 and ANN.H2.

ANN.H204: Watchall

Scottish Environment Protection Agency (120.004) - No modification requested.

Alison Quigley (353.001) – Protect existing trees and hedgerows.

Mary Graham (409.001) – Delete allocation, in particular the land in front of Watchhall and Annan Court Care Home bordered by road and railway.

Sean Buckley (439.001) – Find alternative access to the site other than B721.

Sites not allocated in Proposed Plan

ANN.H203: North of Murray Park

Murray Bell (574.001) - Include site in LDP2.

GRETNA BORDER

General

Network Rail (002.015) - Recommend that developers are required to undertake transport assessments to identify impacts on station facilities and train capacity.

Mr C and Mrs J Dodd (302.004); (302.005) - Reduce the number of houses proposed for Gretna Border and increase the number proposed for Annan. No further housing development should take place (other than sites already started and a limited number of infill homes) until the water problems have been resolved.

Planning Objectives

RPMI Railpen (538.001) - Amend second planning objective to read:

Support development that promotes and enhances Gretna Border's important role as the Gateway to Scotland as a major retail and tourist destination. **In particular, retaining and enhancing the specialist retail offer at the Gretna Gateway Outlet Village.**

The Gretna Green Group (568.004) – No modification requested.

Settlement Boundary

RPMI Railpen (538.002) – Identify Gretna Gateway Outlet Centre as a 'town centre' on the Gretna Border Inset map.

The Gretna Green Group (568.002) - Extend the settlement boundary up to the River Sark.

Allocated sites

GTN.H2: Land north of Victory Avenue (phase 1); GTN.H3: The Hawthorns; GTN.H4: Halcrow Stadium; GTN.H5: Land north of Old Graitney Road; GTN.H7: Land north of Victory Avenue (phase 2) and GTN.H202: Raydale, Annan Road

CD and BA Robinson (193.002) - Delete allocation.

GTN.H2: Land north of Victory Avenue (phase 1)

Toni Balfour (148.002); Amos Balfour (149.002); Mr and Mrs Dane (470.001) – Delete allocation or move the development to sites that are more suitable.

The Gretna Green Group (568.001) – No modification requested.

GTN.H3: The Hawthorns

A Rushton (575.001) - Remove the south-easterly portion of the site from the allocation and designated as public open space.

GTN.H4: Halcrow Stadium

Sportscotland (008.006) – Add text to site guidance: “The site contains a pitch. Justification for the partial loss/loss of any pitch or appropriate compensation should be provided”.

GTN.H7: Land north of Victory Avenue (phase 2)

Mr C and Mrs J Dodd (302.006) – Bring site GTN.H7 into the plan period up to 2029.

Margaret Clinton (365.001) – No modification requested.

GTN.H202: Raydale, Annan Road

J D and J Jefferson (524.001) – No modification requested.

GTN.MU1: Former Golf Course

Sportscotland (008.007) – Add text to site guidance: “The site comprises a former golf course. Justification for the loss of this outdoor sport facility or appropriate compensation should be provided”.

CD and BA Robinson (193.002) – Delete allocation and reinstate site as a golf course.

Mr C and Mrs J Dodd (302.006) - Change the allocated dates on site GTN MU1 to beyond 2029. Alternatively, remove site from the LDP2 to allow other more logical sites to be develop first.

Sites not allocated in Proposed Plan

GTN.H210: School Lane, Springfield

Springfield and Gretna Green Community Council (238.003) - Allocate site for housing.

EASTRIGGS

Sites not allocated in Proposed Plan

ERL.MU201: MoD site

Defence Infrastructure Organisation (MoD) (429.001) – Planning Authority to work with the MoD to bring forward an action plan/supplementary planning guidance to seek to promote the site’s redevelopment. And facilitate that process to confirm that some interim small-scale development on the site would be appropriate for leisure / holiday accommodation purposes so long as that would not prejudice the longer-term master plan for the sites redevelopment.

EAGLESFIELD

Allocated sites

EGL.H2: Land between Ashyards Crescent and Sunnybrae

Ingrid Carruthers (309.002) – Reduce size of development and consider access, impact on the village and wildlife.

Sites not allocated in Proposed Plan

EGL.H203: Land east of former Roads Depot, Burnswark

Kerr Investments (543.002) – Allocate site for housing.

Summary of responses (including reasons) by planning authority:

ANNAN

General

Network Rail (002.009) - The number of housing sites allocated for development over the Plan period and projected build rates are unlikely to have a significant impact on station capacity.

The proposed plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. A non-notifiable modification is being made to Policy T2, which is considered to address this concern. See Issue 9 Transport for the proposed change.

No modification proposed to the Plan.

Planning Objectives

William Hogg (430.001) – Annan Harbour Authority is the responsible authority for promoting such an order. It is not an issue for the Proposed Plan to consider.

No modification proposed to the Plan.

William Hogg (430.002) - The planning objectives for Annan support in principle the redevelopment of brownfield opportunities as identified within the Annan Regeneration Masterplan (CD35) to aid the regeneration of the town. The sites listed are included as development opportunities in the Masterplan. Historic Environment Scotland are the responsible body for listing properties. Loreburn Housing Association was granted planning permission (17/1514/FUL) for the erection of 9 flats at the Station Road site on 12 February 2018.

No modification proposed to the Plan.

Allocated sites

ANN.H1: land north of Windermere Road

S J Barry (472.001); John Troup (486.001) - Windermere Road was upgraded to unlock the development potential of this site and to cope with increased traffic generation in the vicinity. Supplementary Guidance Windermere Road, Annan Masterplan (CD34) (December 2014) sets out the development concept, the main planning and design principles on which development of the site will be based. It identifies proposed phases, open space and landscaping requirements. Windermere Road is the principal route through the area. The road was designed with horizontal deflection, which combined with the future development of the adjoining land, and points of access into the development, will naturally encourage drivers to travel more slowly by reducing forward visibility.

No modification proposed to the Plan.

ANN.H1: land north of Windermere Road and ANN.H2: land south of Windermere Road

William Leonard Iveson (343.001) – The inset map provided in the Proposed Plan is taken at a point in time. The map is from the Council’s Geographical Information System. Although the maps are updated regularly, the number of changes to our natural and built environment means the maps cannot be updated immediately to take account of every change. The adopted version of the Plan will include the most up-to-date version of the map available at the time.

No modification proposed to the Plan.

Mr and Mrs Whiteman (342.001) - Whilst it is acknowledged that the development of any land will result in some degree of disturbance due to increased noise and activity during the construction period, this is a temporary phenomenon. Supplementary Guidance Windermere Road, Annan Masterplan (CD34) (December 2014) sets out the development concept, the main planning and design principles on which development of the site will be based.

No modification proposed to the Plan.

ANN.H204: Watchall

Scottish Environment Protection Agency (120.004) - The site guidance advises that a Noise Assessment and mitigation in respect of adjoining land uses will be required.

No modification proposed to the Plan.

Alison Quigley (353.001); Mary Graham (409.001); Sean Buckley (439.001) - The site is allocated as a long-term housing site for 200 units beyond 2029. The site guidance states that a Masterplan and Transport Assessment are required for the site. It is acknowledged that there is an extensive area of significant archaeology in the central southern portion of the site that should be avoided by any development. The site guidance states that an archaeological assessment and mitigation plan will be required in advance of the Masterplan in order to identify areas that can be developed and to inform the Masterplan. The Masterplan requires to take account of appropriate road network and connections in accordance with Designing Streets and traffic matters including provision for public transport. A minimum of two points of access would be required. Watchhall Road would require to be widened along the entire site boundary (including street lighting and construction of a 1.8m wide public footway). The access onto the B721 would be taken from within the 30mph limit. Details of proposed road access would be assessed at the Masterplan stage. The Masterplan requires a comprehensive landscape strategy, including the protection and enhancement of trees and boundary hedges. It also requires a Flood Risk Assessment with appropriate mitigation proposals to identify the developable area to be agreed with the Council and SEPA.

Consultation with Scottish Water has advised that there is sufficient capacity at the Water Treatment Works and Waste Water Treatment Works. A Drainage Impact Assessment and Water Impact Assessment will also be required.

Policy OP1: Development Considerations a), which relates to general amenity, is relevant in the determination of a planning application.

Although the development of this site would result in the loss of greenfield land, the future housing needs for Annan cannot be met from the development of brownfield sites alone. The planning objectives for Annan support in principle the redevelopment of brownfield opportunities as identified within the Annan Regeneration Masterplan to aid the regeneration of the town.

No modification proposed to the Plan

Sites not allocated in Proposed Plan

ANN.H203: north of Murray Park

Murray Bell (574.001) – The site is included within the Annan settlement boundary as white land. It would be for the developer to demonstrate that the site is viable given the fact that high voltage electricity route bisects the site and there are significant adverse planning issues.

The Reporter's findings in the LDP1 Examination Report (CD06) did not recommend inclusion of this site in the current LDP due to the high voltage electricity route traversing the site resulting in issues of development viability and significant adverse planning issues. These issues are considered to remain relevant.

No modification proposed to the Plan.

GRETNA BORDER

General

Network Rail (002.015) – The number of housing sites allocated for development over the Plan period and projected build rates are unlikely to have a significant impact on station capacity. The proposed plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. A non-notifiable modification is being made to Policy T2, which is considered to address this concern. See Issue 9 for the proposed change.

No modification proposed to the Plan.

Mr C and Mrs J Dodd (302.004), (302.005) - Both Gretna Border and Annan are District Centres within the Annan Housing Market Area. The strategy supports the majority of the housing land requirement being allocated to Dumfries and the District and Local Centres. These are larger settlements where there are concentrations of facilities, employment opportunities and transport options. Planned growth should assist in supporting the town centre and in helping to support and sustain economic growth. The Plan includes policy provision to seek developer contributions to fund any necessary infrastructure improvements including school capacity.

There are ongoing discussions with Scottish Water and Scottish Government concerning the funding package and major upgrade works to create a new water service reservoir and extensive water main upgrades to serve Gretna Border.

Planning permission in principle (15/P/4/0277) was granted 27 April 2018 for residential and business unit at the GTN.MU1 site.

No modification proposed to the Plan.

Planning Objectives

RPMI Railpen (538.001) – The Retail Strategy recognises the importance of the Gretna Gateway Outlet Centre as an outlet centre in the network of centres. The Gretna Border planning objectives support developments that promote and enhance Gretna Border's important role as the Gateway to Scotland as a major retail and tourist destination. For these reasons, the Council do not consider it necessary to add a further reference to the Gretna Gateway Outlet Village as part of the Gretna Border Planning objectives.

No modification proposed to the Plan.

The Gretna Green Group (568.004) – Comments noted.

No modification proposed to the Plan.

Settlement Boundary

RPMI Railpen (538.002) – Whilst the outlet centre provides a scale and range of retail uses, it does not provide the full range of services and facilities that are found normally in a town

centre. SPP states that plans should identify those centres which have a more specific focus on retailing and / or leisure uses, (such as factory outlet centres) as commercial centre. The Proposed Plan identifies the Gretna Gateway Outlet Centre as an outlet centre in the network of centres. The Gretna Border planning objectives support developments that promote and enhance Gretna Border's important role as the Gateway to Scotland as a major retail and tourist destination. For the reasons set out above, the Council do not consider it appropriate to identify the outlet centre as a town centre in the network of centres.

No modification proposed to the Plan.

The Gretna Green Group (568.002) – The site was submitted at the Call for Sites stage. It was not included in the Main Issues Report (MIR) as the site is within the SEPA floodplain for medium coastal flooding due and at a high risk of flooding. Any development proposal would require to demonstrate it is consistent with Policy IN7: Flooding and Development. Accordingly, it is not proposed to extend the settlement boundary at this location. The Plan does not make any specific allocations for the type of development proposed. There are policies which would be used to assess any proposal.

Application 16/1660/FUL (15 November 2016) has been approved for the erection of a cycle / hire shop at the Old Toll Bar, Sarkbridge, Gretna on the site to the eastern side of the B7076. When commenting on this planning application for the erection of a cycle hire shop, the Council's Flood Risk Management Team had no concerns due to the type of development and also the fact that it was small scale. The settlement boundary was amended at this location to reflect the above planning permission.

No modification proposed to the Plan

Allocated sites

GTN.H2: land north of Victory Avenue (phase 1); GTN.H3: The Hawthorns; GTN.H4: Halcrow Stadium; GTN.H5: land north of Old Graitney Road; GTN.H7: land north of Victory Avenue (phase 2) and GTN.H202: Raydale, Annan Road

CD and BA Robinson (193.002) – Gretna Border is identified as a District Centre given its range of services and facilities. Planned growth should assist in supporting the town centre and in helping support and sustain economic growth. All proposed sites and housing allocations have been assessed against a range of criteria for development including land quality. Housing allocations GTN.H2: Land North of Victory Avenue (Phase 1), GTN.H5: Land North of Old Graitney Road & GTN.H7: Land North of Victory Avenue (Phase 2) involve the loss of prime agricultural land, but this factor applies in the main to all sites in the Gretna area. These sites are considered to be the best sites given their proximity to the main streets, railway station and local schools. Sites GTN.H3: The Hawthorns and GTN.H202 Raydale, Annan Road fall within the urban area and site GTN.H4: Halcrow Stadium is not classified as prime quality agricultural land.

No modification proposed to the Plan.

GTN.H2: land north of Victory Avenue (phase 1)

Toni Balfour (148.002); Amos Balfour (149.002); Mr and Mrs Dane (470.001) – Planning applications for residential development are currently being determined (16/1773/PIP) and for the formation of a roundabout to provide access to the site (16/1774/FUL). Landowner has confirmed the site is available for development (see Rep 0568.001).

Site guidance states that a Masterplan, Transport Assessment, Drainage Impact Assessment and a Flood Risk Assessment would be required to be submitted as part of any planning

application. The Masterplan amongst other matters requires to address open space provision.

There are ongoing discussions with Scottish Water and the Scottish Government concerning the funding package and major upgrade works required to create a new Water Service Reservoir and extensive water main upgrades to serve Gretna Border. Scottish Water have advised there is sufficient capacity at the Gretna Waste Water Treatment Works, subject to a Drainage Impact Assessment and early engagement with Scottish Water via the Pre-Development enquiry process.

The allocation would involve the loss of prime agricultural land, but this factor applies in the main to all sites in the Gretna area.

The site is not identified as a protected area of open space, but it is acknowledged it may be used informally as open space given its location on the edge of Gretna. Policy CF3: Open Space provides for the provision of open space in housing developments. Policy OP3: Developer Contributions provides opportunity for the Council to seek a contribution towards the cost of community facilities, including health facilities. Education Department have advised that developer contributions would be required for Gretna Primary School and Annan Academy.

Dumfries and Galloway NHS Trust has advised that they are currently reviewing the future provision of GP services with the introduction of new GP contracts.

Gretna Border is a District Centre within the Annan Housing Market Area. The strategy supports the majority of the housing land requirement being allocated to Dumfries and the District and Local Centres. These are larger settlements where there are concentrations of facilities, employment opportunities and transport options. Given Gretna's proximity to Carlisle, it is acknowledged that some residents would commute to places of work in the Carlisle area.

No modification proposed to the Plan.

The Gretna Green Group (568.001) – Comments noted.

No modification proposed to the Plan.

GTN.H3: The Hawthorns

A Rushton (575.001) - The LDP provides the planning framework and the future use and development of land, where it should happen and where it should not.

Policy OP1: Development Considerations sets out key considerations that need to be taken into account when assessing development proposals including a) General Amenity and such factors as noise, potential loss of privacy, sunlight and daylight on nearby properties and Policy OP2: Design Quality and Placemaking sets out the policy for high quality design. Such factors will be taken into account in the determination of a planning application.

No modification proposed to the Plan.

GTN.H4: Halcrow Stadium

Sportscotland (008.006) – Site consists of former greyhound stadium and this use ceased in March 2017. Application for approval of reserved matters for residential development (17/0268/ARC) was approved on 28 March 2018 and the site is now under construction. The development includes public open space, which includes a play area, area for informal ball games and landscaped green space.

No modification proposed to the Plan.

GTN.H7: land north of Victory Avenue (phase 2)

Mr C and Mrs J Dodd (302.006) – The site is not required to meet the housing land requirement during the Plan period, but forms part of the larger planned extension to Gretna Border in the longer term.

No modification proposed to the Plan.

Margaret Clinton (365.001) – Comments noted.

No modification proposed to the Plan.

GTN.H202: Raydale, Annan Road

J D and J Jefferson (524.001) – Comments noted.

No modification proposed to the Plan.

GTN.MU1: Former Golf Course

Sportscotland (008.007); CD and BA Robinson (193.002); Mr C and Mrs J Dodd (302.006) - Site consists of former golf course and this use ceased in 2006 with the site reverting to agricultural land. Justification for the loss of this outdoor facility is not considered valid, given the considerable lapse of time.

The site has the benefit of planning permission in principle for residential and business units granted 27 April 2018 (15/P/4/0277) which included a Section 75 agreement. It is therefore valid to allocate the site within the Plan period.

The allocation would involve the loss of prime agricultural land, but this factor applies in the main to all sites in the Gretna area.

A range of housing sites are allocated at Gretna Border as it is a District Centre within Annan Housing Market Area.

Site guidance states that a Masterplan, Transport Assessment, and a Flood Risk Assessment would be required to be submitted as part of a planning application. The Masterplan amongst other matters requires to address open space provision.

There are ongoing discussions with Scottish Water and the Scottish Government concerning the funding package and major upgrade works to create a new Water Service Reservoir and extensive water main upgrades to serve Gretna Border. Scottish Water have advised there is sufficient capacity at the Gretna Waste Water Treatment Works, subject to a Drainage Impact Assessment and early engagement with Scottish Water via the Pre-Development enquiry process.

Policy OP3: Developer Contributions provides opportunity for the Council to seek a contribution towards the cost of community facilities, including health facilities. Education Department have advised that developer contributions would be required for Gretna Primary School and Annan Academy.

Consultation with Dumfries and Galloway NHS Trust has advised that they are currently reviewing the future provision of GP services with the introduction of new GP contracts.

No modification proposed to the Plan.

Sites not allocated in Proposed Plan
GTN.H210: School Lane, Springfield

Springfield and Gretna Green Community Council (238.003) - The MIR involved a comprehensive assessment of the sites submitted through the Call for Sites exercises. This site was assessed as part of that process (CD62, p.107-112). Development of this site would have an adverse impact on the landscape. There is limited scope to mitigate in part with landscaping and planting, the site is open to the east and there is no defensible boundary given the topography. A number of other sites have been included for development that are considered to meet the housing strategy and would support local services. This includes the housing allocation at GTN.H205 (Adjacent to Hazeldene (includes GTN.H1) at Springfield for 70 units. The landowner has submitted an application to develop the site frontage and retain an access to the land to the rear (17/1934/PIP). Discussions are ongoing with the landowner and developers with a view to bringing forward development on the rest of the site in order to meet local housing need as identified by the housing waiting list at Springfield.

Springfield Primary School is currently on the list of schools to have 20mph speed limits introduced as part of the Safer Routes to School scheme.

No modification proposed to the Plan.

EASTRIGGS

Sites not allocated in Proposed Plan
ERL.MU201: MOD site

Defence Infrastructure Organisation (MoD) (429.001) – The Economic Strategy (paragraph 3.17) recognises that the site is likely to be made available during the plan period and may provide scope for business / industry use and / or tourism sector development.

The site was assessed as part of the Call for Sites exercise (CD63, p.34-40). As the MoD's disposal strategy, timescales and whether the site could be delivered within the Plan period were unknown, the site was not included in the MIR or the Proposed Plan.

At the Call for Sites and MIR stage, the landowner did not provide evidence to justify the site's inclusion in the Proposed Plan, or that the extensive constraints could be overcome.

The MoD site is large (430 hectares) and given its past land use and potential constraints, there are a number of issues that would require further investigation. They include potential impact on Solway Coast Area of International Interest for Biodiversity, Special Areas of Conservation (SAC), Special Protected Area (SPA) and Sites of Special Scientific Interest (SSSI) designations, remote from settlements and unknown impact in relation to soils and extent of contamination given previous use. The site has not been the subject of public consultation through the Plan process.

The Plan does not make any specific allocations for tourist / leisure type of development as Policy ED9: Tourism sets out the criteria against which proposals would be assessed.

The Proposed Plan already includes a number of large business and industry sites in the eastern part of the region.

Given the number of unknowns outlined above in respect of this site, the Council would welcome a full site and contextual analysis in order to inform a development concept for the site and welcome working with the MoD in this regard. A number of meetings have taken place between the Council and MoD to determine how the site could be best considered for future development.

No modification proposed to the Plan.

EAGLESFIELD

Allocated sites

EGL.H2: land between Ashyards Crescent and Sunnybrae

Ingrid Carruthers (309.002) – Eaglesfield is identified as a Local Centre within the Annan Housing Market Area and the strategy seeks to allocate the majority of the Housing Land Requirement to Dumfries and the District and Local Centres. The scale of the sites proposed are considered to be compatible with Eaglesfield.

Policy OP2 seeks high quality design in new development. In relation to site EGL.H2, the site guidance contained within the Proposed Plan requires an appropriate package of improvements to local road network to accommodate development and loop road configuration with two accesses. Detailed issues of road access would be assessed through the determination of a planning application.

Policy OP1d) Biodiversity and Geodiversity is relevant to the consideration of a planning application. It is the legal responsibility of the developer to undertake the appropriate investigation and, where required, any subsequent mitigation measures concerning on-site protected wildlife prior to development. The results of such work would be a material consideration in the determination of a planning application

No modification proposed to the Plan.

Sites not allocated in Proposed Plan

EGL.H203: land east of former Roads Depot, Burnswark

Kerr Investments (543.002) – Two housing sites (EGL.H1 Former Roads Depot, Burnswark and EGL.H2 Land between Ashyards Crescent and Sunnybrae), totalling some 108 units, have been allocated at Eaglesfield and are considered to be effective and sufficient to meet the housing strategy in the Plan period. EGL.H1 benefits from planning permission, 16/1672/FUL for the erection of 30 houses was approved on 30 May 2018. The site guidance states that road access due east of the site for potential long-term expansion should not be compromised.

No modification proposed to the Plan.

Reporter’s conclusions:

Annan

General

1. Proposed plan Policy T2 (location of development/accessibility) requires that development proposals incorporate appropriate off-site mitigation measures to improve or enhance public transport services through developer contributions. Policy T2, as modified (see Issue 9), also requires that, where site masterplans are prepared, they should include consideration of the impacts of proposals on the strategic rail network and that, in certain circumstances, developers may be required to implement appropriate mitigation measures where these are suggested by a Transport Statement or Transport Assessment. The proposed plan notes that masterplans have been prepared for the Windermere Road sites in Annan, with a joint capacity of 205 houses (sites ANN.H1 and ANN.H2) and requires that masterplans and transport assessments are required for the sites between Hallmeadow Place and Elm Road (site ANN.H8) with a capacity of 130 units and Watchall (site ANN.H204) with a capacity of 200

units.

2. This means that masterplans and transport assessments will be required for 535 of the 606 houses proposed for Annan. In the context of the provisions of Policy T2, I am satisfied that the proposed plan contains adequate safeguarding to ensure any potentially adverse effects on Annan Rail Station will be taken into account in determining planning applications for the allocated housing sites. I do not consider it is necessary to modify the proposed plan further to address Network Rail's representation.

Planning Objectives

3. Proposed plan Policy T3 (established harbours, marinas and slipways) sets out council support for the development and use of harbours by safeguarding them from development and encouraging development proposals. Paragraph 6.49 of the Annan Regeneration Masterplan Report (2010) notes that "while there remains huge potential in the harbour area, the cost of investment to realise this would be far better served in areas of the town where there is a clear function and more realisable potential in the short to medium term". In this context, I consider proposed Policy T3 provides a sufficient policy context for addressing the land use implications of any improvements to Annan Harbour. Furthermore, the purpose of a harbour revision order is to address harbour management issues and I agree with the council that procedural matters such as this are not a matter for the local development plan. I do not consider it necessary to modify the proposed plan to address the representation on this point.

4. The third planning objective for Annan, set out on page 105 of the proposed plan, indicates the council's support in principle for the redevelopment of brownfield opportunities identified in the Regeneration Masterplan in order to aid the regeneration of the town. The second paragraph of the Annan Settlement Overview in the proposed plan notes that the brownfield opportunities identified in the masterplan have not been allocated as many have existing uses and could be brought forward as infill development. I find this to be a reasonable approach as identification of individual sites would introduce a level of detail to the proposed plan that would be at odds with the Scottish Government's exhortation to councils to produce concise plans. I note the council's advice that planning permission was granted in 2018 for the redevelopment of the Station Road site referred to by Mr Hogg in his representation.

5. Compulsory purchase is a legal mechanism available to the council to assist its regeneration efforts, where necessary, but I have no evidence to suggest this is required in Annan or justifies support in the local development plan. Non-domestic rate levels are set by the Scottish Government so are not a matter for the proposed plan. Historic Environment Scotland (HES) lists buildings as being of architectural or historic interest so any potential de-listing is a matter for HES and not the local development plan.

6. I do not consider that it is necessary to modify the plan to address the representation on these points.

Allocated sites

ANN.H1: land north of Windermere Road

7. The development principles refer to the Windermere Road Masterplan, 2014. Paragraphs 6.8 1 to 6.9.14 of the masterplan provide guidance on transportation matters. Section 8 advises that the site will be developed in eight phases and these are shown on Figure 7, attached to the masterplan. Paragraphs 6.11.1 to 6.11.6 outline requirements for the

protection of existing trees and hedges and for new landscape planting. Paragraphs 6.10.1 to 6.10.8 set out open space requirements for the new development. I find that these parts of the masterplan make appropriate provision for the matters raised as concerns in representations. It was apparent from my site inspection in February 2019 that construction is well underway on the site and this appears to be in accordance with the masterplan. In particular, I could see that Windermere Road has been reconstructed to make it safer for the increased traffic flows resulting from new development. The structural integrity of the bridge on Windermere Road is a matter for the council's roads service rather than the local development plan. I do not consider it necessary to amend the proposed plan to address the representations on matters of traffic, phasing, tree planting and open space provision.

ANN.H1: land north of Windermere Road and ANN.H2: land south of Windermere Road

8. I accept the council's point that the 2017 Ordnance Survey based Annan Inset Map was up to date at the time that the proposed plan was published in January 2018 and that this will be replaced by the most recently updated map when the adopted plan is published. I do not consider it is necessary to modify the plan in response to this representation.

9. I have noted at paragraph 7 above that the site will be developed in phases. Section 8 of the masterplan states that the phasing plan will ensure that the site is developed in a logical, sequential manner with key infrastructure, open space and affordable housing to be delivered in accordance with the local development plan and masterplan. As with any building site, it is inevitable that construction will cause some disturbance to neighbours. However, this is likely to be short-lived and the masterplan provides a framework to ensure development proceeds in a co-ordinated and logical way, which, in itself, should help to minimise any nuisance from building activity. I do not consider it necessary to modify the proposed plan to address the representation regarding disturbance during the construction period.

ANN.H204: Watchhall

10. The Scottish Environment Protection Agency (SEPA) advises of potential noise and odour nuisance from existing regulated premises. The development principles for the Watchhall site, set out on page 107 of the proposed plan, notes "a noise assessment and mitigation in respect of adjoining land uses will be required". I am satisfied that this covers SEPA's concerns about potential noise nuisance. I have recommended below a modification to this part of the plan that also addresses potential odour nuisance.

11. The development principles for the Watchhall site requires prospective developers to prepare a transport assessment, flood risk assessment, drainage impact assessment, water impact assessment, landscape strategy, noise assessment and archaeological assessment. Part a) of proposed Policy OP1 (development considerations) advises that potential loss of privacy and emissions, amongst other prospective issues, will be taken into account by the council in the assessment of all development proposals. Proposed Policy OP2 (design quality and placemaking) requires that, where relevant, development proposals should, amongst other things, be designed to create safe, accessible and inclusive places. I am satisfied that the specific development guidance for the Watchhall site, read with proposed Policies OP1 and OP2, provides a policy framework that will ensure that the issues raised in representations will be considered by the council in its assessment of future planning applications.

12. The council estimates the capacity of the site to be 200 houses. I have no evidence to suggest that the council has overestimated the housing land requirement for Annan beyond 2029 so have no basis on which to question whether this scale of development will be

required. I appreciate the view that, in most cases, redevelopment of brownfield sites is a more sustainable option than development of greenfield sites but note that the Annan Regeneration Masterplan identifies a number of brownfield sites for redevelopment. The council advises that these sites have not been allocated in the proposed plan as many remain in use, however, if they become available during the plan period, they can be brought forward under the plan's enabling policies as infill development. However, I have no evidence that sufficient alternative brownfield sites are likely to be developed to the extent that they could substitute for the Watchhall site, were the allocation to be deleted. Therefore, I conclude that the proposed allocation of 200 houses at Watchhall to be developed in the period beyond 2029 is reasonable.

13. I do not consider it necessary to modify the plan to address these representations.

Sites not allocated in the Proposed Plan

ANN.H203: North of Murray Park

14. This site was considered in the examination of the Dumfries and Galloway Local Development Plan 2014. The reporter at that time decided not to allocate the site on the basis that the sites to be allocated in the proposed plan were sufficient to meet the housing land requirements in Annan and because of "significant constraints due to the electricity infrastructure and the difficulty in achieving an appropriate access". Potential noise nuisance from the A75(T) road may be a further constraint. I do not consider that there is a need to allocate the site to address housing land requirements but note that the site is located within the Annan settlement boundary. Therefore, if a prospective developer can overcome the site constraints, development could be approved in the context of the relevant policies of the proposed plan.

15. I do not consider it necessary to modify the plan to address this representation.

Gretna Border

General

16. Proposed plan Policy T2 (location of development/accessibility) requires that development proposals incorporate appropriate off-site mitigation measures to improve or enhance public transport services through developer contributions. Policy T2, as modified (see Issue 9), also requires that, where site masterplans are prepared, they should include consideration of the impacts of proposals on the strategic rail network and that, in certain circumstances, developers may be required to implement appropriate mitigation measures where these are suggested by a Transport Statement or Transport Assessment. The proposed plan notes that masterplans and transport assessments are required for the sites north of Victory Avenue (sites GTN.H2 and GTN.H7) with a joint capacity of 264 units and the Former Golf Course (site GTN.MU1) with a capacity of 200 units.

17. This means that masterplans and transport assessments will be required for 464 of the 723 houses proposed for Gretna. In the context of the provisions of Policy T2, I am satisfied that the proposed plan contains adequate safeguarding to ensure any potentially adverse effects on Gretna Rail Station will be taken into account in determining planning applications for the allocated housing sites. I do not consider it is necessary to modify the proposed plan further to address Network Rail's representation.

18. Paragraph 3.30 of the proposed plan indicates that the majority of the housing land requirement for the council area has been allocated to district and local centres as these are the larger settlements where there are concentrations of facilities, employment opportunities and transport options. Gretna Border is identified on Map 2 of the proposed plan as a district centre. Therefore, the allocation of a significant number of new house sites in Gretna is consistent with the housing strategy of the local development plan. Furthermore, Gretna Border forms part of the Gretna-Lockerbie-Annan regeneration corridor where new house building will help to support the council's regeneration efforts. I conclude that the principle of allocating over 700 houses in Gretna Border is a reasonable approach both in terms of meeting housing land supply and promoting regeneration.

19. In terms of the specific concern raised about lack of services and facilities to support the proposed level of growth, including secondary school provision, Policy OP3 (developer contributions) states that developer contributions will be sought where a development proposal, or combination of developments, creates an identified need for new, extended or upgraded public infrastructure or services. This relates to affordable housing, open space and green networks, leisure, recreation and tourism infrastructure, education, community facilities, including health facilities, waste management infrastructure and offsite infrastructure works, including transport infrastructure. I am satisfied that this policy, supported by supplementary guidance, provides the council with an appropriate mechanism to ensure that developer contributions can be sought from the proposed Gretna Border housing sites to infrastructure or services required as a result of that development.

20. Specifically in relation to concern about water supply, the third paragraph of the Gretna Border Settlement Overview in the proposed plan advises that a new water service reservoir is required to serve the town along with extensive mains upgrades. The overview notes that developer contributions will be required. Proposed Policy OP3, referred to in paragraph 19 above, provides the requisite policy context to secure these contributions. The council also advises that discussion is underway with Scottish Water and the Scottish Government on funding. I consider that the proposed plan provides an appropriate policy context to ensure that appropriate water supply infrastructure is provided in tandem with the proposed new housing.

21. The council advises that the Former Golf Course site (GTN.MU1) benefits from an extant planning permission, granted in 2018. Recommending removal of the site from the plan is not an option available to me, therefore, as the proposed plan reflects the legal planning status of the site.

22. In conclusion, I do not consider it necessary to modify the plan in response to the representation from Mr and Mrs Dodd.

Planning Objectives

23. The second planning objective for Gretna Border is to "support development that promotes and enhances Gretna Border's important role as the Gateway to Scotland as a major retail and tourist destination." The retail strategy of the proposed plan also identifies the outlet centre in the network of centres set out in Table 1 (see my recommendation below). I consider this provides appropriate support for the outlet village without the need to name any one particular destination and the nature of its attraction to visitors. I do not consider it appropriate to modify the proposed plan in response to this representation.

Settlement Boundary

24. Paragraph 63 of Scottish Planning Policy 2014 (SPP) directs that plans should identify factory outlet centres as commercial centres. This is for the reason that such centres have a more specific focus on retailing and/or leisure uses than town centres. In light of this expression of Scottish Government policy, I do not consider it appropriate to identify Gretna Gateway Outlet Centre as a town centre. The proposed plan identifies the Gretna Gateway site as an Outlet Centre. For consistency with national policy, I consider it should properly be identified as a commercial centre. I also consider that the extent of the area so designated could helpfully be shown on the Gretna Border Inset Map. I have recommended below modifications to this effect.

25. The council advises in its summary of responses above that the grassed area located between the south-eastern edge of the settlement boundary and the River Sark is of medium risk of coastal flooding. However, the flood risk map for Gretna dated 25 February 2019, submitted subsequently in response to a further information request in connection with this examination, shows the site as being of medium risk of watercourse flooding. Regardless whether the risk arises from coastal or watercourse flooding, paragraph 263 of SPP states that sites with a medium to high risk of flooding may be suitable for commercial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan. I have no evidence that any of these criteria apply to the site in question. Therefore, I do not consider the site appropriate for commercial development.

26. Paragraph 263 of SPP also indicates that sites with a medium to high risk of flooding may be suitable for some recreational and sport uses, provided appropriate evacuation procedures are in place. However, I consider this relates to uses such as playing fields or cycle tracks rather than built facilities. Some small-scale use of this nature may be appropriate on the site but any proposals of this nature could be assessed under proposed plan Policy IN7 (flooding and development).

27. I do not find it appropriate to extend the Gretna Border settlement boundary in this area and consider that it is not necessary to modify the plan to address this representation.

Allocated sites

GTN.H2: land north of Victory Avenue (phase 1); GTN.H3: The Hawthorns; GTN.H4: Halcrow Stadium; GTN.H5: land north of Old Graitney Road; GTN.H7: land north of Victory Avenue (phase 2) and GTN.H202: Raydale, Annan Road

28. Site GTN.H4 Halcrow Stadium was a former dog track so had not been in agricultural use for some time prior to the development taking place currently. Site GTN.H202: Raydale, Annan Road is garden ground. Site GTN.H3: The Hawthorns is a former caravan site and now vacant. In my view, the proposed allocation of these three sites does not create an issue in terms of development of prime agricultural land.

29. Paragraph 80 of SPP requires that development on prime agricultural land should not be permitted except where it is essential, amongst other things, as a component of a settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other site is available.

30. I noted at paragraph 18 above that the housing strategy in the proposed plan is to

allocate the majority of new housing sites in district and local centres and that Gretna is identified in the plan as a district centre. I also noted that Gretna is identified as an economic regeneration area. On this basis, in general terms, I find that allocating new housing sites in Gretna is supported by the local development plan settlement strategy.

31. Development of sites GTN.H2 and GTN.H7: land north of Victory Road (phases 1 and 2) and GTN.H5: land north of Old Graitney Road would involve the use of prime agricultural land. However, all three sites are well-related to the existing urban form, are accessible to facilities and services and have significant capacity to help meet the housing land requirement for the Annan Housing Market Area. Alternative sites in the Gretna Border site assessment are either prime agricultural land or do not share the other advantages of the sites north of Victory Road and north of Old Graitney Road. I find that allocation of the three sites in question is consistent with SPP. I do not consider it necessary to modify the plan to address this representation.

GTN.H2: land north of Victory Avenue (phase 1)

32. The development guidelines for this site on page 149 of the proposed plan advise that a flood risk assessment may be required to be agreed with the SEPA and the council as part of any planning application. This would provide an appropriate vehicle for the assessment of any flood risk to the proposed development.

33. The development guidelines also require that any planning application for the site be accompanied by a transport assessment and a masterplan, which includes an overall road layout, including an access into the adjoining phase 2 site (GTN.H7), an appropriate junction arrangement with the B7076 and open space integrated with the existing pedestrian/cycle path to the station. Development proposals will also require to be assessed against proposed Policy T2 (location of development/accessibility). I am satisfied that, all together, this provides a policy framework that will enable the council to ensure appropriate transport infrastructure is put in place to serve the proposed development.

34. Proposed Policy OP3 (developer contributions) provides a policy framework to ensure developers of the site make an appropriate contribution to the provision of education infrastructure. The council advises that contributions will be required for both Gretna Primary School and Annan Academy.

35. I have dealt with concerns about the use of prime agricultural land at paragraphs 29 to 31 above.

36. I have no evidence to suggest the site is of significant nature conservation value so proposed biodiversity Policies NE3, NE4 and NE5 would not apply to any future development. However, part d) of proposed Policy OP1 (development considerations) provides a policy safety net for dealing with any issues which may arise in the processing of a planning application. Proposed Policy NE7 (trees and development) provides policy protection for trees and hedgerows, where appropriate.

37. The site is in agricultural use so is not designated as a protected area of open space. The development guidance for the site requires a masterplan to be submitted as part of any planning application for agreement by the council. This is to include proposals for open space integrated with the existing pedestrian/cycle path connecting to the station. Proposed Policies OP2 (design quality and placemaking) and CF3 (open space) provide a policy framework for the provision and maintenance of open space in new development.

38. Scottish Water has advised the council that there is sufficient capacity at Gretna waste water treatment works to accommodate the proposed development, subject to early consultation and consideration of a drainage impact assessment. The development principles for the site require the developer to provide a drainage impact assessment.

39. I have dealt with the issue of water capacity at paragraph 20 above.

40. The council advises that Dumfries and Galloway NHS Trust is reviewing the future provision of GP services with the introduction of new GP contracts. Proposed Policy OP3 (developer contributions) provides for developer contributions to community facilities, including health facilities.

41. Gretna is a district centre, one of the communities where most existing jobs are available, and located within the Gretna-Annan-Lockerbie corridor, one of the main locations for new employment land proposed in the plan. Accessibility to Dumfries and Carlisle is also good. Job opportunities are likely to be reasonable, relative to communities that are more rural.

42. I conclude that the development principles for site GTN.H2, read with the other policies of the proposed plan, provide a policy framework that will enable the council to address satisfactorily the concerns expressed in the representations made in respect of the site. I do not consider it is necessary to modify the plan in response to those representations.

GTN.H3: The Hawthorns

43. As the council points out, it will be required to assess development proposals for the site against the criteria in proposed Policies OP1 (development considerations) and OP2 (design quality and placemaking). Part a) of Policy OP1 requires the assessment of proposals to ensure they are compatible with the character and amenity of the area and to ensure they do not conflict with nearby land uses. In particular, the first bullet point of part a) requires an assessment of noise and vibration issues and the third bullet point requires an assessment of potential loss of privacy, sunlight and daylight on nearby properties. The first bullet point of proposed Policy OP3 (developer contributions) requires that proposals relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area. The fifth bullet point of Policy OP3 requires proposals to be designed so they are well integrated into existing settlements and respect the established layout and patterns of development.

44. I find that, together, these proposed policies provide an appropriate framework for the assessment of any future planning applications on site GTN.H3 such that any impact of new development on the Gables Hotel and other neighbouring properties will be given suitable consideration by the council. I do not consider it necessary to modify the plan in response to this representation.

GTN.H4: Halcrow Stadium

45. The Gretna Border Site Assessments document advises that the Halcrow Stadium site was developed as a football ground but at the time of the assessment, it is described as a greyhound stadium and racetrack with associated buildings, car park and lorry park. The site assessment also indicates that development would not result in the loss of open space. When I visited the site, the proposed housing development was well underway. I could not see evidence of the "potential pitch" referred to by sportscotland. Given the lack of evidence available to me that house building would result in the loss of a sports pitch and the advanced nature of the development, I consider that there is no justification in revising the development

guidance in the proposed plan at this juncture. I note the council's advice that the development under construction will provide a play area and informal kick-about area. I do not consider it necessary to modify the plan to address sportscotland's representation.

GTN.H7: land to the north of Victory Avenue (phase 2)

46. The second paragraph of the Gretna Border Settlement Overview on page 149 of the proposed plan advises that the second phase of the wider Victory Avenue site is not required to meet the housing land requirement in the Annan Housing Market Area during the plan period. I have no evidence to suggest that this is not the case. With 563 new homes planned to come forward in the period to 2029, there will be a significant amount of new development to be assimilated by the Gretna Border communities, including the adjoining sites at Victory Road phase 1, The Hawthorns and Halcrow Stadium. If it is not necessary, I do not consider it advantageous to increase the allocation over the plan period. Furthermore, Victory Road is a large site and the impact of construction on neighbours will be managed better if the area is developed on a phased basis. The suggested option of bringing forward development of the Victory Avenue (phase 2) site and pushing back development of the former golf course site (GTN.MU1) is not practical as the council advises that it granted planning permission for house building on the latter site in 2018. I also consider that the proposed geographical distribution of future housing sites in the town will make it easier for the planned future development to be absorbed by the community. In conclusion, I do not find it appropriate to modify the plan in response to this representation.

GTN.MU1: Former Golf Course

47. The council advises that this site was last use as a golf course 13 years ago. I am not able to verify the precise period since the last recreational use but it was apparent from my site visit that the site has been in agricultural use for grazing for some time. Paragraph 224 of SPP requires local development plans to identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs. The council's Open Space Audit – Location and Typology Maps, 2018, prepared as draft supplementary guidance, does not identify the site as a functional golf course. It may be possible to bring it back into use but I have no evidence of local need that would support this. I find that it is no longer necessary to justify the loss of the golf course nor reasonable to require that appropriate compensation be provided off-site, as requested by sportscotland. I do not consider it appropriate to modify the plan to address this representation.

48. The third planning objective for Gretna Border, set out on page 149 of the proposed plan, indicates that the council will seek to "allocate sites closer to the high street, station and local schools i.e. maintain housing allocations to the north-east of the town". The proposed allocation at the former golf course site does not fully accord with this objective. All parts of the site are within reasonable walking distance of the primary school and town centre (about 2 kilometres from the western end of the site) but the distance from the station (about 4 kilometres from the western end of the site) is likely to draw additional car traffic through the town.

49. I found at paragraph 18 above that the allocation of significant areas of land in Gretna Border for housebuilding is consistent with the housing strategy of the proposed plan and with the council's regeneration objectives. The obvious housing sites to the north and north-east of the town have been allocated in the proposed plan. Consequently, further allocations are likely to be south of Annan Road, the east-west spine of the town. Of the potential sites in this area, the three sites allocated, including the former golf course site, and the area to the south of the

former golf course, which the proposed plan identifies as having potential for the long-term expansion of Gretna, appear to be the most suitable for development. I have not been made aware of any further brownfield sites that are available for development. It is presumably for these reasons that the council granted planning permission in principle for housing development on the former golf course site in 2018. The proposed plan now reflects the legal planning status of the site.

50. There is a proposal to change the phasing of the site to the period beyond 2029. As I have noted at paragraph 46 above, this is no longer an option as the former golf course site now benefits from planning permission. I consider that the site is most appropriately phased for development as set out in the proposed plan.

51. I do not consider it appropriate to modify the plan to delete the allocation of proposed site GTN.MU1, nor do I consider it appropriate to modify the plan to change the phasing of the site to beyond 2029.

52. I have dealt with the issue of water capacity at paragraph 20 above, development on prime quality agricultural land at paragraphs 29 to 31 above and employment issues at paragraph 40 above. I also note that one hectare of the GTN.MU1 site is allocated, and has planning permission, for business use.

53. The development guidelines on page 151 of the proposed plan require that development should be in accordance with the flood risk assessment that has been carried out, require the submission of a transport assessment as well as providing specific guidance on vehicular and pedestrian/cycle access and measures to protect and enhance the landscape setting of this part of the town.

54. The council advises that Scottish Water has indicated there is sufficient capacity at the Gretna waste water treatment works, subject to a drainage impact assessment and early engagement by the developer with Scottish Water. By contrast with a number of other proposed housing sites in Gretna, there is no mention of this in the development guidelines for the site. I have recommended a modification below to address this. However, I note that the planning permission granted for the site does require the submission of a drainage assessment for consideration and approval by the council.

55. Proposed Policy OP1 (development considerations) provides policy guidance on general amenity, landscape, transport and travel and sustainability, amongst other matters. Proposed Policy OP3 (developer contributions) allows the council to seek financial or "in kind" contributions to facilities and services such as education, community facilities, including health facilities, waste management infrastructure and off-site infrastructure works, including transport infrastructure. The council's education service has advised that developer contributions would be required for Gretna Primary School and Annan Academy. The council also advises that the Dumfries and Galloway NHS Trust is reviewing GP provision and proposes to introduce new GP contracts.

56. I am satisfied that the development guidelines for the site, as modified, read in conjunction with proposed Policies OP1 and OP3, are reflected in the conditions attached to the recent planning permission for the site and the accompanying legal agreement.

57. I do not consider it necessary to modify the plan in response to the representation relating to specific issues about the prospective development of site GTN.MU1.

*Sites not allocated in the Proposed Plan**GTN.H210: School Lane, Springfield*

58. The proposed plan allocates land in Springfield for 70 houses at site GTN.H205, adjacent to Hazeldene. This is a significant allocation in a small community and its development will help to meet local demand for housing and support local facilities and services. The council advises that planning permission in principle for a first phase of development on the allocated site was granted in February 2019. As there is no need to allocate additional sites in Gretna Border to meet the housing land requirement for this housing market area, I consider that, in principle, it is not appropriate also to allocate the proposed School Lane site.

59. On my site visit, I could see that the land falls away from School Lane towards the railway line and there is no natural containment for the proposed site. I consider that the council is right to be concerned about the potential visual impact of the site when viewed from the east.

60. One of the reasons given for supporting the allocation of the School Lane site is that it would assist with the provision of a safer route to school scheme to serve Springfield Primary School. The council advises that this initiative is project 16 on a list of the 22 schools, ranked by school roll, which have still to benefit from such projects. I conclude from this that, although not a high priority, this work is likely to take place as part of the council's capital programme, regardless of whether the adjacent site to the east is allocated for housing.

61. For the three reasons outlined above, I find that the School Lane site should not be allocated for housing during the plan period. I do not consider that the proposed plan should be modified in response to this representation.

Eastriggs*ERL.MU201: Ministry of Defence (MoD) site*

62. At paragraph 3.17 of the proposed plan, the council notes, "the former MoD site at Eastriggs is likely to be available during the plan period and may provide scope for business/industry use and/or tourism sector development." The MoD is not seeking the allocation of the site in the proposed plan. Rather it wants to work with the council to develop a positive planning framework for the site. This is in recognition of the fact that the site was not part of the earlier local development plan process. I consider this is the appropriate way forward for a number of reasons.

63. Firstly, the proposed plan already allocates 112 hectares of land for business and industry over a 20-year period so there is no immediate requirement for additional sites. Furthermore, although the site is located in the Gretna-Lockerbie-Annan regeneration corridor, there are already large sites allocated in this area at Chapelcross and Redhouse.

64. Secondly, on the face of it, the site is not well located to access transport networks by walking, cycling and public transport, as required by paragraph 101 of SPP.

65. Thirdly, the site is very large (the council advises 430 hectares) so careful thought would have to be given to the location and phasing of any future use.

66. Fourthly, given the nature of the previous use, a contaminated land study would be essential to a proper understanding of constraints and opportunities on the site.

67. Finally, given the proximity to the sites of national and international biodiversity importance identified by the council, careful consideration will have to be given as to how any redevelopment would affect these areas.

68. I note the council's advice that any interim proposals for leisure/holiday accommodation purposes could be dealt with in the context of proposed Policy ED9 (tourism) but, depending on what is proposed, matters of accessibility, contaminated land, nature conservation and impact on future development will remain pertinent considerations.

69. I do not consider it is appropriate to modify the plan in response to the MoD's representation and agree with both parties that continued dialogue is essential to determine the future of the Eastriggs site.

Eaglesfield

Allocated sites

EGL.H2: Land between Ashyards Crescent and Sunnybrae

70. Eaglesfield is identified as a local centre on Map 2 of the proposed plan, which shows the council's spatial strategy. Paragraph 3.30 of the proposed plan explains that the housing strategy is to allocate the majority of Dumfries and Galloway's housing land requirement to Dumfries and district and local centres. Allocation of new housing land in the village is consistent with the council's strategy, therefore, and the 108 homes proposed on this site and the former roads depot will help to support local facilities and services. The village is also part of the Gretna-Lockerbie-Annan corridor and the proposed development will support the council's regeneration efforts in this area. The fact that the sites are located at opposite ends of the village will help in terms of assimilation of the new development into the community. I consider that the amount of new housing land proposed is reasonable, given the council's housing strategy.

71. The development guidelines for the site, set out on page 134 of the proposed plan, indicate that any prospective developer will be required to provide an "appropriate package of improvements to [the] local road network" including a "loop-road configuration with two accesses" with consideration to be given to "a more suitable junction arrangement with the B722." This requirement, along with the more general provisions of proposed Policy T2 (location of development/accessibility) should ensure that detailed matters of access and traffic generation are dealt with appropriately at planning application stage.

72. In terms of potential visual impact, development will remove the unsightly area of vacant land associated with the former poultry breeding station from the north-east corner of the site. The remaining, larger part of the site comprises relatively flat fields in agricultural use. The policy woodland associated with Blacket House would provide a mature backdrop to the proposed housing looking towards the north-east and east. The development guidelines state that the layout of the new development must be sympathetic to this designed landscape. The roadside hedge along the B722 road is another strong, local landscape feature. The development guidelines for the site require that this be retained. In assessing development proposals, the council will also take account of proposed Policy NE7 (trees and development). Amongst other things, this provides protection for existing trees and hedgerows and encourages appropriate new planting. The development guidelines indicate that the land to the south of the site is considered to have potential for the long-term expansion of the village. With this in mind, I consider it would be appropriate to add a requirement for appropriate new

planting on the southern boundary. I have recommended a modification to this effect below. With this change to the plan, I consider that the development guidelines for the site, read with Policy NE7, will provide adequate guidance to ensure the proposed development would have an acceptable visual impact.

73. I have no evidence to suggest that the site is of significant nature conservation value so proposed biodiversity Policies NE3, NE4 and NE5 would not apply to any future application for house building. However, part d) of proposed Policy OP1 (development considerations) would act as a safety net to ensure any matters of nature conservation which may be identified are considered through the planning application process. As noted above, proposed Policy NE7 also provides protection for trees and hedges that, in turn, would protect their value to wildlife. In the absence of any specific issues, I consider the proposed plan provides an adequate policy safeguard to deal with any wildlife issues that may arise in the consideration of a planning application.

74. I do not consider it necessary to modify the plan to address this representation.

Sites not allocated in Proposed Plan

EGL.H203: land east of former Roads Depot, Burnswark

75. The proposed plan allocates land for the development of 108 new houses in the village over the next 10 years. Site EGL.H1 benefits from planning permission granted in 2018. I have no evidence to suggest that site EGL.H2 will not come forward for development in the plan period. The two allocated sites are located at opposite ends of the village so offer reasonable choice for housebuilders and prospective residents. There is no evidence that there is a shortfall in the housing land requirement in the Annan housing market area. The development guidelines for site EGL.H1 require that road access to the east of the site for the long-term expansion of Eaglesfield should not be compromised. If the former roads depot site is developed during this plan period, this provision will allow site EGL.H203 to be considered for housing in the next review of the local development plan.

76. I do not consider it appropriate to modify the plan to address this representation.

Reporter's recommendations:

The proposed plan should be modified by:

ANN.H204: Watchall

1. amend the final paragraph of the development guidance for the allocated site ANN.H204: Watchhall on page 107 of the proposed plan to read as follows:

'A site investigation for ground contamination may be required. A noise assessment and assessment of odour nuisance in respect of adjoining land uses will be required along with any appropriate mitigation measures.'

EGL.H2: Land between Ashyards Crescent and Sunnybrae

2. adding a new final sentence to the second paragraph of the development guidelines for the allocated site EGL.H2 on page 134 of the proposed plan to read as follows:

'It will be necessary to provide new planting on the southern edge of the site. This should be designed to soften the landscape impact of the new development in views from the south and south-west and provide a buffer to any future development to the south. This planting and adjoining houses should be designed and located so that the landscaping does not become susceptible to pressure for its removal as a result of undue overshadowing of houses and gardens.'

GTN.MU1: Former Golf Course

3. adding a new fourth sentence to the third paragraph of the development guidelines for the allocated site GTN.MU1 on page 151 of the proposed plan to read as follows:

'A drainage impact assessment is required, along with early discussion with Scottish Water.'

Gretna Border Inset Map

4. The area of land which benefits from planning permission for use as a factory outlet centre be identified on the Gretna Border Inset Map.

Table 1: Network of Centres

5. deleting the words 'Outlet Centres' in Table 1: Network of Centres and replacing with the words

'Commercial Centre'

<p>Issue 11</p>	<p>Settlement Statements and Inset Maps: Dumfries Housing Market Area – General, and District and Local Centres</p>			
<p>Development plan reference:</p>	<p>Chapter 6 - Settlement Statements and Inset Maps: Beattock, pages 111 - 112 Dunscore, pages 131 - 132 Johnstonebridge, pages 152 - 153 Kirkconnel, pages 156 - 157 Lochmaben, pages 171 - 172 Lockerbie, pages 173 - 176 Moffat, pages 177 - 180 Moniaive, pages 181 - 182 New Abbey, pages 183 – 184 Penpont, pages 193 – 194 Sanquhar, pages 199 – 201</p>	<p>Reporter: Andrew A Sikes</p>		
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>				
<table border="1"> <tr> <td data-bbox="92 819 794 1588"> <p>Network Rail (002) Sportsotland (008) Moffat & District Community Council (093) Mr & Mrs Draeger (168) Margaret Nicholson (184) Alex Jappy (202) Church Place Surgery (Moffat) (257) Ronald Lewis-Smith (267) Ian and Elizabeth Kerr (307) Angus Stewart Millen (345) Stapleton Tower Estates (354) Paula Stahley (416) Marion and Raymond Milliner (419) Beattock Resident (437) Gordon H Macspadden (440) Lynn Anderson (445) Gill Duncan (447) The Proudfoot Trust (467) Roy and Sharon Readman (473)</p> </td> <td data-bbox="794 819 1481 1588"> <p>Building Craftsmen (Dumfries) (474) Susan Roberts (475) Diane Ireland and Robert Hughes (479) Steven Leask (480) Jane Leask (481) Imogen Leask (482) Sam Leask (484) John Francis Steventon (487) Nicola Malcolm (490) Moniaive Initiative (501) June Johnstone (507) New Abbey Community Council (519) Sandra Jappy (521) William Crawford (537) Kerr Investments (543) Craig Smith (569) Lynda Halley (570) Robin Bartlett (571)</p> </td> </tr> </table>			<p>Network Rail (002) Sportsotland (008) Moffat & District Community Council (093) Mr & Mrs Draeger (168) Margaret Nicholson (184) Alex Jappy (202) Church Place Surgery (Moffat) (257) Ronald Lewis-Smith (267) Ian and Elizabeth Kerr (307) Angus Stewart Millen (345) Stapleton Tower Estates (354) Paula Stahley (416) Marion and Raymond Milliner (419) Beattock Resident (437) Gordon H Macspadden (440) Lynn Anderson (445) Gill Duncan (447) The Proudfoot Trust (467) Roy and Sharon Readman (473)</p>	<p>Building Craftsmen (Dumfries) (474) Susan Roberts (475) Diane Ireland and Robert Hughes (479) Steven Leask (480) Jane Leask (481) Imogen Leask (482) Sam Leask (484) John Francis Steventon (487) Nicola Malcolm (490) Moniaive Initiative (501) June Johnstone (507) New Abbey Community Council (519) Sandra Jappy (521) William Crawford (537) Kerr Investments (543) Craig Smith (569) Lynda Halley (570) Robin Bartlett (571)</p>
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<p>Provision of the development plan to which the issue relates:</p>	<p>Beattock – BTK.H202 and BTK.H203; Dunscore – DSC.H203; Johnstonebridge – JSB.H1; Kirkconnel – KCN.B&I1; Lochmaben – LMB.H2; Lockerbie – LRB.H3, LRB.MU202, LRB.B&I205, LRB.H203; Moffat – MOF.H1, MOF.H2, MOF.H3, MOF.H4, MOF.MU1; Moniaive – MOV.H202; New Abbey – NAB.H1; Penpont – PNT.H1, PNT.H2; Sanquhar – SNQ.H2</p>			

Planning authority's summary of the representation(s):

BEATTOCK

General

Alex Jappy (202.002) - There are insufficient infrastructure and services to cope with further development in terms of schools, health services and water supply. A series of other non-planning issues were raised.

Allocated sites

BTK.H202: Main Street and BTK.H203 Smith Way

Mr & Mrs Draeger (168.002); Margaret Nicholson (184.002); Beattock Resident (437.001); Nicola Malcolm (490.001); Sandra Jappy (521.001) – The following concerns were raised in respect of these sites: Fragmentation / loss of green space, loss of greenfield site and loss of wildlife habitat, impact on the landscape and Moffat Hills, property would be overlooked, loss of light, unsuitable transport options, flood risk, impact on archaeological remains, impact on Moffat Dark Sky town and increased light pollution, increased traffic and noise would impact on air quality and environment, lack of services and facilities to support more housing (school and health services), noise / disruption and impact on air quality caused by construction work and increased traffic, existing infrastructure unable to cope with development on the scale projected. A series of other non-planning issues were also raised.

DUNSCORE

Site not allocated in Proposed Plan

DSC.H203: land south of Dunscore Primary School

William Crawford (537.001) - Allocate site for housing.

JOHNSTONEBRIDGE

Allocated site

JSB.H1: land North of MacLean Drive

Church Place Surgery (Moffat) (257.002) – The construction of an additional 39 housing units will impact on the infrastructure of the village. Medical services are currently under pressure due to recruitment issues. A branch surgery operates at Johnstonebridge but the patient list is currently closed and medical services to new patients cannot be provided. An additional 39 units could impact on the sustainability of future medical services.

KIRKCONNEL

Allocated site

KCN.B&I1: Greystone Avenue

Sportscotland (008.005) - The site includes playing fields and pitches therefore the provisions of Scottish Planning Policy (SPP) paragraph 226 applies and reflected in the Proposed Plan wording.

LOCHMABEN

Site not allocated in Proposed Plan

LMB.H2: Laverockhall

Ian and Elizabeth Kerr (307.002) - Vehicular access refers to two points of access namely Mossvale and Rankine Heights.

There is a legal issue with access to this site from Rankine Heights as the property owners at Foxwood and Rankine jointly own the access road adjoining the site. They have refused surrendering their right to allow vehicular access by use of this road after approaches by previous developers during past planning applications for this development.

Building Craftsmen (Dumfries) (474.001) - The site has been removed from the Proposed Plan on the grounds that there are perceived roads infrastructure constraints. The site should be allocated for housing to build affordable housing. An assessment has been carried out and there are no roads infrastructure issues that could not be overcome through the appropriate design.

Lochmaben is well positioned for sustainable economic growth. The site is included in the Strategic Housing Investment Plan (SHIP). Lochmaben in comparison to Gretna and Canonbie has no sites allocated for housing, leaving a void within the Plan that restricts choices for local people.

LOCKERBIE

Allocated Sites

LRB.H3: Park Place

Angus Stewart Millen (345.001) - No objection to development of the site. Concerned about the volume of traffic in Park Place.

LRB.MU202: former Caravan Park, Kintail Park

June Johnstone (507.002) - Will vehicular access to the rear of the properties at Kintail Park be maintained?

LRB.B&I205: land west of Ice Rink

June Johnstone (507.001) - Does this mean there would be an impact on the countryside view and environment? What kind of industrial businesses are planned for the area?

Site not allocated in Proposed Plan

LRB.H203: land North of Hillview Street

Kerr Investments (543.001) - Site would extend choice to the housing market and for 'affordable' or social housing, as there is a deficiency across the Housing Market Area (HMA). Vehicular access would be taken off Hillview Street or Lambhill Terrace. However, it would also be physically possible to access the site off Alexandra Drive. The site would not impact on the landscape setting of the town.

LRB.H: Open space west of Sherwood Park

Craig Smith (569.001) - The field in question is not "open space" as defined in the Plan as it is currently used, under lease, as a livestock grazing paddock by a local farmer. The proposed allocation of land for residential development will allow the creation and identification of useable and accessible public open space in line with the Plan and Supplementary Guidance definitions as part of a wider development scheme.

It is requested that the open space boundary be adjusted to identify useable open space as a buffer to new residential development at Sherwood Park. The site (2.1 ha) should be allocated for housing (10 units) for older persons. The owner has confirmed the site is available for development and there are no topographical or infrastructure constraints.

MOFFAT

General

Moffat & District Community Council (093.008); Alex Jappy (202.002); Ronald Lewis-Smith (267.003); John Francis Steventon (487.001); Sandra Jappy (521.001) - The number of housing units proposed is excessive. Any proposed housing developments must be done in the context of more comprehensive strategic planning for the town. Such a plan needs to consider the following. The requirement to ensure job creation and the need for town to diversify with the development of business and small-scale industry. No business and industry site is allocated for Moffat.

Appreciate the need for development and limited additional housing in Moffat. The town is dependent on tourism, but in recent decades, its “attractions” and overall appearance have been in decline. Little in LDP2 contributes towards promoting improvement and appeal. Moffat does not have the infrastructure to support the proposed housing allocations and a Masterplan would require to address:

Infrastructure and tourist facilities;

Capacity of school;

Health – capacity of the existing GP surgery and dental practice;

Security – Will a police presence be increased and the police station regularly occupied.

Capacity of water supply and sewerage;

Flooding – extent of site area within the 1in 200 year flood plain of the Birnock Water?

Energy: increased electricity requirements, will the site be serviced with gas? Is consideration being given to solar energy, or to geothermal heat sources?

Public transport – distance from town centre and need for regular bus service.

Employment – lack of employment and opportunities for young people in Moffat.

Poor internet connectivity.

Road access – concerned about access from A709, local road network, access from Well Road or Ballplay Road.

Moffat and Policy H6: Particular Needs Housing. With an already ageing population and the prospect of attracting yet more people in for retirement, any housing development should include the need for sheltered or step down housing. It is likely that the demand on locally available care home beds will increase and so provision should be made for an additional care home.

Planning objectives

Moffat & District Community Council (093.008) - The planning objectives should reflect the objectives of the community as set out in the Moffat and Beattock Action Plan, which contains ‘game changers’ for Moffat. The Action Plan also emphasises the need for access issues to be prominent in local actions, and it has already been agreed with the Community Planning Executive Group that Moffat should become an ‘Access Town’ requiring the town centre to be developed to be fully accessible to people with disabilities. This must be reflected in the planning objectives.

MOF.1: Dickson’s Well

Moffat & District Community Council (093.008) –The current wording of the site guidance should be altered to reflect the impasse that has been reached with the owner of the site. The Community Council is keen to see development on the site and would suggest that a meeting with representatives of the Community Council, the developer and the Council be convened in an effort to overcome the impasse.

MOF.H2: Greenacres

The Proudfoot Trust (467.001) - Increasing the proposed housing numbers up to 44 units could be justified in the event that alternative road access to the site could be developed or shared. MOF. H2 Greenacres and MOF. H3 Old Carlisle Road could develop / utilise shared access or alternatively access to MOF. H2 Greenacres could tie into an existing junction on the Holm Road at Moffat Rugby Club. Increasing the proposed housing numbers would also permit the land at the MOF. H2 Greenacres site to be utilised used in a more efficient manner.

MOF.H4: Selkirk Road

Moffat & District Community Council (093.008); Alex Jappy (202.002); Ronald Lewis-Smith (267.002); Lynn Anderson (445.001); Gill Duncan (447.001) - The following concerns were raised in respect of this site: Site forms part of the Moffat Hills Regional Scenic Area (RSA) and it is felt that the proposal “This will require a substantial element of internal and boundary landscaping” is unlikely to overcome this significant problem;
 Wildlife and plant species and the natural balance would be disturbed;
 Detrimental impact to the Dark Sky Park status of Moffat, which is a major tourist attraction;
 Traffic will increase considerably. Road access to site via the A708 Selkirk Rd and Well Rd and provision for the safety of pedestrians and cyclists? Access to/from MOF. H2 Greenacres and MOF. H3 Old Carlisle Road will exacerbate traffic problems;
 Uncertainty regarding impact on Water supply and sewage disposal capacities;
 Lack of reliable broadband connection;
 Lack of capacity at Doctors and dentist surgery;
 No police station and voluntary fire service;
 Increase in private parking provision and public bus services will be required;
 Employment: little incentive to attract new businesses to the town;
 Result in "dormitory housing";
 Unacceptable increase in population when combined with the existing development at the Old Academy site;
 Sites promoted for Lockerbie are of a smaller scale and it is to benefit from an increase in business and industry development;
 Moffat will change exponentially to all who live here.

Gordon H Macspadden (440.001) - Fully support planning objectives for Moffat and housing allocation MOF.H4 Selkirk Road for the development of 200 houses.

MOF.MU1: former Academy

Moffat & District Community Council (093.008) - The current wording of the section “MOF.MU1 Former Academy” should reflect the fact that building works are already progressing on this site, or the section should simply be removed. It should be noted that this site was previously identified as a mixed-use site. The fact that this site is now entirely residential has further reduced the planned for business units for Moffat

Site not allocated in Proposed Plan

MOF.H: Elvan, Old Edinburgh Road

Lynda Halley (570.001) - Site at Elvan, Old Edinburgh Road should be included in the settlement boundary to support the creation of a new micro business opportunity for rural agricultural diversification. It would be consistent with Policy ED2: Business Development and Diversification in the Rural Area.

Robin Bartlett (571.001) - 20% of the Housing Land Requirement over the next ten years is expected to be delivered in villages and housing in the countryside and so the lack of effective housing land is an acute challenge and one which can be managed by a more generous land

supply. Amend the settlement boundary in Moffat to include site. The site would create a sustainable development of 2/3 domestic dwellings that will complement an existing cluster of three separate dwellings so creating a sense of place and would then not be considered as a proposal for housing in the countryside.

MONIAIVE

Allocated Site

MOV.H202: Broomfield Meadow

Moniaive Initiative (501.001) – Review the number of units allocated to this site, reduce from 18 units to a number more appropriate to the character and form of the village. Site guidance should be amended to restrict development of the south-west boundary of the site to maintain and enhance the ‘Paterson View’ into Moniaive from Broomfield Road.

Diane Ireland and Robert Hughes (479.001) – Road safety concerns, including congestion and noise and further development would exacerbate this. There is only one access via Craignee Drive. Limited bus service and residents are reliant on car ownership.

NEW ABBEY

General

New Abbey Community Council (519.001) - New Abbey map is outdated and lacking in detail.

Designate the scheduled area within the Precinct Wall to the north and east of the Abbey as Protected Area of Open Space. The area is just shown as white with no constraints. The map is inconsistent in its use of the term Protected Open Space. Only a small amount has open public access.

The Glossary has no definition of Protected Open Space. According to the Open Space Strategy 2014, New Abbey is well short of open space.

The HES land at the Cornmill is accessible but highly fragile and unsuitable for ball games etc. The areas marked green on the map thus give a very false impression. The Community Council suggests that all open land within the Precinct Wall, i.e. not buildings or private gardens, should be marked green on the map and the meaning of it clarified.

Why is the old garage not shown as industrial / commercial use now that the designation as a housing site has been removed? It continues in use as a garage.

Planning objectives

New Abbey Community Council (519.001) - Support all three objectives for New Abbey.

To enhance New Abbey as a tourist destination will result in increased foot traffic in the Main Street with traffic management required in the Square / Main Street. Suggest inclusion of additional objective to improve traffic management, particularly heavy vehicle traffic to reduce damage to the historic environment.

Lack of a Character Appraisal for the Conservation Area, which continues to experience degradation, the most recent example being the re-roofing of Abbey House without consent. This actively works against the promotion of New Abbey as a tourist destination.

Allocated site

NAB.H1: Kindar Road

New Abbey Community Council (519.001) - NAB.H1 should say that the Mill Lade is listed Category A and is thus a constraint. No development should be allowed which would prevent a future restoration.

PENPONT

General

Susan Roberts (475.001) - Support the need for rural housing in the area and housing sites at PNT.H1 West of Bogg Road and PNT.H2 Main Street. Concern with the lack of amenities in the village to support a growth in population. These include limited bus service; post office opening hours; and access to community programmes to promote health and well-being.

Allocated Sites

PNT.H1: west of Bogg Road

Steven Leask (480.001); Jane Leask (481.001); Imogen Leask (482.001); Sam Leask (484.001) - Concern regarding impact of further development on already busy roads - increased congestion, pollution and noise. This will have a negative impact on the aesthetics of the village and tourism. Proposed access is via Tynron View, a quiet road through a development for older people. Village shop is opposite proposed site and this area is a popular crossing point, therefore raising concerns of pedestrian safety. There is inadequate parking for residents and their visitors in the village. Further development will exacerbate the problem.

PNT.H2: Main Street

Stapleton Tower Estates (354.001) - The mature tree avenue forms part of the assets of the property known as The Glebe and is not for development being the driveway and main access to the property.

SANQUHAR

Allocated sites

SNQ.H1: Church Road; SNQ.H2: Queen's Road; SNQ.H3: Queensbury Square

Network Rail (002.014) – Considering only major housing allocations (SNQ.H1, SNQ.H2, SNQ.H3) a total of 164 houses are proposed. Consider there is the potential for a cumulative impact on Sanquhar Station. For example, because of the limited parking available even a small increase in usage could have an impact.

SNQ.H2: Queen's Road

Paula Stahley (416.001); Marion and Raymond Milliner (419.001); Roy and Sharon Readman (473.001) – The following concerns were raised in respect of this site:

Site presently serves community well as a green space for dog walking and exercise. Note previous objection from Scottish Rights of Way Society - any new development would be built around path linking town to Southern Uplands Way. Concern there is lack of road and water supply infrastructure to support new homes. Lack of drainage on the site. Queens Road is too narrow for two way traffic or roundabout. There are other options available. Strongly oppose the use of the strip of land bordering representor's property as a pedestrian access/amenity area to this site as believe it would have an adverse impact on privacy, and cannot see any reason for pedestrian access needed at this point. Instead, reinstate as part of the garden of Beauvais and pedestrian access should be at existing access points. Development, will irrevocably alter the nature of this semi-rural part of the town of Sanquhar

and result in the reduction of the quality of life for residents.
 Concern lack of consultation - only found out about development plans from neighbour who received neighbour notification letter.

Modifications sought by those submitting representations:

BEATTOCK

General

Alex Jappy (202.002) - Remove planned housing allocation in Beattock.

Allocated sites

BTK.H202: Main Street and BTK.H203: Smith Way

Mr & Mrs Draeger (168.002); Margaret Nicholson (184.002); Beattock Resident (437.001); Nicola Malcolm (490.001); Sandra Jappy (521.001) - Remove housing allocation.

DUNSCORE

Site not allocated in Proposed Plan

DSC.H203: land south of Dunscore Primary School

William Crawford (537.001) - Allocate site for housing.

JOHNSTONEBRIDGE

Allocated site JSB.H1: land North of MacLean Drive

Church Place Surgery (Moffat) (257.002) - Consider the impact of the construction of an additional 39 housing units will have on the medical services provided in Johnstonebridge.

KIRKCONNEL

Allocated site

KCN.B&I1: Greystone Avenue

Sportscotland (008.005) - Add text to site guidance: "The site contains playing fields that include pitches. Justification for the partial loss / loss of any pitches or appropriate compensation should be provided".

LOCHMABEN

Site not allocated in Proposed Plan

LMB.H2: Laverockhall

Ian and Elizabeth Kerr (307.002) - Remove right of access to the development from Rankine Heights.

Building Craftsmen (Dumfries) (474.001) - Allocate the site for housing.

LOCKERBIE

Allocated Sites

LRB.H3: Park Place

Angus Stewart Millen (345.001) - No change requested.

LRB.MU202: former Caravan Park, Kintail Park

June Johnstone (507.002) - Object to the allocation of the site for mixed uses.

LRB.B&I205: land west of Ice Rink

June Johnstone (507.001) - No change requested.

Sites not allocated in Proposed Plan

LRB.H203: land North of Hillview Street

Kerr Investments (543.001) - Allocate site for housing.

LRB.H: Open space west of Sherwood Park

Craig Smith (569.001) - Removal of protected open space designation and allocation of site for housing for older persons (10 units), open space, landscaping, access and associated uses.

MOFFAT

General

Moffat & District Community Council (093.008); Alex Jappy (202.002) Ronald Lewis-Smith (267.003) John Francis Steventon (487.001) - Review of the numbers of proposed new housing units for Moffat. Any housing development should include the need for sheltered or step down housing.

Sandra Jappy (521.001) - Removal of all planned housing development in the Moffat area other than small scale developments already in the planning stage.

Planning objectives

Moffat & District Community Council (093.008) - Change to the “Planning objectives for Moffat”.

MOF.1: Dickson’s Well

Moffat & District Community Council (093.008) – Re-drafting of section “MOF.H1 Dickson’s Well” to reflect the current situation of impasse.

MOF.H2: Greenacres

The Proudfoot Trust (467.001) - Increase the proposed number of houses to maximise the site’s potential and unlock a development opportunity.

MOF.H4: Selkirk Road

Moffat & District Community Council (093.008); Alex Jappy (202.002) ; Ronald Lewis-Smith (267.002); Ronald Lewis-Smith (267.003); Lynn Anderson (445.001); Gill Duncan (447.001) - Remove site from plan or reduce the number of houses proposed for the site.

Gordon H Macspadden (440.001) - Support as written.

MOF.MU1: former Academy

Moffat & District Community Council (093.008) – Update the section “MOF.MU1 Former Academy” to reflect the current situation.

Site not allocated in Proposed Plan

MOF.H: Elvan, Old Edinburgh Road

Lynda Halley (570.001) - Adjust settlement boundary 300m to the north. As Moffat is identified as a District Centre in the Dumfries Housing Market Area and is strategically located near to the A74(M), request that Policy H1: Housing Land a) Allocated Sites be amended to increase

and support the development within the garden ground of The Hope.

Robin Bartlett (571.001) - Include site at Elvan, Old Edinburgh Road within settlement boundary for the creation of a new micro-business opportunity for rural agricultural diversification.

MONIAIVE

Allocated site

MOV.H202: Broomfield Meadow

Moniaive Initiative (501.001) – Reduce number of units and amend site guidance to restrict development of south-west boundary.

Diane Ireland and Robert Hughes (479.001) – Amend site access from Craignee Drive to another.

NEW ABBEY

General

New Abbey Community Council (519.001) – Changes required to the New Abbey base map, which is lacking in detail and areas associated with the Abbey should be identified as Protected Open Space.

Planning objectives

New Abbey Community Council (519.001) - Include objective to improve traffic management of heavy vehicle traffic to reduce damage to the historic environment.

Allocated site

NAB.H1: Kindar Road

New Abbey Community Council (519.001) - Add to site guidance that the Mill Lade is listed Category A.

PENPONT

General

Susan Roberts (475.001) - Concerned about lack of amenities in village to support population growth.

Allocated Sites

PNT.H1: west of Bogg Road

Steven Leask (480.001); Jane Leask (481.001); Imogen Leask (482.001); Sam Leask (484.001) - Delete allocation.

PNT.H2: Main Street

Stapleton Tower Estates (354.001) - Delete sentence from site guidance 'The mature tree avenue to the north eastern boundary should be retained'.

SANQUHAR

Allocated sites

SNQ.H1: Church Road; SNQ.H2: Queen's Road; SNQ.H3: Queensbury Square

Network Rail (002.014) - Recommend that developers are required to undertake transport

assessments to identify impacts on station facilities and train capacity.

SNQ.H2: Queen's Road

Paula Stahley (416.001); Marion and Raymond Milliner (419.001); Roy and Sharon Readman (473.001) - Delete site allocation or if included suggest use alternative access point.

Summary of responses (including reasons) by planning authority:

BEATTOCK

General and Allocated Sites BTK.H202: Main Street and BTK.H203 Smith Way

Alex Jappy (202.002); Mr & Mrs Draeger (168.002); Margaret Nicholson (184.002); Beattock Resident (437.001); Nicola Malcolm (490.001); Sandra Jappy (521.001) -

Context: Beattock is defined as a Local Centre in terms of the settlement hierarchy as it has more than 3 community facilities. These include the primary school, shop, village hall and inn / restaurant. The shop located at the caravan park is considered to fulfil the role of a local shop. The spatial strategy set out in the Proposed Plan supports the Gretna–Lockerbie–Annan regeneration corridor. Major sites for business and industry are allocated in this corridor, site A74(M).B&I1 Hangingshaws, Johnstonebridge is currently being developed by a major employer. At Beattock, BTK.B&I201 North West, Main Street is allocated for business and industry.

Housing Allocation: As part of the Call for Sites exercise, the Community Council submitted 5 potential sites for housing development. The Moffat and Beattock Community Action Plan (December 2016) (CD37), which was subject to extensive public consultation, supported the allocation of the site (BTK.H202 Main Street and BTK.H203 Smith Way) for residential development. The site is well related to existing community facilities and Beattock Primary School. Beattock is served by a regular local bus service and hourly services to Glasgow during peak hours.

It is acknowledged that the site would involve the loss of greenfield land but the site is well located to existing facilities and the school.

European Protected Species (bats) may occur on or close to this site. The site guidance states that a bat survey along with any necessary mitigation may be required. Developers will be required to provide sufficient information to enable the Council to conclude that there will be no likely significant effect on these species as a result of development. Policies NE4: Species of International Importance and OP1d): Development Considerations Biodiversity and Geodiversity are relevant in the determination of a planning application.

A Flood Risk Assessment would be required to be agreed by SEPA and the Council as part of any planning application to identify the developable area.

In relation to archaeology, the site guidance advises there are the possibility of Roman remains and an archaeology evaluation and mitigation measures will be required.

In respect of the Moffat Dark Sky Community, it is considered that the amount and location of development envisaged in the Plan is justified as set out in the "Settlement Overview" and Spatial Strategy. Policy ED11: Dark Skies requires all development proposals across the region to adopt the good lighting principles and practice set out in the draft supplementary guidance. (CD20).

Consultation with the Council's service departments and statutory undertakers has confirmed that the sites can be serviced, subject to the parameters set out in the site guidance.

Policy OP1: Development Considerations sets out key considerations that need to be taken into account when assessing development proposals including a) General Amenity and such factors as noise, potential loss of privacy, sunlight and daylight on nearby properties, air and

light pollution.

Whilst it is acknowledged that the development of any land will result in some degree of disturbance due to increased noise and activity during the construction period, this is a temporary phenomenon.

No modification proposed to the Plan.

DUNSCORE

Site not allocated in Proposed Plan

DSC.H203: Land south of Dunscore Primary School

William Crawford (537.001) - The site was submitted at the Call for Sites stage but was not included in the MIR. It was also not included in the Proposed Plan due to the restricted nature of the access and its relatively small size. Instead, the land was included within the settlement boundary to allow proposals to come forward under criteria based policies.

No modification proposed to the Plan.

JOHNSTONEBRIDGE

Allocated site

JSB.H1: Land North of MacLean Drive

Church Place Surgery (Moffat) (257.002) – Consultation with Dumfries and Galloway NHS Trust has advised that GP services are currently being reviewed in the area.

No modification proposed to the Plan.

KIRKCONNEL

Allocated site

KCN.B&I1: Greystone Avenue

Sportscotland (008.005) – The Council consider the site in question forms part of a larger area of open space, but this particular area does not contain formal pitches.

It is considered that the partial loss of open space would result in an economic and employment gain for the settlement and region allowing an existing business to grow and expand. Policy CF3: Open Space and Supplementary Guidance sets out key considerations that need to be taken into account when assessing development proposals including a) Protection of Open Space. The Council do not consider it appropriate to add proposed text to the site guidance.

No modification proposed to the Plan.

LOCHMABEN

Site not allocated in Proposed Plan

LMB.H2: Laverockhall

Ian and Elizabeth Kerr (307.002); Building Craftsmen (Dumfries) (474.001) – It is noted that there are no housing sites allocated in Lochmaben, a District Centre. However, there is scope for infill / windfall sites coming forward in terms of Policy H1: Housing Land.

At the Council meeting of 18 January 2018, the housing site (LMB.H2: Laverockhall) was deleted from the Proposed Plan. The site is identified as white land within the settlement boundary. It is noted that, technically, access could be achieved. Roads officers advised “Two

points of access to the site should be provided, one of which must be from Mossvale. Local improvements within the existing road network at Mossvale may be required. Pedestrian and cycle links should be maximised.” It is noted that there is a landownership issue in relation to a ransom strip at Rankine Heights at the north-eastern boundary.

No modification proposed to the Plan.

LOCKERBIE

Allocated Sites

LRB.H3: Park Place

Angus Stewart Millen (345.001) – Noted. The site is allocated in the plan for 15 units and whilst this will generate traffic, appropriate parking provision will need to be provided as part for the development.

No modification proposed to the Plan.

LRB.MU202: former Caravan Park, Kintail Park

June Johnstone (507.002) - This is a matter for the landowner and is not an issue for the Proposed Plan.

No modification proposed to the Plan.

LRB.B&I205: land west of Ice Rink

June Johnstone (507.001) - The site is allocated for general business and industry uses, which includes Class 4 Business and Class 5 General Industrial as specified by the Use Classes Order. The detail of a proposed development would be considered when a planning application is determined. Impact on a view across third party land is not a material planning consideration.

No modification proposed to the Plan.

Sites not allocated in Proposed Plan

LRB.H203: land North of Hillview Street

Kerr Investments (543.001) - There is considered to be sufficient and effective sites available to meet housing demand in Dumfries HMA and Lockerbie as set out in the Housing Land Requirement Technical Paper (January 2018) (CD24). For Dumfries HMA, a housing land requirement of 3,358 units has been identified for the period 2017-2029 compared with programmed housing site of 3,680 for the period. This demonstrates that the housing land requirement for Dumfries HMA has been met. Land for 245 dwellings has been identified at Lockerbie. The site was not included in the Proposed Plan due to local road network constraints at both Hillview Street and Lambhill Terrace Roads. The site was also considered in the Dumfries and Galloway Local Development Plan (LDP) 1 Examination Report (CD06) and it was found the site had difficulties relating to access and topography and that the land should not be allocated for housing. There has been no change in circumstances.

No modification proposed to the Plan.

LRB.H: Open space west of Sherwood Park

Craig Smith (569.001) - The site was considered in the Dumfries and Galloway LDP 1 Examination Report (CD06), it was concluded that the site should not be included. There has been no change in circumstances. The site was not submitted for consideration at the Call for Sites stages and the development potential of the site was not considered in the MIR. Members of the public have not had the opportunity to comment on such a proposed land use. The site is

not considered suitable for development as there is a generous supply of effective housing land on more preferable sites in Lockerbie. The site is identified as Protected Area of Open Space.

No modification proposed to the Plan.

MOFFAT

General

Moffat & District Community Council (093.008); Alex Jappy (202.002); Ronald Lewis-Smith (267.003); John Francis Steventon (487.001); Sandra Jappy (521.001) – Moffat is identified as a District Centre within Dumfries HMA and has an important role in helping to meet the need for new houses. The Reporter's findings on the adopted Local Development Plan found that the total amount of housing land proposed at Moffat is not excessive and that additional resident population could provide some extra trade for (and so help sustain) shops, restaurants and other facilities visited by tourists. The local Moffat economy is currently dominated by its service sector and the Plan seeks to support the expansion of this sector in future years. The Proposed Plan does not propose to make any changes to the existing housing land allocations in Moffat.

The Proposed Plan strategy supports the Gretna–Lockerbie-Annan regeneration corridor. Major sites for business and industry are allocated in this corridor and the site A74(M).B&I1 Hangingshaws, Johnstonebridge some 15km south of Moffat is currently being developed by a major employer. Although no sites are allocated for business and industry in Moffat, the importance of tourism is recognised in the plan's strategy and objectives for Moffat. The Proposed Plan supports tourism and developments on the mixed use sites. MOF.H2 Former Woollen Mill is expected to include commercial / tourist use.

It is acknowledged that the site MOF. MU1: Former Academy is now under construction for flats and no business units will be developed as part of this permission. At Beattock, site BTK.B&I201 North West, Main Street (3.75ha) is allocated for business and industry. Dumfries and Galloway is a rural region and it is acknowledged that there may be a need to travel to the larger employment centres of Dumfries, Lockerbie and beyond.

Whilst it is recognised that the allocation of 265 housing units is a sizeable expansion, Moffat as a District Centre has an important role in helping to meet the need for new houses. In the preparation of the Plan, consultations were held with all statutory agencies including Scottish Water, Transport Scotland, Scottish Environmental Protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Environment Scotland and key Council services including Education, Roads / Transportation and the Flood Risk Management Team. They have confirmed that the scale of development proposed can be accommodated in relation to services and infrastructure. Education Department have confirmed there is sufficient capacity at Moffat Primary School and Academy to accommodate the development, although on the basis of the most recent Developer Contribution Likelihood Table (2018) (CD23) a developer contribution would be required for Moffat Nursery. Any specific site requirements are set out in the relevant site guidance.

Moffat is a town in a rural area. The public transport system is necessarily constrained by this circumstance. From the town centre, there are regular bus services to / from Dumfries, Lockerbie, Edinburgh and Glasgow and a regular Moffat town bus service.

In the case of the housing allocation MOF.H4 Selkirk Road, a transport assessment will be required to determine the impact on the local road network. The condition of the roads and pavements is not a matter for the Proposed Plan.

Policy OP3: Developer Contributions provides opportunity for the Council to seek a contribution towards the cost of community facilities including education and health facilities. Consultation with Dumfries and Galloway NHS Trust has advised that GP services are currently being reviewed in the area. The provision of health and emergency services is not an impediment to housing development in Moffat. The Council is committed to work with Community Broadband Scotland to enable access to broadband that is faster and more reliable. Broadband issues are not an impediment to development of housing sites.

The housing allocations relate to all housing types, needs and sectors and the Proposed Plan does not identify sites for specific housing needs. Policy H6: Particular Needs Housing sets out the policy context and this need is supported by the Council's Strategic Housing Investment Plan (CD09) and the draft Local Housing Strategy (2018-2023) (CD08). Loreburn HA are currently developing a scheme for special needs housing in Moffat.

No modification proposed to the Plan.

Planning objectives

Moffat & District Community Council (093.008) - The settlement statement refers to Moffat and Beattock Community Action Plan (December 2016) (CD37) which sets out the community's vision for the town and consequently acknowledges the objectives of the Action Plan. The Action Plan objectives cover a range of issues, but they do not necessarily all relate to land-use planning objectives. The Council is currently working with the Community Council on the "Access Town" project in order to secure funding to implement a series of projects.

No modification proposed to the Plan.

Allocated Sites

MOF.1: Dickson's Well

Moffat & District Community Council (093.008) – The Proposed Plan sets out the site guidance and issues that require to be taken into account in the site's development. It is noted that planning permission for housing on the site (13/P/4/0297) was refused under delegated powers and the Local Review Board upheld the officer's decision on 6 October 2016. The authority has a pre-application service to assist with planning applications.

No modification proposed to the Plan.

MOF.H2: Greenacres

The Proudfoot Trust (467.001) - The number of house units proposed are an indicative number in relation to the site area. The site guidance advises that house numbers may be restricted depending on appropriate road access / improvements. It is acknowledged there may be scope to provide a road access through into site MOF.H3 Old Carlisle Road although the guidance states that this site should be accessed from two points along the Old Carlisle Road, subject to achieving appropriate visibility splays and house numbers may be restricted depending on appropriate road access / improvements. It would be for the developer to demonstrate that appropriate road access to the site could be satisfactorily achieved in relation to the proposed number of houses.

No modification proposed to the Plan.

MOF.H4: Selkirk Road

Moffat & District Community Council (093.008); Alex Jappy (202.002); Ronald Lewis-Smith (267.002); Ronald Lewis-Smith (267.003); Lynn Anderson (445.001); Gill Duncan (447.001) –

Context: Moffat is identified as a District Centre within Dumfries HMA and has an important role in helping to meet the need for new houses. The site has been considered at the examination into the adopted LDP and there has been no change in circumstances. The housing allocation is considered to be effective and the site is included in the Strategic Housing Investment Plan (CD09).

It is acknowledged that Lockerbie housing sites for some 245 units are allocated together with two sites for business and industry of some 11.2 hectares.

The strategy supports the Gretna–Lockerbie-Annan regeneration corridor. Major sites for business and industry are allocated in this corridor and the site A74(M).B&I1 Hangingshaws, Johnstonebridge some 15km south of Moffat is currently being developed by a major employer. Although no sites are allocated for business and industry in Moffat, the importance of tourism is recognised in the plan’s strategy and in the objectives for Moffat. The Proposed Plan supports tourism and developments on mixed use sites, which includes MOF.MU2 Former Woollen Mill.

Additional resident population could provide some extra trade for (and so help sustain) shops, restaurants and other facilities patronised by tourists. Dumfries and Galloway is a rural region and it is acknowledged that there may be a need to travel to the larger employment centres of Dumfries, Lockerbie and beyond.

In respect of the Dark Sky Community, it is considered that the amount and location of development envisaged for Moffat in the Plan is justified as set out in the “Settlement Overview” and Spatial Strategy. Policy ED11: Dark Skies requires all development proposals across the region to adopt the good lighting principles and practice set out in the draft Supplementary Guidance. (CD20)

The plan recognises the importance of the Moffat and Beattock Community Action Plan (December 2016) (CD37) which sets out the community’s priorities.

18/0967/MCE - Pre-application enquiry by Hartfell Homes for major housing development on the site. Consultations have been carried out with all key agencies including Scottish Water, SEPA, SNH, Historic Environment Scotland, Dumfries & Galloway NHS Trust, and key Council services including Education, Roads / Transport and the Flood Risk Management Team. They have confirmed that the scale of development proposed can be accommodated in relation to services and existing infrastructure.

Site Allocation and Issues: It is acknowledged that the site would involve the loss of greenfield land, but the site is well located to existing facilities and the school.

Scottish Water has raised no objections to the proposed development of this site in relation to either water supply or sewerage capacity.

Education Department have confirmed there is sufficient capacity at Moffat Primary School and Academy to accommodate the development, although on the basis of the most recent Developer Contribution Likelihood Table (2018) (CD23) a developer contribution would be required for Moffat Nursery. Specific site requirements are identified in the site guidance.

Policy OP3: Developer Contributions provides opportunity for the Council to seek a contribution towards the cost of community facilities including education and health facilities. Consultation with Dumfries and Galloway NHS Trust has advised that GP services are currently being reviewed in the area. The Reporter’s findings on the Adopted LDP found that the provision of health and emergency services is not an impediment to development of the site.

The Council is committed to work with Community Broadband Scotland to enable access to broadband that is faster and more reliable. Broadband issues are not an impediment to development of housing sites.

The site guidance states that the results of a survey of the wildlife interest of the site, and measures to protect or mitigate adverse effects on wildlife of significance, must be included as part of the Masterplan.

The final phase of a flood risk assessment needs to be carried out and appropriate mitigation implemented. This will inform the Masterplan for the site which is in the process of being undertaken. Some preliminary discussions have taken place with the Council in this connection.

The site guidance states that access points should be maximised with: main access from A708 Selkirk Road, minor access from Well Road, emergency vehicle access from Ballplay Road, and pedestrian / cycle access onto Well Lane (also known as Alton Road).

A Transport Assessment is required which would determine the impact on the local road network and this requirement is included in the site guidance. A Transport Assessment should also examine public transport provision. It should advise whether any additional public transport provision is necessary and feasible. It should consider whether and to what extent a bus route should be extended into the development. The site is within reasonable walking distance of the town centre and it is noted that Selkirk Road is serviced by the Moffat town bus service.

Policy T2: Location of Development / Accessibility sets out priorities for sustainable travel modes. Site masterplans should include consideration of the impact of proposals on the local and strategic road network, paths and cycle routes.

The special qualities of the Moffat Hills RSA are based on the contrast between the open Southern Uplands around Hart Fell and the settled valley landscapes around and including Moffat. Potential development within MOF.H4 could be consistent with the conservation interests of the RSA provided it is designed with a substantial element of internal and boundary landscaping in order to establish a clear settlement boundary and to respect existing landform and features as stated in the site guidance.

It will be for the developer to determine the most sustainable type of energy forms to serve the development. The Plan supports sustainability and Policy OP1(f) Development Considerations requires development proposals to limit the impacts of climate change, support resilience and promote sustainable development by supporting reduction in carbon emissions through passive aspects of design and supporting sustainable technologies.

The condition of the roads and pavements is not a matter for the Proposed Plan.

No modification proposed to the Plan.

Gordon H Macspadden (440.001) – Support noted.

No modification proposed to the Plan.

MOF.MU1: former Academy

Moffat & District Community Council (093.008) – The site is currently under construction for the conversion of the former Academy building to flats and the erection of new residential blocks

(16/1514/FUL & 16/1513/LBC). The Plan will be updated to reflect development progress.

The Council considers this to be a factual statement and will be updated before the Plan is adopted.

Site not allocated in Proposed Plan
MOF.H: Elvan, Old Edinburgh Road

Lynda Halley (570.001); Robin Bartlett (571.001) - There is considered to be sufficient housing sites allocated in the Dumfries HMA to meet the housing land requirement as set out in the Housing Land Requirement Technical Paper (January 2018) (CD24). For Dumfries HMA, a housing land requirement of 3,358 units has been identified for the period 2017-2029 compared with programmed housing site of 3,680 for the current period. This demonstrates that the housing land requirement for Dumfries HMA has been met.

The site was not submitted for consideration at the Call for Sites stages and the development potential of the site was not considered at the Main Issues Report (January 2017). Members of the public have not had the opportunity to comment on such a proposed land use. Small sites (less than 5 units) would not normally be allocated for development and would be assessed as part of the development management process. Policies ED2: Business Development and Diversification in the Rural Area and H3: Housing in the Countryside would be relevant

No modification proposed to the Plan.

MONIAIVE

Allocated site

MOV.H202: Broomfield Meadow

Moniaive Initiative (501.001) - The number of units allocated for the site is indicative based on similar density to adjacent housing. Site guidance states 'Careful consideration of the design will be required in order to ensure that any development will be appropriate to the form and character of the village and is not detrimental to the character and features of the conservation area'. Both Policy HE2: Conservation Areas and the Draft Historic Built Environment Supplementary Guidance (CD21) would also be relevant when determining a development proposal.

No modification proposed to the Plan

Diane Ireland and Robert Hughes (479.001) – The Council’s Roads officers were consulted as part of the Planning and SEA Site Assessment (CD45, p.8-13) and did not raise any concerns regarding road safety.

Dumfries and Galloway is a rural region and it is acknowledged that car journeys are inevitable. Planned growth should assist in supporting the village’s services and facilities including public transport provision.

No modification proposed to the Plan

NEW ABBEY

General

New Abbey Community Council (519.001) – The inset map provided in the Proposed Plan is taken at a point in time. The map is from the Council’s Geographical Information System. Although the maps are updated regularly, the number of changes to our natural and built environment means the maps cannot be updated immediately to take account of every change.

Future publications of inset maps will include up-to-date versions of our maps.

The Open Space Audit completed in 2013, and reviewed in 2017 assessed all open spaces within the regional, district and local centres identified in the Local Development Plan (LDP1) and the Proposed Plan. Open space serves a number of different functions, not all of these are accessible to the public. The Open Space Strategy and Open Space Audit lists the definitions of Open Space typologies (CD27). Paragraph 4.93 provides a definition of open space and further information in the Supplementary Guidance. It is not considered necessary to duplicate this in the glossary.

The importance of lands associated with Sweetheart Abbey and New Abbey is recognised by their status in the Conservation Area and as a Scheduled Monument respectively. Policies OP1: Development Considerations b) Historic Environment, HE2 and HE3 are relevant in the determination any future planning applications.

The former garage is not designated for housing in the adopted LDP.

No modification proposed to the Plan.

Planning objectives

New Abbey Community Council (519.001) - Relevant key matters for all development are Overarching Policies OP1: Development Considerations - parts a) General Amenity, b) Historic Environment, e) Transport and Travel and f) Sustainability as is OP2: Design Quality and Placemaking and would need to be taken into account when assessing proposals for new development in the village. Changes to an existing, established access could only be sought if intensification or change of use were proposed. In such a case, a balance would need to be found between the benefits to the regional economy through growth or expansion of businesses; encouraging and maintaining active travel so employees can get to work on foot or bicycle; and the protection of the historic environment from damage.

Decisions on planning applications in the Conservation Area and Listed Building Consent applications will be based on Policy HE1: Listed Buildings and HE2: Conservation Areas supported by the Draft Historic Built Environment Supplementary Guidance (CD21), which set out to preserve and enhance the character and fabric of the historic environment. A character appraisal and management plan for New Abbey Conservation Area will be prepared for adoption along with those for the remaining 35 Conservation Areas within Dumfries and Galloway in the lifetime of LDP2.

In respect of Abbey House, the details of the individual retrospective applications 18/0343/LBC & 18/0342/FUL may be viewed online, but are not a matter for the proposed LDP2.

No modification proposed to the Plan.

Allocated site

NAB.H1: Kindar Road

New Abbey Community Council (519.001) - The Mill Lade, Pond and Corn Mill are Category A Listed. Part of the mill lade runs directly alongside the eastern boundary of the site NAB.H1, under Kindar Drive and is not referred to in the site notes.

Amend site guidance at last paragraph to include:-

“The Mill Lade is Category A Listed with historic links to the Abbey” between the first and second sentence and **“taking into account the historic significance of the lade”** to the end

of the last sentence.

The Council considers this to be a factual statement and will be updated before the Plan is adopted.

PENPONT

General

Susan Roberts (475.001) - Comments noted. Dumfries and Galloway is a rural region and it is acknowledged that car journeys are inevitable. Planned growth should assist in supporting the village's services and facilities including public transport provision.

No modification proposed to the Plan.

Allocated sites

PNT.H1: west of Bogg Road

Steven Leask (480.001); Jane Leask (481.001); Imogen Leask (482.001); Sam Leask (484.001) - Policies OP1: Development Considerations a) General Amenity, b) Historic Environment and e) Transport and Travel are all key considerations that will be taken into account when assessing development proposals in the village.

Roads officers were consulted as part of the Planning and SEA Site Assessment (CD47, p.1-6). They acknowledged the restricted nature of Bogg Road and recommended that access be taken from Tynron View. This is reflected in site guidance.

It is acknowledged there is limited car parking in the village and site guidance for PNT.H2 Main Street states that a convenient parking area should also be provided within the site for existing residents along the A702.

No modification proposed to the Plan.

PNT.H2: Main Street

Stapleton Tower Estates (354.001) – Landownership records have been obtained and confirm the avenue of trees are within the title deeds of 'The Glebe'.

The following sentence should be deleted from site guidance: 'The mature tree avenue to the north eastern boundary should be retained'.

The Council considers this to be a factual statement and will be updated before the Plan is adopted.

SANQUHAR

Allocated Sites

SNQ.H1: Church Road; SNQ.H2: Queen's Road; SNQ.H3: Queensbury Square

Network Rail (002.014) – The number of housing sites allocated for development over the Plan period and projected build rates are unlikely to have a significant impact on station capacity. The proposed plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. A change is suggested to Policy T2 which is considered to address this concern. See Issue 9 for the proposed change.

No modification proposed to the Plan.

SNQ.H2: Queen’s Road

Paula Stahley (416.001); Marion and Raymond Milliner (419.001); Roy and Sharon Readman (473.001) – The site is allocated in the adopted LDP and is included in the SHIP. Planning application 18/1041/FUL for the erection of 61 dwelling houses including formation of new access roads, parking, landscaping and SUDS drainage system is currently being considered.

Council Road officers were consulted as part of the Planning and SEA Site Assessment (CD46, p.7-13). They advised that the site can be accessed off Queen’s Road, Waugh Drive and / or McCron Court. Roads comments refer to planning application 09/P/3/0254 granted conditionally August 2010. This permission has since lapsed. Any new planning application will be assessed against policies in the plan.

Consultations have been carried out with all key agencies and relevant Council departments. None has identified any concern about the scale of development anticipated for Sanquhar in the Plan.

It is acknowledged in site guidance there are potential flood risk and drainage issues, and that a Flood Risk Assessment and Drainage Impact Assessment are required. Site guidance also states that a number of paths cross the site and these should be incorporated into any design and layout of the area. Policy OP1 Developer Considerations: General Amenity will be a key consideration for this site.

Scottish Water were consulted and advise that water and waste water treatment works have sufficient capacity for development however request early engagement via the Pre-Development Enquiry.

The Council are satisfied that they are in conformity with the participation statement.

The LDP anticipates that the economy, along with developer interest, will begin to improve in the future and therefore seeks to ensure that sufficient land is available for when this happens. By not allocating sufficient land, future growth could be restricted.

Dumfries and Galloway is a rural region and it is acknowledged that there may be a need to travel to the larger employment centres of Dumfries and Ayr. Planned growth should assist in supporting the village’s services and facilities including public transport provision.

No modification proposed to the Plan.

Reporter’s conclusions:

General matters

Housing land requirement

1. My conclusions on the housing land requirement and the effectiveness of allocated housing sites located in the Dumfries Housing Market Area (HMA) are set out Issue 1. My conclusions below address the concerns raised in representations in respect of individual sites in the Dumfries HMA, apart from those located in the town of Dumfries, which are considered in Issue 12.

Essential infrastructure/service provision

2. Many of the representations argue that there is inadequate infrastructure or service provision to support new development in some settlements of the Dumfries HMA, particularly Moffat and Beattock. In this regard, the council's consultation and engagement with its key service departments and statutory agencies has confirmed that the proposals of the proposed plan can be accommodated and/or serviced or actions identified to mitigate their impacts; the relevant actions are set out in part 3 of the council's draft Action Programme. In addition, proposed Policy OP3 (developer contributions) allows the council to seek contributions towards the provision of essential infrastructure where this is shown to be necessary in order for development to proceed. On this basis, I am satisfied that the council has undertaken the assessments necessary to ensure that the proposals of the plan can be supported by existing or improved infrastructure and services.

Settlement statements and inset mapsBeattock*BTK.H202: Main Street and BTK.H203: Smith Way*

3. Beattock is defined as a local centre in the proposed plan's settlement hierarchy and is a focus for new development. Some representations argue that Beattock does not contain the requisite number of community facilities to be considered a local centre. My site inspection confirmed that there are more than three community facilities in Beattock and that it is appropriately designated in terms of the council's Settlement Hierarchy Technical Paper, although I accept that the shop is somewhat peripheral to many residents and, although open to the public, is primarily intended to serve residents of the holiday park. In this regard, I note that an aspiration of the community action plan is to secure a new village shop as part of the development of site BTK.H202, among other community initiatives.

4. I agree with the council that Beattock is well located to take advantage of employment opportunities that will arise over time from business and industry development within the Gretna-Lockerbie-Annan regeneration corridor. In addition, business and industry proposal BTK.B&I201 is located within Beattock opposite the proposed housing sites.

5. Other concerns expressed in representations are generally matters for a detailed planning application to address, for example, an assessment of flood risk, a bat survey and an archaeological investigation. The need for assessments to support development proposals is highlighted in the development guidelines set out on page 112 of the proposed plan. In addition, proposals will be assessed against the provisions of Policy OP1 (development considerations), which includes consideration of the impact of new development on general amenity and the historic environment. Importantly, I note the requirement to retain the mature trees that bound the site; which contribute greatly to the character of the area. In many respects, development of the sites would represent a continuation of that which has recently taken place at Smith Way, which I consider integrates well with its surroundings. Overall, I concluded that sites BTK.H202 and BTK.H203 should remain part of the proposed plan.

Dunscore*DSC.H203: Land south of Dunscore primary school*

6. In the absence of adequate environmental information and evidence arising from public

engagement, I am unable to recommend the modification sought in the representation. As noted by the council, proposed Policy H2 (housing development in villages) offers support in principle for housing development on suitable sites within villages, including Dunscore. As such, it will be for a prospective developer to satisfy the criteria of Policy H2, and other relevant policies, if development of the site is to be considered acceptable.

7. At my site inspection, I noted the constrained access to the site from the B729/Kirkgate mini-roundabout adjacent to the listed building, the proposed location for alternative access/drop-off and pick-up arrangements set out in the representation and the benefits that these would bring to the primary school. However, these are matters to be addressed in a detailed planning application should proposals be forthcoming.

Johnstonebridge

JSB.H1: Land north of MacLean Drive

8. The concern expressed in the representation relates to the impact of the proposed development on GP/medical services that serve Johnstonebridge: at the time that the representation was made the patient list was closed to new patients. I have no evidence to suggest that this is still the case but note that the representation highlights the difficulty in recruiting suitably qualified staff as the reason for the closure. In response, I also note that the Dumfries and Galloway NHS Trust has advised the council that GP services in the area are currently under review. Although not directly a matter for the council, given the hopefully short-term nature of the concern and the steps taken by the NHS to resolve the issue, I conclude that the proposed housing allocation should remain part of the proposed plan. No other matters of concern relating to the allocation of the site in the proposed plan have been brought to my attention.

Kirkconnel

KCN.B&I1: Greystone Avenue

9. My site inspection confirmed that the proposed business and industry site does not contain a sports pitch. The site is presently unkempt amenity open space. Despite the site being almost twice the area of that shown in the adopted local development plan, the boundaries of the proposed site do not extend as far as the pitch that does exist to the west. I find that sportscotland is mistaken in its understanding of the proposal and that development on the site would not result in the loss of sports pitches. Accordingly, there is no necessity to modify the proposed plan as sought.

Lochmaben

LMB.H2: Laverockhall

10. The site is allocated for housing in the adopted local development plan with an indicative capacity of 40 units. The evidence indicates that the intention had been to carry forward the allocation into the proposed plan. However, the council resolved to remove the site from the proposed plan at its meeting of 18 January 2018. Nonetheless, the site remains within the settlement boundary of Lochmaben. The council does not fully explain the reason for its decision but alludes to the need for two points of vehicular access to serve the site, one of which is constrained by a land ownership issue.

11. In light of the inability to secure vehicular access from Rankine Heights and thus achieve the required two points of access to serve the site, the council appears to have taken a pragmatic decision to remove the site from the proposed plan. Mr and Mrs Kerr make clear in their representation that they will not allow vehicular access over land in which they have a controlling interest. As such, I regard the site as constrained. It would, therefore, be inappropriate to promote its development in the proposed plan when this is evidently not in prospect. In the event that this matter is resolved to the satisfaction of the council and two points of vehicular access to the site secured, proposed Policy H1 b) (infill/windfall sites) would offer qualified support to its residential development. Given the circumstances that led the council to remove the site from the proposed plan, I conclude that no further action is required and that the proposed plan should not be modified.

Lockerbie

LRB.H3: Park Place

12. The representation highlights the potential of new development to exacerbate on-street parking difficulties and add to the number of speeding vehicles on Park Place. The council acknowledges that the development of the site would generate additional traffic but adds that appropriate parking provision would be secured within the site when proposals come forward. The proposed plan sets out its requirements in this regard at proposed Policy T2 (location of development/access) under the heading 'access requirements', which states that '[development should] incorporate an appropriate level of parking provision to the maximum standards...' Ultimately, measures to address the traffic impacts of new development and car parking provision are matters for a detailed planning application and not the proposed plan. No modifications are required in response to the representation.

LRB.MU202: former caravan park, Kintail Park

13. The representation seeks an assurance that the vehicular access from Glasgow Road through the site to the rear gardens of the properties at Kintail Park will be maintained in any redevelopment of the site. The representation infers that the current arrangement is informal and I did not see anything at my site inspection to suggest otherwise. Whilst this arrangement may be desirable to some, it is not essential in order to gain access to the rear gardens of properties on Kintail Park. Accordingly, I agree with the council that this is not a matter for the proposed plan. There will of course be an opportunity for residents to engage with a prospective developer as when proposals come forward for the site.

14. In light of past uses and the extant planning permission for a swimming pool and leisure centre development on the site, I consider it to be appropriately designated for 'mixed-use' development in the proposed plan. No modifications are required in respect of this representation.

LRB.B&I205: Land west of ice rink

15. I agree with the council that the impact of development on views enjoyed across third party land is not a material planning consideration. With regard to the broader consideration of impacts of development on general amenity, proposals for the site will be considered against the provisions of proposed Policy OP1, which requires development to be compatible with the character and amenity of the area. Whilst the concerns expressed in the representation are matters to be addressed in a future planning application, I note that the development guidance requires future development to be served by a vehicular access taken from the B7076,

boundary trees to be retained and a comprehensive landscape scheme to be prepared, all of which should help to mitigate the impacts of new development on its surroundings. No modifications are required in respect of this representation.

LRB.H203: land north of Hillview Street

16. The representation seeks the allocation of the site for housing in order to address a perceived shortfall in housing land. As I conclude in Issue 1 of this examination report, the proposed plan has allocated sufficient land in the Dumfries HMA to meet the housing land requirement. Furthermore, as I noted at my inspection of the site and its surroundings, the constraints and difficulties in developing the site highlighted in the examination report into what is now the adopted local development plan remain. In the absence of a need to augment the supply of housing land in the HMA and the constraints to its successful development, I find that the site should not be allocated for housing in the proposed plan. No modifications are required in respect of this representation.

LRB.H: open space west of Sherwood Park

17. As the council notes, there has been no change in circumstances since the potential development of the site was considered as part of the examination of what is now the adopted local development plan. Importantly, that examination report noted that the proposed development of the site had not been assessed as part of the plan preparation process and consequently that the public had not had the opportunity to comment on what was proposed at that time. This latter point was considered particularly important given the presence of a remembrance stone located just to the south of the proposed housing site, which remains in place.

18. Likewise, the proposal that the site should be allocated for housing in the proposed plan has not been assessed by the council or the opportunity afforded to the public to comment upon the proposal: the site was not promoted in response to the council's 'call for sites' nor its development potential considered as part of the preparation of the Main Issues Report. Therefore, in accord with paragraph 118 of Circular 6/2013: Development Planning, in the absence of adequate environmental information and evidence arising from public engagement, I am unable to recommend the modification sought in the representation.

19. The representation also seeks the removal of the site's 'protected open space' designation on the Lockerbie inset map. The council does not respond to this aspect of the representation. However, I note that the site forms part of a wider area of open space that is categorised in the council's Draft Open Space Audit (Annex 1) Supplementary Guidance as 'amenity greenspace'. While I have some sympathy with the argument that the open space is incorrectly categorised, its characteristics and use suggest that a 'natural greenspace' categorisation would be more appropriate, it has visual interest and provides a buffer between existing housing and the B7076 and M74 motorway located immediately to the west, I consider it worthy of protection. It also supports a row of substantial trees along its Sherwood Park boundary that contribute greatly to the character of the area. The indicative layout lodged with the representation suggests that these would have to be removed in order to provide vehicular access to the site.

20. Overall, in light of my findings above and given that sufficient land has been allocated in the HMA to meet the housing land requirement, I conclude that the site should not be allocated for housing in the proposed plan and that the 'protected open space' designation should remain on the inset map.

Moffat*General matters and planning objectives*

21. Concerns regarding the adequacy of infrastructure and service provision throughout the Dumfries HMA are considered in paragraph 3 above.
22. The proposed plan identifies Moffat as a district centre and a focus for new development. The extent of land allocated for housing and the number of new homes it is expected to generate, however, is of concern to the community council and many local residents. In addition, the community council believes that new development proposals in Moffat should be considered in the context of a strategic plan for the town as a whole, as intended for Annan. A further representation comments that the proposed plan fails to demonstrate that the development of 265 houses in Moffat is required.
23. I note that the proposed plan does not allocate land or promote an amount of housing beyond that shown in the adopted local development plan. I also note that the examination report into that plan concluded that the level of development proposed was not excessive. As there needs to be some continuity with respect to development proposals set out in the local development plan, including housing developments, these are important considerations. Nevertheless, it remains important to consider the matters raised in representations and I do so with regard to sites in Moffat below. As I note elsewhere in this report, the preparation of the proposed plan has been informed by a housing needs and demand assessment (HNDA), which has been approved as being robust and credible, and a Housing Land Requirement Technical Paper. My conclusions on the proposed plan's housing strategy are set out in Issue 1, where I recommend a number of modifications to explain how the housing land requirement has been derived, including that in the Dumfries Housing Market Area.
24. In light of the above, and taking into account the consultation responses of the council's service departments and key agencies to the proposals of the plan, I find that the scale of development proposed in Moffat is proportionate, and not excessive as suggested in representations.
25. With regard to Annan, the work being undertaken by the council requires to be seen in the context of the decommissioning of the Chapelcross Nuclear Power Plant and the need to minimise the impacts of its closure. The preparation of a regeneration master plan to promote economic development opportunities in the town and wider area will assist in that process. The issues facing Moffat are different and capable of being addressed by the provisions of the proposed plan, in particular, its overarching and subject policies, settlement statement development guidelines and the preparation of master plans for individual sites. Accordingly, I do not consider it necessary to modify the proposed plan to require the preparation of a strategic plan, amend, or add to the planning objectives set out in the settlement statement in order to address concerns raised in representations.
26. Finally, whilst the proposed plan does not allocate land in Moffat for business and industry uses, I agree with the council that it is well placed to take advantage of employment opportunities that will arise from business and industry developments within the Gretna-Lockerbie-Annan regeneration corridor. Further opportunities may also arise in Beattock where land is allocated for business and industry use. Within Moffat itself, the proposed plan promotes the mixed-use development of the former Woollen Mill (MOF.MU2), which could include small business and tourist related uses.

MOF.H1 Dickson's Well

27. I have no evidence before me that describes the reasons why the development of the site has not progressed or why a recent application for its development was refused planning permission. In any event, I consider that it would be inappropriate to modify the proposed plan to refer to a particular proposal that has failed to progress. This is a matter for the prospective developer and the council to resolve through negotiation. For its part, the proposed plan appropriately sets out the principal planning considerations to guide the development of the site, whoever the developer may be. Accordingly, no modifications are required in response to the representation.

MOF.H2: Greenacres

28. I consider that the council is right to be cautious in setting an indicative site capacity at Greenacres. As I witnessed for myself, the intended point of vehicular access is narrow, visibility at the Old Carlisle Road/The Holm/Ballplay Road junction is constrained and conditions for pedestrians along Old Carlisle Road are poor. The development guidelines rightly highlight the need for improvement, including the creation of a possible pedestrian link to south of the school and onwards to Jeff Brown Drive. I agree with the council that these are matters to be addressed in a detailed planning application through which an acceptable level of development will be established.

29. These constraints apply equally to the adjoining allocated housing site MOF.H3 to the south. I note the suggestion in the representation that the two sites could share a vehicular access point, which, it is argued, could allow a greater number of houses to be built at Greenacres. Although the council acknowledges that this may be possible, it has yet to be demonstrated that it is achievable. Neither is there any evidence to suggest that an access from The Holm through the rugby club is achievable, or indeed desirable.

30. In conclusion, whilst the site may be capable of accommodating a greater number of units, this would be dependent upon alternative access arrangements being secured. In the absence of any evidence to demonstrate that this is achievable, whether through site MOF.H3 or via The Holm, I agree with the council that the proposed plan should not be modified in response to the representation.

MOF.H4: Selkirk Road

31. The concerns set out in the representations broadly mirror those lodged to the proposal when it was promoted for development in what is now the adopted local development plan. At that time, the reporter recommended a number of modifications and confirmed that the proposal should remain part of the plan. Nonetheless, the impact of proposed development on the designated regional scenic area, its wildlife interests, the amenity of local residents and local road network remain of concern to local residents.

32. From my site inspection of the site and its surroundings, and confirmation that the scale of development can be accommodated and supported by essential infrastructure, there would be appear to be no material change in circumstances to justify the removal of the site from the proposed plan. This position is supported by a recent pre-application enquiry advisory report on the prospective developers proposals for the site, which included consultation with the council's service departments (education, roads, transport) and key agencies (SEPA, Scottish Water, Historic Environment Scotland, NHS). The council comments that whilst the principle of development remains acceptable further work is required to develop the proposals of the

master plan and address specific issues raised by consultees.

33. Although located within a designated regional scenic area, proposed Policy NE2 (regional scenic areas) does not preclude development within it in principle. It does, however, require the siting and design of development within it to respect the special qualities of the area, which I note are set out in supplementary guidance and referred to in the settlement statement planning objectives and development guidelines.

34. Similarly, the proposed plan through Policy OP1, part d) requires development proposals to respect, protect and/or enhance biodiversity and geodiversity. The need to survey the wildlife interest of the site and for measures to be put in place to mitigate any adverse effects is a requirement of the development guidance. In addition, Policy OP1 parts a) and e) consider the impact of development on general amenity and transport and travel, respectively. The need to consider and address these concerns are also reflected in the development guidelines. Finally, where essential infrastructure is constrained or it is necessary to mitigate the impact of development, proposed Policy OP3 (developer contributions) allows the council to seek contributions towards adding capacity or to otherwise improve existing infrastructure or services. On this basis, I am satisfied that the matters expressed in representations can be satisfactorily dealt with and that the site can be successfully developed.

35. Overall, and in light of my finding in Issue 1 that the site is effective, I conclude that the site should be retained in the proposed plan.

MOF.MU1: Former Academy

36. At the time of my site inspection, the conversion of the former academy to residential use was nearing completion. The development is wholly residential and does not contain the mix of uses promoted by the adopted local development plan. The community council seeks a modification to the proposed plan to reflect the development under construction. The council proposes a non-notifiable modification to update the proposed plan in this regard. I am content with this response.

MOF.H: Elvan, Old Edinburgh Road

37. The council comments that the site was not promoted for development in response to the 'Call for Sites' or considered in the preparation of the Main Issues Report. As such, in the absence of adequate environmental information and evidence arising from public engagement, I am unable to recommend the modification sought in the representation.

38. The council adds that should micro-business proposals come forward for the site they would be considered against the provisions of proposed Policy ED2 (business development and diversification in the rural area), which may support proposals on land outwith settlement boundaries where they offer opportunities to diversify existing businesses. Following my inspection the site and its surroundings, I consider that the considerations of proposed Policy OP1 a) General Amenity would also be pertinent, given the topography of the site and its relationship to residential properties on Hillside Terrace. In conclusion, I do not propose to modify the proposed plan in response to the representation.

MOF.H The Hope, Annan Water

39. The representation seeks a modification to the Moffat settlement boundary to include property and land known as The Hope, in the belief that this would lend support to a proposal

to develop two or three houses in the grounds of the property.

40. The Hope lies approximately 0.3km beyond the Moffat settlement boundary, from which it is separated by dense woodland and open rising land. I consider that the woodland provides a logical settlement boundary in this location and do not propose to modify it in response to the representation. With regard to the merits or otherwise of development at The Hope, the proposed plan does not allocate sites on the inset map on which fewer than five units are proposed. As the council notes, should development proposals come forward for this small site, they would be considered against the plan's overarching policies and proposed Policy H3 (housing in the countryside).

Moniaive

41. The representations do not challenge the principle of development on the site, rather it is the indicative site capacity and additional traffic/on-street parking demand that the development would generate that is of concern to local residents. The council comments that the indicative capacity is based on that of the adjoining housing at Craignee Drive/Sawmill Green. However, I find this too simplistic a measure given the characteristics of the site and the requirements set out in the development guidelines. I also note that the roads/access advice contained in the site assessment (core document 45) is based on a proposed development of 10 units.

42. I find that a reduction in the indicative site capacity would not only help address concerns regarding vehicular access and on-street parking demand but also allow the development guidelines set out in the proposed plan to be more readily achieved, for example, the retention of mature trees, a development design that is sensitive to its conservation area setting and, should it be desirable, protection of views across the site towards the village centre (as described in the representation of the Moniaive Initiative). I recommend a modification below.

New Abbey

Planning objectives and general matters

43. I can fully understand the community council's desire to address the impact of tourism on the fabric of New Abbey and for this to be reflected in the planning objectives for the village: New Abbey is an attractive village of considerable historic interest. The community council is mistaken, however, in its claim that the planning objectives for New Abbey promote its enhancement as a tourist destination - they do not. The concerns expressed in the representation relate primarily to the council's failure to prepare a conservation area character appraisal for the village, the use of inappropriate materials in new development and the need to put in place measures to manage the volume of traffic attracted to and passing through the village. Whilst important, these are not matters that the proposed plan can directly address.

44. I note the council's intention to prepare character appraisals for all conservation areas in Dumfries and Galloway, some of which will incorporate management plans. However, given the present absence of an appraisal, I consider that the planning objectives for New Abbey should acknowledge the conservation area status of the village and reflect the requirement for new development to preserve or enhance the character and appearance of the conservation area. I consider that the proposed plan should be modified in this regard and recommend a suitable form of words below.

45. I agree that there is an inconsistency in the areas of protected open space shown on the

New Abbey inset map. Although the council's Draft Open Space Audit Supplementary Guidance (core document 27, page 40) categorises the land around the remains of Sweetheart Abbey as 'amenity green space', it is not identified as 'protected open space' on the inset map, when similarly categorised areas of land are. The draft open space audit categorises the abbey cemetery separately.

46. Whilst Sweetheart Abbey, including the abbey precinct and walls, is a Scheduled Monument, Category 'A' listed building and located within the conservation area, these features are not shown or delineated on the inset map. Given that the land is protected by virtue of its historic interests, and to ensure consistency, I consider that the land should also be shown as protected open space on the New Abbey inset map. I recommend a modification to this effect below. I accept the council's argument, however, that paragraphs 4.93 and 4.94 of the proposed plan adequately describes open space and the forms it may take. As such, I do not consider it necessary to include a definition of open space in the glossary of terms.

47. The community council is also mistaken in its belief that the adopted local development plan promotes the commercial garage on Main Street as a housing site. Neither the adopted local development plan nor the proposed plan promote its development for housing. At the time of my site inspection, the building was in active business/commercial use.

48. I note the criticism regarding the quality of the inset map used in the proposed plan. However, I also note the council's intention to use and up-to-date and better quality maps in its preparation of the adopted version of the proposed plan.

NAB.H1: Kindar Road

49. In response to a representation from the New Abbey Community Council, the council proposes a non-notifiable modification to amend the text of the development guidelines to refer to the listed status of the Mill Lade and its historic links to the Abbey. I consider this an important consideration in the preparation of development proposals for the site. However, the changes proposed go beyond the provisions of paragraph 86 of Circular 6/2010, which only allows for minor wording or typographical changes. I therefore recommend a modification with suitable wording below.

Penpont

General matters

50. Although important to rural communities, improvements to local bus, post office and GP/medical services and access to community programmes are not matters for the proposed plan; their provision is at the discretion of other service areas of the council, the NHS and the private sector. I agree with the council, however, that the planned growth in Penpont may assist in maintaining existing services and, perhaps in the longer term, lead to their improvement.

PNT.H1: West of Bogg Road

51. The proposal has been carried forward from the adopted local development plan. The proposed plan, however, provides additional development guidance, including the requirement for vehicular access to be taken from Tynron View. This appears a sensible solution given the narrowness of Corse Road and its constrained junction with Main Street. At my site inspection, I noticed that the car parking spaces that serve properties at Tynron View were fully

occupied. In addition, on-street car parking was prevalent on Main Street close to the junction. For this reason, I consider that it is important that access arrangements to the site should not displace car parking at Tynron View or exacerbate on-street parking difficulties. I consider that this concern should be reflected in the development guidelines and recommend a suitable modification to this effect below.

PNT.H2 Main Street

52. The council acknowledges its error in referring to the tree-lined avenue at the eastern boundary of the site in the development guidelines: the inference being that it forms part of the proposed site. Accordingly, the council has agreed to remove the final sentence of the guidelines as a non-notifiable modification. I am content with this response.

Sanquhar

53. The concerns of Network Rail and the impact of development proposals on rail infrastructure is dealt with in Issue 9. The examination report recommends that Policy T2 (location of development/accessibility) is modified to address the concerns of Network Rail.

SNQ.H2: Queen's Road

54. I have considered carefully the representations seeking the removal of the site from the proposed plan, but note that key agencies and relevant council departments have not raised objections in principle to the scale of development proposed throughout Sanquhar, including that proposed at Queen's Road. As the proposed plan states at paragraph 3.3, the spatial strategy seeks to allocate the majority of future development to those settlements with, among other things, a good range of services and facilities, have the physical ability to grow and a surrounding landscape that can absorb proposed development. I consider that Sanquhar satisfies these requirements and is able to accommodate the development proposed. That said, it is incumbent upon developers to submit proposals that are technically competent and able to satisfy the requirements set out in the proposed plan's overarching policies (OP1-3).

55. The proposal to develop land at Queen's Road has been carried forward from the adopted local development plan and was a feature of the Nithsdale Local Plan prior to that. Its development is included in the Strategic Housing Investment Programme (SHIP). I note that the site had the benefit of planning permission for residential development when preparation of the proposed plan began. Although that planning permission has since lapsed, there is clearly an expectation on the part of the council that the site will be developed and that it will make a meaningful contribution to the housing land requirement.

56. During the course of preparing the examination report the council refused planning permission for 61 dwellings on the western part of the site (council ref: 18/1041/FUL), owing to the failure of the developer to demonstrate to its satisfaction that access to the site from Queen's Road could be achieved safely and that the proposed SuDS measures met the requirements of Policy IN8 (surface water drainage and sustainable drainage systems). However, I consider these to be technical matters that are capable of being resolved through the development management process, particularly in light of the recommendation to grant planning permission to the proposed development by the council's professional officers. On this basis, I consider that the site should remain a proposal of the proposed plan. Accordingly, the proposed plan does not require to be modified in response to representations on this matter.

Reporter's recommendations:

I recommend that the proposed plan be modified by:

Moniaive: Broomfield Meadow

1. amending the indicative site capacity to 10 units, the title of the proposal would then read as follows:

'MOV.H202 Broomfield Meadow (10 units up to 2029)'

New Abbey

2. amending the third objective on page 184 of the proposed plan to read as follows:

'recognise the historical and landscape characteristics of the settlement by ensuring that new development is of a high design quality that preserves or enhances the character and appearance of the conservation area.'

3. amending the New Abbey inset map to show land associated with Sweetheart Abbey as protected open space, as per the boundaries of the amenity green space and cemetery shown on page 40 of the draft Open Space Audit Supplementary Guidance (core document 27);

NAB.H1: Kindar Road

4. deleting the third paragraph of the development principles and replacing it with the following paragraph:

'The Mill Lade, a Category 'A' listed building with historic links to the Abbey, lies adjacent to the site. Consequently, a Flood Risk Assessment will be required to support new development proposals to determine whether or not the Mill Lade will have an impact on the development of the site and, if so, identify appropriate mitigation measures, taking into account the historic significance of the lade.'

Penpont

PNT.H1: West of Bogg Road

5. amending the development principles by deleting the final sentence of the first paragraph and adding a second paragraph. The second paragraph to read as follows:

'Vehicular access to the site should be via Tynron View, ensuring that car parking provision that serves existing properties on Tynron View is maintained.'

Issue 12	Settlement Statements and Inset Maps: Dumfries Town – General, Settlement Boundary, Housing and Business & Industry Sites	
Development plan reference:	Settlement Statements and Inset Maps: pages 90 - 103	Reporter: Andrew A Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (002) SportsScotland (008) David Butler (038) John A MacColl (048) Ewan and Donna Maxwell (119) Scottish Environment Protection Agency (120) Banks Renewables (127) Michael Rosie (141) Linda McKeachie (226) Paula Voce (259) Ronald M Copland (270) Dawn Robson (316) Karen Little and Stephen Wilson (339) Peter Brown (344) Shona Vallance (348) Catherine Nesbitt (352) Derek Cross (357) Elizabeth Anne Radley (368) Shirley Foster (376) Robert Foster (377) Judith Richardson (381) Jane Anderson (385) P S Vance and Anne K Vance (388) Thomas McDiarmid (395) Siobhan Rammell (396) Lynn Robertson (400) Carol Ross (401) Mr and Mrs A Stewart (404) Gerald Buchanan (422) Freight Transport Association (442) Leanne Muirhead (453) Matt Hamilton (454) Robert and Barbara Jardine (456) Alison Macrory (457) Donald Macleod (458) David and Franziska Booth (459) James Griffin (460) Alison Hennen (462)</p>	<p>Jill Coltman (464) Kathleen Irving (468) Anne Gault (469) Denise Shaw (471) Ian C Rennie (476) Judith E Craig (485) Chari Laurie (489) Jennifer Howat (494) Christopher Hopkin (498) Mr J D and Mrs Alice Marshall (503) Steve McCreadie (504) Colin and Carole Patrick (505) Euan MacLean (506) Jetta Baillie (508) Mr and Mrs W B Goldie (509) Linda Bloomfield (510) Young (511) Irene Young (512) Mary Carberry (513) David Walls (514) Carolyn Blacklock (518) T Hogan / M Grierson (530) M Muir (531) John Bogie (532) C Hiddleston (533) B McNeilly (534) Charlotte Developments (535) Calmac Developments (539) K Wilson (540) Dundas Chemicals (542) Aldi Stores (544) Rosefield Salvage (548) Willcorp (549) Story Homes (560) NHS Dumfries & Galloway (563) Midsteeple Quarter (564) Sandy Robson (565) London and Scottish Property (572)</p>	
Provision of the development plan to which the issue relates:	Dumfries – housing allocation, town centre, Crichton Quarter, DFS.H2, DFS.H3, DFS.H5, DFS.H7, DFS.H8 and H205, DFS.H218, DFS.H221, DFS.H262, DFS.H228, DFS.H229, DFS.H232, DFS.H255, DFS.MU202, DFS.B&I5, DFS.B&I6, DFS.B&I2 and B&I253	

Planning authority's summary of the representation(s):**Housing allocations**

Network Rail (002.011) - 3,420 housing units are being proposed for Dumfries. There is strong potential for a cumulative impact on Dumfries Rail Station. Parking at the station is already well used and the scale of the additional developments has potential to increase cumulatively demand for parking. In addition, the plan aspiration to reinforce the role of Dumfries as the regional capital requires consideration of how station usage in the wider town centre context is managed.

Settlement boundary

John MacColl (048.043) - The settlement boundary is being extended to include DFS.H218. The reluctance to extend the settlement boundaries at DFS.H229 and DFS.H230 would prevent the landowner benefitting from policies available to other landowners elsewhere in the region. The proposals comply with Policy H4 and therefore the settlement boundaries should be amended to include both areas of land.

Ewan and Donna Maxwell (119.003) - The settlement boundary shown in the proposed plan divides the garden/property with the majority of the rest of the garden which is outwith the settlement boundary. A northern boundary has been created by a tree planting scheme, which was required by a condition attached to a mineral extraction application in 1997. Examples of locations where the settlement boundary has been amended to included garden ground included in the representation by way of evidence (RD02).

Calmac Developments Ltd (539.001) - Reinstate the settlement boundary of Dumfries to that which applied before the adoption of the current Local Development Plan (LDP). Alternatively, correctly designate Newbridge as a village in accordance with the criteria contained in the Settlement Hierarchy Technical Paper dated September 2014. This classification will secure the inclusion of the policies of the Woodlands House Hotel as an established and integral part of Newbridge.

Identify this site in the hotel policies for 3 houses, despite this only making a modest contribution to the now clearly established current shortfall in the 5 year effective housing land supply for the Dumfries Housing Market Area (HMA), a shortfall that was not made known to Elected Members when they considered the draft of this proposed LDP2. Representation made by Holder Planning to the draft Dumfries and Galloway Housing Land Audit 2017, identified a shortfall in the 5 year effective housing land supply for the Dumfries HMA which is not reflected in the Housing Land Requirement Technical Paper (January 2018). Additional information supported in support of representation (RD01).

Town Centre

Midsteeple Quarter (564.001) – A mixed-use allocation will reflect the Midsteeple Quarter Project and the type of development expected. The Midsteeple Quarter is a response to an extensive consultation with local people, businesses, groups and agencies that a priority for a 'future Dumfries' is more people living in the town centre and is a means for the local community to take back control of a group of prominent, underused and neglected High Street buildings and refurbish these as a contemporary living, working, socialising, learning and enterprising hub. It is considered that a specific project designation of the Midsteeple Quarter will be a successful planning tool to facilitate regeneration of the High Street. This proposal will be supported by a development framework / masterplan for the regeneration of the Midsteeple Quarter.

Crichton Quarter

NHS Dumfries & Galloway (563.001) - A substantial amount of guidance has been prepared to guide the development of the Crichton Quarter. It would be helpful for the Crichton Quarter, including Ladyfield East and West, to be given a specific designation on the Dumfries Inset Map. This would aid potential developers and investors by highlighting the availability of this guidance and in turn would also provide further clarity and confidence for developers and investors to progress proposals.

Allocated sites

DFS.H2: Marchfield

Karen Little and Stephen Wilson (339.001) - The Council expects the strip of land to the rear of Marchfield Mount to serve as an access road to the north-eastern corner of DFS.H2. There is already an adequate roundabout in situ further along the road to accommodate access. Another access road would impact the privacy of the homes in Marchfield Mount, the various wildlife that currently resides there, increase the volume of traffic on an already congested road and raise road safety concerns for pedestrians and cyclists.

Story Homes (560.004) - Support the inclusion of the site in the Proposed Plan.

A change is sought to the housing allocation boundary. This will enable the developer to, in partnership with the adjacent landowner and the Council, propose a more rounded residential development with an improved master planned site layout including greenspaces.

Request references to Clumpton Hill in the site guidance are removed. Challenge the perceived value of Clumpton Hill, contend the Council's description of it as a local landscape feature and the Council's designation of it as a Protected Area of Open Space in the Dumfries inset map. If the wording is not removed, request that clear justification for its retention is added into the statement.

Not clear why an Archaeological Assessment may be required. There are no Historic Environment Scotland designated heritage assets within the allocation site boundary, and the site is not identified as an Archaeologically Sensitive Area in the Council's adopted Archaeologically Sensitive Areas. Request reference is either removed or justified.

The trees within the allocated site boundary, to the south and east of Ladypark Farm, appear not to have landscape or amenity value. They are not in a Protected Area or Open Space, not subject to a Tree Preservation Order, and Scottish Natural Heritage (SNH) does not show them as a Designated Site or as being within the Ancient Woodland Inventory. Request reference is either removed or justified.

Request the Council provide clear justification on why they suspect contamination on the site and what type and scale of action they expect to be taken to fulfil this requirement.

DFS.H3: Noblehill

Ronald M Copland (270.003) - Question the extent of flood risk and the fact that the site is prime agricultural land on the eastern part of DFS.H3 Noblehill site (plan enclosed).

Fail to understand the Council decision of 18 January 2018 to exclude the housing site DFS.H3 and to include DFS.H7 Brownrigg Loaning. The site would constitute a logical extension to the built up area and there would be no material adverse effect on the landscape. The continued identification of the site for residential development would add diversity and choice to the Dumfries housing market.

Shirley Foster (376.001); Robert Foster (377.001) - Support the removal of the site from the Plan. The majority of this land (with the exception of the old hospital site) was common good land and was sold to DGHP without proper consultation with the community.

The Council did the bare minimum in communicating their intention, and it was well known that many people did not receive notification, and those that did, did not understand what was going on. The planners & councillors did not know this park area and how well it was used, and their proposal to sell the land for development was contrary to national guidelines on saving green space and parks for community use.

DFS.H5: Ladyfield

Peter Brown (344.001) (344.002); Catherine Nesbitt (352.001) (352.002) (352.003); Gerald Buchanan (422.001); Leanne Muirhead (453.001); Matt Hamilton (454.001); Robert and Barbara Jardine (456.001); Alison Macrory (457.001); Donald Macleod (458.001); David and Franziska Booth (459.001); Alison Hennen (462.001) (462.002); Jill Coltman (464.001), (464.002), (464.003), (464.004); Anne Gault (469.001); Denise Shaw (471.001); Ian C Rennie (476.001); Judith E Craig (485.001); Jennifer Howat (494.001); Mr J D and Mrs Alice Marshall (503.001); Steve McCreadie (504.001); Colin and Carole Patrick (505.001); Jetta Baillie (508.001); Mr and Mrs W B Goldie (509.001); Linda Bloomfield (510.001); Young (511.001); Irene Young (512.001); Mary Carberry (513.001); David Walls (514.001); Carolyn Blacklock (518.001) - Concerns raised include:

- Proposed development density is out of scale and character with existing adjacent development;
- Loss of prime agricultural land;
- Impact on neighbouring residential amenity, particularly noise, disturbance, overlooking/overshadowing and loss of privacy; Loss of light to Ladyfield Cottages if housing were built too close and those were over single storey;
- Flood risk concerns and subsequent impact on neighbours' already waterlogged gardens;
- Glencaple Road and Kingholm Road are subject to periodic flooding;
- Impact on neighbouring Conservation Area, including Ladyfield House, 4 Ladyfield Cottages, Ladyfield East and West;
- Site forms part of former "Crichton Royal Farm Estate" Conservation Area and was left as a legacy to the people of Dumfries. Concerned about sale of Crichton Hall;
- Soakaway and buried septic tank which serve Ladyfield Cottages, are located on proposed site;
- Outlet for the Crichton Artisan well in field proposed for development;
- Impact on wildlife, loss of habitats and trees;
- Increased traffic generated from development and impact on road network and safety;
- Availability and frequency of public transport in the area is limited;
- Impact on existing sewage network;
- Impact on schools;
- Increased level of crime;

Other non-planning concerns were raised.

Kathleen Irving (468.001), (468.002) - The site assessment states that there are no protected species on the site. Red squirrels have enhanced statutory protection under the Wildlife Countryside Act (1981) (Amended) and by the Nature Conservation (Scotland) Act 2004. Support recommendation to retain the mature trees on western border.

Euan MacLean (506.001) - A small strip of land behind the houses on the Castledykes and Kingholm Quay side of the development would maintain the privacy in the back gardens of those properties which back onto the proposed development.

Christopher Hopkin (498.001) – Reference is made to the Housing Land Requirement Technical Paper (January 2018). No reason is given as to why only 848 completions out of 2,148 allocations in the adopted LDP will be completed by 2030. This includes DFS.H2

Marchfield and estimated 280 completions to 2029. New housing sites are likely to come forward at Rosefield Mills, Midsteeple Quarter and the former Dumfries and Galloway Royal Infirmary site.

Development will destroy the Non Inventory Designed Landscape and is contrary to Policy HE6: Gardens and Designed Landscapes. Development contrary to the Crichton Conservation Area Character Appraisal Supplementary Guidance (March 2016) paragraph 8.2. The site also includes part of the Crichton Conservation Area.

Shona Vallance (348.001) - Instead of housing, a centre for disabled people should be built in order for disabled people to mix. Building houses will be noisy and disruptive. There is nothing in this area and barely any activities in Dumfries itself.

Jill Coltman (464.001) - The proposal to grant planning permission for up to 500 houses contravenes Paragraph 4.35 of the Plan, as part of Ladyfield is a Conservation Area. Concern development will have a detrimental impact on wildlife and fauna.

DFS.H7: Brownrigg Loaning

Michael Rosie (141.002) - Councillors voted to include the site in the Plan. Site should not be included on flood risk grounds. Failing that, request that serious consideration be given to removing the area marked red on the representation from the allocation. The area currently a flood plain, is covered in rushes, and lies permanently in water throughout the wetter months. Flow of water marked on a site plan included in representation, photographs also included. Removal of this land would be in accordance with SPP and LDP2 Policy IN7.

K Wilson (540.001) - Support for allocation of the site in the Plan. With the withdrawal of the Noblehill site, allocation of this site could now be brought forward prior to 2029.

DFS.H8 and DFS.H205: Catherinefield Farm

P S Vance and Anne K Vance (388.001); Siobhan Rammell (396.001); Carol Ross (401.001); Lynn Robertson (400.001) – Some garden grounds related to a number of properties (El Kantara, Corsewall and Largo) and a field at the north-western corner of the site are incorrectly included in the housing allocation. Plans showing land ownership to each associated representation are included in the representation.

DFS.H218: Oaklands

Paula Voce (259.002); Dawn Robson (316.002) (316.003); Derek Cross (357.001), (357.002); Elizabeth Anne Radley (368.001); Jane Anderson (385.001) – Concerns raised include:

- Loss of greenfield, agricultural land, The land has previously been designated for small agricultural/smallholdings not housing;
- Proposed density is not in-keeping with rural area;
- Impact of increased traffic generated from proposed development on already congested road network;
- Impact on wildlife habitats;
- Loss of privacy and overlooking;
- Impact on existing septic tank and outlet pipe;
- Lack of facilities to support proposed development;
- Impact on local primary school.

Questions why the Council are proposing to move the settlement boundary to incorporate this area and why the need for 261 new houses.

DFS.H221: Former Oil Depot, Terregles Road

Judith Richardson (381.001); Chari Laurie (489.001) – The number of units should be reduced. Concerned about traffic generation, road capacity, means of access and road safety concerns. There should be a Transport Assessment carried out. The proposal does not respect local context, the scale and proportions of surrounding buildings and would be entirely out of the character with the area which is contrary to Overarching Policy 2.

DFS.H262: Maxwelltown High School

Sportscotland (008.004) - The site includes pitches. The provisions of Scottish Planning Policy (SPP) paragraph 226, which states that outdoor sports facilities should not be redeveloped should be taken into consideration and be reflected in the Proposed Plan wording.

C Hiddleston (533.001) - The land / buildings should be retained for Community Facilities as per paragraphs a & b of Policy CF1. There is a need for Policy CF1 to be implemented in this area and this site would be ideal for that purpose. The site is too close to the existing industrial estate.

Rosefield Salvage (548.001) - Remove site from Proposed Plan. This would safeguard the Rosefield Salvage Yard's existing and future operations. If site is to remain, request that proposals should be accompanied by a detailed masterplan which takes into account the surrounding land uses (existing use and future uses/intensifications). Especially, detailing appropriate acoustic barriers between the site and Lochside Industrial Estate to protect against existing noise, and any intensification due to future operations; extensive buffer area between the housing allocation and the existing operations; and extensive landscaping planting between the housing allocation and the existing operations.

Established B & I sites - General

Aldi Stores (544.002) - Aldi's store at Glasgow Road, Dumfries remains allocated for business and industrial use. This is out of date and does not reflect the current land use.

DFS.B&I5: Land south of Dumfries Enterprise Park

London and Scottish Property (572.001) - The drawing attached to representation shows the eastern part of the site, which has been removed from the allocation, is not woodland and is ideal land for business and industry development. The western portion is treed but, given the historic use of the area as an airfield, it is questionable whether this is therefore 'ancient'. The continued allocation of this area of land is appropriate and any planning application would be assessed on its own merits. The Council would have the opportunity to protect some or all of the existing trees as that time.

DFS.B&I6: Brasswell

James Griffin (460.001) - A new road access should be identified otherwise object to its development. Access should be taken from Annan Road roundabout and existing access to site from "Whiteside" should be closed. Also issues of increased traffic and pollution. Existing access at "Whiteside" suffers from poor road maintenance and there is no cyclist route, footpaths or street lighting.

John Bogie (532.001) - This site is effective and its retention in the proposed LDP is important as it provides opportunities for new investment in Dumfries and enables discussions with interested parties to progress.

DFS.B&I2 Cargenbridge and DFS.B&I253 Land at Starryheugh and surrounding area

Banks Renewables (127.003) - Would like to see the land around Cargenbridge (see attached

plan) allocated as zone for energy management opportunities. An energy masterplan would be developed for the area which would seek to utilise a range of renewable energy technologies, such as onshore wind and solar, to deliver low carbon heat and electricity for the current and future energy users in the area.

DFS.B&I253: Land at Starryheugh

Linda McKeachie (226.002); Thomas McDiarmid (395.001); Mr and Mrs A Stewart (404.001) -

Object to development on following grounds;

- Flood risk concerns and impact flooding or drainage works may have on neighbouring gardens;
- Impact on character and amenity of residents of Garroch Cottages;
- Question the need for greenfield land to be used rather than brownfield sites within Dumfries;
- Impact on wildlife and the four large mature trees situated in the centre of the fields;
- The septic tank and soakaway for the cottages are located within the site and access to them should not be jeopardised.

M Muir (531.001) - Support the retention of site as it is effective and its inclusion will provide a good opportunity for businesses, which wish to locate next to the A75 Euroroute.

Site not Included in Proposed Plan

DFS.H228: Corbelly Hill

B McNeilly (534.001) - The property known as the Convent is now completely vacant and is being targeted by vandals on a regular basis. The land should be considered as brownfield. The site has been on the open market and although there has been interest, no offers have been received. Feedback is that if the land were identified for residential development this would make it a viable proposal. Inclusion of the land in the Plan and conversion of the Convent should be considered under the enabling development Policy HE8. Representor advised by email on 13 June 2018 (RD03) that a conditional verbal offer had been received for the Convent and adjoining land.

DFS.H229: Land adjacent to Doonholm, Castle Douglas Road

T Hogan/M Grierson (530.001) - The reason for terminating the Settlement boundary where shown is not specified and it is unreasonable to omit this small adjoining area of land that lies between the boundary and the roundabout on the A75. The inclusion of this land would allow for a small scale residential development of one or two houses within the Plan period and this type of development should be supported. It would not have an adverse effect on the overall Spatial Strategy of the Plan.

DFS.H232: Land east of Georgetown Road

Scottish Environment Protection Agency (120.004) - Note that site is not included in the Proposed Plan. Within vicinity of site regulated by SEPA. There may be residual emissions which could cause a loss of amenity and nuisance.

Dundas Chemicals (542.001) - Site was previously allocated in the former Nithsdale Local Plan. It is not prime agricultural land. The power lines have never before been seen by the Council as any sort of a constraint or hindrance to the development underneath it. The owner retains the right to issue a 12 month notice to quit that secures the removal of the lines so the existence of the lines should not be a constraint. Other allocated sites are visible over a wide area. No traffic issues associated with the site.

Landowner has acquired the parcel of land adjacent to the proposed site at Oakbank Drive, allowing for planned road link between Oakbank Drive and Georgetown Road to be implemented. Surface water sewer can be incorporated centrally within the road layout. There

are no known flood risks associated with the site. Education provision can be readily addressed at application stage. Many of the sites being allocated are ineffective leaving few real options within the Dumfries HMA.

DFS.H255: Mavis Grove

Sandy Robson (565.001) - Separate representation made to housing supply and demand which demonstrates a significant shortfall in the supply of effective housing sites over the Plan period. Mavis Grove should be allocated. It is in a sustainable location within walking distance of a range of facilities has direct access to the A710. It is also adjacent to a cycle route connecting the site to the primary school and town centre. It is predominantly flat, with no adverse ground conditions or technical constraints. An indicative layout demonstrates that an attractive residential development can be delivered. The site is well contained on all sides, which will minimise the visual impact of the development and create an enhanced, new settlement edge. A marketing report demonstrates that the site is attractive to both developers and potential occupiers. DGHP have also provided a letter confirming that they would be interested in developing the affordable housing on the site.

DFS.B&I: Irongray Road

Willcorp (549.001) - Allocate land at Irongray Road for Business and Industry use, with a specific use class requirement for Class 6. See supporting report (RD05).

This would facilitate the extension of the existing Rosefield Salvage storage yard to the west of the site onto vacant land, which is required in order to accommodate increasing demand and the expansion of the existing Nordic Tyres warehouse.

DFS.MU202: Land east of Solway Gate

David Butler (038.015) - Include the proposed site in LDP2, as it would provide a valuable contribution to availability of employment sites, and transport and tourism provision on the strategically important A75 Euroroute.

Freight Transport Association (442.001) - Whilst not in a position to endorse particular sites, support the principle of bringing roadside services with safe and secure HGV facilities to the strategically important A75 Euroroute.

Charlotte Developments (535.001) - The site at land east of Solway Gate (Dumfries and Galloway Gateway), is readily developable for mixed-use development. The uses proposed would include a major roadside service area, business and industry units, alongside ancillary leisure uses including a hotel and restaurants. The site is considered to be ideally located to accommodate a small scale settlement expansion, see supporting statement for the full project description (RD04). It would make a valuable contribution to Dumfries, creating a new location for people to work and relax and contribute towards the tourism sector.

Modifications sought by those submitting representations:

Housing allocations

Network Rail (002.011) – Recommend that developers are required to undertake transport assessments to identify impacts on station facilities and train capacity.

Settlement boundary

John MacColl (048.043) - Re-align Dumfries settlement boundary to include DFS.H229 and DFS.H230.

Ewan and Donna Maxwell (119.003) - Include garden ground within settlement boundary.

Calmac Developments Ltd (539.001) - Change the Dumfries settlement boundary. Failing the above, designate Newbridge as a village with DFS.H204. Introduce housing sites, which will deliver the identified housing demand within the Plan period. Change the Spatial Strategy for Dumfries Regional Capital as a consequence of the above.

Town Centre

Midsteeple Quarter (564.001) – Allocate a new site at the Midsteeple for mixed use development. Map provided with representation.

Crichton Quarter

NHS Dumfries & Galloway (563.001) - Give the Crichton Quarter, including Ladyfield East and West, a specific designation on the Dumfries Inset Map.

Allocated sites

DFS.H2: Marchfield

Karen Little and Stephen Wilson (339.001) - Request the strip of land behind the homes at Marchfield Mount is removed from allocation.

Story Homes (560.004) – Extend the Marchfield housing allocation boundary to make the A75 the new eastern boundary and the A709 the southern boundary. This extended boundary will allocate all of the land east of the existing boundary up to the A75 for housing, including Clumpton Hill, which is currently shown as a Protected Area of Open Space, and the farmland, shaded white.

Site guidance –

1. Remove the following wording: "Clumpton Hill to the south-eastern end of the site is a local landscape feature and any design and layout of development in this area should respect this feature."
2. Either remove (Story Home Ltd's preference) or provide clear justification for the inclusion of (Story Home Ltd's alternative) the following wording: "An Archaeological Assessment may also be required for this site."
3. Either remove (Story Home Ltd's preference) or provide clear justification for the inclusion of (Story Home Ltd's alternative) the following wording: "Existing woodland within the site should be incorporated and enhanced into the overall design of the scheme."
4. Provide clear justification for the inclusion of the following wording: "Areas around Ladypark Farm have some potential for localised contamination which should be investigated and any mitigation measures identified should be implemented."

DFS.H3: Noblehill

Ronald M Copland (270.003) - Allocate part of site for housing development.

Shirley Foster (376.001); Robert Foster (377.001) - Support the removal of DFS.H3 Noblehill from the Plan.

DFS.H5: Ladyfield

Peter Brown (344.001), (344.002); Alison Hennen (462.002); Denise Shaw (471.001); Ian C Rennie (476.001); Christopher Hopkin (498.001); Mr J D and Mrs Alice Marshall (503.001) – Delete allocation.

Catherine Nesbitt (352.001), (352.002), (352.003) - Amend site guidance to ensure development is sympathetic to the conservation area and the Ladyfield Cottages. Make reference to the need for water supply and drainage surveys and for the site layout to consider

lighting for adjacent existing housing.

Gerald Buchanan (422.001); Leanne Muirhead (453.001); Matt Hamilton (454.001); Robert and Barbara Jardine (456.001); Alison Macrory (457.001); Donald Macleod (458.001); David and Franziska Booth (459.001); Alison Hennen (462.001); Judith E Craig (485.001); Jennifer Howat (494.001); Steve McCreadie (504.001); Colin and Carole Patrick (505.001); Jetta Baillie (508.001); Mr and Mrs W B Goldie (509.001); Linda Bloomfield (510.001); Young (511.001); Irene Young (512.001); Mary Carberry (513.001); David Walls (514.001) - Delete allocation or reduce housing unit figures significantly. Delete part of the site that is within conservation area. Further information on the type of development is required.

Alison Hennen (462.002); Jill Coltman (464.001), (464.002), (464.003), (464.004); Anne Gault (469.001); Carolyn Blacklock (518.001) – No modification requested.

Kathleen Irving (468.001), (468.002) - Delete allocation. Recognition of the presence of protected species on site.

Euan MacLean (506.001) - Leave a small strip of land behind the houses on the Castledykes and Kingholm Quay sides of the development to maintain privacy.

Shona Vallance (348.001) - Build a centre for disabled people instead of housing.

Jill Coltman (464.001) - Prior to any planning permission being granted, a study of the site's species should be considered and an impact assessment undertaken in line with paragraphs 4.53 and 4.63 to ensure any species designated a European Protected Species (bats) are considered and paragraph 4.70 to consider whether any trees on the site should be subject to Tree Protection Order.

DFS.H7: Brownrigg Loaning

Michael Rosie (141.002) – Delete allocation on flood risk grounds. Alternatively, consider removal of the area marked in red (see representation) from the allocation.

K Wilson (540.001) - Bring development forward so it is allocated up to 2029.

DFS.H8 and DFS.H205: Catherinefield Farm

P Sinclair and Anne K Vance (388.001); Siobhan Rammell (396.001); Lynn Robertson (400.001); Carol Ross (401.001) – Remove land under private ownership from housing allocation.

DFS.H218: Oaklands

Paula Voce (259.002); Dawn Robson (316.002) (316.003); Derek Cross (357.001), (357.002); Elizabeth Anne Radley (368.001); Jane Anderson (385.001) – Delete allocation.

DFS.H221: Former Oil Depot, Terregles Road

Judith Richardson (381.001) – Include a Transport Risk Assessment requirement in site guidance.

Chari Laurie (489.001) – Reduce the number of units to reflect the scale and proportions of the existing area at Maxwelltown Station Road.

DFS.H262: Maxwelltown High School

Sportscotland (008.004) - Add following text to site guidance: "The site contains 3 sports

pitches. Justification for the loss of these pitches or appropriate compensation should be provided.”

C Hiddleston (533.001) – The site should be reused for community facilities and not housing. Site DFS.H230 should be identified instead.

Rosefield Salvage (548.001) – Delete allocation.

Established B & I sites - General

Aldi Stores (544.002) – Remove the business and industry allocation.

DFS.B&I5: Land south of Dumfries Enterprise Park

London and Scottish Property (572.001) - Retain allocation as it is in the adopted LDP.

DFS.B&I6: Brasswell

James Griffin (460.001) – Access to site should be taken from Annan Road roundabout and existing access to site from “Whiteside” should be closed.

John Bogie (532.001) – No modification requested.

DFS.B&I2, Cargenbridge and DFS.B&I253 Land at Starryheugh and surrounding area

Banks Renewables (127.003) – Allocate land around Cargenbridge as zone for energy management.

DFS.B&I253: Land at Starryheugh

Linda McKeachie (226.002); Thomas McDiarmid (395.001); Mr and Mrs A Stewart (404.001) – Delete allocation.

M Muir (531.001) – No modification requested.

Site not included in Proposed Plan

DFS.H228: Corbelly Hill

B McNeilly (534.001) – Allocate site in the Plan.

DFS.H229: Land adjacent to Doonholm, Castle Douglas Road

T Hogan/M Grierson (530.001) – Re-align Dumfries settlement boundary to include this area of land.

DFS.H232: land east of Georgetown Road

Scottish Environment Protection Agency (120.004) – No modification requested.

Dundas Chemicals (542.001) – Allocate site in the Plan.

DFS.H255: Mavis Grove

Sandy Robson (565.001) – Allocate site in the Plan (capacity 200 units). Amend the Dumfries Inset Map and Schedule of Sites accordingly.

DFS.B&I: Irongray Road

Willcorp (549.001) – Reallocate the site at Irongray Road for Business and Industry use, with a specific Use Class requirement of Class 6 (Storage & Distribution).

DFS.MU202: Land east of Solway Gate

David Butler (038.015); Charlotte Developments (535.001) – Allocate site in the Plan.

Freight Transport Association (442.001) – No modification requested.

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

Network Rail (002.011) – The number of housing sites allocated for development over the Plan period and projected build rates are unlikely to have a significant impact on station capacity. The proposed plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. A change is suggested to Policy T2 which is considered to address this concern. See Issue 9 for the proposed change.

No modifications proposed to the Plan.

Settlement boundary

John MacColl (048.043) – This issue was considered at the Main Issues Report stage. The area of land at DFS.H229 is on the fringes of the town in a location which has only sporadic development and is very much rural in character, and is unlike the development pattern in the more built up parts of the town. It is considered that this area does not relate well to the main built up area of Dumfries. It is physically and visually separated from development at Maxwelltown Station Road by the former railway line and embankment, which are considered to form a strong and defensible settlement boundary. An extension to the settlement boundary would not be logical.

An extension to the settlement boundary at DFS.H230 would result in an extension into the open countryside in a manner that does not completely fit with the pattern of recent development which has been more of a 'rounding off'. It would also result in the inclusion of a large area of white land inside the settlement boundary.

No modification proposed to the Plan.

Ewan and Donna Maxwell (119.003) – The Council consider there is merit in the case put forward by the representor and recommend the settlement boundary should be altered accordingly.

The Council considers this to be a non-notifiable modification.

Calmac Developments Ltd (539.001) – The representation proposes a number of alternatives in relation to this site and the wider area. Firstly, it is proposed that the settlement boundary for Dumfries should be extended to include this site. It is considered that the Lochside / Irongray Industrial Estate forms a natural, robust and defensible boundary to the settlement. To extend it as requested could result in a large area of white land being included within the settlement boundary.

Secondly, it is requested that Newbridge should be designated as a village. The Settlement Hierarchy Technical Paper January 2018 (CD16) sets out the criteria under which settlements identified in the LDP are classified. To be classified as a village, one of the requirements is that it contains at least one community facility, which can be a hotel. However, it is considered that, in this case, there are three distinct and separate elements: the two discrete Small Building

Groups at Woodlands and Newbridge, and then the Woodlands Hotel, which sits between these two Groups. It is considered that all three elements are visually and physically separate and do not form a single cohesive or functional village. The hotel is not considered to fall within one group or the other and therefore it does not form the function of a community facility within a settlement. As a result, it is not proposed to classify Newbridge as a village.

Thirdly, it is proposed that Newbridge should be designated as a Small Building Group. Planning permission in principle (16/P/3/0030) was granted on 13 May 2016 for three dwellinghouses to the northern part of the site. As a result of this decision, Newbridge was classified as a Small Building Group, as it met the criteria set out in the Supplementary Guidance.

Woodlands has also been classified as a separate Small Building Group. Overall, it is considered that the third alternative is the most appropriate in relation to the hotel.

However, there are limited possibilities for further development beyond the 3 dwellinghouses already approved, due to the landscape and built heritage sensitivities of the site (the hotel is a Category B Listed Building) and for the reasons set out above.

The Council considers the sites included in the Proposed Plan to be effective. This is reflected in the Housing Land Audit (HLA) Dumfries HMA 2017 (CD64). It should be noted that the HLA also indicates if any of the sites included in the adopted LDP are considered ineffective.

No modification proposed to the Plan.

Town Centre

Midsteeples Quarter (564.001) – The Council are very supportive of the work being done by the local community and the Stove project with regard to the Midsteeples project. This is reflected in the Other Issues and Opportunities section of the Dumfries settlement overview. The Council recognise the Midsteeples project could be further supported by identifying the Midsteeples Quarter as an opportunity on the Dumfries inset map. If the Reporter agrees with this approach, the Council would have no objections.

The Council consider this to be a non-notifiable modification as it would provide clarification to text already included in the Plan.

Crichton Quarter

NHS Dumfries & Galloway (563.001) - The Draft Crichton Quarter Development Framework Supplementary Guidance (CD32) has been prepared by the Council and NHS Dumfries and Galloway, in consultation with the Crichton Trust and the Crichton Campus Leadership Group. This supports the text in the Dumfries settlement overview. The Council recognise the text could be further supported by identifying the Crichton Quarter as an opportunity on the Dumfries inset map. If the Reporter agrees with this approach, the Council would have no objections.

The Council consider this to be a non-notifiable modification as it would be providing clarification to text already included in the Plan.

Allocated sites

DFS.H2: Marchfield

Karen Little and Stephen Wilson (339.001) - The Council expects the strip of land to the rear of Marchfield Mount to be retained as a possible access to the north-western corner of DFS.H2 and as a landscaped green corridor. There should be no residential development in this

location.

No modification proposed to the Plan.

Story Homes (560.004) – The landscape and visual assessment (CD43) that was undertaken to inform the current Marchfield Area Development Framework concluded that development of the site would change the character of the area from rural to urban. It recognises that the more valuable landscapes within these zones (Clumpton Hill listed as one of them) will be retained as open space, protecting landscape character at a local scale and contributing to a strong sense of place. The Council consider Clumpton Hill to be a defining feature in this part of the Marchfield site. It also acts as a buffer between the site and the A75 and A709. This is why the allocation has not been extended to include the area of land referred to in the representation.

Although there may be no Historic Environment Scotland designated heritage assets within the allocation site boundary, and the site is not identified as an Archaeologically Sensitive Area, archaeological finds have been made in the vicinity of Clumpton Hill, hence why the site guidance states an archaeological investigation may be required.

The trees and woodland referred to in the representation are protected by a Tree Preservation Order (CD65). Policy NE7 seeks to support proposals that maintain trees, woodland and hedgerows and incorporate them into the overall design of the scheme.

The Council's Contaminated Land Officer advised that there may be potential for localised contamination around the farm buildings, hence the requirement for investigation work (CD66).

No modification proposed to the Plan.

DFS.H3: Noblehill

Ronald M Copland (270.003) – When consulted, the Council's Flood Risk Management Team objected to the principle of development on the eastern part of the site.

The site appears in SEPA's pluvial flood maps and the Council hold flood records in connection with the site. See flood risk map (CD44). There is a body of water which traverses the site and there is a culverted system within the site boundary. The site has very sensitive hydrology.

Consequently, the Main Issues Report recommended that the Noblehill site be reduced in size. Elected Members agreed at their meeting on 18 January 2018 to remove the remaining part of the Noblehill site before agreeing the Proposed Plan.

The representor has not provided any information to demonstrate the flood issues that have been raised can be overcome. According to the James Hutton Institute Maps, the eastern part of the site is classified as 3.2, prime quality agricultural land.

No modification proposed to the Plan.

Shirley Foster (376.001); Robert Foster (377.001) - Support noted.

No modification proposed to the Plan

DFS.H5: Ladyfield

Peter Brown (344.001), (344.002); Catherine Nesbitt (352.001), (352.002), (352.003); Gerald Buchanan (422.001); Leanne Muirhead (453.001); Matt Hamilton (454.001); Robert and Barbara Jardine (456.001); Alison Macrory (457.001); Donald Macleod (458.001); David and Franziska Booth (459.001); Alison Hennen (462.001); Judith E Craig (485.001); Jennifer Howat (494.001); Steve McCreadie (504.001); Colin and Carole Patrick (505.001); Mr and Mrs W B Goldie (509.001); Linda Bloomfield (510.001); Young (511.001); Irene Young (512.001); David

Walls (514.001), Alison Hennen (462.002); Jill Coltman (464.001), (464.002), (464.004); Jill Coltman (464.003; Anne Gault (469.001); Kathleen Irving (468.001), (468.002); Denise Shaw (471.001); Ian C Rennie (476.001); Mr J D and Mrs Alice Marshall (503.001); Euan MacLean (506.001); Jetta Baillie (508.001); Mary Carberry (513.001); Carolyn Blacklock (518.001) – The LDP is required to identify sites to meet the identified housing land requirement. A range of sites have been identified to provide flexibility and choice.

The site was first allocated for development in the 1993 Dumfries and District Local Plan as a housing site. The site was carried forward into the 2006 Nithsdale Local Plan but was identified to meet the possible expansion needs of the Crichton rather than a housing site. The site was also included in the Scottish Government's Scottish Sustainable Communities Initiative (SSCI) Charrette Report for Ladyfield (CD61, p.26-29).

The site is owned by the Council and work is underway to create a Design Brief / Masterplan and a marketing strategy for the site. The creation of a Design Brief / Masterplan will involve the local community and will look to address the concerns expressed in the representations. The requirements set out in the site guidance address a number of the points raised in the representations. This includes a Transport Assessment which will need to consider traffic volumes, access into and out of the site, public transport and pedestrian / cycle provision. A Drainage Impact Assessment is also required, given the history of flooding associated with the site. The assessment should also identify what impact the development would have on the water and waste water networks. This should include the artisan well. A survey of the trees and woodland is also required to inform how the trees will inform the overall design of the scheme.

Although part of the site is within the Crichton Conservation Area, this does not prevent development from taking place. Development proposals need to recognise this designation and take account of it in the quality and layout of the development. Again, this requirement is set out in the site guidance.

Any development proposals will be assessed against the relevant Policies in the Plan. Policy OP1a) ensures developments are compatible with the character and amenity of the area and will not conflict with nearby land uses. Policy OP1d) requires development proposals to respect, protect and / or enhance biodiversity. Policy OP2 requires development proposals to achieve a high quality of design. The Council consider the site is effective and it should be retained in the plan.

No modification proposed to the Plan.

Christopher Hopkin (498.001) - The LDP is required to identify sites to meet the identified housing land requirement. A range of sites has been identified to provide flexibility and choice. The sites allocated in the Proposed Plan are considered by the Council to provide more than enough land to meet the housing land requirement and are effective.

Table 2 in Appendix B of the Housing Land Requirement Technical Paper (January 2018) (CD24) shows that between the period April 2017 – March 2030, there are 1,096 anticipated completions on the sites allocated in the adopted LDP. This increases to 2,146 units when anticipated completions from the sites being proposed for inclusion in LDP2 are included. A total of 599 completions are anticipated on the whole of the Marchfield site during the time period April 2017 – March 2030. This comprises 339 completions on the part of Marchfield that is currently being developed, (this area is shown as white land on the plan) and 260 completions from DFS.H2: Marchfield. Although Rosefield Mills and the Midsteeple Quarter may provide some housing units, it is likely to be small scale and the timescale is unknown. The former Dumfries and Galloway Royal Infirmary site is not identified as a housing site.

Development proposals will be required to comply Policy HE6: Gardens and Designed Landscapes, Policy HE2: Conservation Areas and the Crichton Conservation Area Character Appraisal Supplementary Guidance. It should be possible for development to take place on the site without it destroying or having a detrimental impact on the designations.

No modification proposed to the Plan.

Shona Vallance (348.001) – Interest is being shown in the site from several Registered Social Landlords. Whilst they would not develop the whole site, the parts they might develop will provide affordable housing and could also include housing for people with particular needs.

No modification proposed to the Plan.

Jill Coltman (464.001) - The inclusion of the site in previous Plans (including the existing LDP) is tantamount to a grant of planning permission in principle. The Conservation Area designation does not preclude future development. Any future planning applications will need to recognise this designation and take account of it in the quality and layout of the development. This requirement is set out in the site guidance. The planning and strategic environmental assessment of the site did not identify any protected species on the site.

No modification proposed to the Plan.

DFS.H7: Brownrigg Loaning

Michael Rosie (141.002) - The site has been included in the Proposed Plan as long term allocation i.e. allocated for development beyond 2029. The site guidance acknowledges that there is a history of surface water flooding on the site and a comprehensive flood risk assessment and drainage impact assessment will be required to be agreed with SEPA and the Council to identify the developable area. Until that work is carried out, it would not seem reasonable to remove land from the allocation.

No modification proposed to the Plan.

K Wilson (540.001) - There is sufficient, effective land identified in the Plan for the Plan period. Should any of the allocated sites become ineffective or if the Plan does not have a 5-year housing land supply then the site could be brought forward for development before 2029.

No modification proposed to the Plan.

DFS.H8 and DFS.H205: Catherinefield Farm

P S Vance and Anne K Vance (388.001); Siobhan Rammell (396.001); Lynn Robertson (400.001); Carol Ross (401.001) – The amended boundary of DFS.H8 was submitted at the Call for Sites stage by the landowner’s agent. Following the submissions of these representations, the agent was contacted. They advised that the wrong plan had been submitted at the Call for Sites stage. They have submitted an amended plan (CD42) which removes the land that belongs to Avis, Largo, El Kantara and Corsewall from the DFS.H8 housing allocation.

The Council considers this to be a factual error and propose to update the site boundary before the Plan is adopted.

DFS.H218: Oaklands

Paula Voce (259.002); Dawn Robson (316.002) (316.003); Derek Cross (357.001), (357.002);

Elizabeth Anne Radley (368.001); Jane Anderson (385.001) - The LDP is required to identify sites to meet the identified housing land requirement. A range of sites has been identified to provide flexibility and choice.

The site was submitted through the Call for Sites exercise and was included in the Main Issues Report as a housing site. The site is close to the new hospital and helps to provide a choice of housing sites in that part of Dumfries.

The response from the Council's roads department indicated that given the size of the development, it is likely to have an impact on the road network. A Transport Assessment and Masterplan would be required, which may identify the need for off-site road improvement works.

The site is greenfield and is currently in agricultural use. Although there are no designations on the site, appropriate measures should be taken to enhance the biodiversity that currently exists on the site.

Education capacity was considered when assessing the site. According to the current school capacity information, should a planning application be submitted, colleagues in education would be consulted, as there may be a requirement for a developer to make a financial contribution towards creating additional capacity. However, school rolls constantly change and there may be capacity by the time within the Plan period that a planning application is submitted. The concerns expressed about loss of privacy and the location of a septic tank would be dealt with when a planning application is submitted. A housing developer has indicated that they are in discussions with the landowner.

No modification proposed to the Plan.

DFS.H221: former Oil Depot, Terregles Road

Judith Richardson (381.001); Chari Laurie (489.001) - The site is not of a size to require a Transport Assessment. The Council's roads officers have not objected to the site being included in the plan for development. The 26 units allocated to the site are indicative. The final numbers will be determined through a planning application. Planning Application Committee indicated a willingness to approve planning permission in principle (16/P/3/0261) for residential development. However, the decision not been issued as a legal agreement in respect of provision of affordable housing has not yet been concluded.

No modification proposed to the Plan.

DFS.H262: Maxwelltown High School

Sportscotland (008.004) - This site is allocated for development as a result of the old Maxwelltown High School being replaced by a new school and community campus. The new campus incorporates Lochside Primary School, St Ninian's Primary School, Maxwelltown High School and Langlands School. It includes new sports facilities for the school and Maxwelltown community sports hub, external sports facilities (including an all-weather pitch and grass pitch), redeveloped outdoor spaces, social spaces for community groups and a library. This new provision is considered to compensate for the loss of the 3 pitches associated with the old school. Open space will need to be provided as part of any development in line with the guidance set out in the Plan and Supplementary Guidance.

No modification proposed to the Plan.

C Hiddleston (533.001) – This site is allocated for development as a result of the old Maxwelltown High School being replaced by a new school and community campus. The new campus provides a range of community facilities for that part of the town. Once Maxwelltown High School has moved into their new premises, the Council will begin the process of declaring the building and site surplus to requirements. Should there be no interest shown from the community in taking the building on, the site will be available for development.

The inclusion of DFS.H330 would result in an extension into the open countryside in a manner that does not completely fit with the pattern of recent development, which has been more of a 'rounding off'. It would also result in the inclusion of a large area of white land inside the settlement boundary.

No modification proposed to the Plan.

Rosefield Salvage (548.001) -This site is allocated for development as a result of the old Maxwelltown High School being replaced by a new school and community campus. The site guidance requires a masterplan to be prepared. It also acknowledges that there is an existing industrial estate to the north and requires a noise assessment and appropriate noise attenuation measures. It also states that a buffer zone may be required to avoid any potential land use conflict.

No modification proposed to the Plan

Established B & I sites - General

Aldi Stores (544.002) – Comments noted.

The Council consider this a factual correction and will be updated before the Plan is adopted.

DFS.B&I5: Land south of Dumfries Enterprise Park

London and Scottish Property (572.001) - The eastern part of the site proposed to be removed is shown as an area of ancient woodland on Scotland's environment, a web page managed by SEPA. Part d) of Overarching Policy OP1 requires development proposals to respect, protect and / or enhance the region's rich and distinct biodiversity, geodiversity and sites included for their contribution to the natural environment at any level including ancient and semi-natural woodland.

No modification proposed to the Plan.

DFS.B&I6: Brasswell

James Griffin (460.001) – When consulted on the site, roads colleagues advised that access to this site should either be via the existing private access way that serves the existing car garage (Brasswell Park) and roundabout and / or via a new adoptable road from the A780, Annan Road that would link directly to the U107n near Acreland (thus allowing the U107n to be stopped-up in the vicinity of Brasswell Farm Bungalow).

No modification proposed to the Plan.

John Bogie (532.001) – Comments noted.

No modification proposed to the Plan.

DFS.B&I2, Cargenbridge and DFS.B&I253 Land at Starryheugh and surrounding area

Banks Renewables (127.003) – The Council are supportive of renewable energy proposals. Policy IN1: Renewable Energy provides positive support for all renewable energy generation and storage proposals which are located, sited and designed appropriately. Insufficient information has been provided in the representation to support including such a zoning in the Plan.

No modification proposed to the Plan.

DFS.B&I253: Land at Starryheugh

Linda McKeachie (226.002); Thomas McDiarmid (395.001); Mr and Mrs A Stewart (404.001) –

Employment creation is an important material consideration for the Plan and crucial to this is supporting the availability of appropriate land for business and industry. Scottish Planning Policy requires planning authorities to ensure there is a range and choice of marketable sites and locations for business allocated in development plans.

This site has been included in the Proposed Plan, as it is located next to the established business and industry site at Garroch Business Park and the other allocated business site at Cargenbridge. An access can be achieved to the site from the existing roundabout at Garroch Loaning and it has good visibility from the A75.

The site guidance acknowledges that there are some residential properties to the south of the site and states that a noise assessment may be required, depending on the nature of the proposed development. It also requires a flood risk assessment as there is a history of flooding associated with the site in relation to surface water.

Any development proposals will be assessed against the relevant criteria in Policy OP1. This includes general amenity, landscape, biodiversity and geodiversity, transport and travel, sustainability and water environment.

No modification proposed to the Plan.

M Muir (531.001) – Comments noted.

No modification proposed to the Plan.

Site not included in Proposed Plan

DFS.H228: Corbelly Hill

B McNeilly (534.001) – Site was submitted at Call for Sites stage but was not included in the Main Issues Report (CD38, p.19). The principle of converting the Convent into housing would be considered acceptable, provided development proposals complied with the relevant policies in the Plan.

Whilst Policy HE8 seeks to enable development which, through cross-financing, would result in the re-use of a Listed Building, there are several criteria the new development would have to meet.

Development of the land surrounding the Convent is identified as Protected Open Space, due to its important visual function. Given the visual prominence of the site, from both close and distant views, the loss of this area of open space would be detrimental to the townscape generally and specifically to the setting of the Listed Building.

The land surrounding the Convent is identified as an area of semi/natural greenspace in the open space audit. This is an area of undeveloped or previously developed land with residual

natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas.

Whilst a conditional offer has been received for the building and surrounding land, it is conditional on receiving planning permission and receiving funding through the Strategic Housing Investment Plan.

The site was considered at the examination into the adopted LDP (CD06) and at the Local Plan inquiry into the previous Nithsdale Local Plan. There has been no change in circumstances.

No modification proposed to the Plan.

DFS.H229: Land adjacent to Doonholm, Castle Douglas Road

T Hogan / M Grierson (530.001) – Site was submitted at Call For Sites stage but was not included in the Main Issues Report (CD38, p.20). The area of land is on the fringes of the town in a location which has only sporadic development and is very much rural in character, unlike the development pattern in the more built up parts of the town. It is considered that this area does not relate well to the main built up area of Dumfries. It is physically and visually separated from development at Maxwelltown Station Road by the former railway line and embankment which are considered to form a strong and defensible settlement boundary. Access to the site has very restricted visibility and roads officers are not in favour of including this site. An extension to the settlement boundary would not be logical.

No modification proposed to the Plan.

DFS.H232: Land east of Georgetown Road

Scottish Environment Protection Agency (120.004) – Comments noted.

No modification proposed to the Plan.

Dundas Chemicals (542.001) – The site was included in the Nithsdale Local Plan as a long-term housing site. The site was not included in the adopted LDP or the Proposed Plan, as there were concerns about its effectiveness as a result of technical constraints. Site was submitted at Call for Sites stage but was not included in the Main Issues Report (CD38, p.21).

Although the siting of high voltage power lines across a site would not necessarily prevent appropriate development from going ahead, they will impede on the site layout and the ability to satisfactorily meet the principles of Designing Places and make the site less marketable or effective.

A number of other sites have been recommended for inclusion in LDP2 which are considered to provide a more appropriate pattern of development and expansion of the town at this time.

No modification proposed to the Plan.

DFS.H255: Mavis Grove

Sandy Robson (565.001) – The representations regarding housing supply and demand are dealt with in Issue 1. This site was first submitted at the Call for Sites stage, it was not included in the Main Issues Report (CD38, p.26).

Development of the site would not be visually well integrated with Dumfries and would appear isolated, detrimentally impacting on the setting and approach to the town. Development would

also impact on the rural setting and character of this location and would result in the loss of both prime agricultural land and a greenfield site. Although it may be technically possible to develop this site, it is not required to meet housing land requirements at this time. A number of other sites have been recommended for inclusion in LDP2 which are considered to be effective and provide a more appropriate pattern of development and expansion of the town at this time.

No modification proposed to the Plan.

DFS.B&I: Irongray Road

Willcorp (549.001) – The site was not submitted at the Call for Sites stage or in response to the Main Issues Report. However, part b) of Policy ED1 provides a policy framework to assess development proposals on land not allocated for development.

No modification proposed to the Plan.

DFS.MU202: Land east of Solway Gate

David Butler (038.015); Freight Transport Association (442.001); Charlotte Developments (535.001) – The site was assessed as part of the Call for Sites exercise. It was not included in the Main Issues Report for the following reasons. Development of the site would result in the loss of prime agricultural and greenfield land, it would be visually prominent from the A75 trunk road. This site is located on the fringes of the town some distance from the town centre and not well related to the existing built up part of the town in a location where the A75 forms a strong boundary feature. Although it may be technically possible to develop this site, the nature of the proposed uses appear to be highly speculative at this time, but it could be considered under criteria based policies, should firm proposals come forward.

There are a number of suitable and effective sites allocated in the plan for business and industry uses. The Council do not consider there to be a need to identify any more. The Council supports the town centre first principle which is an approach to decisions that considers the health and vibrancy of town centres from the outset. Several of the uses being proposed for inclusion in the development would be better suited to a town centre location.

No modification proposed to the Plan.

Reporter’s conclusions:

General matters

1. My conclusions on the housing land requirement and the effectiveness of allocated housing sites located in the Dumfries Housing Market Area (HMA) are discussed in Issue 1. My conclusions below address the concerns raised in representations in respect of individual sites in the town of Dumfries. Concerns raised in respect of other settlements within the HMA are considered in Issue 11.
2. The concerns of Network Rail with regard to the cumulative impact of the allocated housing sites on Dumfries railway station and associated facilities are addressed in Issue 9 (transport policies). A recommendation of this examination report is that Policy T2 of the proposed plan is modified to require those preparing masterplans for such sites to include consideration of the impact of new development on the strategic rail network, among other things. I consider that that modification adequately addresses the concerns of Network Rail in respect of this issue.

Settlement boundary

3. A representation seeks amendments to the Dumfries settlement boundary to include two parcels of land located on the eastern edge of the town, one adjacent to Doonholm (DFS.H229) and one to the south of Maxwelltown High School (DFS.H230). I agree with the council that the land adjacent to Doonholm is physically and visually detached from the existing development on Maxwelltown Station Road by an embankment. As the council notes, and as I witnessed for myself, this feature forms a strong defensible boundary at the urban edge of the town and the inclusion of land beyond it would be illogical. As such, I do not agree with the remarks set out in the representation that development in this location would comply with the provisions of proposed Policy H4 (housing development immediately outside settlement boundaries). Likewise, I consider that the inclusion of land to the south of the old Maxwelltown High School site would also be illogical, extending as it would onto rising open countryside without any natural features to contain it. Accordingly, I do not support the modifications sought in the representation.
4. A modification to the settlement boundary is also sought at Newbridge to include Woodland House and policies. In particular, the representation seeks the reinstatement of the settlement boundary delineated on the Nithsdale Local Plan Dumfries Inset Map (2006), on which Woodland House and adjoining housing areas at Woodlands and Newbridge were shown as lying within the settlement boundary. If such a modification is considered unacceptable, the representation seeks an alternative modification to designate Newbridge as a village. Failing that, the representation argues that the inset map should be modified to identify the land that has the benefit of planning permission in principle for three houses.
5. I note that the possible future housing site identified as LN12 in the Nithsdale Local Plan, if developed, would have in effect extended the urban area of Dumfries to include the small communities of Newbridge and Woodlands and the policies of Woodland House. Had the proposal progressed, I consider that the settlement boundary shown on the local plan inset map, defined by physical and natural features, would have been entirely appropriate. However, the identification of the site was subject to a review of future of housing needs in Dumfries and its formal allocation as such a consideration for the next iteration of the plan. That review concluded that there were existing and more suitable sites better located close to Dumfries town centre to meet identified needs at that time. Accordingly, the settlement boundary was redrawn to exclude the site, leaving Newbridge, Woodlands and the policies of Woodland House physically separated from Dumfries. Furthermore, it was argued, that the mature tree belts that bound the industrial estate, hedgerows and the A76 Glasgow Road formed a strong and defensible settlement boundary.
6. The context within which the representation to the proposed plan is made remains that described above and, in the continued absence of a need to allocate additional land to meet housing needs, I agree with the council's conclusions on this matter.
7. With regard to the identification of Newbridge as a village, again, I agree with the council's position; Newbridge, Woodlands and Woodland House are visually and physically separate entities and do not form a single cohesive or functional village. Furthermore, I do not consider Woodlands House Hotel to be part of Newbridge or Woodlands and, as such, cannot be regarded as a community facility within a settlement.
8. Finally, on this matter, I note that the council considers the collection of buildings at Newbridge to form a Small Building Group, which in part supported its decision to approve planning permission in principle to residential development within the policies of Woodland

House. I also note the council's intention to add Newbridge to the list that it maintains of Small Building Groups. Given that Small Building Groups are not identified on the inset maps, no action is required in response to this aspect of the representation.

9. One further representation seeking a change to the settlement boundary relates to Southpark House, Quarry Road, Locharbriggs, where the proposed boundary divides a house and its garden grounds. The council acknowledges this irregularity and proposes a non-notifiable modification to include the garden ground within the settlement boundary. I am content with this response.

Town Centre

10. A representation seeks modifications to the Dumfries inset map and settlement overview to; identify the location of the Midsteeples Quarter, include a description of the Midsteeples Quarter Project and its objectives, and indicate the range of uses that will be supported by the proposed plan. Although the proposed plan refers to the project on page 92, under the heading 'Other issues and opportunities', the council acknowledges that it could strengthen its support for the initiative by identifying the Midsteeples Quarter on the inset map. It makes no comment, however, on the introduction of text to promote and describe the project as a specific proposal of the plan and for this to be included within a text box on page 103.

11. I note the extensive public consultation that has been undertaken in support of the project by those that have submitted the representation. I also note the council's support, and that of other organisations, and the benefits to the town centre should the project come to fruition. SPP paragraph 60 states that planning for town centres should be flexible and proactive, enabling a wide range of uses that bring people into town centres. It adds that development plans should support successful town centres. Within this context, the information contained in the supporting material submitted with the representation, and following my site inspection, I consider that it would be appropriate to identify the Midsteeples Quarter on the Dumfries inset map, either by delineating its geographical area or with a symbol given the scale of the map. If the intention of the council is to prepare a Dumfries Town Centre Inset Map, as per the adopted local development plan, the extent of the Midsteeples Quarter should also be shown on that map. In doing so, I also consider that it would be appropriate to identify the project as a specific proposal of the plan with accompanying text, broadly based on that suggested. I have recommended a suitable modification below as it would involve more than a minor change to the wording and inset map(s) of the proposed plan, and allowed for in Circular 6/2013: Development Planning.

Crichton Quarter

12. I also consider that it would be appropriate to identify the Crichton Quarter, incorporating the housing site at Ladyfield (DFS.H5), on the inset map. As the representation notes, the draft Crichton Quarter Development Framework will become supplementary guidance on the adoption of the proposed plan and its designation on the inset map would signal its availability and the need for proposals to be consistent with its guidance. In addition, with minor modifications to the text on pages 92 and 94, the proposed plan would provide the necessary 'hook' on which to hang the supplementary guidance. As I note above, such modifications extend beyond the scope of those allowed for under the provisions of Circular 6/2013. I recommend suitably worded modifications below.

*Allocated sites**DFS.H2: Marchfield*

13. A number of changes are sought to the Dumfries inset map and settlement statement in respect of the allocated housing site at Marchfield. In short, the prospective developer wishes to see the boundaries of the allocated site extended to the east to abut the A75, including Clumpton Hill, which presently is shown as a protected area of open space and farmland (white land). The removal, or clarification, of certain development guidelines described on pages 93 and 94 of the proposed plan are also sought.

14. With regard to the inset map, I note that the Marchfield and Fountainbleau Landscape and Visual Assessment (1998) (core document 43), prepared to inform a development framework, identifies Clumpton Hill as one of two noticeable high points from which high quality panoramic views can be gained. In addition, the assessment regards the area's sensitivity to change as being high. Accordingly, in order to protect the character of the hill, at a local level, the assessment concludes that the Marchfield Development Framework should retain and identify the area as public open space.

15. At my site inspection, I viewed Clumpton Hill from the core path that runs through the site, adjacent to Marchfield Rounall, and agree with the council that it is a defining and locally important feature within the landscape. I also agree that it will provide an effective buffer between proposed development and the A75 and A709. As such, I consider that it is appropriately defined and protected as open space on the Dumfries inset map. I also consider reference to Clumpton Hill and the need for development in its design and layout to respect it as a local landscape feature to be apparent and reasonable. Accordingly, I do not consider it necessary to amend the wording of the development guidelines in this regard. Unlike the adopted plan, I note that the proposed plan does not promote land at the A75/A709 roundabout for business and industry use, principally owing to the presence of peat on the site. Although development here would have been confined to the lower slopes of the hill, the removal of the business/industry proposal will ensure that open views of the hill are maintained from the east.

16. With regard to the possible need for an archaeological assessment to support a planning application(s) at Marchfield, I do not consider it unreasonable for the council to highlight the possibility that one may be required, particularly in light of past archaeological finds near Clumpton Hill. Despite the absence of any designated Historic Environment Scotland heritage assets being recorded on the site, I note that the council's own Historic Environment Record (HER) identifies Clumpton Hill as having archaeological interest. Proposed Policy OP1 part b) (historic environment) states that the HER and the information contained therein will be a material consideration in the assessment of proposals. It would therefore be incumbent upon prospective developers in any event to address this matter to the satisfaction of the council.

17. The council's position on trees and development is set out in proposed Policy NE7 and draft supplementary guidance, which seek to maintain trees, woodlands and hedgerows and requires developers, where feasible, to incorporate existing woodland resource into their schemes. I find reference to such in the development guidelines for Marchfield to be a straightforward distillation of the policy's requirements and as such entirely appropriate. In support of its argument that this requirement should be removed from the development guidance, the representation states that some of the trees to the south and east of Ladypark Farm are not included in the Marchfield East Phase IV Tree Preservation Order. Whilst this may be so, I find that this does not negate the need to first seek to incorporate all trees and

woodland into a development proposal. Where this is not possible, and is demonstrated to the satisfaction of the council, Policy NE7 requires alternative planting schemes to be promoted. I consider that the proposed plan's position on this matter is quite clear and that sufficient flexibility exists for a developer to demonstrate why it may not be feasible to retain trees and woodland in a development scheme. Accordingly, I do not consider it necessary to change the development guidance in respect of this matter.

18. Finally, the prospective developer of the site seeks removal of text relating to, or clarification of, the requirement to investigate for potential land contamination at Ladypark Farm. The council comments that the potential for such around farm buildings has been identified by its Contaminated Land Officer. The proposed plan's position on contaminated land is set out in paragraph 4.116 and proposed Policy IN10. In short, where land is known or suspected (my emphasis) to be contaminated, the proposed plan requires prospective applicants to seek advice and undertake an investigation, if required. Given the professional advice that those preparing the proposed plan received, I do not consider it unreasonable to identify the potential for localised contamination at Ladypark Farm and that this should be investigated. Without knowing the nature or extent of any contamination, it is not possible for the proposed plan to set out what type and/or scale of action would be necessary to address any concern - that is the purpose of an investigation. As such, I agree with the council that the development guidelines should not be modified.

19. One other representation to the proposed Marchfield housing allocation relates to the inclusion of a strip of land to the rear of properties on Marchfield Mount. The concern being that it could be used to provide vehicular access to serve the north-west corner of the site. The council has confirmed, as it did in response to an identical representation to what is now the adopted local development plan, that this is indeed the intention of the proposed plan and that vehicular access should pass through a green landscaped corridor. I note that the council does not anticipate any housing being built on the strip of land.

20. At my site inspection, I noticed that the land in question is quite wide and that the rear boundary of the properties on Marchfield Mount is marked by open slat fencing with little or no adjoining landscaping. Should development proposals come forward for the north-west corner of the site, I consider that there is ample space to provide the necessary vehicular/pedestrian access and the landscaping necessary to safeguard the existing amenity of residents. Furthermore, residents of Marchfield Mount would have the opportunity to comment on detailed proposals, including associated landscaping proposals, through the development management process. I note that Policy OP1 a) (general amenity) requires due consideration to be given to the potential loss of privacy to nearby properties.

DFS.H3: Noblehill

21. The site is allocated for housing in the adopted local development plan with an indicative capacity of 176 units. In the context of a generous supply of housing land, a call to retain part of the site as open space and flood risk concerns, members of the council resolved not to carry it forward into the proposed plan. The allocated site, as shown in the adopted plan, is in a number of ownerships and includes a playing field and a play park. The representation, made on behalf of owners of fields adjacent to Stoop Loaning at the eastern edge of the site, seeks its inclusion in the proposed plan for housing purposes. It is argued that the flood risk has been overstated and that the limited flooding events that have occurred have been compounded by run-off from adjoining land and incorrectly laid drainage that serves existing housing at Noblehill.

22. My attention has been drawn to the conclusions of the adopted local development plan examination report, which concludes that the site is an appropriate and logical infill development that would relate well to its surroundings. The report also identifies a number of constraints to development including, multiple land ownership, preparation of a masterplan and uncertainty surrounding the funding implications of providing required infrastructure (Parkhead link road). As noted in the representation, the council has since decided to retain land in its ownership and to designate it as ‘protected open space’ in the proposed plan. I surmise that these decisions remove the prospect of the link road being constructed and an acceptable means of access being achieved to serve the eastern portion of the site. Accordingly, the inclusion of the eastern most fields for housing in the proposed plan would represent a very different proposition to that promoted in the adopted local development plan and considered for inclusion in the proposed plan.

23. With regard to flood risk, the SEPA flood risk map shows that an extensive area of land at Noblehill is susceptible to a medium to high risk of surface water flooding, sufficient for the council’s Flood Risk Management team to recommend that its development for housing would be unacceptable in principle. Whilst this recommendation was in respect of the wider site as promoted in the Main Issues Report (site DFS.H3), I note that the area at risk extends over land promoted for housing development in the representation. Conversely, the evidence set out in the representation is largely anecdotal and, as argued by the council, fails to demonstrate that concerns regarding flood risk can be overcome. That said, as I discuss below in relation to the adjoining site at Brownrigg Loaning (DFS.H7), land subject to a medium to high risk of flooding might be suitable for residential development, subject to flood risk and drainage impact assessments providing clear evidence to the council that the level of on-site and off-site flood risk would be acceptable. However, in the absence of any such assessments or commitment to investigate such matters, I consider the council’s position to be reasonable.

24. Finally, the council states that the James Hutton Institute (JHI) classifies the eastern part of the site as being prime quality agricultural land (Class 3.2). Whilst it is incorrect to describe land in Class 3.2 as being prime agricultural land (the Land Capability for Agriculture classifies land falling in Classes 1, 2 and 3.1 as being prime) it is nonetheless land regarded by the JHI as land capable of producing high yields of barley, oats and grass. Despite being in a lower category, the council regards such land as being ‘good quality agricultural soil’ and worthy of protection (proposed plan, paragraph 4.82). The proposed plan, through Policy NE12 (agricultural soil) seeks to protect such land from development, unless it conforms to the spatial strategy of the plan, which in this case it would not.

25. In conclusion, whilst I can understand the disappointment of those with an interest in developing land at Noblehill for housing losing the support of the council through the proposed plan, the council’s support as expressed in the adopted local development plan is qualified. It is also in respect of a significantly different proposal that is no longer in prospect. In the absence of evidence that demonstrates how the site can be developed and flood risk overcome, I agree with the council and do not support the suggested modification to the proposed plan.

DFS.H5: Ladyfield

26. The prospect of development at Ladyfield is longstanding – housing development on the site was proposed in the Dumfries and District Local Plan (1993) and a mix of housing and uses associated with the Crichton Campus in the Nithsdale Local Plan (2005). The current housing proposal has been carried forward from the adopted local development plan (2014),

albeit with a reduced number of units. The examination of that plan recommended a number of changes to the proposal to address concerns expressed in representations at that time, principally the timing of its release for development, its boundaries, and development guidelines. The allocation of the site for housing in the adopted local development plan is an important consideration for the examination, not least because, as mentioned elsewhere in the report, there needs to be some continuity with respect to the development proposals set out in the development plan, including housing development.

27. One other important consideration is that the site, along with the adjoining land at the Crichton Estate, has been the subject of detailed planning, design and transport assessment over many years, including design workshops as part of the Scottish Sustainable Communities Initiative, promoted by the Scottish Government (2010), and the preparation of a development framework and masterplan by the Crichton Trust (2015). In support of the current proposal, a high-level site brief has been prepared and forms part of the Draft Crichton Quarter Development Framework Supplementary Guidance (2018). The draft supplementary guidance also contains a summary of key transport interventions that would be required to facilitate development at the Crichton Quarter, including up to 500 housing units at Ladyfield. The future use of buildings at Ladyfield West and Ladyfield East, taking into account their listed status and location within the Crichton Conservation Area and non-inventory designed landscape, is also considered by the draft supplementary guidance.

28. I have considered carefully the concerns expressed in representations in response to the proposal to allocate land for development at Ladyfield; some seek its removal from the plan, some wish to see the scale of development reduced and the conservation area kept free of development, whilst others seek safeguards to protect trees and woodland belts and the wildlife they support. In addition, local residents fear that development could cause adverse traffic impacts and lead to more frequent flooding events in the area. However, as the council notes, the principle of development on the site has long since been established, being a feature of development plans for the area since 1993. The council also points to the many assessments that have been undertaken and the design and development guidance that is in place to assist the preparation of development proposals for the site. I note that the proposed plan indicates that further detailed assessments will be required to support new development proposals, particularly to address transport impacts, flood risk and the protection of trees. The council also comments that there will be opportunities for further community involvement in the preparation of design briefs as development proposals progress.

29. Taken together, I am satisfied that the proposed plan and supporting draft supplementary guidance provide a robust framework to guide the preparation of development proposals for the site. In addition, the proposed plan's overarching and subject policies set out criteria that must be satisfied if development is to be considered acceptable, including its impacts on amenity, affordable and particular needs housing, biodiversity, including statutory protected species, the conservation area, designed landscape and trees. It is within this context that the concerns raised in representations will be considered and appropriate mitigation secured, if necessary.

The need for the development

30. My conclusions on the housing land requirement for Dumfries and Galloway are set out in Issue 1. I do not intend to repeat my conclusions here in response to those representations that argue that the allocated site at Ladyfield is not required to meet the housing land requirement in Dumfries, other than to say, that the proposed plan has been informed by a robust and credible housing need and demand assessment (HNDA). Scottish Planning Policy,

paragraph 114, states that where the Scottish Government is satisfied that a HNDA is robust and credible, the approach used [by the council] will not normally be considered further at development plan examination. In light of my conclusions to Issue 1, I do not consider it necessary to consider this matter further.

DFS.H7: Brownrigg Loaning

31. The site is an allocated housing proposal in the adopted local development plan, which promotes the land as a long-term development opportunity with an indicative capacity of 713 units. I note from the representation that it had been the council's intention not to carry forward the allocation into the proposed plan due to concerns of flooding; a position confirmed in the report on representations to the Main Issues Report (core document 24). At its meeting of 18 January 2018, however, the council resolved to include the site in the proposed plan, again as a long-term development opportunity, with a reduced indicative capacity of 500 units. The plan anticipates that the site will not be brought forward for development until after 2029, when it is expected that development at Marchfield (DFS.H2) will be nearing completion.

32. The SEPA flood risk map shows two areas of land within the site with a medium likelihood off surface water (pluvial) flooding; two other areas of land immediately beyond the site's boundaries are also shown as being susceptible to surface water flooding. The map does not show any likelihood of flooding originating from a watercourse (fluvial). The development guidelines set out on page 95 of the proposed plan highlight that the site has a history of surface water flooding and that comprehensive flood risk and drainage impact assessments will be required to support development proposals. Importantly, I note that these assessments will guide the council in identifying a developable area within what is an extensive site. Although not explicitly stated, it will also inform the preparation of a masterplan for the site and the adjoining site at Marchfield.

33. My attention has been drawn to the provisions of SPP and proposed Policy IN7 (flooding and development) to support the removal of the site from the proposed plan. SPP paragraph 263 states that infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years) and that drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas. Policy IN7 states that where proposed development could lead to an unacceptable on-site or off-site flood risk, then it will not be permitted. Whilst I appreciate the concerns expressed in the representation, neither SPP nor Policy IN7 preclude residential development taking place on land with a medium to high risk of surface water flooding in principle. It is therefore incumbent upon developers to demonstrate to the council's satisfaction that the level of on-site and off-site risk would be acceptable.

34. In light of the above, I agree with the council that until detailed investigations have been undertaken it would be premature to remove the site from the proposed plan or to amend its boundaries. Furthermore, I note that the landowner is committed to undertaking the necessary site investigations so that a considered view can be taken on the site's effectiveness in the preparation of the next iteration of the local development plan. Given the present uncertainty regarding the site's effectiveness, and despite the removal of the Noblehill site from the proposed plan, it would be unreasonable to bring forward the development of the site to before 2029. As the council states, it is a long-term development opportunity on which development is not anticipated to commence until development at Marchfield is nearing completion.

35. Finally, should site investigations indicate that on-site and off-site flood risk can be

managed to the satisfaction of the council and the site is carried forward into the next iteration of the local development plan, there will of course be further opportunity for local residents to make informed comment on the merits of the proposal.

DFS.H8: Catherinefield Farm

36. The representations all identify a drafting error on the Dumfries inset map, which includes private land, mostly garden ground, as forming part of proposed housing allocation DFS.H8. The council acknowledges that this is an error and undertakes to redraw the site boundary as shown in core document 42 prior to the adoption of the proposed plan. I am happy with the council's response and content for this matter to be dealt with as a non-notifiable modification.

DFS.H218: Oaklands

37. The council states that the allocation of the site for development provides choice and flexibility in the housing market. A number of representations argue, however, that there are other sites more suitable and available for development in Dumfries. I deal with matters relating to the housing land requirement in Issue 1; suffice it to say here, that the local development plan is indeed required to provide choice and flexibility in the housing market and an indication of the scale and location of the housing land requirement in the future (SPP paragraph 120). I consider that Oaklands forms part of a range of sites allocated in Dumfries and is appropriately allocated in the proposed plan.

38. With regard to other concerns, the loss of a view is not a land use planning matter. I do, however, note that the development guidelines require a transport assessment to be undertaken which should address the concerns of local residents about traffic impact and road safety. The development guidelines also require proposals to be supported by a masterplan, prepared for the site as a whole, the retention of trees and hedgerows and structural planting to enhance existing boundaries. The provisions of Policy OP3 will allow the council to seek developer contributions to address infrastructure constraints, including education capacity, should the need arise. Together, these measures should help maintain residential character and safeguard amenities. Accordingly, I conclude that the proposed allocation should remain part of the proposed plan.

DFS.H221: Former Oil Depot, Terregles Road

39. The proposed housing site lies within the settlement boundary of Dumfries. The site is presently the subject of a live planning application. The council is minded to grant planning permission in principle to its residential development, subject to the conclusion of a legal agreement to secure developer contributions towards the provision of education services and affordable housing. The issues of concern raised in representations relate to the anticipated scale of development and associated traffic impacts. Whilst these matters will be the subject of further consideration in a subsequent detailed planning application, on which local residents will have an opportunity to comment, the council notes that the capacity shown in the proposed plan is indicative. It adds that the council's roads officer has not raised objections in principle to the planning application or to the proposed plan.

40. I have inspected the site and am satisfied that it is appropriately identified in the proposed plan. Furthermore, the provisions set out in the overarching policies of the proposed plan should ensure that any development relates well in scale and density to its surroundings and safeguards amenity.

DFS.H262: Former site of Maxwelltown High School

41. The representations variously seek; amendments to the development guidelines to note that the loss of sports pitches will need to be justified and compensated for; the retention of land and buildings for community use; the removal of the site from the proposed plan due to its proximity to the Lochside Industrial Estate.

42. SPP paragraph 226 states that outdoor sports facilities should be safeguarded from development except where, among other things, the outdoor sports facility that would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users. The council comments that a new school and community campus has been developed at Lochside Road/Alloway Road that incorporates sports facilities for school use and a community sports hub, outdoor sports facilities, including all-weather and grass pitches. As such, it considers that the provision of these facilities will compensate for the loss of sports pitches at the school site. It adds that housing development on the school site would be required to provide open space in line with the policies of the proposed plan and supplementary guidance.

43. I note that the adopted local development plan inset map identifies the sports pitches associated with the school as protected open space. The intention to remove this designation and promote development across the site as a whole requires to be seen in the context of the council's investment in new school and community facilities at Lochside Road, including extensive sports facilities, of which all-weather and grass pitches form part. However, I note that the sportscotland representation does not refer to the new sports facilities a short distance away at Lochside Road/Alloway Road or the context within which development is being promoted. I consider that the facilities at the new school and community campus to be of greater benefit for sport and in a location more convenient to users than those at the Maxwelltown school site. I recognise, however, that open space can serve many purposes, not just recreation and I discuss their wider value below.

44. With reference to Policy CF1 (community facilities), it is argued that the land and buildings that occupy the site should be retained in community use. However, I have not been provided with any evidence to demonstrate that there is a demand for their continued community use and, in light of the council's significant investment in new sports and community facilities close by at Lochside Road/Alloway Road, I do not believe that this policy can be relied upon to secure their retention for such uses. A prospective developer would nonetheless be required to satisfy the criteria of Policy CF1 part b) if a development proposal is to receive the support of the council, as planning authority. The representation also suggests that land referred to as site DFS.H230 should be included in the proposed plan in lieu of the school site. I do not agree and address this matter in paragraph 3 above.

45. Finally, the operator of an adjoining salvage yard argues that the site should be removed from the proposed plan on the basis that its residential development would adversely affect the existing operations and future use of the business. Alternatively, should the site be retained in the plan, it requests that appropriate mitigation measures should be identified in the development guidelines. I note that the development guidelines described in the proposed plan identify a number of constraints to development, including the proximity of the industrial estate. The requirements placed upon development to address these concerns mirror those suggested in the representation; preparation of a masterplan, introduction of a buffer zone and appropriate attenuation, and structural planting along the northern edge of the site. Together, I consider that such measures should ensure the continued unencumbered operation of the salvage yard and an amenity that future residents of new housing development might

reasonably expect to enjoy.

46. Nevertheless, to provide clarity and certainty to prospective developers, I consider that the development guidelines should be amended to restrict built development to that part of the site currently occupied by school buildings and land immediately located behind St Ninian's primary school. This would leave the two sports pitches adjacent to the northern boundary of the site free of development and in effect provide a substantial buffer zone referred to the development guidelines. I provide a suitable form of words below.

Established Business and Industry Sites

Aldi Stores

47. Aldi Stores seek the removal of the 'established business and industry site' designation from its Glasgow Road store shown on the Dumfries inset map. The representation notes that this designation has been removed from land no longer in such uses on the other side of Glasgow Road. Like those sites, this will result in the site being 'white land' without the benefit of any formal designation. The council comments that the error will be corrected as a non-notifiable modification prior to the adoption of the plan. I am content with the council's response on this matter.

DFS.B&I1 Heathhall & DFS.B&I5: Land south of Dumfries Enterprise Park

48. SPP paragraph 194 states that the planning system should protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value. I can therefore understand the council's desire to meet this requirement and remove land from the two business/industry sites that it considers to contain ancient woodland. In Scotland, ancient woodland is that which has existed continuously since 1750.

49. However, photographic evidence suggests that the woodland, where it exists, is not 'ancient'. The representation directs me to an aerial photograph on the Dumfries Aviation Museum website taken in 1946 that shows the sites as forming part of the now disused RAF Dumfries Airfield, which was in operation between 1940 and 1957. The representation also includes an aerial photograph which shows the land to be removed from site DFS.B&I1 (Heathhall) to be free of tress. Accordingly, the representation seeks the continued industry and business use allocation of the land as shown on the adopted local development plan Dumfries inset map. It adds that the council would have the opportunity to protect some or all of the trees in the context of future planning applications to develop each site.

50. Having visited the enterprise park, I find the claims made in the representation to be correct. In addition, I note that there is an inconsistency between the area believed to be ancient woodland shown on the 'Scotland's environment' website and the land removed from the two allocated industry and business sites shown on the inset map. In the circumstances, I recommend below that the proposed plan should be modified to show the two allocations as they are shown on the adopted local development plan Dumfries inset map. The protection and enhancement of woodland and individual trees can then be assessed in the context of future planning applications, mindful of the advice of SPP and the requirements of proposed policies OP1 part d) (biodiversity and geodiversity) and NE7 (trees and development).

DFS.B&I6: Brasswell

51. The council sets out in its response the possible access arrangements to serve the business and industry allocation at Brasswell, including the use of an existing access at the A780 Annan Road/Brasswell Park mini-roundabout junction and/or via a new adoptable road from the A780. In this regard, I note that a new vehicular access to serve new business development to the north of the A780 is presently under construction. Although I have not been presented with any detailed access proposals, these arrangements appear logical and should allay the concerns expressed in the representation, which for the most part laments the poor condition of the unclassified road outside his property. In the interests of providing clarity and certainty, I recommend below an addition to the text of the development guidelines to note that the primary access to the site should be from the A780.

DFS.B&I2: Cargenbridge

52. Within the context of the Borderland's Growth Initiative and its focus on developing the region's low carbon credentials, generating and distributing cheap, clean energy to power the electrification of the economy, the representation seeks the identification of a 'zone for energy management opportunities' on the inset map. The suggested 'zone' in the representation is shown non-definitively and focused on Cargenbridge, from which it extends for approximately a mile in each direction.

53. The council expresses its high-level support for renewable energy generation in paragraph 4.103 of the proposed plan and development proposals for such in principle through proposed Policy IN1. Furthermore, support for onshore wind energy development that is appropriately located and designed is set out in proposed Policy IN2 and business and industrial development on allocated sites in Policy ED1. In the absence of evidence setting out the benefit(s) of such a zoning over and above that expressed in the proposed plan as it stands, I agree with the council and do not support the suggested modification.

DFS.B&I253: Land at Starryheugh and surrounding area

54. The representations seek the removal of the site from the proposed plan, arguing that its development would adversely affect the amenity Garroch View and Garroch Cottages. It was evident from my site inspection that despite the mature hedgerow that bounds the Garroch Business Park, development of the site would result in Garroch Cottages being encircled by business and industry uses. With regard to the property known as Garroch View, business and industry uses, and the recently built hospital, would be dominant in views to the east and south. As such, I have some sympathy with the concerns expressed in the representations.

55. I note that the development guidelines seek to restrict uses on the proposed site to those contained in Class 4 of the Use Classes (Scotland) Order 1997, that is, business uses which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, fumes, smoke, soot ash, dust or grit. The guidelines also indicate the acceptability in principle of uses associated with sale and display of motor vehicles. Although the development guidelines indicate the possible need for a noise assessment and the provision of attenuation measures, if required, I consider that other measures are necessary if the amenity of residents living at Garroch View and Garroch Cottages is to be protected, particularly their visual amenity. For example, the creation of a substantial buffer between the properties and new development to avoid conflict between land uses and/or a continuation of the structural planting required along the site's boundary with the A75 to the rear of Garroch Cottages until it meets Garroch Loaning. I recommend a suitably worded

modification below.

56. With regard to concerns of flooding, I note that development guidelines acknowledge that there is a history of surface water flooding on the site and that a Flood Risk Assessment will be required to support development proposals. Such an assessment, and the implementation of any required mitigation measures, should allay those concerns.

57. Subject to the modifications that I recommend below, I consider that the site should remain a proposal of the proposed plan.

Sites not included in the proposed plan

DFS.H228: Corbelly Hill

58. The site provides a landscaped and open setting for the imposing listed former convent building and is identified on the inset map as protected open space, which the annex to the draft Open Space Audit describes as 'semi/natural greenspace'. The representation seeks a modification to the proposed plan to identify the site as a brownfield housing development opportunity, believing that it would assist in securing the restoration of the adjoining vacant listed building. The representation argues that the site should be regarded as 'brownfield' land owing to its former use as a tennis court and hockey pitch which were laid out on a 'non-grass' surface.

59. SPP paragraph 142 states that enabling development may be acceptable where it can clearly be shown to be the only means of preventing the loss of the [listed building] asset and securing its long-term future. This position is reflected in proposed Policy HE8 (enabling development). However, I have not been presented with any evidence to demonstrate that the development of the site is the only means of preventing the loss of the listed building, which despite some signs of disrepair and vandalism appears outwardly to be sound. I note that the council has indicated its qualified support to the conversion of the listed former convent building to housing.

60. Nor have I been presented with compelling evidence to show that the site was formerly in recreational use, whether using grass or artificial surfaces. I saw no evidence of past recreational use at my site inspection. What I did see was steeply rising land that was a mixture of scrub and turned soil, possibly indicating its use as a smallholding. Given its elevated position, topography and visual prominence, I agree with the council that the site is visually important and that its development would have a detrimental impact on the townscape of the area and on the setting of the listed building in particular. For these reasons, I conclude that the site should not be allocated as a housing site and that it is appropriately designated as protected open space in the proposed plan.

DFS.H229: Land adjacent to Doonholm, Castle Douglas Road

61. I deal with the matters raised in the representation at paragraph 3 above.

DFS.H232: Land east of Georgetown Road

62. I note the history of the site and the council's ongoing concern regarding its effectiveness. Whilst I agree that the presence of the overhead power lines would not prevent its development for housing in principle, I also agree that they make the site less attractive and could frustrate its development, particularly once statutory safeguards are taken into account.

Nonetheless, I find that in terms of its location, its development would fit relatively well with its surroundings, as suggested in the representation. However, as I conclude in Issue 1, the proposed plan has allocated a generous supply of housing land in the Dumfries HMA, which is effective or capable of being made effective within the plan period. I therefore do not propose to modify the plan as sought by the representation.

DFS.H255: Mavis Grove

63. I have considered the concerns expressed on behalf of Mr Robson regarding the effectiveness of a number of the allocated sites in the Dumfries HMA in Issue 1. With regard to the merits or otherwise of the site at Mavis Grove, I broadly agree with the council's site assessment contained in core document 38 that any development on the site would appear isolated and incongruous with its rural setting. As I note above, the proposed plan has allocated a generous supply of housing land in the Dumfries HMA, which I consider effective, or capable of being made effective, within the plan period. I therefore do not propose to modify the plan as sought in the representation.

DFS.B&I: Irongray Road

64. The representation seeks the allocation of the site for business and industry use. I note, however, that the site was not promoted at the Call for Sites stage or assessed as part of the preparation of the Main Issues Report. For this reason, and in the absence of adequate environmental information and evidence arising from public engagement, I am unable to recommend the modification sought in the representation (Circular 6/2013, paragraph 118 refers).

65. The council indicates that the proposed plan provides a framework to assess the acceptability of proposals promoted on land not allocated for economic development, such as those described in the representation. Therefore, it will be for a prospective developer to satisfy the criteria set out in proposed Policy ED1, part b), among others, if economic development in this location is to be considered acceptable.

DFS.MU202: Land east of Solway Gate

66. In arriving at my conclusions on this matter, I have considered the arguments contained in the representation, the accompanying development framework and the comments of Transport Scotland (TS) and the Freight Transport Association (FTA). I note the potential benefits of the proposed development to the local and wider economy and trunk road network. The council comments that it considers the proposal highly speculative in nature and, in the absence of clear evidence to demonstrate a need for new roadside facilities at this or other locations on the A75 in Dumfries, I am inclined to agree. I find that the comments of TS and FTA do not offer support for the proposed development itself, rather they state the standards that development proposals should comply with and a desire for the provision of safe and secure HGV facilities on the A75, respectively.

67. I also find that a number of the uses promoted in the representation are uses that SPP and the proposed plan encourage to locate in town and other defined centres. In this regard, and in accord with SPP paragraph 68, the proposed plan adopts a sequential town centre first approach when planning for uses that attract significant numbers of people, including retail and commercial leisure, offices, community and cultural uses. In particular, proposed Policy ED5 (development in town centres) encourages such uses to locate in defined town centres to support their vibrancy, vitality and viability throughout the day and evening. I consider that

elements of the proposed development, as described in the representation and in the location suggested, could undermine these objectives.

68. Moreover, through proposed Policy ED6 (retail development outside a town centre), the proposed plan sets out the considerations that development proposals must satisfy if development outside of a town centre is to be considered acceptable. Although the representation considers the ability of two allocated mixed-use sites in Dumfries to accommodate its proposals, it fails to consider development opportunities presented on other allocated sites capable in principle of accommodating a range of business, commercial and industrial uses, for example, DFS.B&I6 (Brasswell), DFS.B&I2 (Cargenbridge) or DFS.B&I253 (Starryheugh).

69. For the reasons set out above, I do not propose to modify the plan as sought by the representation.

Reporter's recommendations:

The proposed plan should be modified by:

Town Centre

1. identifying the Midsteeple Quarter on the Dumfries inset map (and Dumfries Town Centre inset map if included in the adopted version of the Plan), either by delineating its geographical area or by a symbol, and amending the key accordingly;
2. adding the following text after that describing proposal DFS.MU204 Land west of Edinburgh Road on page 103:

'DFS.MU205 – Midsteeple Quarter, High Street (0.5 HA)

The Midsteeple Quarter is located in the town centre and considered suitable for mixed-use development, including retail and commercial leisure uses, offices, community and cultural facilities, and residential uses where appropriate. The Midsteeple Quarter project supports the regeneration of Dumfries town centre and seeks to develop new business uses and housing within derelict and underused buildings within the town centre. The redevelopment, adaptation and appropriate alternative use of buildings will be supported in principle where they are supported by other plan policies and have regard to the town centre's built heritage and the wider conservation area. A masterplan will be required to guide the future development of the area, which should set out the requirements for high quality design and development layout. Development will be expected to contribute to the vibrancy, vitality and viability of the town centre throughout the day and evening.'

Crichton Quarter

3. identifying the Crichton Quarter and housing proposal DFS.H5, as lying within a 'Crichton Quarter' designation on the Dumfries inset map and amending the legend accordingly;
4. amending the first and second sentences of the second paragraph under the heading 'Crichton Quarter' on page 92 to read as follows:

'Supplementary guidance has been prepared to guide the development of the Crichton Estate. The Crichton Quarter Development Framework has been prepared by the council, NHS Dumfries and Galloway, the Crichton Trust and the Crichton Leadership Group.'

5. amending the description of proposal DFS.H5: Ladyfield on page 94 by adding the following text as the first sentence. The description will then read:

'Proposals should be consistent with the Crichton Quarter Development Framework Supplementary Guidance. A masterplan will be required...'

DFS.H262: Former site of Maxwelltown High School

6. deleting the development guidelines in respect of site DFS.H262: Maxwelltown High School in their entirety and replacing with the following:

DFS.H262: Maxwelltown High School (104 units allocated up to 2029)

'The development of the site should be guided by a masterplan which will be required to set out how a high quality development design and layout is to be achieved.

Residential development should be confined to that part of the site currently occupied by school buildings and land immediately to the rear of the former primary school. The northern portion of the site, adjacent to the industrial estate, should be retained as amenity and/or recreation open space to meet the needs of the development.

Due to previous uses on the site, it is possible that land may be contaminated. Accordingly, a desktop study and risk assessment will be required to support development proposals. The site lies within an area identified as being at risk of flooding. Proposals should therefore be accompanied by a Flood Risk Assessment setting out appropriate surface water management measures. In addition, a Drainage Impact Assessment will be required to identify the impact of proposed development on water and waste networks.

Due to the proximity of the Lochside Industrial Estate to the north of the site, a Noise Assessment will be required to support development proposals. The assessment should set out appropriate noise attenuation measures that may be required, including the provision of a substantial buffer zone between new housing and the industrial estate, which may extend beyond the land to be retained as open space, to avoid any potential land use conflict.

Structural planting should be provided along the northern boundary of the site to provide visual enhancement and, together with the requirement to retain land adjacent to the industrial estate as open space, should assist any noise attenuation measures that may be required as part of new development.

Development proposals will be required to be supported by a Transport Assessment.'

DFS.B&I1 Heathhall and DFS.B&I5 Land south of Dumfries Enterprise Park

7. amending the boundary of allocated business and industry site DFS.B&I1 (Heathhall) on the proposed inset map to that shown on the adopted local development plan Dumfries inset map, that is, to include the area of land bounded by Tinwald Downs Road, Heathhall Industrial Estate and the Dumfries Aviation Museum;

8. amending the boundary of allocated business and industry site DFS.B&I5 (land south of Dumfries Enterprise Park) on the proposed inset map to that shown on the adopted local development plan Dumfries inset map, that is, to include the area of woodland lying immediately to the west of Tinwald Downs Road;

DFS.B&I6 Brasswell

9. amending the final sentence of the DFS.B&I6 (Brasswell) development guidelines on page 101 to read as follows:

'The primary vehicular access to serve the site should be taken from the A780 Annan Road and links provided to the local footpath and cycleway networks.'

DFS.B&I253: Land at Starryheugh and surrounding area

10. amending the first sentence of the third bullet point and adding a new second sentence to the development guidelines to read as follows:

'proposals should incorporate structural tree planting along the site's boundary with the A75 and to the rear of Garroch Cottages, extending to Garroch Loaning, in order to reduce the visual prominence of development when seen from the A75 and to protect the general amenity enjoyed by Garroch Cottages. In addition, it may also be necessary to provide a substantial buffer zone between Garroch Cottages and new development to avoid potential conflict between land uses. Mature trees...'

Issue 13	Settlement Statements and Inset Maps: Mid Galloway and Stranraer Housing Market Areas – District and Local Centres	
Development plan reference:	Chapter 6 - Settlement Statements and Inset Maps: Creetown, pages 121 - 123 Glenluce, pages 146 - 147 Kirkcowan, pages 159 - 160 Kirkinner and Braehead, pages 164 – 165 Newton Stewart, pages 187 - 190 Portpatrick, pages 195 - 196 Port William, pages 197 – 198 Stranraer, pages 206 – 210 Whithorn, pages 217 - 219 Wigtown, pages 220 - 221	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Network Rail (002) Allan and Linda Dyson (021) Scottish Environment Protection Agency (120) Brian and Gloria Holden (190) John Ingham (219) Norman John McIntosh (253) Cree Valley Community Council (284) Margaret McMillan (289) David Hunter (337) John W A Macdonald (338) Gordon Bennie (340) Jill Murie (349) Robert Bell (355) Peter Marks (360) Steven Wright (363) Newton Stewart LDP Action Group (366) Mr S F and Mrs D J Precious (367) Trevor Newcombe (372) Nicholas Biggins (378) Paul Houlden (390) Fiona Sinclair (391) Sheila MacNeill (393) Ian Wood (394) Mr Martin G and Mrs Spencer-Smith (399) Mr and Mrs Thomas McGeehan (415) Catherine Turner (426) A Aston (446) Kenneth and Jennifer MacKinnon (463) David M King (516) Alleyford Ltd (536) Mr and Mrs Sharples (541) John Ross (551) Viga Developments (556) David Marshall (576)		

<p>Provision of the development plan to which the issue relates:</p>	<p>Newton Stewart – NST.H4, NST.H7, NST.H202, NST.MU1, NST.B&I201. Wigtown - WGT.H1, WGT.H2, WGT.H3. Whithorn - WTH.H3 Creetown – CRE.H1, CRE.H2. Kirkcowan – KCW.H1. Kirkinner and Braehead – KBH.H2. Port William – PWL.H1. Stranraer – STR.B&I204. Glenluce – GLU.H1. Portpatrick – PPK.H1</p>
<p>Planning authority’s summary of the representation(s):</p>	
<p>MID GALLOWAY HOUSING MARKET AREA (HMA)</p> <p>Mid Galloway General <u>Newton Stewart LDP Action Group (366.001)</u> - The housing market requirement for Mid Galloway HMA is markedly different to the Housing Land Requirement Tech Paper Jan 2018, page 4, which details the number of houses predicted to be needed for the whole Mid-Galloway area over the next 10 years. Clarification is required as this would impact on the requirement for housing sites NST.H4 and NST.H7.</p> <p><u>Cree Valley Community Council (284.008); A Aston (446.001)</u> - The figure shown for the Housing Supply Target for Mid Galloway is shown as 406 houses. An allowance of 20% gives Housing Land Requirement of 661 houses. LDP2 proposes allocating land suitable for 752 houses within the main communities only. This seems to be a significant over provision. The Housing Land Requirement 2018 Technical Paper gives 38 sites for the small sites and rural areas which gives a total of 667. This gives a reasonable margin above the assessed need which already includes a 20% allowance for uncertainties. The removal of sites NST.H4 and NST.H7 would result in a more appropriate figure which still meet the housing requirement.</p> <p>NEWTON STEWART</p> <p>General <u>Cree Valley Community Council (284.007)</u> - Business & Industry Strategy (para 3.15) and Retail Strategy (para 3.22) fail to identify any areas for development within the centre of the community. The two sites identified in the Proposed Plan are at the periphery of the town and are suitable for industrial units. There is potential for the expansion of the town centre into the largely derelict land to the west of Victoria Street once the Flood Plan has been implemented.</p> <p><u>Newton Stewart LDP Action Group (366.005)</u> - Woodlands (especially Dun Cree Woods) are an important amenity to the local residents. However, the designation given in the plan is a misnomer, in reality it affords no protection at all, the owner is still at liberty to fell the trees whenever he desires, and is under no obligation to manage or maintain the woodland to the benefit of the community</p> <p>Planning objectives <u>Newton Stewart LDP Action Group (366.002)</u> - Newton Stewart planning objectives should recognise the need to respect the existing character of the town and to help safeguard its future prosperity. The proposed plan gives reckless support to housing in the most unsuitable and visually detracting sites without taking account of the best interests of the town or its current residents.</p> <p>Allocated sites NST.H4: Corsbie Road <u>Alleyford Ltd (536.002)</u> - Support allocation of site. A Drainage Statement (RD07) has been submitted. The overall conclusion of the submitted Drainage Statement is that the site is</p>	

capable of being drained in line with DGC's current Infrastructure Planning policies as well as to current foul and surface water drainage standards including the use of SuDS (sustainable drainage systems). A Transport Statement (RD07) has been submitted. The overall conclusion of the submitted Transport Statement is that a residential development can be accommodated on the site with no significant detrimental impact on the existing road network. A High Level Landscape Framework (RD07) has been submitted to address the technical matters raised in the Proposed LDP2 in relation to landscape. The completed document offers an indicative Framework showing how accesses to and across the sites could be formed and where and how planting and other forms of landscaping could help development here to integrate with the community of Newton Stewart.

Allan and Linda Dyson (021.002); Cree Valley Community Council (284.008); David Hunter (337.001); Gordon Bennie (340.001); Robert Bell (355.001); Robert Bell (355.002); Robert Bell (355.003); Steven Wright (363.001); Mr S F and Mrs D J Precious (367.001); Trevor Newcombe (372.001); Catherine Turner (426.001) – The following concerns were raised in respect of this site. Access to the site would require infrastructure improvements such as widening of Corsbie Road. Development will put pressure on the surrounding road network including Dashwood Square which are already busy at peak times. Increased traffic will also result in additional noise pollution.

Development will increase water run-off from the site which would contribute to the risk of flooding in the town centre. The town's drainage systems currently struggle to cope with existing demand and large scale development would overload the system. Development of the site will detract from one of a series of walking routes around the town as it runs down the side of NST.H4 and will result in the loss of a very pleasant path. The settlement is located on the lower slopes of the Cree Valley and characterises itself as "The Gateway to the Galloway Hills". Development of the site would take the houses over the skyline of the low hills which overlook Newton Stewart and therefore destroy the ambience of the settlement.

Development would result in additional child safety concerns due to an increase in traffic, in particular at the start and end of the school day.

Development of site would result in the loss of wildlife corridors used by foxes, deer and birds etc., which would be a loss for future generations and the local school. As part of site is located on a steep gradient and rocky ground, the planned affordable housing could see an approximately 30% added to the build price.

NST.H7: Old Hall

Alleyford Ltd (536.001) - Support allocation of site. A Drainage Statement (RD06) has been submitted. The overall conclusion of the submitted Drainage Statement is that the site is capable of being drained in line with DGC's current Infrastructure Planning policies as well as to current foul and surface water drainage standards including the use of SuDS. A Transport Statement (RD06) has been submitted. The overall conclusion of the submitted Transportation Statement is that a residential development can be accommodated on the site with no significant detrimental impact on the existing road network. A High Level Landscape Framework (RD06) has been submitted to address the technical matters raised in the Proposed LDP2 in relation to landscape. The completed document offers an indicative Framework showing how accesses to and across the sites could be formed and where and how planting and other forms of landscaping could help development here to integrate with the community of Newton Stewart.

Allan and Linda Dyson (021.002); Allan and Linda Dyson (021.003); Allan and Linda Dyson (021.004); Cree Valley Community Council (284.008); Steven Wright (363.001); Newton Stewart LDP Action Group (366.004); Mr S F and Mrs D J Precious (367.001); Trevor Newcombe (372.001); Nicholas Biggins (378.001); Paul Houlden (390.001); Fiona Sinclair (391.001); Sheila MacNeill (393.001); Mr and Mrs Thomas McGeehan (415.001); A Aston (446.001) - The following concerns were raised in respect of this site. Development of site will need to consider the improvement and maintenance of the sites eastern boundary wall and fence shared with Windsor Lodge and gardens. Development of the extended area will result in unwanted ribbon development. This extension is unsuitable as it runs at right angles down to the A714.

Development would result in additional pedestrian safety concerns due to an increase in traffic, in particular at the start and end of the school day. The assumed extension of Windsor Terrace would result in more traffic on an already dangerous road due to lack of a footpath.

Development will put pressure on the surrounding road network including the town centre causing problems for residents and emergency services. Increased traffic will also result in additional cars and lorries, parking issues and noise pollution.

There is insufficient infrastructure in Newton Stewart to accommodate the number of people who will fill the site – schools, doctors, employment etc. Infrastructure services such as water, drainage, gas and electricity services already at capacity. Development will increase water run-off from site which would contribute to the risk of flooding in the town centre. The site is also known to retain a lot of water which cascades into neighbouring properties downhill. The town’s drainage systems currently struggle to cope with existing demand and large scale development would overload the system. Telecommunications mast is currently on the site and large electricity pylons are located above site.

Development of the site will detract from one of a series of walking routes around including the land adjoining NST.H7.

Development of site would result in the loss of wildlife corridors for the large number of species that use the woodlands and open countryside. An independent wildlife study would indicate how development would affect local wildlife. It would also result in the loss of agricultural land.

The settlement is located on the lower slopes of the Cree Valley and characterises itself as “The Gateway to the Galloway Hills”. Development of site would take the houses over the skyline of the low hills, which overlook Newton Stewart and therefore destroy the ambience of the settlement. The extended part of the site is exposed, unsightly, out of character for the settlement and on a steep slope which is unsuitable for roads or housing as service vehicles would struggle up it.

NST.H202: Creebridge Caravan Park

Mr and Mrs Sharples (541.001) - Support site allocation in the plan. There are no other parties with any leases or licenses providing them with any control over the area of the park under consideration.

Brian and Gloria Holden (190.002) - Representor lives in a residential caravan on this site. Concerned they will not be able to afford to move again.

NST.MU1: Masonfield

Newton Stewart LDP Action Group (366.003) - Site should be reassigned only for housing. This

would therefore allow other sites in the town to be removed from the plan.

NST.B&I201: land south of Barnkirk Farm

Newton Stewart LDP Action Group (366.003) - Extend site boundary to include field to west (NST.B&I202). This provides more space for business and commercial expansion to the town in a sensible location. It would also provide a superior location for business and industry land than NST.MU1.

Sites not included in Proposed Plan

David Hunter (337.001); Steven Wright (363.001); Nicholas Biggins (378.001); Sheila MacNeill (393.001) - Alternative sites on either side of New Galloway Road (NST.H205 Land north of New Galloway Road and NTS.H206 Land north west of A75) are considered more appropriate for development.

WHITHORN

Allocated Sites

WTH.H3: Ladycroft

David Marshall (576.001) – Alter site to a mixed use site which will include housing and MOT garage.

WIGTOWN

Planning objectives

Ian Wood (394.001) - Amend the planning objectives. 92 units is too many for Wigtown. The town cannot grow on housing alone and needs increased income from trade and cultural tourism

Allocated sites

WGT.H1: Southfield Park

Kenneth and Jennifer MacKinnon (463.001) - Reduce the number of houses allocated on this site. Development should be focused to the south west of the site so that the open, uninterrupted views of the historic houses in Harbour Road are protected.

WGT.H1: Southfield Park and WGT.H2: Seaview

Mr Martin G and Mrs Spencer-Smith (399.001) - Request sites are removed from plan due to concerns over density of units, showground walls, road safety, tree felling, bat and owl habitats and unnecessary requirement for development in Wigtown. Questions if the 8 houses of WGT.H2 in the plan be added to the 43 units planned in the live application?

WGT.H3: Station Road

John W A Macdonald (338.001) - The Proposed LDP2 already includes WGT.H1 and WGT.H2 which would provide an additional 42 houses to the community which itself will have a significant impact on the housing supply of this rural community.

CREETOWN

Allocated sites

CRE.H1: land at Barholm Mains and CRE.H2: Barholm Croft

David King (516.001) - Access to the proposed development by future tenants should be via the back road, thereafter following the general traffic over the bridge to the village, or in the opposite direction towards the bypass.

KIRKCOWAN

Allocated sites

KCW.H1: St Couan's Crescent

Peter Marks (360.001) - Site guidance should include reference to provision of adequate screening between the site and the properties that front onto the B733. Development should also be limited to single storey properties and thereby in keeping with surrounding development.

KIRKINNER AND BRAEHEAD

Allocated sites

KBH.H2: Smiths Croft

Norman John McIntosh (253.002) –

- (i) Site guidance reference to road access is not clear. Guidance refers to Newtonhill but this is not referenced on the page 164 map.
- (ii) Increased traffic from this site will add to the existing problems at the Milldriggan Bridge. The existing bridge may not be fit for purpose. Have Dumfries and Galloway Council considered the population to the south of the bridge and are there figures available to show the increase?

PORT WILLIAM

Sites not included in Proposed Plan

PWL.H1: South Street

Scottish Environment Protection Agency (120.004) - Support the non-allocation of site in the Proposed Plan.

Viga Developments (556.001) - The proposed site would assist in delivering housing to sustain the settlements role as a local centre. The site is deliverable, and a planning application for the site is pending. Issues highlighted in site assessments related to flooding, landscape and character can be overcome.

STRANRAER HMA

STRANRAER

General

Network Rail (002.016) - The allocated Stranraer sites total 424 housing units for the plan period and there is a strong potential for a cumulative impact on Stranraer Rail Station.

Allocated sites

STR.B&I204: Mirrey's Petrol Station, Stoneykirk Road

Margaret McMillan (289.002) - Object to inclusion of this site for business development as it is on a residential street, current business activities have significant adverse impact on area in terms of pollution from cars, noise etc. and has a detrimental visual impact.

GLENLUCE

Allocated sites

GLU.H1: Glenjorrie Avenue

John Ingham (219.002) - The site is located on a bog and has been ill thought out. The site

should be enlarged onto adjacent land to allow for a better integrated development in keeping with the rest of Glenjorrie Avenue. The type of development proposed should be made public.

PORTPATRICK

Allocated sites

PPK.H1: Hill Street

Jill Murie (349.001) - Object to site development due to a number of issues that will impact on neighbouring property. These include access, shared boundaries, privacy, car parking and infrastructure.

Sites not included in Proposed Plan

PPK.H202: South Cliff

John Ross (551.001) - Include site in plan. This would require a change to the settlement boundary to allow for the development of 3 individual housing plots. This land was previously given planning consent in 2005 and partially developed to include roads and services.

Modifications sought by those submitting representations:

MID GALLOWAY HMA

Mid Galloway

General

Newton Stewart LDP Action Group (366.001) - Update plan to include a more realistic housing market requirement figure for Mid Galloway HMA.

Cree Valley Community Council (284.008); A Aston (446.001) – Sites NST.H4 and NST.H7 should be removed from the plan due to the overprovision of housing units.

NEWTON STEWART

General

Cree Valley Community Council (284.007) – Identify areas for development within Newton Stewart town centre.

Newton Stewart LDP Action Group (366.005) – The Plan should upgrade the designation to offer real protection to Dun Cree Woods. It is recommended it be taken under Council care as a civic amenity to ensure a favourable future for the woods.

Planning objectives

Newton Stewart LDP Action Group (366.002) - Expand the Newton Stewart Planning Objectives to include appreciation of the existing character of the town and its attractiveness as a tourist destination.

Allocated sites

NST.H4: Corsbie Road

Alleyford Ltd (536.002) - No change requested.

NST.H4: Corsbie Road

Allan and Linda Dyson (021.002); Cree Valley Community Council (284.008); David Hunter (337.001); Gordon Bennie (340.001); Robert Bell (355.001); Robert Bell (355.002); Robert Bell (355.003); Steven Wright (363.001); Mr S F and Mrs D J Precious (367.001); Trevor

Newcombe (372.001); Catherine Turner (426.001) - Remove site from plan.

NST.H7: Old Hall

Alleyford Ltd (536.001) - No change requested.

NST.H7: Old Hall

Allan and Linda Dyson (021.003), Allan and Linda Dyson (021.004); Cree Valley Community Council (284.008); Steven Wright (363.001); Newton Stewart LDP Action Group (366.004); Mr S F and Mrs D J Precious (367.001); Trevor Newcombe (372.001); Nicholas Biggins (378.001); Paul Houlden (390.001); Fiona Sinclair (391.001); Sheila MacNeill (393.001); Mr and Mrs Thomas McGeehan (415.001); A Aston (446.001) – Remove from the Plan.

NST.H202: Creebridge Caravan Park

Mr and Mrs Sharples (541.001) - No change requested.

Brian and Gloria Holden (190.002) - It is assumed that the representor wants the housing allocation removed.

NST.MU1: Masonfield

Newton Stewart LDP Action Group (366.003) - Allocate site solely for housing and remove business and industry requirement.

NST.B&I201: land south of Barnkirk Farm

Newton Stewart LDP Action Group (366.003) - Extend site boundary to include site NST.B&I202.

Sites not included in Proposed Plan

David Hunter (337.001); Steven Wright (363.001); Nicholas Biggins (378.001); Sheila MacNeill (393.001) - Remove sites NST.H4 and NST.H7 from plan as there is land considered more suitable elsewhere.

WHITHORN

Allocated Sites

WTH.H3: Ladycroft

David Marshall (576.001) – Eastern section of site should be changed from housing to garage / MOT station. Western section to remain allocated for housing.

WIGTOWN

Planning objectives

Ian Wood (394.001) - Amend planning objective 3 to read: Support established business and industry within settlement and provide sites and facilities for the expansion of tourist trade and related commercial works and related cultural facilities.

Allocated sites

WGT.H1: Southfield Park

Kenneth and Jennifer MacKinnon (463.001) - Reduce number of allocated units.

WGT.H1: Southfield Park and WGT.H2: Seaview

Mr Martin G and Mrs Spencer-Smith (399.001) - Remove site from plan.

WGT.H3: Station Road

John W A Macdonald (338.001) - Remove site from the plan.

CREETOWN

Allocated sites

CRE.H1: land at Barholm Mains and CRE.H2: Barholm Croft

David King (516.001) - Access should be via the back road.

KIRKCOWAN

Allocated sites

KCW.H1: St Couan's Crescent

Peter Marks (360.001) – Site guidance should include reference to screening and limit development to single storey.

KIRKINNER AND BRAEHEAD

Allocated sites

KBH.H2: Smiths Croft

Norman John McIntosh (253.002) -

(i) Change site guidance road name from Newtonhill to Boreland Terrace.

(ii) It is assumed that the representor wants additional upgrading works to Milldriggan Bridge inserted into site guidance to combat the likely increased traffic.

PORT WILLIAM

Sites not included in Proposed Plan

PWL.H1: South Street

Scottish Environment Protection Agency (120.004) – No change requested.

Viga Developments (556.001) - Allocate site in LDP2.

STRANRAER HMA

STRANRAER

General

Network Rail (002.016) - Recommend that developers are required to undertake transport assessments to identify impacts on station facilities and train capacity.

Allocated sites

STR.B&I204: Mirrey's Petrol Station, Stoneykirk Road

Margaret McMillan (289.002) - Delete allocation from plan.

GLENLUCE

Allocated sites

GLU.H1: Glenjorrie Avenue

John Ingham (219.002) - Enlarge the site onto adjacent land.

PORTPATRICK**Allocated sites****PPK.H1: Hill Street**

Jill Murie (349.001) – Delete site.

Sites not included in Proposed Plan**PPK.H202: South Cliff**

John Ross (551.001) – Include site in plan

Summary of responses (including reasons) by planning authority:**MID GALLOWAY HOUSING MARKET AREA (HMA)****Mid Galloway****General**

Newton Stewart LDP Action Group (366.001) - Table 2 in the Housing Land Requirement (HLR) Technical Paper January 2018 (CD24) shows the outputs from the Scottish Government's Housing Need Demand Assessment (HNDA) Tool.

The HLR figure shown in the plan is the housing supply target (HST) plus a generous margin.

To set the HST, the Housing Market Partnership took account of wider strategic economic, social and environmental factors, and issues of capacity, resource and deliverability, in determining an appropriate scale and distribution of the HST. This approach complies with Scottish Planning Policy paragraph 115.

The HST for market and affordable housing in Mid Galloway Housing Market Area (HMA) is based on past completions rates. The purpose of a more generous supply than the Housing Need and Demand Assessment 2016 Report (CD10) estimate is to provide greater choice and flexibility in the allocated land supply to ensure that more than enough land is allocated so that the HST can be met.

The housing land requirement for Mid Galloway HMA set out in the proposed plan is 108 units less than the housing land requirement set out in the adopted LDP.

Cree Valley Community Council (284.008); A Aston (446.001) – Table 46 in the HLR Technical Paper 2018 (CD24) states the Mid Galloway HMA Housing Supply Target (HST) to be 551. The purpose of the generosity margin is to provide greater choice and flexibility in the allocated land supply to ensure that more than enough land is allocated and ensure the HST can be met.

The package of housing sites for Newton Stewart offers a range of development opportunities and is considered appropriate for the settlement. Newton Stewart is considerably larger than the other Mid Galloway District Centres and is a key town for the range of services and business and industry sites it provides.

NST.H4 and NST.H7 are considered effective and further information on their suitability for allocation are discussed later in this document. It is unclear where some of the figures quoted by the representors have come from.

No modification proposed to the Plan.

NEWTON STEWART

General

Cree Valley Community Council (284.007) – Victoria Street forms part of the identified Newton Stewart town centre boundary. Once the Newton Stewart flood protection scheme has been implemented submissions for the extension of the town centre will be considered during the creation of subsequent development plans. Until the flood prevention scheme is implemented, development proposals in the areas referred to in the representation will be assessed against the relevant policies in the plan.

No modification proposed to the Plan.

Newton Stewart LDP Action Group (366.005) – Policy CF3a: Protected Open Space, states that there will be a presumption against development of Open Space identified for protection in the Plan. Draft Annex 1: Open Space Audit – Location and Typology Maps (CD27, p.42) identifies Duncree Woods as Protected Open Space Semi/Natural Greenspaces. Semi/Natural Greenspaces are areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas. These areas of open space help provide a setting to the settlement. The Council considers the level of protection provided by the policy sufficient. Given the ongoing budget pressures facing the Council, the Council would not be able to purchase or maintain the woods.

No modification proposed to the Plan.

Planning objectives

Newton Stewart LDP Action Group (366.002) - It is considered that the planning objectives outlined in the Proposed Plan seek to safeguard the existing character of the town. All sites within the settlement have undergone the same level of site assessment and it is considered that they are suitable for development in principle subject to any mitigation measures outlined in site guidance.

No modification proposed to the Plan.

Allocated sites

NST.H4: Corsbie Road

Alleyford Ltd (536.002) - The submitted documents are noted and reaffirm that in terms of drainage, transportation and landscape there are no significant issues affecting the effectiveness of the site. Should a planning application come forward then full assessments of drainage, transport and landscape will be required. The fact the landowner has commissioned these studies demonstrates their commitment to bringing the site forward for development and helps demonstrate that it can be considered an effective housing allocation.

No modification proposed to the Plan.

Allan and Linda Dyson (021.002); Cree Valley Community Council (284.008); David Hunter (337.001); Gordon Bennie (340.001); Robert Bell (355.001), Robert Bell (355.002), Robert Bell (355.003); Steven Wright (363.001); Mr S F and Mrs D J Precious (367.001); Trevor Newcombe (372.001); Catherine Turner (426.001) - In response to the site guidance requirements for a Transport Assessment, Drainage Impact Assessment and a High Level Landscaping Framework, the agent has provided statements in their representation to the Proposed LDP2 (see RDs 06 and 07). The statements conclude that development of the site

should not have a significant impact on issues relating to transportation, drainage or landscape. As a result, concerns regarding roads capacity and traffic, flooding and drainage and landscaping concerns can be mitigated against.

NST.H4 Site Assessments (CD48, pages 7-13) published alongside the Main Issues Report (MIR) provide details of infrastructure issues associated with development of this land and have been informed by internal departments and key agencies. They have confirmed that the scale of development proposed can be accommodated in relation to services and infrastructure and there are a number of established and allocated sites for business and industry. Detailed design and layout of the development will consider a number of issues including road access and traffic calming measures, pedestrian and cycle pathways within the site and links to the surrounding environment, all of which is highlighted in site guidance. Details of housing types, be they private or affordable, will be provided at the planning application stage. Policy H5: Affordable Housing states that for all developments of 5 or more units that 20% of these units will need to be affordable. All sites contain wildlife in some form or another and it is considered inevitable that any development of a greenfield site will have some impact on wildlife.

No modification proposed to the Plan.

NST.H7: Old Hall

Alleyford Ltd (536.001) - The submitted documents are noted and reaffirm that in terms of transportation, drainage and landscape there are no significant issues affecting the site. Should a planning application come forward then assessments of transport, drainage and landscape will be required and this is acknowledged by the agent. The fact the landowner has commissioned this study demonstrates their commitment to bringing the site forward for development and helps demonstrate that it can be considered an effective allocation.

No modification proposed to the Plan.

Allan and Linda Dyson (021.002); Allan and Linda Dyson (021.003); Allan and Linda Dyson (021.004); Cree Valley Community Council (284.008); Steven Wright (363.001); Newton Stewart LDP Action Group (366.004); Mr S F and Mrs D J Precious (367.001); Trevor Newcombe (372.001); Nicholas Biggins (378.001); Paul Houlden (390.001); Fiona Sinclair (391.001); Sheila MacNeill (393.001); Mr and Mrs Thomas McGeehan (415.001); A Aston (446.001) - In response to the site guidance requirements for a Transport Assessment, Drainage Impact Assessment and a High Level Landscaping Framework, the agent has provided statements in their representation to the Proposed LDP2 (see RDs 06 and 07). The statements conclude that development of the site should not have a significant impact on issues relating to transportation, drainage or landscape. As a result, concerns regarding roads capacity and traffic, flooding and drainage and landscaping concerns can be mitigated against. NST.H7 Site Assessment (CD48, pages 27-33) published alongside the MIR provides details of infrastructure issues associated with development of this land and have been informed by internal departments and key agencies. They have confirmed that the scale of development proposed can be accommodated in relation to services and infrastructure and there are a number of established and allocated sites for business and industry. Detailed design and layout of the development will consider a number of issues including road access and traffic calming measures, pedestrian and cycle pathways within the site and links to the surrounding environment, all of which is highlighted in site guidance. All sites contain wildlife in some form or another and it is considered inevitable that any development of a greenfield site will have some impact on wildlife. It is acknowledged that the site is currently in agricultural use, but it is not prime land. The site is located beyond the electricity pylons and the on-site telecommunications mast will be considered in the design and layout of the development, which will be submitted with the planning application.

No modification proposed to the Plan.

NST.H202: Creebridge Caravan Park

Mr and Mrs Sharples (541.001) - Comments noted.

Brian and Gloria Holden (190.002) - The site owners have put the site forward for inclusion in LDP2, it is considered an effective site. The current issues of residency is considered to be a matter between the owner and residents. It is recommended to include this site in LDP2.

No modification proposed to the Plan.

NST.MU1: Masonfield

Newton Stewart LDP Action Group (366.003) - Given the site location next to Holmpark Industrial Estate, the Council considers the site offers potential for a mixed use development. The site guidance requires the Class 4 business units to be located in the north eastern corner adjoining the Holmpark Industrial Estate. With NST.B&I201 the sole business and industry allocation within the west of Newton Stewart, NST.MU1 provides an opportunity for business development within the East of the settlement.

No modification proposed to the Plan.

NST.B&I201: land south of Barnkirk Farm

Newton Stewart LDP Action Group (366.003) - The MIR identified NST.B&I1: Barnkirk Farm, NST.B&I201: Land South of Barnkirk Farm and NST.MU1: Masonfield as being suitable sites for business and industry development. Site NST.B&I202: Land east of High Barbuchany was identified in the MIR as suitable for long-term business and industry land. NST.B&I202 faces a number of issues including road access, landscape, flood risk, archaeology and impact on a neighbouring retreat., which are highlighted in the Planning and SEA Site Assessment (CD48, pages 68-74) which need to be overcome. Therefore the Council consider it appropriate not to allocate this site in LDP2 but allow the issues to be investigated further. Access provision to the site (NST.B&I202) is included in the site guidance of NST.B&I201 to avoid this western field from being landlocked. In addition, the landowner has not responded to information requests and therefore their intentions for the land is unknown. NST.MU1 is considered an appropriate mixed use site given its size and location in the east of the settlement adjoining the Holmpark Industrial Estate.

No modification proposed to the Plan.

Sites not included in Proposed Plan

David Hunter (337.001); Steven Wright (363.001); Nicholas Biggins (378.001); Sheila MacNeill (393.001) - The sites allocated in the Plan including NST.H4 and NST.H7 are considered, by the Council, to be effective. The site assessments for NST.H205 and NST.H206 (CD39, page 171-184) show that both sites face a number of constraints. Site NST.H205 has landscape and archaeological issues including a significant Bronze Age burial site. Site NST.H206 is a large open site, which is considered remote from the settlement and unsuitable for development on landscape grounds. Neither site was submitted at the Call for Site stage and neither the landowner or agent submitted the site at the Main Issues Report stage. As the sites have never been submitted or promoted by the landowners during the process of developing the LDP2, sites NST.H205 and NST.H206 are considered ineffective.

No modification proposed to the Plan.

WHITHORN**Allocated Sites****WTH.H3: Ladycroft**

David Marshall (576.001) – A planning application (18/0406/PIP) for erection of a garage / workshop and MOT station on the eastern part of WTH.H3 has been submitted and is pending determination. Site WTH.H3 is surrounded by residential development, open space and countryside and development of the site should reflect the rural vernacular housing on the edge of the settlement. The reallocation of the eastern portion of the site for business and industry is considered inappropriate and would conflict with Overarching Policy OP1a): Development Considerations - General Amenity. The Local Development Plan is a strategic land use document and the proposal for a single business unit and reduced housing land is of a scale not usually considered for allocation within the plan. Allocated site WTH.B&I1: Stirnie Birnie Bridge is considered effective, located to the north of the settlement and offers development opportunities for business and industry proposals.

No modification proposed to the Plan.

WIGTOWN**Planning objectives**

Ian Wood (394.001) – Wigtown is identified as a District Centre in the Settlement Hierarchy Technical Paper (CD16). The majority of housing units are allocated to the District and Local Centres to support the larger concentrations of facilities that exist in these settlements. The plan allocates and safeguards sites for business related developments. There is an established business and industry site in Wigtown that could accommodate businesses. Should there be a demand for additional business space, policies ED1: Business and Industry, ED9: Tourism and CF1: Community Facilities support business, tourist and cultural related developments on unallocated sites.

The plan does not allocate specific sites for tourist or cultural related developments.

No modification proposed to the Plan

Allocated sites**WGT.H1: Southfield Park**

Kenneth and Jennifer MacKinnon (463.001) – The number of units proposed would result in a low-density development for this site in comparison to the surrounding built environment and is considered appropriate in this location. It should also be noted that the 34 units allocated to the site are indicative and the final numbers will be determined through a planning application. Design and layout of the development will be determined at the planning application stage against the relevant policies in the plan.

No modification proposed to the Plan.

WGT.H1: Southfield Park and WGT.H2: Seaview

Mr Martin G and Mrs Spencer-Smith (399.001) – The Proposed Plan identifies 2 sites on this land. WGT.H1 is for 34 units and WGT.H2 is for 8 units. The number of units proposed would result in a low density development for this site in comparison to the surrounding built environment and is considered appropriate in this location. A planning application (reference 18/0149/FUL) for 43 units has been submitted and is pending determination. The detail of the design and layout of the development will be determined against the relevant policies in the plan. The site guidance includes information related to roads and access, requirement for a

barn owl and bat survey and retention of the showground walls and will be considered in determining the design and layout of the development.

No modification proposed to the Plan.

WGT.H3: Station Road

John W A Macdonald (338.001) – Site has been included as it is considered an effective site that will assist in meeting the Housing Land Requirement for the Mid Galloway HMA. There is currently a planning application for the development of sites WGT.H1 and WGT.H2 pending and should these be developed then the allocation of WGT.H3 would ensure that Wigtown continued to have a housing allocation. It is recommended to include this site in LDP2.

No modification proposed to the Plan.

CREETOWN

Allocated sites

CRE.H1: land at Barholm Mains and CRE.H2: Barholm Croft

David King (516.001) - The site guidance requires 2 access points to be formed to give a loop layout. It also requires pedestrian and cycle routes to be incorporated into the layout and design of the development. Specific details on how the above requirements will be achieved will be provided at the planning application stage.

No modification proposed to the Plan.

KIRKCOWAN

Allocated sites

KCW.H1: St Couan’s Crescent

Peter Marks (360.001) – All development proposals will be assessed against policies in the plan including the Overarching Policies. OP1: Development Considerations and OP2: Design Quality and Placemaking set out the key considerations to assess development and aim to deliver a high standard of development and will consider scale and massing of the surrounding built environment.

No modification proposed to the Plan

KIRKINNER AND BRAEHEAD

Allocated sites

KBH.H2: Smiths Croft

Norman John McIntosh (253.002) -

- (i) The Council will amend the site guidance to identify Boreland Terrace.

The Council considers this to be a factual statement which will be updated before the Plan is adopted.

- (ii) The impact of the site on the surrounding road network has been assessed and details of these assessments are contained in the Planning and SEA Site Assessment (CD50, pages 7-13). The assessment did not raise concerns with Milldriggan Bridge and therefore it has not been referenced in site guidance.

No modification proposed to the Plan.

PORT WILLIAM

Sites not included in Proposed Plan

PWL.H1: South Street

Scottish Environment Protection Agency (120.004) – Comments noted.

No modification proposed to the Plan.

Viga Developments (556.001) - SEPA and the Council's Flood Team have objected to the Flood Risk Assessment (CD49) as part of the current planning application 17/2058/FUL. This is due to its location within SEPA's coastal floodplain and the Council's historical records of flooding in Port William showing flooding on this site in January 2014. The site is highly visible from the south and from the bay. Development would impact on the existing character of the cottages by developing between them and the seashore and would impact on the Port William Conservation Area. Pending the outcome of the planning application, the Council consider the site non-effective.

No modification proposed to the Plan.

STRANRAER HMA

STRANRAER

General

Network Rail (002.016) - The number of housing sites allocated for development over the Plan period and projected build rates are unlikely to have a significant impact on station capacity. The proposed plan in general requires Masterplans to be prepared for large housing sites in excess of 100 units. It is accepted that the impact on the strategic rail network should also be considered. A change is suggested to Policy T2, which is considered to address this concern. See Issue 9 for the proposed change.

No modification proposed to the Plan.

Allocated sites

STR.B&I204: Mirrey's Petrol Station, Stoneykirk Road

Margaret McMillan (289.002) – The redevelopment of the site for a new garage and associated business units would reflect the current use as a petrol station and the adjoining Black Parks Industrial Estate. Planning applications will be subject to other LDP2 policies including the criteria of the Overarching Policies.

No modification proposed to the Plan.

GLENLUCE

Allocated sites

GLU.H1: Glenjorrie Avenue

John Ingham (219.002) - The site guidance acknowledges there is a possible flood risk on the site and states that a Flood Risk Assessment is required. The site boundary proposed for allocation has been submitted by the landowner and is considered appropriate for allocation in the plan. Should an application be submitted to the Council for development then details of the

proposal will be made public as part of the planning application process.

No modification proposed to the Plan.

PORTPATRICK

Allocated sites

PPK.H1: Hill Street

Jill Murie (349.001) – Site guidance states that access should be taken from Hill Street with appropriate parking and turning areas being provided. Exact details of access, design, layout and infrastructure will only be known when a planning application is submitted. However, any development proposals will be assessed against the relevant policies in the plan which seek to address the issues highlighted in the representation.

No modification proposed to the Plan.

Sites not included in Proposed Plan

PPK.H202: South Cliff

John Ross (551.001) – The site was submitted at the call for sites stage but was not included in the MIR for the following reasons. The site is located beyond the former railway line which provides a suitable barrier to development and should be maintained as a through route. There are issues with the road and access upgrade requirements which would need to be overcome. Although it may be technically possible to develop this site, other sites are allocated for development which are considered to offer more in terms of place making and have less impact on the landscape.

No modification proposed to the Plan.

Reporter’s conclusions:

Mid Galloway

General

Housing Land Requirement

1. The way in which the proposed plan should provide for housing (market housing and affordable housing) is set out in paragraphs 115 to 117 of Scottish Planning Policy (SPP). Paragraph 115 states that the housing supply target should be set out based on evidence from the housing need and demand assessment (HNDA). This is a policy view of the number of homes that should be delivered in each housing market area over the period of the local development plan, taking into account a range of factors including economic, social and environmental factors as well as capacity and deliverability. The housing supply target should also be reflected in the local housing strategy.

2. The HNDA, in Table 4.4c, shows a potential housing land requirement for Mid Galloway at 2035 of 235 houses for the period from 2016 to 2035. This is reasonably consistent with the figure on page 4 of the Housing Land Requirement Technical paper 2018, which sets out a figure of 233 houses, although the period of the latter is from 2016 to 2029. I recognise that this is a high variant, which the representation on this matter considers unrealistic in the context of the economic development potential and housing market conditions in the area, but I find that the council is entitled to plan for the most optimistic scenario available.

3. The housing supply target set out in Table 46 of the Housing Land Requirement Technical Paper 2018 for the Mid Galloway housing market area shows a significantly higher level of housing than is set out in the above paragraph, this being 551 houses in the period from 2017 to 2029. It should firstly be noted that the plan period is 20 years, this being significantly longer than the period from 2017 to 2029.
4. A further significant factor, however, is that the higher figure is based upon the housing completion rate, which is considered by the council to be an alternative basis for the housing supply target. The paragraph immediately above Table 44 in the Housing Land Requirement Technical Paper 2018 states that (both for market and affordable housing) the housing supply target is based upon past completion rates to allow for a more generous supply than is indicated by the HNDA. I find the council's approach, in considering past completion rates (an important element of deliverability) as having a greater weight than the pure assessment of demographic, economic and affordability trends accords with paragraph 115 of SPP.
5. This is in my view also consistent with the approach taken in the local housing strategy, although there is a difference in the terminology, in that the housing supply target identified in the local housing strategy is actually the housing land requirement (see below) identified in the proposed local development plan.
6. Paragraph 116 of SPP states that (in the context of the overall housing supply target) plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.
7. For the purpose of these representations, however, I find that the council is generally being consistent with SPP by adding a figure of 20% to the housing supply target, thus arriving at a figure of 661 houses as the housing land requirement for Mid Galloway in the period from 2017 to 2029.
8. Furthermore paragraph 117 states that the housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from windfall sites must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends.
9. In addition to the above, paragraph 120 states that outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites that are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.
10. The matters referred to in the above paragraph are also examined in Issue 1, with conclusions and recommendations ensuring that there is sufficient detail in the proposed plan about the housing land requirement, to accord with the above provisions of SPP. Tables 2

and 3 set out the housing supply target and housing land requirement respectively. However, there are also matters from the above paragraphs that are relevant to the representations expressing concern about the overall housing allocations in the settlement statements and on the inset maps for Mid Galloway.

11. Appendix 2 of the proposed plan provides a list of the housing sites within the settlements of Dumfries and Galloway that have been allocated, either up to 2029 or after 2029. The allocated housing provision for Mid Galloway totals 752 houses, all in the period up to 2029. However, I note that housing on NST.MU1 is stated within the draft action programme as possibly extending post 2029. There is also the potential for windfall or infill sites within the identified settlements, and limited housing development within 6 villages listed in Appendix 1 and within the wider countryside in accordance with Policies H1(b), H2 and H3, which is further examined below.

12. On the face of it there appears to be a very generous provision, significantly above the housing land requirement for Mid Galloway. However, potential slippage in programming (as indicated above) needs to be taken into account. Furthermore, the status of the sites also needs to be taken into account in the context of paragraph 117 of SPP. The majority are already included in the existing adopted local development plan. I find that sites included in the existing adopted local development plan should generally remain unless material circumstances indicate otherwise; for example, if for some reason they are no longer effective, or there are overriding adverse environmental circumstances that are identified in the representations to the proposed plan that are being examined.

13. There is in addition a requirement under paragraph 120 of SPP that a range of sites be identified, and in this context, a higher allocation is likely to provide more flexibility for securing affordable and particular needs housing as well as a wider variety of market housing. I acknowledge that the council should take into account the nature and status of the existing housing stock, as referred to within the representations and in the context of the local housing strategy, but this does not invalidate the process of meeting the provisions of SPP set out above.

14. I recognise the potential under Policies H1(b), H2 and H3 for additional housing beyond the 752 houses indicated for the allocated sites under Policy H1(a). However, it is difficult to quantify the contribution to be made through windfall or infill sites, and policies are normally included within local development plans for windfall and infill housing where such housing would be acceptable in terms of normal environmental and infrastructure requirements. A further element of flexibility is suggested by a 20% contribution from housing in villages and the wider countryside, which is reflected in paragraph 3.30 of the proposed plan. However, such is likely to be related to past completion rates, in the context of the extent of the rural areas within Dumfries and Galloway, and the need to provide for housing within these rural areas, as part of the range of sites in the context of paragraph 120 of SPP.

15. The council is in any event expected to provide sufficient housing land for up to 10 years, and an indication of the possible scale and location of such land up to 20 years. This would take the proposed plan up to 2039 assuming adoption in 2019. I find that the council's allocations could essentially be regarded as meeting both of these requirements, particularly where slippage in programming takes housing development post 2029.

16. Following on from the above, I find that there is no justification for the removal of sites solely because the overall provision (which is of course only an indicative provision at this stage) is significantly above the stated housing land requirement for Mid Galloway. However,

I also find that if an assessment of any individual site (following the examination of representations relating to that site) finds significant adverse environmental or other impact, its retention would not be justified by a shortfall in the overall housing land supply.

17. In overall terms, I find that no modification to the proposed plan is required with respect to the allocated sites in the context of the identified housing land requirement. To the extent that the representations on this matter consider that further clarification of the housing land requirement for Mid Galloway (and the supply of housing land to meet that requirement) is required, I expect that my findings above have provided such clarification.

Housing Land Requirement – Newton Stewart

18. Newton Stewart is the largest district centre within Mid Galloway. It should therefore be acknowledged that a significant proportion of any new housing development within Mid Galloway is likely to be required within this centre. There is particular concern expressed within the representations about the effect of substantial housing development on the existing infrastructure and public services (including health services). The effect on general infrastructure including the transport network, drainage and other services is considered further with respect to individual sites below.

19. However, with respect to public services, I find that there is insufficient evidence to suggest that the overall provision of 348 houses (the indicative number of houses allocated in Newton Stewart, although there is an indicative capacity issue relating to site NST.H7 which is further examined below) would have a significant adverse effect on these services (including health services). However, in the event that deficiencies are identified in relation to particular housing sites, then developer contributions could be sought in order to make good any such deficiencies.

20. In general terms, I find that the number and scale of housing sites allocated within Newton Stewart is not disproportionate. With respect to the representations relating to the particular impact of housing sites NST.H4 and NST.H7 on the environment and the existing infrastructure, these are further examined in relation to the individual sites below.

Newton Stewart

General

Sites for Business and Industry

21. Paragraph 3.15 states that employment creation is an important material consideration for the plan and crucial to this is supporting the availability of appropriate land for business and industry. This is in the context of SPP, which requires planning authorities to ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans. The Employment and Property Land Study (March 2017) found that while there is sufficient business and industry land available, the area lacks available serviced employment sites with over half of the available supply constrained due to lack of infrastructure and services and ownership issues. An Action Plan is being developed which looks to remedy some of the issues identified by the study.

22. Paragraph 3.16 describes the council's spatial approach which is to safeguard established business and industry areas within settlements in which turnover will accommodate new businesses; allocate new sites to accommodate new businesses or enable

existing businesses to expand; and provide the opportunity for businesses to develop in the rural area. The majority of new sites are in Dumfries, the district centres adjacent to the A75 corridor, the Gretna-Lockerbie-Annan regeneration corridor and other district centres to meet local needs. All these sites are close to settlements and have good transportation links thus reducing travel distances.

23. Paragraph 3.22 sets out the proposed plan's retail strategy, stating that there is a network of centres within Dumfries and Galloway which takes the form of a hierarchy, the regional centre being Dumfries, followed by four larger town centres, and then a number of smaller town centres. Paragraph 3.26 states that town centre boundaries have been defined for the larger town centres and town centres listed in the network of centres. Newton Stewart is one of the four larger town centres identified in the proposed plan.

24. The above paragraphs set out the council's spatial strategy for business and industry, and for retail development, which I find to be generally consistent with SPP. The proposed plan's settlement statements and inset maps then provide a site-specific approach that closely follows the spatial strategy. Newton Stewart has an identified town centre, established business and industry sites and additional allocated sites for business and industry and mixed use. All of these provide opportunities for new development consistent with the relevant policies of the proposed plan. The council's response appears to recognise the future additional potential for development adjacent to the town centre, including any existing derelict land in the vicinity of Victoria Street. There is the prospect of a future extension of the town centre boundary, but this appears to be dependent on the implementation of a flood prevention scheme. In any event, whilst this may currently constrain development in the area, the existing policies of the proposed plan would allow for appropriate development both within and outwith the town centre, subject to any flood risk being addressed in the context of SPP.

25. This examination is limited to an assessment of whether or not the proposed plan is sufficient and appropriate; this includes the assessment of specific development sites where representations have been submitted. However, the more general consideration of additional sites for development is a matter for the council through the next review of the local development plan, or separately in the context of the existing policies of the proposed plan through the development management process. I find in the context of this representation that the content of the proposed plan is both sufficient and appropriate for development proposals in Newton Stewart, both within and adjacent to the town centre, and more generally within the settlement boundary, and that no change to the proposed plan is required in this respect.

Open Space

26. Paragraph 224 of SPP states that local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

27. Paragraph 3.40 of the proposed plan states that open spaces within settlements can contribute to wider green networks and play a role in encouraging and supporting more active travel options. Paragraph 4.84 states that community facilities along with the wider green network (open space within settlements and surrounding greenspaces) are vital assets for every community. The proposed plan contains policies on the protection and enhancement of open space, and on the protection of green networks.

28. Policy CF3(a) states that there will be a presumption against development of open space identified for protection in the plan inset maps. Development of open space for a purpose

unrelated to use as open space will not be allowed unless it relates specifically to the retention and enhancement of the open space; the open space can be appropriately replaced; or no appropriate alternative site for the development can be identified.

29. The representation particularly expresses concern about the level of protection given to the Duncree Wood in Newton Stewart. I note that this is included in the open space audit Supplementary Guidance as semi-natural greenspace, and is included in the proposed plan on the inset map for Newton Stewart as protected open space.

30. I do not agree that Policy CF3(a) affords no protection to this area of open space. This is one of many areas of semi-natural open space (including woodland) identified on the inset maps for the settlements in the proposed plan, including Newton Stewart, to which Policy CF3(a) applies. Together they assist in forming the network of green spaces. Whilst I accept that there may be exceptional circumstances where development would be justified, I find that there is a significant level of protection against any development that may adversely affect the contribution of such open space to the community. It appears to me that only where a development is of significant importance to the community and could not be appropriately located on another site, would it be likely to outweigh the need to protect the open space in the context of Policy CF3(a).

31. I do not consider that any upgrading of the open space designation would be appropriate. In my view, this would only be justified for a statutory semi-natural open space designation. If the trees are considered to be of particular environmental significance, the council could promote a tree preservation order. Otherwise, I find that the management of the open space is a matter for the person(s) responsible for the open space. I do not consider that the council's responsibility in the circumstances would extend to the management of the area of open space, and in any event, such would not necessarily be a matter for the local development plan. I therefore find that no change to the proposed plan is required with respect to this representation.

Planning Objectives for Newton Stewart

32. I note that the representation on this matter suggests there is a recognised view that the settlement has reached an optimum size, and that further growth would lead to delays and congestion, and would adversely affect the town's role as a tourist centre. The view is also expressed that new housing should be contained and not highly visible. In this context, I note the council's response that all sites within settlements have undergone the same level of assessment, and are considered suitable for development subject to any mitigation measures referred to in the site guidance.

33. Where there are representations relating to specific sites, I examine these sites further below. However, I find that there is insufficient evidence to suggest that there should be either no further growth in the settlement or that in overall terms the allocated housing sites constitute housing on unsuitable and visually detracting sites. Indeed, it is logical that a proportionate share of the new housing requirement should take place in the district centres (including Newton Stewart), and it is a matter of ensuring through the design and location of new housing development, and through developer contributions where appropriate, that the character of the town and its infrastructure is maintained.

34. The planning objectives on page 188 of the proposed plan are clearly tailored to the requirements of Newton Stewart, and objective number 5 requires a recognition of the historical and landscape characteristics of the settlement and seeks to ensure that development respects

these, with any new buildings being constructed to a high standard of design quality with appropriate densities.

35. This is in addition to the policies in the proposed plan which relate to the built environment; for example, in relation to housing Policy H1(a), which requires development to accord with the guidance in the settlement statements, and Policy H1(b) which requires that development is not of a scale which would adversely affect the overall spatial strategy of the plan. Where there are representations expressing environmental concerns with respect to allocated sites in the proposed plan, and in the event that I recommend that such sites should be retained, I may also recommend additional development guidelines to ensure that development is properly absorbed into the landscape (including townscape) in the context of paragraph 3.3 of the proposed plan.

36. I therefore find that the objectives set out are generally sufficient, although I consider that “architectural” should be added to Objective 5 in order to ensure that this element of the built environment is properly considered in addition to the historical and landscape characteristics and I include this addition in my recommendations below.

Newton Stewart

NST.H4: Corsbie Road and NST.H7: Old Hall – General Matters

37. Several matters raised within the representations are common to both sites, and so I examine these matters in general terms, including their possible cumulative effects, before going on to consider matters relevant to each site in more detail. Whilst the primary view contained within the representations is that these sites should be excluded from the proposed plan, I am conscious that the representations also identify potential mitigating measures which either in whole or in part may address the concerns identified.

38. There is concern expressed within the representations about Objective 3 for Newton Stewart, which is to focus housing development towards the north and east of the settlement that offer suitable areas for growth. In the context of this examination, I am only examining specific sites for housing where representations have been submitted with respect to these. Therefore, unless I find sites in the north and east of the settlement to be inappropriate through my examination, there is no basis for me to recommend any changes to Objective 3, which I find to be consistent with the actual location of the sites.

39. I note the integrated conceptual approach to these sites within the high-level landscape framework, which refers to potential future housing development between these sites to the west of site NST.H7. I also note that this potential future housing development was assessed within the main issues report. I would, however, emphasise that possible future housing development to the west of site NST.H7 is not part of the proposed plan. It is not even included as an indication of the possible scale and location of the future housing land requirement in the context of paragraph 120 of SPP. Such would therefore be entirely dependent on a future review of the local development plan taking into account the housing land requirement at that time.

40. Both sites are in agricultural use and constitute significant extensions of the existing built up area into the open countryside. However, they are not prime agricultural land and there is no evidence that the agricultural land is locally important in the context of Paragraph 80 of SPP. Nevertheless, the development of both sites for housing, because of their size and location, would have a significant impact on the local environment, and the extent and nature of any

significant adverse impact is examined with respect to each site below.

41. Paragraph 40 of SPP requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area by using land within or adjacent to settlements for a mix of uses and considering the re-use or re-development of brownfield land before new development takes place on greenfield sites. Paragraph 76 states that plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

42. Paragraph 3.3 of the proposed plan states that the spatial strategy allocates the majority of future development to those settlements with a good range of services and facilities, employment opportunities and which have the physical ability to grow and for the surrounding landscape to absorb the proposed development. Paragraph 3.6 then goes on to state that where possible, priority has been given to the re-use of previously developed land (brownfield land) by identifying it for future development.

43. In this context, representations suggest that sites nearer to the town centre would be more appropriate, or that areas towards the south and east of the town would be preferable because of their location in closer proximity to the A75; allowing more convenient access to the trunk road without traversing the town centre. However, this examination is restricted to considering whether the plan is sufficient or appropriate in the context of Circular 6/2013 with respect to the sites allocated for housing development. Where there are separate representations relating to alternative sites, these are examined, but otherwise there is no provision for alternative sites to be assessed in comparison as to their suitability or otherwise through this examination.

44. I also note that the existing adopted local development plan already allocates these sites for housing development. This has to be taken into consideration, because there needs to be some continuity with respect to the development proposals set out in the local development plan, including housing development. I note that substantial assessments have been undertaken on behalf of the prospective developer of both of these sites in the context of both the adopted and emerging local development plans.

45. Nevertheless, it remains important to consider all of the matters raised in representations. In the event of a material change in circumstances, (for example if the site has infrastructure constraints that cannot be sufficiently mitigated or it is shown that development would have significant adverse environmental consequences) they may justify the exclusion of the site from the proposed plan, or modifications setting out further mitigating measures. In this context, I note that matters raised in the representations do not appear to have been examined in the context of the existing adopted plan.

46. There is also an extension to NST.H7 which is not included within the existing adopted plan, which increases the significance of the concern about the proposed housing development expressed within the representations, and as referred to in the examination of the housing land requirement for Mid Galloway above, there is an issue about the indicative capacity of this site which is further examined below.

47. Turning to infrastructure, the most significant concern raised in the representations relates to the impact of the proposed development of sites NST.H4 and NST.H7 on the local road network. Whilst the impact on specific roads and junctions would be different for each site, there is a cumulative impact that needs to be taken into account. One of the reasons for the northern extension to site NST.H7 is to provide an alternative access to the site from the A714, which is likely to split the main traffic access to the sites between King Street (for H7) and

Corsbie Road (for H4). However, there would be some cumulative effect on the road network to the south of both sites and in the town centre. A transport statement has been submitted for both sites, and this is examined further below.

48. Concerns are also expressed with respect to potential flooding and the resulting effect on the drainage and sewerage systems within Newton Stewart. A drainage statement has been submitted which is examined in relation to both sites below. There may be a cumulative impact relating to surface water run-off and potential flooding from both sites. However, I note that neither site is included as an area at risk of flooding on the Scottish Environment Protection Agency's (SEPA) flood map, and any potential flooding is therefore likely to be a local issue.

49. Noise and dust pollution from construction and the use of HGVs has been raised as a concern. However, since most new housing sites are likely to be adjacent to existing housing, this cannot be completely avoided with respect to any proposed housing site. However, noise and pollution would be minimised by appropriate mitigation measures when planning permission is granted through the development management process.

50. The above findings are carried forward to my overall conclusions relating to sites NST.H4 and NST.H7 below.

NST.H4: Corsbie Road

Spatial Strategy

51. This proposed housing site constitutes a significant extension of the existing built-up area onto existing agricultural land. However, the site lies between the Douglas Ewart High School and playing fields, with an existing footpath access between them along the frontage of Corsbie Road. The site may therefore be considered a logical infill site between the school and its playing fields, within the existing settlement boundary. To this extent, it would accord with Objective 3 in the settlement statement.

Landscape Impact

52. The landscape impact includes an assessment of the impact on the character of the settlement. I note the conclusion of the high-level landscape framework assessment that development could be accommodated with no significant or detrimental impact to the existing landscape or setting, and that development would integrate well in to the town and surrounding landscape through the creation of a defensible edge to the urban area.

53. I have undertaken an extensive inspection of the site and surrounding area, and I find the conclusion of the high-level landscape assessment is generally sound. Approaching the site from the west along Corsbie Road, the topography and existing vegetation would limit longer distance views of development on the site. There would also be likely to be no significant adverse longer distance visual effects from the majority of the existing built-up area of the town. However, I find that there would be some significant local landscape impacts that require to be taken into account

54. The site is locally prominent, rising upwards gradually from Corsbie Road towards the northern boundary of the site, such that the northern part of the site is significantly elevated above the playing fields to the west and existing housing on Maxwell Drive to the east. It is also more elevated than NST.H7 and can be viewed from that site. The site therefore contributes significantly to the landscape setting of the western edge of the built-up area.

55. On balance, I find that there would be no significant adverse impact from development on the overall landscape setting and character of the western edge of Newton Stewart, and that there is insufficient justification for the exclusion of the housing site from the proposed plan in terms of landscape impact. However, I have some concern about the local visual effects of development on the site, from Corsbie Road and the playing fields to the west, and more particularly from the existing housing areas to the east in the vicinity of Maxwell Drive and from proposed housing on site NST.H7.

56. I note that the development guidelines state that there is a requirement to focus development on the lower levels of the site, together with the submission of a comprehensive landscape framework. However, I find that there should also be particular reference to the need for development to be designed to avoid significant intrusion on the skyline, when viewed from the east, both from Maxwell Drive and site NST.H7, and that a landscaped buffer should be provided along the eastern boundary of the site in order to provide appropriate soft landscaping between existing and proposed housing areas.

Tourism and Recreation

57. There is a fairly wide grassy footpath (not hard surfaced) along the southern boundary of the site adjacent to Corsbie Road, which is separated from the carriageway by a post and wire fence and a small grass strip. The primary purpose for this footpath is to provide access from the school to the playing fields to the west, although it also potentially provides a link from the built-up area into the wider countryside beyond.

58. The development guidelines for the site refer to the inclusion of a path along the site frontage that would replace the existing link from the high school to the playing fields, thus combining the need for a footpath along the site frontage in relation to the proposed housing development and the need for a footpath link from the school to the playing fields. Whilst the link to the playing fields (and wider countryside) would therefore be retained, its character would clearly be altered both by the replacement of the path itself and by the proposed new housing development adjacent to it.

59. I therefore find that there should also be guidance relating to the design of the path as part of an open space corridor, possibly including the retention of the drystone wall along the frontage of the site. Subject to such an addition to the development guidelines, I do not consider that the replacement of the path would be likely to have a significant adverse effect on the recreational or visitor attractiveness of the area.

Biodiversity

60. I note within the representations that many species of wildlife have been observed on the site, and I accept that this may include European protected species. I acknowledge that the site would provide a habitat for local wildlife species. In the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. There is also no national or local nature conservation designation applying to the site. I therefore find that there is no basis to exclude this proposed housing site owing to any nature conservation value that the site may have.

Transport Infrastructure

61. Vehicular access to the proposed housing development would be taken from Corsbie

Road, towards the western boundary of the site where there is an existing gate access into the field. A provisional design for an appropriate access point with visibility splays is included in the transport statement, which I find in principle to be acceptable.

62. I also note that there is provision set out in the development guidelines for a future access to the field to the north of the site. Whilst I have no difficulty with this provision, I would refer to my finding in the general matters relating to sites NST.H4 and NST.H7 above, relating to the potential for future housing development to the north of this site and west of site NST.H7.

63. Within the transport statement, the peak hour trip generation from 63 houses is identified as being 46 in the morning and 53 in the afternoon; from that using what is considered a relevant modal split, car trips of 24 and 27 respectively have been derived. I note that existing traffic counts on the A714 to the north of the settlement boundary, and within the town centre, over a 12-hour period, are 1,132 and 8,277. I have no evidence that would dispute these figures.

64. From the above, I find that the additional car trip generation from site NST.H4 would have a negligible impact on the traffic flow either within the town centre, or on the A714 to the north of Newton Stewart, bearing in mind that the majority of the vehicular traffic from the site would be likely to travel east and south to or through the town centre. Such would therefore not provide any justification for the exclusion of the site from the proposed plan. Some traffic may also access the site from the A75 to the west using the Barnkirk road that passes the council's roads depot and site NST.B&I201 and then Corsbie Road. I note that this would require some improvement as referenced in the development guidelines, but these should clarify that this relates to Corsbie Road to the west of the site.

65. However, I recognise that the main impact would be on the roads to the east and south of the site (described as a marginal impact in the transport statement), and particularly Corsbie Road. I have viewed the status of Corsbie Road, Auchendoon Road (access to the primary school), Church Street and Church Lane and I understand the concerns that have been expressed in the representations. I have also viewed the potential links from Corsbie Road to Windsor Road and access to NST.H7 from the south.

66. Church Lane is narrow and fairly steep at its northern end, with a difficult junction with Church Street, and is unlikely to be a preferred choice of vehicular access to Corsbie Road. Access may be taken from Windsor Road by York Road or Viewhills Road to Corsbie Road, but it appears that the most likely vehicular route to the site would be along Church Street and then Corsbie Road. Church Street has a small section to the south of its junction with Church Lane with a traffic management system only allowing single file traffic. Otherwise, there are fairly extensive parking restrictions and traffic calming measures in place, and Corsbie Road (to the east of the site) has a narrow section in which cars currently park thus only allowing single file traffic to pass. Clearly, this section would require improvement, and possibly other road and/or traffic management improvements would be required in order to accommodate the increased traffic.

67. However, in overall terms, with respect to the increase in traffic from the development of housing on site NST.H4, I find that this traffic is likely to be dissipated throughout the above described road network to an extent which is unlikely to have a significant adverse effect on road safety or the convenience of other road users. This is subject to a transport assessment that would be required in order to determine the actual traffic impact and the nature of any road and/or traffic management improvements (including a safe route to school approach) required. The development guidelines already cover this, although I consider they should refer more

specifically to required road and/or traffic management improvements rather than more general mitigation measures.

68. Services and facilities within Newton Stewart are reasonably accessible by foot in the context of the parameters within Planning Advice Note 75, and there are bus services in close proximity to the site (associated with bus routes to the Douglas Ewart High School). Whilst there are no designated cycle routes, I am satisfied that the routes to the town centre are cycle friendly with respect to the speed limit and existing traffic calming measures. These would also assist in keeping pedestrians (including schoolchildren) safe, particularly in the context of a “safe route to school” project. In my view, there is sufficient provision for sustainable forms of transport, and this suggests that the modal split referred to in the transport statement is reasonable. I note that there are no recorded accidents along Corsbie Road.

Flooding and Drainage

69. I have noted the provisions of the drainage statement submitted in connection with the proposed housing site. This is not a flood risk assessment, but I find that such is not formally required, since the site is not identified as being at risk of either fluvial or pluvial flooding on the SEPA flood map.

70. I note that there are no significant watercourses or drainage ditches on the site, and that the site generally slopes down from the north, with surface water therefore draining generally towards housing around Maxwell Terrace and the High School to the south and east. A drainage impact analysis would be required with any planning application for housing development on the site, although I am satisfied that the site could be suitably drained in accordance with Policies IN8 and IN9 of the proposed plan. I note that the development guidelines require the submission of a drainage impact assessment that would include appropriate surface water measures.

Other Infrastructure

71. Whilst I recognise that concern has been raised within the representations regarding other infrastructure, including foul drainage, water, gas and electricity, I have no detailed evidence in relation to such infrastructure, and I am satisfied that any deficiencies identified with respect to these services could be addressed by developer contributions designed to remedy such identified deficiencies.

72. I note the concern expressed in relation to the steepness of the slope, although in general terms I find that the slope of the site is fairly modest and would be unlikely to cause significant difficulty with respect to the provision of affordable housing. In any event, only a proportion of the site is required to be affordable housing, and I find that there is insufficient evidence to suggest that this proportion would not be feasible owing to construction costs.

Overall Conclusion

73. Following on from the above, I find that the development of the site would not have a significant adverse environmental impact, and that appropriate infrastructure can be provided. I therefore find that the proposed housing site should be retained in the proposed plan, but that additional matters should be included within the development guidelines in accordance with my detailed findings above. I provide appropriate text for this within my recommendation’s below.

*NST.H7 Old Hall**Spatial Strategy*

74. This proposed housing site constitutes a significant extension of the existing built-up area onto existing agricultural land. However, the majority of the site (which is allocated for housing in the adopted local development plan) lies to the west of existing housing extending northwards along Douglas Terrace, and between existing housing areas or areas of established woodland, with a substantial track defining the western and northern boundaries. This part of the site would therefore constitute a logical infill site within the existing settlement boundary.

75. However, a proposed extension to the site allocated in the adopted plan extends to the north of the track along its northern boundary, which may assist in providing vehicular access to the site (this matter being further examined below), but which would therefore also extend development northwards beyond the existing physically defined edge of the built-up area. The main issue here is how this would affect the landscape setting of the northern edge of Newton Stewart (which is also further examined below). However, subject to the further assessment of these matters below, I find that the development of the site would accord with Objective 3 in the settlement statement.

76. Whilst the issue of providing a defensible boundary through structural planting is also examined further below, a new defensible boundary and the electricity transmission lines to the north of the site would essentially avoid any precedent being set for a further extension to the settlement boundary to the north. Given the overall configuration of the site, I do not agree with the view contained in the representations that the proposed extension to the north would constitute ribbon development along the A714.

77. A further significant issue however is that this would be a large housing site in the context of the built-up area of Newton Stewart. I find that the indicative capacity of 50 houses for this site is potentially misleading. There are 3 phases of development identified in the high-level landscape framework, with the first phase being the northern extension of the site allocated in the adopted local development plan. Even with a very low density, it appears to me that the indicative capacity for the whole site is likely to be greater. The transport statement relates to the traffic generated from 50 houses, which it identifies as the first phase of the proposed housing allocation. The allocated site in the adopted plan has an indicative capacity for 100 houses, which relates to phases 2 and 3.

78. I note that the 50 houses are allocated for the period up to 2029, and it therefore appears likely to be the case that part of the site would be developed after 2029, although there is no stated indicative figure for the period after 2029, as there is for example with respect to other sites in Appendix 2 of the proposed plan. Essentially, the inclusion of an indicative capacity for the development of the site after 2029 would constitute an indication of future development in the context of paragraph 120 of SPP. In this context, I find that clarification of the intended development of this site up to 2029 and post 2029 may be required within the development guidelines, and possibly on the inset map for Newton Stewart. I return to this matter in my overall conclusions below, following my examination of landscape impact and other matters raised within the representations.

Landscape Impact

79. The landscape impact assessment considers the effect of development on the character

of the settlement and on the residential amenity of existing housing adjacent to the site. I note the conclusion of the high-level landscape framework assessment to the extent that development could be accommodated with no significant or detrimental impact to the existing landscape or setting of Newton Stewart, and that the development would integrate well in to the town and surrounding landscape through the creation of a defensible edge to the urban area.

80. I have undertaken an extensive inspection of the site and surrounding area, both on the site where necessary and by walking the whole of the footpath network leading north from Windsor Terrace, along the track to the north of Old Hall and along the southern edge of the proposed extension (including the entrance to Duncree Wood) and then southwards along Douglas Terrace and King Street to the town centre. I find that the conclusion of the high-level landscape assessment is generally sound with respect to development on the site allocated in the adopted local development plan.

81. There is however a fairly steep slope in the southern part of the site leading up from Windsor Terrace, and I find that it would be important to provide a landscaped buffer between existing housing (on Windsor Terrace, Maxwell Drive, Oldhall Drive and Muirs Way) and proposed housing, with appropriate soft landscaping to protect the residential amenity of this area. There should also be a requirement to repair and maintain the drystone wall along the south-eastern boundary of the site. Subject to these matters being addressed, I find that housing development would not have a significant adverse impact on the landscape, the adjacent townscape or the residential amenity of the area.

82. The mid-section of the site (north of the telecommunications tower) is essentially an undulating plateau, which already has a very good landscape framework, with woodland both to the east and to west of the site. Housing development on this part of the site would be well contained within the landscape and would have no adverse impact on the landscape setting of the northern edge of Newton Stewart.

83. I have some concern however with respect to the proposed northern extension of the site, beyond the existing defensible edge of the settlement. There is no physical feature defining the northern boundary of this proposed extension, and a new defensible boundary would have to be created. However, I recognise that the existing electricity transmission lines would have a safeguarding area that would enable a substantial new boundary to be created through appropriate structural tree planting, although this would clearly take some time to mature. This area significantly contributes to the landscape setting of the northern edge of Newton Stewart, and its development would therefore have some adverse effect on this landscape setting.

84. However, I viewed this area carefully at the site inspection, and whilst the land is undulating, it generally rises to the north along the A714, and the area to the south of the electricity transmission lines is relatively low-lying. There is also existing vegetation to the north that would have a screening effect. There would therefore be no significant longer distance views of the development when approaching Newton Stewart from the north along the A714, and the adverse landscape impact would be fairly local upon approaching the Newton Stewart built-up area. These landscape impact findings are carried forward to my overall conclusion below.

Tourism and Recreation

85. There is considerable concern expressed within the representations about the potential loss of, or adverse impact on, the existing footpaths to the north and west of the site. I find that the retention of these footpath links, which provide potential access into the adjacent woodland

areas (Duncree Wood and Old Hall Plantation) and the wider countryside, is important, but this could be ensured through the proposed masterplan, and reference to this could also be included in the development guidelines for the site.

86. There would clearly be a significant impact on the character of the tracks and woodland areas (from what exists at the present time) from the proposed new housing development. Nevertheless, the tracks along the western boundary, and between the Duncree Wood and the proposed northern extension of the site are substantial in nature, and with the retention of woodland and trees along the boundaries of the site, and housing set back an appropriate distance from the tracks, they could still provide an attractive walking route for both residents and visitors to the area. I note that the development guidelines refer to the protection of the avenue of beech trees along the access track to the north of Duncree Wood, and this would be an important element in maintaining the character of the tracks.

87. Furthermore, I noted at my site inspection that there is an opportunity for the enhancement of the woodland in the area (Duncree Wood in particular) including the boundary drystone walls, through appropriate management. This could be combined with pedestrian and cycle access routes from the new housing development to the existing boundary tracks and woodland. I note that there is already an informal access route into the open space on the north-east side of the A714, and that there would be an opportunity to create new footpath links into the Old Hall Plantation and the wider countryside beyond. I therefore find that there would not necessarily be a significant adverse impact on the attractiveness of the area to residents and visitors from housing development on the site.

Biodiversity

88. I recognise that the woodland and open fields adjacent to the site, as well as the site itself, would provide a habitat for plants and wildlife. Wildlife corridors could be retained through the retention and enhancement of the tracks and woodland adjacent to the site. Furthermore, links between the Duncree Wood and the open agricultural land to the north could be retained through the careful design and management of the proposed housing development within the northern extension. Nevertheless, I recognise that this open agricultural land would be altered in character, particularly with vehicular access being taken into the site from the A714. There is also, however, an opportunity to provide habitats for local species within greenspace retained or provided within the development site, particularly if the density of development on the site is relatively low.

89. I accept that local wildlife may include European protected species. However, in the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. There is also no national or local nature conservation designation applying to the site. I therefore find that there is no basis to remove this site owing to any nature conservation value that the site may have.

Transport Infrastructure

90. Vehicular access would be taken from the A714 through the proposed northern extension to the proposed housing site included within the adopted local development plan. However, vehicular access would also be possible (at least with respect to phase 3 of the proposed housing development) from the south in the vicinity of Old Hall.

91. Within the transport statement, only the identified first phase of the proposed housing

development is measured, with the peak hour trip generation from 50 houses identified as 37 in the morning and 42 in the afternoon. From that, using what is considered a relevant modal split; car trips of 24 and 27 respectively have been derived. I note that existing traffic counts on the A714 to the north of the settlement boundary, and within the town centre, over a 12-hour period, are 1,132 and 8,277. I have no evidence that disputes these figures.

92. From the above, I find that the additional car trip generation from 50 houses would have a negligible impact on the traffic flow either within the town centre, or on the A714 to the north of Newton Stewart, bearing in mind that the majority of the vehicular traffic from the site would be likely to travel south to or through the town centre. Such would therefore not provide any justification for the deletion of the site from the proposed plan.

93. There would be a marginal impact on Douglas Terrace and King Street, from the additional car trips generated. Nevertheless, from my inspection of the site, I find that these roads are of a sufficient standard to accommodate the likely increased levels of traffic. There are parking areas (which were not full at the time of my site inspection) and there are parking restrictions on King Street nearer to the town centre. I also note that there are a few recorded minor accidents along the A714.

94. Furthermore, there would be an additional impact from increased traffic on the local road network from housing beyond the 50 houses proposed for phase 1. From the transport statement, it could be roughly calculated that the car trips generated by phases 2 and 3 would be approximately double that indicated above for phase 1. A significant proportion of this is likely to use Douglas Terrace and King Street, and I find that (whilst there would be a greater impact than would occur from phase 1) these roads are still likely to be of a sufficient standard to accommodate such an increased level of traffic.

95. However, there may be the possibility of vehicular access from the south in the vicinity of Old Hall, in which case the constraints identified above in relation to Corsbie Road and other roads to the south of site NST.H4 would be relevant. There is a more limited opportunity for additional traffic to access NST.H7 from the south, which is likely to be a significant reason for the proposed northern extension of the site beyond what is included in the adopted local development plan.

96. There is considerable uncertainty at this stage about the extent of vehicular access to site from the north and the south, although it is logical to conclude that the major vehicular access point would be from the north. In any event, I find that a transport assessment is important, in conjunction with a masterplan, in order to determine the actual traffic impact on the local road network, the extent of vehicular access to the site from the north and the south, and appropriate road and/or traffic management improvements.

97. I acknowledge that appropriate mitigation may reduce the impact on the road network to an acceptable level, although as with site NST.H4, I find that the development guidelines should refer specifically to appropriate road and/or traffic management improvements following the transport assessment. I do not consider that at this stage the development guidelines could specify what these may be, although I note that a new pavement would be required from the existing extent of the built-up area to the proposed access to the site on Douglas Terrace, and it appears likely that it would be necessary to adjust the position of the existing 30 mph limit accordingly.

98. In the event that the indicative capacity for phases 2 and 3 (nominally 100 houses) is scheduled post 2029, this would allow more time for any necessary improvements to the roads

and/or traffic management in the area to be implemented. It would also allow these matters to be further examined at the next review of the local development plan.

99. On balance, despite some uncertainty about vehicular access to the proposed housing development (as referred to above) I find that there is insufficient evidence to exclude site NST.H7 from the proposed plan on the basis of any adverse impact on road safety or on the convenience of existing road users, and that appropriate references to a masterplan and transport assessment within the development guidelines for the site would be sufficient at this stage. This takes into account the cumulative impact of any access to NST H7 from the south, in addition to access to NST.H4.

100. Services and facilities within Newton Stewart are reasonably accessible by foot in the context of the parameters within Planning Advice Note 75, and there are bus services in close proximity to the site. Whilst there are no designated cycle routes, I am satisfied that the routes to the town centre are cycle friendly with respect to the speed limit and the physical characteristics of Douglas Terrace. In my view, this provides sufficiently for sustainable forms of transport, and suggests that the modal split referred to in the transport statement is reasonable. There is a significant opportunity to enhance access to sustainable forms of transport through the masterplan and transport assessment required.

Flooding and Drainage

101. I have noted the provisions of the drainage statement submitted in connection with the proposed housing site. This is not a flood risk assessment, but I find that such is not formally required, since the site is not identified as being at risk of either fluvial or pluvial flooding on the SEPA flood map.

102. I note that the northern part of the site slopes down to the east, with surface water draining generally towards the A714. The southern part of the site drains towards Windsor Terrace, and the central part of the site, which is an undulating plateau, tends to collect standing water, which spills to a small watercourse running through the Duncree Wood. There was a substantial area of standing water visible at my site inspection

103. A drainage impact analysis would be required with any planning application for housing development on the site (or each phase of development on the site), and I am satisfied that the site can be suitably drained in accordance with Policies IN8 and IN9 of the proposed plan. I note that the development guidelines require the submission of a drainage impact assessment, which would include appropriate surface water measures.

Other Infrastructure

104. Whilst I recognise that concern has been raised within the representations regarding other infrastructure, including foul drainage, water, gas and electricity, I have no detailed evidence in relation to such infrastructure, and I am satisfied that any deficiencies identified with respect to these services could be addressed by developer contributions designed to remedy such identified deficiencies.

105. I recognise that the northern extension generally slopes down to the east. However, I am satisfied that this would not be a major constraint to the construction of houses on the site, and that the gradient of the access road would be acceptable. In addition, the electricity transmission lines would be beyond the northern boundary and an appropriate landscaped buffer would maintain the required safeguarding zone. An appropriate zone around the

telecommunications mast in the central part of the site could also be provided.

106. Concern is expressed within the representations with regard to the maintenance of an appropriate physical boundary along the eastern boundary of the site, and particularly adjacent to the landscaped garden of Windsor Lodge. I am satisfied that this could be satisfactorily addressed in the masterplan, and indeed that specific reference could also be included within the development guidelines for the proposed housing site.

Overall Conclusion

107. Following on from the above, I find that the adverse landscape impact caused by the development of the proposed extension to the north of the site allocated in the adopted local development plan is insufficient to justify that part of the site's removal from the proposed plan. Furthermore, there is insufficient evidence of any adverse impact on the local road network which would justify the site's (or part of the site's) exclusion from the proposed plan, and indeed I find that the northern extension would assist in facilitating an appropriate vehicular access to the site. There are no other matters sufficient to justify the site's (or part of the site's) exclusion from the proposed plan.

108. However, I find that the development guidelines in the settlement statement need to reflect a more accurate indicative capacity for the site, which would be 150 houses, but that 100 of these houses (phases 2 and 3) should be allocated in the period post 2029. I find that no distinguishing notation is required on the inset map, as this would depart from the council's overall approach to this matter in the proposed plan. A commensurate adjustment should be made to Appendix 2. A number of additional matters should be included within the development guidelines in accordance with my detailed findings above. I provide appropriate text for this within my recommendation's below.

NST.H202: Creebridge Caravan Park

109. I agree with the council's response to the extent that the matters raised in the representation are matters between the site owner and the residents, and are not material as to whether or not the site is an appropriate housing allocation in the proposed plan. I therefore find that no modification to the proposed plan should be made in this regard.

NST.MU1: Masonfield

110. This is a proposed mixed-use development site for residential (with an indicative capacity for 140 houses) and Class 4 business use. There is an existing industrial estate to the north of the site, with access from the B7079, and the Class 4 business use may therefore be regarded as an extension of this industrial area.

111. However, the development guidelines state that access to the site would be taken from New Galloway Road (B7079) to the east, and from Masonfield Drive to the West. Logically, Class 4 business development would be best located in the eastern portion of the site, and residential development in the western portion of the site, which is reflected in the development guidelines. There would be a separate vehicular access for each proposed use, allowing the provision of an appropriate buffer between them, although Class 4 business development (which can be carried on without detriment to the amenity of a residential area) would be compatible with residential development subject to an appropriate layout and design for both proposed uses. I note that a masterplan has been prepared of which a review is required within the development guidelines.

112. I note that the representation seeking the allocation of the whole site for residential purposes is driven by a comparison with the housing sites examined above at Corsbie Road and Old Hall. However, in the context of Circular 6/2013, I find that it would not be appropriate to make a direct comparison between the sites through this examination. Essentially, (although any cumulative impacts should be considered) each proposed development site should be assessed separately as to whether or not the plan is sufficient and appropriate with regard to it.

113. I agree with what is stated within the representation to the extent that this site has good access to services and facilities in the town centre, and to the A75. Other benefits are set out with respect to the development of the site. However, these are positive factors with respect to the development of the site for either business or residential use.

114. I have viewed the site and the surrounding area, and I note that the site is currently agricultural pastureland. It is a large site, the development of which would constitute a significant extension of the built-up area. It rises generally towards the southern boundary, which is marked by drystone wall, but is otherwise fairly open, with little vegetation, apart from very small isolated areas of woodland within and around the site.

115. The development of the site would require careful design and landscaping, particularly along its boundaries, but I find that this would be the case whether the site is developed for residential or business use. My inspection of the site indeed confirmed my finding above that Class 4 business development would be most appropriate on the eastern part of the site, with residential development on the western part, with a landscaped buffer in between. There would be no significant environmental benefit from the development of the whole site for residential use, as opposed the development of mixed residential and business use on the site.

116. I find that a separate vehicular access from New Galloway Road for the business development, and from Masonfield Drive for the residential development, would be appropriate. I note that there is already provision for the latter at the current terminus of Masonfield Drive. I am satisfied that the development guidelines as written would ensure an appropriate development in environmental and infrastructure terms. I therefore find that no modification to the proposed plan is required with respect to this representation.

NST.B&I201: Land South of Barnkirk Farm

117. The extension of the boundary of the site to include the field to the west would constitute a significant extension to the built-up area of Newton Stewart. I would refer to my findings with respect to the proposed mixed-use site on the eastern edge of Newton Stewart, to the effect that Class 4 business use is appropriate as proposed. In this context, there is no evidence that a large extension to NST.B&I201 is required at this time.

118. I note that the proposed extension is identified within the main issues report as a potential long-term business and industry site, although the council considers that there are a number of issues yet to be resolved including landscape impact, archaeology, access to the site and flood risk. In the event that this extension is not included in the proposed plan, these matters could be assessed in a future review of the local development plan, in the context of the identified needs at that time.

119. Furthermore, I viewed the area of the site and the proposed extension at my site inspection. The existing western edge of site NST.B&I201 approximately aligns with an electricity sub-station to the north of the site, and new business development, which is already under construction. There is also a council roads depot on the eastern side of the Barnkirk

Road. The site as allocated in the proposed plan therefore provides a logical limit to development within the settlement boundary. However, the area of the proposed extension is highly visible from the west along the A75, and its development would be likely to have a significant impact on the landscape setting of the western edge of Newton Stewart, for which there is insufficient justification in terms of my findings above. I find that no modification to the proposed plan should be made with respect to this matter.

NST.H205: Land North of New Galloway Road and NST.H206 Land North West of A75

120. Both of these potential housing sites have been assessed by the council through the main issues report. The council has interpreted the representations as referring to these particular sites, although only a general reference to the area of these sites is actually included within the representations.

121. In addition, it is clear that the representations are driven by the view that this location would be a better location for housing development than sites NST.H4 and H7, which are examined above. I refer to my findings above to the effect that it would not be appropriate to compare the merits of potential housing sites (in the context of Circular 6/2013), and that there is a generous supply of housing land within Mid Galloway. This means that even if an allocated housing site is not found to be appropriate through this examination, it would not necessarily require replacement in the proposed plan.

122. I also note that these sites have not been suggested for inclusion on behalf of the landowner or any prospective developer, and that therefore the council does not consider the sites effective. Furthermore, I have viewed these potential housing sites at my site inspection, and I find that the development of either of these sites for housing would constitute major extensions to the built-up area of Newton Stewart, which would have a significant landscape impact, and in respect of which I have no evidence relating to any formal landscape impact assessment.

123. Site NST.H205 in particular is very visible within the wider landscape (I viewed the site from the higher parts of site NST.MU1) and the council has identified matters of archaeological importance. Site NST.H206 is a significant buffer between the settlement boundary and the A75. Both sites are existing agricultural pastureland. I find that there is no justification for the inclusion of these sites for housing in the proposed plan, and that therefore no modification to the proposed plan should be made at this time with respect to these representations.

Whithorn

WTH.H3: Ladycroft

124. I note that the representation in relation to this proposed housing site follows a planning application for the erection of a garage/workshop on the eastern part of the site, which is reflected in a plan submitted with the representation. I find that whether or not the application has been determined has no bearing on my further findings below.

125. I agree with the council that the local development plan is a land use document, although it is both strategic and local in nature. Nevertheless, I acknowledge that it would not normally include an individual proposal for a small single business use within the settlement boundary, nor would it be appropriate to do so. Indeed, the whole of the site is allocated for a relatively small proposed housing development with an indicative capacity of only 5 houses. I am therefore satisfied in the circumstances that the proposal for a single business use on part

of the site does not provide sufficient justification for the site to be amended to a mixed-use proposal. I note that the site is already allocated for housing in the existing adopted local development plan.

126. I also note the council's views about the nature and impact of the proposed business use, but in the circumstances I do not consider that it would be appropriate for me to make any findings on this matter, and whether or not the proposed business use should proceed (notwithstanding the allocation in the local development plan) is a matter for the development management process in the context of section 25 of the Act. In this context, I would also observe that a decision would require to be made taking into account the allocation of the site for housing and the relevant policies of the local development plan. I find that no modification should be made to the proposed plan.

Wigtown

General

127. I note that this representation seeks amendments to the objectives for Wigtown, but also considers that the overall proportion of housing allocated for Wigtown is disproportionate, and that essentially site WGT.H1, in the centre of the town, should be excluded, reducing the overall indicative number of houses for Wigtown from 92 to 58. An examination of the merits or otherwise of WGT.H1 is undertaken separately below.

128. I refer to my findings above with respect to the housing land requirement for Mid Galloway. Though smaller than Newton Stewart, Wigtown is identified as a district centre, and given that Newton Stewart has an allocation of 348 of the total allocation of 752 houses, and Whithorn (the remaining district centre and of a similar size to Wigtown) has an allocation of 95 houses, I find that the total of 92 houses for Wigtown is not disproportionate. This leaves 217 among the remaining 5 settlements, including Port William, which is not a district centre yet individually has an allocation of 93 houses. It appears to me that in overall terms the council has distributed the housing land allocation quite logically and fairly among the settlements within Mid Galloway.

129. However, I acknowledge that Wigtown requires investment in its economy (including business and tourism development) as well as provision for new housing. I recognise that the only established business and industry site in Wigtown is fairly small, and that there are no new business and industry or mixed-use sites allocated for development within Wigtown. I am conscious of the status of Wigtown as Scotland's designated Book Town. I expect that the council will keep opportunities for economic development under review, and consider the allocation of appropriate sites for business and industry in the next review of the local development plan. In the meantime, I agree with the council's response to the extent that Policies ED1, ED9 and CF1 provide a framework for future business, tourism and cultural development.

130. The only suggested change to the objectives actually relates to Objective 3. I find that the suggested change to the order of the objectives is of no consequence. However, I agree that Objective 3 should be expanded to relate to the possible expansion of economic tourism and cultural facilities, as well as support for established business and industry, although I do not consider that it would be appropriate to refer to the provision of sites, since none have been identified as suitable for such at this stage. This would be a matter for consideration through the next (or future) review of the local development plan, or in the meantime through the development management process in the context of the relevant policies of the proposed

plan, and the objectives in the settlement statement. I provide the text for an appropriate change to Objective 3 in my recommendations below.

Wigtown

WGT.H1: Southfield Park and WGT.H2: Seaview

131. I note that site WGT.H1 is a currently vacant site in a central location close to the town centre. It is a former showground, and retains an old building, which would be likely to be redeveloped. WGT.H2 is a small adjoining site, which (apart from a low stone wall delineating part of the boundary) generally has no physical boundary separating or differentiating it from WGT.H1. I am not aware of the reasons why this area has not been more logically identified as a single site, but I find this is not material as long as the development guidelines provide for an integrated development. However, in the circumstances my findings below generally relate to both sites together.

132. The sites are currently rough grass, surrounded by drystone walls with 4 existing access points from each of the surrounding roads. Although this is not an area of protected open space, it is clearly used for informal recreational purposes, I therefore recognise the perceived importance of the area as an open space, which is raised within the representations, and this is a matter that I examine further below.

133. However, in general terms, whilst these sites may be potentially suitable for various urban uses, I have no evidence before me that the sites would be more suitable for uses other than housing, or that there is a current demand for an alternative use for the sites. It therefore follows that there is no basis to exclude these proposed housing sites unless my examination of the sites shows that housing would be an inappropriate use in terms of either the environment or infrastructure available.

134. One of the representations seeks a reduction in the number of houses to about 20 houses in the south-west portion of the sites, with the remainder being designated for open space. Another encloses an objection to a full planning application for housing development on the sites (and so the council presumes that this representation seeks the deletion of the sites from the proposed plan on the basis of the said letter) although there is also a request to clarify the indicative capacity of sites WGT.H1 and WGT.H2 together.

135. The indicative capacity of both sites together is 42 houses, although it should be emphasised that the actual number of houses would be determined through the development management process. The council has stated that a planning application has been submitted with respect to these sites for 43 houses, which is consistent with the indicative capacity for both sites. This planning application was however refused because insufficient information requested by the council's road officers had been submitted.

136. Matters raised with respect to the full planning application are set out in the development guidelines for these sites. The sites are stated to be within a conservation area, which means that particular attention would need to be given to an appropriate layout and design, including retention and repair of the boundary walls where necessary. Trees and any wildlife habitats would also require protection. The provision of suitable open space is also required. Access from Harbour Road, Southfield Lane and South Back Street is referred to, together with connectivity between the two sites. These matters are further examined below.

137. With respect to the density of development on the site, and the amount of open space, I

recognise that a large amount of open space in the northern part of the site would be desirable from an environmental perspective. However, I also find that any development within the centre of the town has to make efficient use of the land available whilst recognising the design constraints relating to the conservation area. I therefore find that the actual amount of open space should be determined through the development management process. There are trees within and along the boundary of the site, and a derelict building within the site, which may contain wildlife habitats, but the development guidelines refer to the need for surveys to mitigate any effect on protected species.

138. With respect to access to the site, it would appear from my site inspection that vehicular access could be provided from either Harbour Road or South Back Street, in the vicinity of the existing accesses from these roads. Southfield Lane is very narrow, but I note that there are existing vehicular accesses to properties north of this lane. In any event, access from here could be limited to pedestrian and cycle access if necessary. The existing pedestrian access to the site from Seaview to the south could be retained. The development guidelines refer to access, not just vehicular access, and I find that access to the site should be addressed through the development management process.

Overall Conclusion

139. In overall terms, I find that sites WGT.H1 and WGT.H2 should be retained within the proposed plan, with the indicative capacity as stated, and that the development guidelines as written are generally appropriate, subject to clarification under both sites that development should be integrated, and I provide appropriate text for this in my recommendations below.

WGT.H3: Station Road

140. Matters relating to the overall provision for housing in Wigtown are examined above. There is no basis to exclude this site either because of overprovision of housing land, or the effect of development on the community in general or the services available within the town. Affordable housing is required for any housing development of 5 or more houses. This proposed housing site constitutes a significant extension of the built-up area on the edge of the town, which in principle I find is justified by the housing land requirement and the spatial strategy set out in the proposed plan. I have not undertaken a site inspection because the representation raises no specific matters relating to the environmental or infrastructure impact of housing development on the site. No modification to the proposed plan should be made with respect to this representation.

Creetown

CRE.H1: Barholm Mains and CRE.H2: Barholm Croft

141. These sites lie adjacent to each other with a frontage to the minor road to the east of the A75. This minor road is essentially a loop road through the settlement having two entry and exit points to the A75 trunk road. All vehicular traffic from the site would either travel north onto the A75 to the north of the settlement, or travel south to access the town's facilities or through the town onto the A75 to the south of the settlement. I can see no other feasible vehicular access arrangement for these sites.

142. The development guidelines within the settlement statement require these sites to be developed in conjunction with each other, with two access points to the minor road and a loop system through the sites, with pedestrian and cycle routes. I find this is consistent with the

arrangement for access suggested within the representation, and that therefore no change to the development guidelines set out in the proposed plan is required.

Kirkcowan

KCW.H1 – St Couan’s Crescent

143. This proposed housing site has an indicative capacity of 37 houses, and essentially constitutes an extension of the settlement to the east and north of existing housing at the southern edge of the settlement. The representation relates to the effect of the proposed development on the residential amenity of existing dwellings, not to the principle of the development, and therefore seeks additional safeguards within the development guidelines on this matter.

144. I note that vehicular access would be taken from Pollards Croft and from the B733 at the eastern edge of the site. There is also a potential access from Nielsen Place, but in my view, this would only be suitable for pedestrian and/or cycle access to the site, owing to its existing restricted width and possible disturbance to the residential amenity of existing dwellings. The provision for access within the development guidelines therefore sufficiently recognises this matter.

145. The site is existing agricultural pastureland, and is relatively flat and at a similar level to the adjacent housing. However, there is little screening vegetation along the southern and western boundaries of the site, such that development on the site would be prominent from the existing dwellings. I find that it would be important for a landscaped buffer to be provided along the southern and western boundaries of the site to mitigate the visual impact of new development from the existing dwellings, both in terms of screen planting and providing a sufficient distance to avoid overlooking. This should be included in the development guidelines, and I provide appropriate text for this in my recommendations below.

146. I do not however consider that it is necessary to specify a limit to the height the new dwellings, because this would depend on the layout and design for the proposed housing development, and the extent and nature of the landscaped buffer. I find that this matter should be addressed through the development management process.

Kirkinner and Braehead

KBH.H2: Smiths Croft

147. The only possible means of taking vehicular access to this site is from Boreland Terrace, and I note that the council has accepted this within its response above. This requires a factual alteration to the development guidelines, which in the circumstances I leave to the council’s discretion.

148. I note that the site assessment with respect to the impact on the local road network does not refer to the Milldriggan Bridge, which lies on the A746 to the north of the settlement. I also note that the indicative capacity of this site is only 7 dwellings, and I therefore find that the vehicular traffic generated from the development of this site would be unlikely to have any significant adverse impact on the overall traffic level on the A746 at the Milldriggan Bridge. Any congestion at this bridge caused by the overall level of traffic through the settlement (taking into account other development in the settlement) is a separate matter to be addressed by the council. There is no requirement to refer to this matter in the development guidelines

for the proposed housing site. Apart from the factual alteration referred to above, no modification to the proposed plan is required.

Port William

PWL.H1: South Street

149. Full planning permission was granted in 2010 for housing development on the site, although I understand that this planning permission has now expired. I also note that the site is allocated for housing development (indicative capacity for 7 houses) in the existing adopted local development plan. This is a significant consideration, because there needs to be continuity with respect to the development proposals set out in the local development plan, including housing development. However, any material change in circumstances requires to be examined in this context, for example, if the site is no longer considered an effective housing site in the context of Planning Advice Note 2/2010.

150. The site is almost wholly identified on the SEPA flood map as being at risk of coastal flooding. Paragraph 263 of SPP states that local development plans should use a specified flood risk framework to guide development. In this context, the site is at medium to high risk of flooding, where the annual risk of coastal flooding is greater than 0.5% (1:200 years). SPP states that this may be suitable for residential use within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan.

151. There is also a full planning application for housing development currently before the council, which has not yet been determined. A flood risk assessment has been submitted with respect to this planning application, which sets out mitigation measures for wave overtopping including a solid sea defence wall, providing a means of draining water impounded behind the wall back into the sea, and appropriate finished floor levels for development on the site. It appears from the conclusions, however, that some further investigations would be required.

152. I sought further information from the council and SEPA with respect to this matter, following which further information on behalf of the prospective developer has been submitted. I have considered all of this additional information, and I recognise that the measures proposed within the flood risk assessment are intended to mitigate the risk of flooding on the site or elsewhere to acceptable levels. However, in my view the key issue is whether it would be appropriate to seek to develop a site that requires such measures to be implemented, in the context of the current SPP and the approach to flooding as set out in Policy IN7 of the proposed plan.

153. I accept that the flood risk maps are of a strategic nature, and I note the information submitted on behalf of the prospective developer indicating that the site is actually above the level of 4.86 metres AOD that is considered to be the appropriate 1 in 200 years water level for the area. I also agree that the flood risk maps provide the justification for seeking a flood risk assessment, which actually determines the level of risk and provides the basis for whatever engineering solutions are considered appropriate to alleviate the flood risk. Following on from this, even though the prospective developer considers that the site should not in the circumstances be regarded as part of the area shown on the SEPA map as being at medium to high risk of coastal flooding, engineering solutions have nevertheless been devised in order to mitigate the risk of coastal flooding.

154. I also recognise that the prospective developer has committed to the development of the

site for housing based upon the previous decisions of the planning authority in consultation with SEPA; and particularly with respect to the inclusion of the site for housing in the exiting adopted local development plan, which I acknowledge was also in the context of the current SPP published in 2014.

155. Nevertheless, SEPA has now recommended that the site should be removed from the proposed plan, on the basis that a substantial part of the site lies within the 1 in 200-year floodplain, and that no development should take place within this area. I have to consider this in the context of the maps that indicate where there is a risk of coastal flooding, the relevant provisions of SPP, and the approach to flooding set out in Policy IN7 of the proposed plan.

156. Although not identified as protected open space, the site is essentially undeveloped land that has now been excluded from the settlement boundary in the proposed plan. I believe that this is the correct approach if the site is not included for housing development in the proposed plan, and I find that it does not therefore constitute part of the built-up area. In this context, I also find that the inclusion of the site for housing development would not be consistent with the provisions of paragraph 263 of SPP.

157. Furthermore, Policy IN7 states that the avoidance principle is the most sustainable form of flood management, in accordance with the policy principle for managing flood risk of SPP and the Flood Risk Management (Scotland) Act 2009. The policy also states that where proposed development could lead to unacceptable on-site or off-site flood risk, as defined by the Risk Framework in SPP, then it will not be permitted.

158. Therefore, whilst I acknowledge that the flood risk assessment submitted with respect to the associated live planning application before the council maintains that the flood risk can be properly managed, and that the prospective developer has based the pursuance of this site for housing development on the content of the existing adopted local development plan, on balance I find (taking into account the stated position of SEPA and without prejudice to the determination of the associated planning application) that the site does not now appear to be to be an effective site in the context of Planning Advice Note 2/2010. I also refer to my findings with respect to the housing land requirement for Mid Galloway above, and I find that there is no need for the identification of this site for housing in the context of the housing land requirement.

159. Further information has been submitted on behalf of the prospective developer, to the effect that the approach to this site and the Stranraer Waterfront Development are inconsistent, and that there is no basis to remove this site from the proposed plan whilst retaining the Stranraer Waterfront Development within the plan. However, in the context of Circular 6/2013, I find that it would not be appropriate to compare the approach to different sites within this examination; it is only necessary to determine whether the approach to any particular site is sufficient and appropriate. There are no representations relating to the Stranraer Waterfront Development before the examination. The matters raised within this further information are matters for the council and SEPA to address.

160. I note that the council has also now raised concerns about the visibility of the site and the impact of development on the character of the adjacent cottages and the Port William Conservation Area. It does not appear to me that there is likely to be any significant material change on this matter from the position at the time the site was included in the existing adopted local development plan. However, owing to my conclusion about flood risk above, I have not visited the site and make no specific findings on this matter. In overall terms, I find that no modification to the proposed plan should be made with respect to these representations.

Stranraer

General

161. I note that the council considers that new housing development would be unlikely to have a significant impact on the capacity of Stranraer Station, following the concern expressed by Network Rail relating to the impact from around 424 houses on the station. Whilst there would be a modal split that maximises public transport (including rail) in the context of Planning Advice Note 75, there is no evidence before me that the cumulative impact of the proposed housing sites on Stranraer Station has been specifically assessed.

162. In view of the concern expressed by Network Rail, particularly with respect to car parking capacity, this is possibly a matter that the council may wish to address in the next review of the local development plan, in conjunction with Transport Scotland and Network Rail. In the meantime, it would be necessary to rely on transport assessments with respect to the larger housing sites (from the council's perspective sites over 100 houses capacity) where the potential cumulative impact with other potential housing sites could also be taken into account. Where a clear deficiency is identified, the council could seek appropriate developer contributions in the context of Policy OP3.

163. The requirement for a transport assessment would need to be set out where appropriate within the development guidelines for individual sites. However, I note that the council considers a reference to the impact of new development on the strategic rail network should be included through a change to Policy T2, and I therefore refer to the conclusion and recommendation on this matter set out in Issue 9.

Stranraer - STR.B&I204: Mirrey's Petrol Station, Stoneykirk Road

164. This is a new business and industry allocation that is not included in the existing adopted local development plan. I note that this site is considered in the main issues report to have potential for business and industry use, which is the source of the proposed allocation. A representation against the proposal was also made at this stage.

165. The site lies within a mixed-use area, in which existing business and industry use predominates in the form of the Black Parks Industrial Estate. This is a very large existing industrial area, with a single row of adjacent houses along the east side of the A77 (Stoneykirk Road). The existing industrial area clearly has a significant impact on the residential amenity of these houses. However, it remains important that the allocation of a new business and industry site in the proposed plan takes into account any additional impact that may result from the development, although the resulting residential amenity could not be expected to be that which would apply to a wholly residential area.

166. The site currently contains an operating petrol filling station, and ancillary uses including a car wash and laundrette, and any new business and industry development is likely to remain separate from the existing industrial estate, probably continuing to take access from Stoneykirk Road. Development of the site could potentially be more intrusive with respect to the immediately adjacent houses than the uses in the industrial estate, owing to the proximity of development and access to the A77 directly adjacent to the existing houses. There is a substantial hedge along the boundary of the dwelling to the south, but the dwelling to the north has an open view of the existing petrol filling station.

167. This is a relatively small site, and an alternative approach would be to leave any

replacement business and industry development to the development management process, which would take into account the effect on the amenity of the existing dwellings in the area. However, if the council considers that the site should be promoted for such use, I find that there is no reason in principle why the site should not be so designated in the proposed plan, as long as the development guidelines reflect the need to take into account the effect on the residential amenity of the adjacent houses.

168. There is no provision for this within the development guidelines, and I find that there should be requirements similar to those in relation to other business and industry sites in the proposed plan that are adjacent to residential uses. Even though there is an established commercial use operating on the site, a new business development proposal should still consider such matters, including consideration being given to Class 4 business uses, hours of operation and screening.

Overall Conclusion

169. In overall terms, I find that this proposed business and industry allocation should remain in the proposed plan, but that the development guidelines should be revised to include consideration of the residential amenity of adjacent dwellings. I provide appropriate text for this within my recommendations below.

Glenluce

GLU.H1: Glenjorrie Avenue

170. The site constitutes agricultural pastureland, and although the eastern field's northern boundary is well defined, a new defensible boundary would be required in the western field north of the 3 existing dwellings that have already been constructed. However, this field rises quite steeply from the existing dwellings, and it would be important to keep further new dwellings to the lower part of the site. I therefore find that the existing boundaries of the site are appropriate, and that there is no justification for expanding the site further or for increasing the indicative capacity of the site.

171. An expansion of the site boundary to include the three houses already built would not be appropriate, because these houses have already been constructed and are occupied. However, the future development of the allocated site would consider these existing houses, including continued access into the site from Glenjorrie Avenue, in accordance with the stated development guidelines, and through the development management process.

172. I note that there are 2 substantial watercourses along the western and eastern boundaries of the eastern field, and a requirement for a flood risk assessment is included within the development guidelines, as is guidance on the type of housing development proposed and the means of access to the site. Following my inspection of the site, I find in general terms that these are reasonable requirements, and I do not consider that any revisions to the development guidelines are required in the context of this representation.

173. I am satisfied that the council has taken into account representations made at both the main issues report and proposed plan stages, and I refer to the conclusions in the examination of the conformity with the participation statement, to the extent that the planning authority has consulted on the proposed plan and involved the public in the way that it said it would in its participation statement. I therefore find that no modifications to the proposed plan are required with respect to this representation.

Portpatrick*PPK.H1: Hill Street*

174. There are several detailed matters of concern set out in the representation. They are generally matters requiring assessment (with respect to the submission of a planning application) through the development management process. There does not appear to be concern with respect to the principle of housing development on the site. The key issues for this examination are whether or not the indicative capacity is achievable and whether or not the development guidelines sufficiently address the matters of concern.

175. It should be emphasised that 7 houses constitute an indicative capacity, with the actual number of houses being dependent on the development management process. Nevertheless, this number should be based upon a realistic assessment of site constraints, including conservation area design considerations and infrastructure.

176. Following my inspection of the site, I recognise that this is an urban development site where a relatively high density of development, commensurate with surrounding development in the conservation area, would be appropriate. The site contains an existing 4-storey hotel, and 2½ storey holiday cottages, with a frontage to Main Street, and which continue as 2 to 2½ storey terraced dwellings along Main Street to the north. There are also outbuildings extending onto Hill Street, where there is a rear entrance to a courtyard to the rear of the hotel and holiday cottages.

177. The conservation area is characterised by traditional single to 2½ storey terraced dwellings, including a few commercial properties, with narrow access roads. The hotel is an exception to this general height of buildings in the area, and tends to form a focal point within the centre of the town. It also therefore provides some flexibility with respect to the height of any redevelopment on the site. It appears likely however that the building frontage to Main Street would be retained, with the courtyard to the rear providing access and some off-street parking provision. I am satisfied that 7 dwellings appear to be a reasonable indicative capacity for development on the site (which could include flats).

178. Whilst as indicated above, the matters raised in the representation would require more detailed assessment through the development management process, I find that the development guidelines should be expanded to refer to the need to respect the residential amenity of existing dwellings, the retention of the frontage along Main Street, and the possibility of providing access to the terraced dwellings to the north of the site.

179. In making the above finding, I am conscious that such a relatively small development may not normally justify inclusion as a housing allocation in the proposed plan. However, and notwithstanding the council's interpretation above, I do not consider that the representation seeks the deletion of the site from the proposed plan; but rather mitigating measures, which are specifically set out in the representation. Some are too detailed, but I consider that, having allocated the site, the further matters set out above should be included within the development guidelines. I provide appropriate text for this in my recommendations below.

PPK.H202: South Cliff

180. Paragraph 120 of SPP states that local development plans should allocate a range of effective sites to meet the housing land requirement in full. The council has however already allocated housing sites in the Stranraer Housing Market Area with an indicative capacity for 679

houses, against a housing land requirement of 611, which already includes a generosity figure of 20% above the housing supply target. I find that the allocation of any additional site for housing could therefore only be justified in the event that there were no adverse environmental or infrastructure consequences.

181. I acknowledge that a large site with an indicative capacity for 120 houses identified in the existing adopted local development plan is no longer included in the proposed plan, but the council's indicative capacity of 679 houses on the allocated sites is still a generous housing land supply. Furthermore, the site is indicated as only having a capacity for 3 houses, which I find would be below the normal threshold for the allocation of a housing site in the local development plan.

182. I recognise that planning permission for housing development was granted in 2005. However, following my inspection of the site, I find that this proposed additional housing site does not relate well to the existing built-up area. It is a generally elevated site, where development would be highly visible from other parts of the town. It contains rough grass that generally appears unused, but also includes a track providing access to the wider countryside beyond the settlement. I find that it would not be appropriate at this time to extend the settlement boundary or to allocate the site for housing. I therefore find that no modification to the proposed plan should be made with respect to this representation.

Reporter's recommendations:

I recommend that the proposed plan be modified by:

Planning Objectives for Newton Stewart

1. amending Objective 5 for newton Stewart to read as follows:

'Recognise the historical, architectural and landscape characteristics of the settlement and ensure that development respects these, with any new buildings being constructed to a high standard of design quality with appropriate densities.'

NST.H4: Corsbie Road

2. deleting the development guidelines in their entirety and replacing with the following:

'NST.H4 Corsbie Road (63 units allocated up to 2029)

A transport assessment is required to determine the impact the development will have on the capacity of the surrounding road network and any associated road and/or traffic management improvements required. Development should incorporate an access point into the adjacent northern field so as not to prejudice potential future development. Corsbie Road will require to be improved to the west of the site with passing place provision installed between the site boundary and the Barnkirk Road.

Pedestrian and cycle routes should be incorporated into the layout and design of the development including a path along the site frontage that would replace the existing link from the high school to the playing fields. The character of this path should be designed in order to maintain an open space corridor to the playing fields and the wider countryside to the west of the site, incorporating the existing drystone wall if possible.

Given the topography of the site development should be focused on the lower levels, and a

comprehensive design and landscaping scheme should be submitted, avoiding significant intrusion from development on the skyline when viewed from the east, both from Maxwell Drive and site NST.H7, and including a landscaped buffer along the eastern boundary of the site between existing and proposed housing. Archaeological evaluation and mitigation will be required due to the known cropmarks located on the northern part of the site. A drainage impact assessment will be required along with appropriate surface water management measures.'

NST.H7: Old Hall

3. deleting the development guidelines in their entirety and replacing with the following:

'NST.H7 Old Hall (50 units allocated up to 2029 and 100 units allocated beyond 2029)

A masterplan is required to be submitted prior to or as part of any planning application and agreed by the council before any development can commence on site. The masterplan should include the design and layout of the development, the road layout including access, the phasing of the development, open space provision and a comprehensive scheme for the landscaping of the site.

The open space provision should be integrated with existing pedestrian and cycle links providing access to the town centre and local facilities. The landscaping of the site should include the protection of the avenue of beech trees leading to Dun Cree Wood, the repair and maintenance of the drystone wall along the south eastern boundary of the site, a landscaped buffer at the southern end of the site between the existing housing and proposed housing on the site, and structural planting to create a new defensible boundary along the northern boundary of the site.

Provision for pedestrian (and where appropriate cycle) links from the site to the adjacent Dun Cree Wood, Old Hall Plantation and to the wider countryside beyond, and for the enhancement of the existing tracks and the adjacent woodland areas, possibly including the repair and maintenance of the drystone walls, should be included where appropriate and feasible into the masterplan.

A transport assessment is required to determine the impact the development will have on the capacity of the surrounding road network and any associated road and/or traffic management improvements required. A drainage impact assessment is required along with appropriate surface water management measures.'

4. amend Appendix 2 to reflect the revised indicative capacity set out in NST.H7 (Old Hall) development guidelines.

Planning Objectives for Wigtown

5. amending Objective 3 for Wigtown to read as follows:

'Support established business and industry within the settlement, and opportunities for economic, tourism and cultural development where this would accord with the policies of the local development plan.'

WGT.H1: Southfield Park and WGT.H2: Seaview

6. amending the second sentence of the development guidelines for site WGT.H1 to read as

follows:

'Access to the site can be taken from Harbour Road, Southfield Lane and South Back Street and development should be integrated with WGT.H2.'

7. amending the second sentence of the development guidelines for site WGT.H2 to read as follows:

'Development should be integrated with WGT.H1, and from which access should be taken.'

KCW.H1: St Couan's Crescent

8. amending the development guidelines for site KCW.H1 by including an additional sentence at the end to read as follows:

'A landscaped buffer should be provided along the southern and western boundaries of the site, with screen planting and allowing a sufficient distance between existing and proposed new dwellings in order to protect their residential amenity.'

STR.B&I204: Mirrey's Petrol Station, Stoneykirk Road

9. amending the development guidelines for site STR.B&I204 by including the following text after the first sentence:

'Subject to any established use rights, a limitation on the type of development and its hours of operation may be appropriate, including consideration being given to Class 4 business uses (uses which can be carried on without detriment to the amenity of a residential area) where this is appropriate. Screen planting should be provided along the northern and southern boundaries of the site, between any new development and the existing dwellings.'

PPK.H1: Hill Street

10. amending the second sentence of the development guidelines for site PPK.H1 to read as follows:

'Development should respect the historic and architectural quality and setting of the Conservation Area, and the residential amenity of adjacent dwellings. Consideration should be given to the maintenance of the existing terraced frontage along Main Street, and provision for appropriate access to the rear of the existing terraced dwellings to the north of the site.'

Issue 14a	Settlement Statements and Inset Maps: Stewartry Housing Market Area District Centres	
Development plan reference:	Chapter 6 - Settlement Statements and Inset Maps: Castle Douglas, pages 117 - 120 Dalbeattie, pages 126 - 128 Kirkcudbright, pages 161 - 163	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>John A MacColl (048) Emma Catherine Baird (049) Allan McLean Phin (097) Janine Emma Lockhart (155) Margaret E Copp (210) Allan Maxwell (235) David McHale (261) Susan Kenny (269) Mr and Mrs Petterson (361) Charlie Fulton (364) David White (370) Charles Rae (373) Irene McTaggart (384) Renate Tully (397) Michael Brown (403) William Maxwell (405) Alan McWilliam (406) Jacqueline Callander (407) Marjorie Airley (411) Mrs B MacDonald (413) Neil and Isobel Macintosh (414) Mr and Mrs G Hunter (417) Mr and Mrs M Muir (418) Peter Mitchell (424) Shirley Barker and D H Brazenell (431) Doreen Campbell (435) Laird and Jackie Cunningham (444) Anne Carson (449) James Gordon (452) M and G Bryson (466) Mr and Mrs J Teale (483) Isabel Anderson (496) Anne McCall (515) David Gordon Lockhart (520) Mr and Mrs Jardine (522) Rodger Callander (525) Ian Bendall (527) D Edgar (528) Wallets Plc (562) F P McCann Ltd (566)</p>		

<p>Provision of the development plan to which the issue relates:</p>	<p>Castle Douglas - CSD.H3, H5, H6, H10, H11, H201, H203, CSD.B&I1; Dalbeattie - DBT.H3, H6, H205, H202, 100/DBT/3; Kirkcudbright - KBT.H1, H2, H3, H205.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>CASTLE DOUGLAS</p> <p>Allocated sites</p> <p>CSD.H3: East of Ernespie Road <u>Wallets Plc (0562.005)</u> – Welcome the fact the site is included in the Proposed Plan. An offer is presently under consideration. An application is likely to come forward in the near future and as such, should be retained in LDP2.</p> <p><u>Doreen Campbell (435.001)</u> - Ernespie Road is the primary access point to the town. Unless building is set back from the main road, this entry point will become suburban in nature. Questions if the south-west side of Ernespie Road is wide enough or safe to provide walkway. The walkway could be provided on the other side of the dyke and space would also be available for a cycle path. Strongly object to the dismantling of the existing dry stane dyke.</p> <p>Suggest access would be better if Dalbeattie Road was used, with a road through the industrial site.</p> <p>The precedent for this is the St George's/ Robb Place development which planned for direct access to Ernespie Road, but this was refused. If anything, the traffic is now heavier than it was then, regardless of the bypass. Raises concern regarding former quarry.</p> <p><u>Mr and Mrs Petterson (361.001); Irene McTaggart (384.001); William Maxwell (405.001); Peter Mitchell (424.001)</u> - The following concerns were raised in respect of these sites: Questions the need for an additional 130 housing units when there are no employment opportunities.</p> <p>Development will put strain on services and facilities such as the NHS, schools and further congestion on local roads. Concerns about road safety along the road due to increased traffic over the past 15 years and issues with speeding. Concern changes to road layout and increase in traffic will impact negatively on the character and 'feel' of the town, at risk of rendering it less attractive to tourists and businesses looking to move to Castle Douglas. A former quarry has been identified - sinkholes? Development will result in drainage issues. Development will harm wildlife in and around site. Ernespie Road is the main road in and out of Castle Douglas and the open outlook will be lost should site be developed and will also detract from pleasant aspect of tree lined road. Other non-planning issues were raised.</p> <p>CSD.H5: West of Torrs Road <u>F P McCann Ltd (566.001)</u> - The steep sloping drumlin to the west of Upper Torrs Farm almost occupies the entirety of the site. To apply this rigidly would preclude any development on the western side of Torrs Road. The steepest slopes are in fact located in the eastern side and this is where the development is being directed to by the policy text. In the current LDP, the topography is acknowledged and it is suggested that engineering</p>	

solutions could be used to develop this site. Suggest this is the correct approach.

CSD.H6: South of Jenny's Loaning

Anne McCall (515.001) - Requests the western portion of site removed from allocation given potential impact on existing hospital. Suggest site not developed in case the primary school and/or playing fields need to expand in the future.

Wallets Plc (0562.004) - Support continued allocation as long term site and are prepared to participate in joint masterplan with adjoining CSD.H5, which is allocated for 133 houses up to 2029.

CSD.H11: Land to south of Kilmichael, Abercromby Road

Wallets Plc (0562.002) - Support allocation.

James Gordon (452.001) - The proposed site is on raised ground which would require considerable ground works. Disrupt field and natural drainage, leading to flooding and possible subsidence. Noise, air and light pollution, possibly over several years, resulting in a lower valuation of their properties. Loss of privacy. No need for more houses. Impact on tourism. Access to the site would be from the already busy A713 resulting in the disruption to the flow of traffic. Providing services such as sewage, electric, broadband, street cleaning would be difficult and costly. Other non-planning issues were raised.

CSD.H203: Land at The Stables

Wallets Plc (0562.001) - Wallets Plc own the four field parcels to the north-east of the site. Following the Call for Sites exercise, the owner of the field parcel to the south-west of the site submitted a bid for mainstream and affordable housing on the site. The Main Issues Report (MIR) advised work was ongoing to determine how the site could be accessed but considered it to have potential and so was included. Site assessment advised site was landlocked and required third party land to access and would require significant engineering works for it to be achievable. Also, issue with cultural heritage due to proximity to hill fort. Notwithstanding these issues, the MIR suggested it be considered as an alternative to H6. Consequently, in Wallet Plc's representations to this, they opposed the allocation of H203 as an alternative to H6. However, should the Council be minded to include it, Wallets Plc might be able to facilitate access. A meeting was offered to discuss the allocation. Wallets Plc welcome that CSD.H203 was extended to encompass the land under their ownership and are prepared to work with owner of south-west parcel of field to prepare masterplan and facilitate its delivery for development. Support allocation.

Ian Bendall (527.001) - Support allocation of site.

David White (370.001); Michael Brown (403.001); Alan McWilliam (406.001); Neil and Isobel Macintosh (414.001); Laird and Jackie Cunningham (444.001); Anne Carson (449.001); Mr and Mrs J Teale (483.001); Isabel Anderson (496.001) - The following concerns were raised: Site is relatively isolated, situated outside settlement boundary. Development would result in loss of prime agricultural ground with mature trees and a historic site with old fort at the top. Access issues recorded - described in planning overview as landlocked. Road safety concerns regarding access in/out of the site onto busy road. Oppose access to be taken from Dunmuir Road. Dunmuir Road not fit for purpose - pavements are too narrow and severe congestion. Historically, an access into Dunmuir Rd opposite St George's was denied on safety grounds. Flood risk concerns. Sewage and waste water drainage already at capacity and additional housing will add to the strain. Impact on existing services, questions if the schools have sufficient capacity. The land at rear of Dunmuir Road was earmarked for future school

requirements.

The MIR included a smaller site (3.8 ha) on land at The Stables. Allocation of this site does not justify extending the settlement boundary. Development would impact negatively on wildlife (potential for habitat fragmentation), detrimental impact on the landscape and result in a loss of amenity for surrounding properties and residents.

Questions why the settlement overview on Proposed LDP2 is condensed compared to adopted LDP. Development should be phased to reduce impact on education, medical and dental services.

CSD.B&I1: Land at Oakwell Road

Mrs B MacDonald (413.001); Shirley Barker and D H Brazenell (431.001) - Questions the need for more industrial units and concern regarding proximity to housing. Existing industrial use already causes a nuisance and further industrial development will exacerbate noise and traffic. Biodiversity concerns as area includes red deer, owls, red kites.

Other non-planning issues were raised.

Sites not allocated in Proposed Plan

CSD.H10: Land to south of Ernespie Lodge

Wallets Plc (0562.003) - This site continues to be marketed. Given the complexity of marketing sites and bringing them forward for development, it is considered unreasonable to remove the site from the LDP after a period of only 3 years.

CSD.H201: Land at Castle Douglas

John A MacColl (048.042); D Edgar (528.001) - Request site allocated for housing. There are no housing sites available or identified to the south side of the town.

It is unreasonable for the Council to identify this area as open space having not entered into any discussions or correspondence with the owner prior to making the decision. Access will not be granted to the public for health and safety, and is not available for this purpose. There are already large areas of open space in close proximity to this site and therefore no need to identify additional areas to the south of the town.

The development value of the land is considerable and if the recommendation is to include the land in the Plan as an open space, it is almost certain that the landowner will be prepared to lodge a legal challenge.

DALBEATTIE

Allocated sites

DBT.H3: Bruce Road/Port Road

Mr and Mrs G Hunter (417.001); Mr and Mrs M Muir (418.001) - Object to development of housing. Loss of amenity area for children to play.

DBT.H6: John Street/Barhill Road

Charlie Fulton (364.001) - A holistic approach to development of this site by the respective owners, initially assuming access from the A711, has been examined and dismissed for the following reasons: A Flood Risk Assessment (FRA) identifies a flood plain corridor either side of Edingham Burn running through the site. Any potential development would be physically separated from the rest of the site by a considerable distance.

Access to the former yard would be from the A711 and the remainder would be from Barhill Road. The former yard is brownfield whereas the rest of the site is greenfield.

Margaret E Copp (210.002); Allan Maxwell (235.002); Charles Rae (373.001); Marjorie Airley (411.001); M and G Bryson (466.001) - The following concerns were raised in respect of the sites development:

Scottish Environmental Protection Agency (SEPA) have objected to the site on a number of occasions. Edingham Burn, part of the Kirkgunzeon catchment, flows through this area, and requires the surrounding land to absorb heavy rainfall and from the streams that flow into it. Two houses next to Hillhead Loaning flood during excessive rainfall and development has been refused at the northern end of the land at Nursery Cottage and to the south of the Field of Hope on flood prevention grounds. The site is the first line of defence of Dalbeattie's Flood Prevention Scheme. There has been no problems since scheme implemented.

Questions have been raised regarding land ownership and conflicts of interest.

Concern about contaminated land.

Questions how the area is recommended as an alternative entry into the site and can be changed without consideration of previous planning approvals 14/P/2/0343 and 09/P/2/0102 to extend agricultural operation.

The old railway embankment is still owned by Highways England.

Raises concern that development will negatively impact general amenity, biodiversity and is not in the best interest of the town. The area is a known habitat for protected species including red squirrels and badgers.

Landscape concerns - the area is peat wetland and an environmental study is required.

Argues that the southern portion of the site should be left undeveloped to create green space linking the park to Barhill woods.

Other non-planning issues were raised.

Charlie Fulton (364.001) - The comment regarding soil remediation is incorrect as these remediation works were undertaken in 2001 by the Council prior to leasing the area as a tree nursery.

Allan McLean Phin (097.003) - Remove lower field between Barhill Road and Linnwood from housing allocation. No objection to housing on remainder of the site however would like to see the access to the site taken from the A711. Note the Forestry Commission Scotland are planting trees and extending Barhill Wood and this would support the case for the lower field to be designated a green space with footpath linking Colliston Park to Barhill Wood and small car parking area for walkers and overflow for visitors to Munches Park House. The area next to Edingham Burn does not appear suitable for building on and the existing trees should be kept as an attractive asset to this part of the town.

DBT.H205: Land to south of Craignair

Janine Emma Lockhart (155.002); David Gordon Lockhart (520.001) – Raise flood risk concerns and road safety concerns. The road is already busy from new clinic and new high school, this will be exacerbated by 60 new houses. Questions why Dalbeattie needs more houses when it has few facilities and job opportunities.

Sites not included in Proposed Plan

DBT.H202: Land adjacent to Nursery Cottage

Mr and Mrs Jardine (522.001) – Re-consider and allocate site for housing. Argues it is an effective site with a willing landowner that could be a high quality development and the area within the 1:200 flood plain will be avoided.

100/DBT/3: Land to west of Haugh Road

Rodger Callander (525.001) - Include site in Proposed Plan. A map is included in the representation.

KIRKCUDBRIGHT

Allocated sites

KBT.H1: Mersehouse/Mersecroft

Emma Catherine Baird (049.002) - Support site for housing.

Jacqueline Callander (407.001) – Raises flood risk concerns. Further development will exacerbate this and negatively impact adjacent housing. Argues water pressure is already poor and will likely worsen with further development. Scottish Water advise they cannot increase the pressure. Already enough houses and with extra traffic concerned about road safety. The local primary school is at capacity. No infrastructure.

KBT.H2: East of Tongland Road/Burnside Loaning

Renate Tully (397.001) - Concerned cars, generated from proposed 8 units, might park and blocking driveway.

KBT.H3: Land at Parkhouse

David McHale (261.002); (Susan Kenny (269.002) – Following issues raised; object to development on flood risk grounds. No need to allocate more land as there is no demand for housing, no infrastructure in place and local schools are at capacity. Medical services are currently under pressure due to recruitment issues.

KBT.H205: Land at Long Acre

David McHale (261.002) - Remove allocation on flood risk grounds. There is enough land allocated even without this site’s inclusion.

Modifications sought by those submitting representations:

CASTLE DOUGLAS

Allocated sites

CSD.H3: East of Ernespie Road

Wallets Plc (0562.005) – No modification requested.

Doreen Campbell (435.001) - No building should be allowed within 40m of the north-west dyke of the proposed site. Masterplan should refer to more than one ‘suitable access’ point.

Mr and Mrs Petterson (361.001); Irene McTaggart (384.001); William Maxwell (405.001); Peter Mitchell (424.001) - Delete allocation.

CSD.H5: West of Torrs Road

F P McCann Ltd (566.001) - Amend text to match previous site guidance in adopted LDP 2014.

CSD.H6: South of Jenny’s Loaning

Anne McCall (515.001) - Remove western portion south of the primary school, north of the cottage hospital from housing allocation.

Wallets Plc (0562.004) - No modification requested.

CSD.H11: Land to south of Kilmichael, Abercromby Road

Walleys Plc (0562.002) - No modification requested.

James Gordon (452.001) - Delete allocation.

CSD.H203: Land at The Stables

Walleys Plc (0562.001); Ian Bendall (527.001) - No modification proposed.

David White (370.001); Michael Brown (403.001); Alan McWilliam (406.001); Neil and Isobel Macintosh (414.001); Laird and Jackie Cunningham (444.001); Anne Carson (449.001); Mr and Mrs J Teale (483.001); Isabel Anderson (496.001) - Delete allocation.

CSD.B&I1: Land at Oakwell Road

Mrs B MacDonald (413.001); Shirley Barker and D H Brazenell (431.001) - Delete allocation.

Sites not allocated in Proposed Plan

CSD.H10: Land to south of Ernespie Lodge

Walleys Plc (0562.003) - Re-instate site allocation.

CSD.H201: Land at Castle Douglas

John A MacColl (048.042); D Edgar (528.001) - Delete open space allocation on this site and instead allocate for housing.

DALBEATTIE

Allocated sites

DBT.H3: Bruce Road/Port Road

Mr and Mrs G Hunter (417.001); Mr and Mrs M Muir (418.001) - Delete allocation.

DBT.H6: John Street/Barhill Road

Charlie Fulton (364.001) - Split the site into two allocations - separate the northern portion of the site in different ownership from the remainder of the site.

Margaret E Copp (210.002); Allan Maxwell (235.002); Charles Rae (373.001); Marjorie Airley (411.001) - Delete Allocation.

Charlie Fulton (364.001) - Delete sentence from site guidance that soil remediation may be required.

Allan McLean Phin (097.003); M and G Bryson (466.001) – Remove lower part of site from allocation. Leave southern portion of site undeveloped as green corridor between Colliston Park and Barhill Woods.

DBT.H205: Land to south of Craignair

Janine Emma Lockhart (155.002); David Gordon Lockhart (520.001) - Delete allocation.

Sites not allocated in Proposed Plan

DBT.H202: Land adjacent to Nursery Cottage

Mr and Mrs Jardine (522.001) – Include site in Proposed Plan.

100/DBT/3: Land to west of Haugh Road

Rodger Callander (525.001) - Allocate site for housing.

KIRKCUDBRIGHT**Allocated sites****KBT.H1: Mersehouse/Mersecroft**

Emma Catherine Baird (049.002) - No modification requested.

Jacqueline Callander (407.001) – Delete allocation.

KBT.H2: East of Tongland Road/Burnside Loaning

Renate Tully (397.001) - Delete allocation.

KBT.H3: Land at Parkhouse

David McHale (261.002); Susan Kenny (269.002) - Delete allocation.

KBT.H205: Land at Long Acre

David McHale (261.002) - Delete allocation.

Summary of responses (including reasons) by planning authority:**CASTLE DOUGLAS****Allocated sites****CSD.H3: East of Ernespie Road**

Wallets Plc (0562.005) – Welcome the fact that an offer has been received and under consideration. The Council has asked for further information on the offer but no detailed information has been forthcoming.

No modification proposed to the Plan.

Mr and Mrs Petterson (361.001); Irene McTaggart (384.001); William Maxwell (405.001); Peter Mitchell (424.001); Doreen Campbell (435.001) – It is acknowledged in site guidance that this site is located along a main gateway to the town and the quality of the design and layout of the development will be a critical consideration. Site guidance also notes the need to retain the existing dry stane dyke and that an investigation of the former quarry is required. If there is a need to undertake remedial action on the land, this is the responsibility of the developer and must be done before any development commences.

Whilst the Council recognise and acknowledge the allocation of 130 housing units is a sizeable expansion, Castle Douglas is identified as a district centre in the Stewartry Housing Market Area (HMA) and therefore has an important role in helping to meet the need for new houses, and to support existing services and facilities.

Consultations have been carried out with all key agencies and relevant Council departments. None have identified any concern about the scale of development anticipated for Castle Douglas in the Proposed Plan.

Previous planning applications referred to are historic (1960s / 1970s) and no longer relevant. Any new planning applications would require assessment against up-to-date policies in the Plan and associated Supplementary Guidance.

Roads and access have been assessed and details of these assessments are contained in the Castle Douglas Planning and SEA Site Assessment (CD51, p.13-19). The assessment did not

raise any road safety concerns. However, given the size of the proposed development, site guidance states a Transport Assessment is required to determine the impact the development will have on the road network

Flood risk has been identified on the site and a Drainage Impact Assessment (DIA) and a FRA are required. No objection from Flood Risk Management Team (FRMT) or SEPA to prevent the allocation of this site on flood risk grounds.

No biodiversity designations identified for this site. Site guidance states that any tree felling should be kept to a minimum and replacement planting to compensate for any loss. Policy OP1 Development Considerations a) General Amenity and OP1d) Biodiversity and Geodiversity are relevant in the determination of a planning application.

Responsibility lies with landowner or developer to front the costs of further site investigations. Details of the type of housing will be considered if and when any planning application is lodged.

No modification proposed to the Plan.

CSD.H5: West of Torrs Road

F P McCann Ltd (566.001) - The site guidance requires a Masterplan to be prepared. Through this exercise, the developer will be required to demonstrate how development will take account of landscaping and topography.

No modification proposed to the Plan.

CSD.H6: South of Jenny's Loaning

Anne McCall (515.001) - It is acknowledged that development of sites will result in a degree of disturbance such as increased noise and activity during the construction period. Development proposals will be assessed against OP1: Development Considerations (a) General Amenity.

Education capacity was considered when assessing the site. According to the current school capacity information, there is sufficient capacity to accommodate the level of development proposed. However, school rolls constantly change and should there be a need for further expansion this would trigger Policy OP3: Developer Contributions. The site is allocated long term, and if a future need was identified, site boundaries could be amended at this stage to address this.

No modification proposed to the Plan.

Wallets Plc (0562.004) - Comments noted.

No modification proposed to the Plan.

CSD.H11: Land to south of Kilmichael, Abercromby Road

Wallets Plc (0562.002) - Comments noted.

No modification proposed to the Plan.

James Gordon (452.001) - Whilst it is acknowledged that the development of any land will result in some degree of disturbance due to increased noise and activity during the construction period, this is a temporary phenomenon.

Policies OP1: Development Considerations and OP2: Design Quality and Placemaking will both be important considerations as part of any forthcoming planning application. These will address concerns regarding general amenity and landscape, whilst seeking to achieve positive placemaking through high quality design. Furthermore, site guidance makes reference to the need for screen planting along Abercromby Road to reduce any potential overlooking of existing properties.

Site guidance states that a DIA is required and depending on content may require a FRA. Neither the FRMT nor SEPA have objected to allocation of this site.

It is accepted with all development there is a requirement for service provision. It is the responsibility of the developer to ensure these are provided.

No modification proposed to the Plan.

CSD.H203: Land at The Stables

Walleys Plc (0562.001) - Following publication of the MIR, contact was made with the owner of the third party land required to unlock access to the site from Cairnsmore Road and Donald Road, and confirmed they would be open to discussions regarding this.

The agent on behalf of the landowner who submitted the original parcel of land to the south-west of the site, provided a letter of comfort from an engineering company advising that accesses at both suggested points could be made achievable (CD55).

The site guidance states that an archaeological assessment and mitigation plan will be required in advance of the Masterplan in order to identify areas that can be developed and to inform the Masterplan. The Masterplan requires amongst a range of issues to take account of appropriate road network and connections in accordance with Designing Streets and traffic matters including provision for public transport. A Transport Assessment would also be required in considering any proposals.

No modification proposed to the Plan.

Ian Bendall (527.001) - Comments noted.

No modification proposed to the Plan.

David White (370.001); Michael Brown (403.001); Alan McWilliam (406.001); Neil and Isobel Macintosh (414.001); Laird and Jackie Cunningham (444.001); Anne Carson (449.001); Mr and Mrs J Teale (483.001); Isabel Anderson (496.001) – In respect of the access onto Dunmuir Road, the type of access will likely be for pedestrian/cyclist use. An factual error was made in the Proposed Plan site guidance for this site. All other access may be taken from Cairnsmore Road and / or Donald Road as stated in the MIR and this remains the case. Site guidance will be corrected to include the word ‘pedestrian’ at the beginning of the fifth sentence.

The Council consider this to be a non-notifiable modification.

Discussion with the owner of the third party land required to unlock access has concluded they would be open to discussions regarding this. Furthermore, the agent on behalf of the landowner who submitted the original parcel of land to the south west of the site, provided a letter of comfort from an engineering company advising that accesses at both suggested points could be made achievable (CD55).

The extended site was assessed at LDP1 stage (100/CSD/02 (CD52) and 100/CSD/10) (CD53) and a site assessment has been undertaken for LDP2 (CD51, pages 79-85). The Council was of the view that whilst the site did have development potential, it was not needed at that time.

The LDP is required to identify sites to meet the identified housing land requirement. A range of sites have been identified to provide flexibility and choice. The sites allocated in the Proposed Plan are considered by the Council to provide enough land to meet the housing land requirement and are effective. The Housing Land Requirement (HLR) Paper (January 2018) (CD24) sets out the methodology of how the housing land figure was arrived at for each housing market area.

Site guidance states that a masterplan approach is required along with a Transport Assessment. These will consider the potential impact in respect of traffic volumes, desire lines, public transport and pedestrian/cycle provision. Due to the large nature of the site, site guidance states development would likely be brought forward in phases.

The Council Archaeologist was consulted and has advised that the potential archaeology on the lower slopes of the site does not preclude development but that evaluation and/ or mitigation would be required.

The Education department was consulted and confirm that Castle Douglas High School have sufficient capacity and there is no land at the rear of Dunmuir Road earmarked for future school requirements.

It is acknowledged that the site would involve the loss of greenfield land, but the site is well located to existing facilities. No biodiversity designations were identified for this site. Responsibility lies with the landowner or developer to front the costs of further site investigations.

Due to the size of the site, it is likely that there will be a mixture of the housing type. More detail of any proposed housing development will be put forward in any future planning application. The matters regarding loss of privacy, amenity and sunlight will be assessed as part of Policy OP1: Development Considerations part a. General Amenity.

Scottish Water were consulted as part of the Planning and Strategic Environmental Assessment (SEA) Site Assessment and advised there is sufficient capacity at the Water Treatment Works and Waste Water Treatment Works. A DIA and Water Impact Assessment will also be required. The FRMT advise that issues of localised flooding were result of blocked gullies, which have since been resolved. There have been no reported incidents since (CD54).

The Council has a duty to produce an LDP that is concise. Settlement overviews across all sites were shortened where possible, from LDP1 for the purpose of brevity.

No modification proposed to the plan.

CSD.B&I1: Land at Oakwell Road

Mrs B MacDonald (413.001); Shirley Barker and D H Brazenell (431.001) - Castle Douglas is a district centre and has the opportunity to support economic development opportunities within the existing industrial estate, allowing existing industrial uses to expand or new business uses to locate here, to promote economic growth in the region.

Site guidance makes reference to the need for planning applications to consider the potential

effect of noise upon residential amenity as part of the development proposal. Any proposal would be assessed against Policy OP1 (a) Development Considerations: General Amenity. No biodiversity designations identified for this site. Responsibility lies with landowner or developer to front the costs of further site investigations.

No modification proposed to the Plan.

Sites not allocated in Proposed Plan

CSD.H10: Land to south of Ernespie Lodge

Wallets Plc (0562.003) - The site was assessed during LDP1 and a site assessment has been undertaken for LDP2 (CD51, p.46-52). The Council continues to have concerns regarding landscape impact and significant loss of ancient and semi-natural woodland. It remains the Council's view that these are issues for which there is no mitigation. The Council has not been provided with any evidence to go against this opinion and continue to recommend the site is not included. There are a number of other sites allocated in Castle Douglas considered more effective and preferable in terms of placemaking.

No modification proposed to the Plan.

CSD.H201: Land at Castle Douglas

John A MacColl (048.042); D Edgar (528.001) - One of the main aims of the Dumfries and Galloway Open Space Strategy Supplementary Guidance (SG) (CD26) is to ensure that the majority of residents in the region have access to good quality open spaces. The result from the draft Annex 1: Open Space Audit SG (CD27) found that Castle Douglas fell short of quantity standard and some accessibility gaps to the east and west of the town centre and to the north. Therefore, it is considered important to protect existing open space and support the development of new open space allocations within new development opportunities in these areas of Castle Douglas. The site in question falls under 'Amenity greenspace' which is defined as "Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons and used for a variety of informal or social activities such as sunbathing, picnics or kickabouts". It is considered by the Council that the site provides an important visual buffer on the approach into Castle Douglas and its proximity to Carlingwark House contributes towards its sense of place.

There are a range of other more suitable sites identified in Castle Douglas to meet housing land supply that would not have as great a negative impact to landscape and the town's setting.

No modification proposed to the Plan.

DALBEATTIE

Allocated sites

DBT.H3: Bruce Road/Port Road

Mr and Mrs G Hunter (417.001); Mr and Mrs M Muir (418.001) - The site, allocated for housing in the adopted LDP, was carried forward into LDP2 as it is still considered to be effective.

The site is an open parcel of grassland located adjacent to an area of protected open space. Site guidance refers to the need to include a pedestrian/ cycle link to the protected open space.

No modification proposed to the Plan.

DBT.H6: John Street/Barhill Road

Charlie Fulton (364.001) - Based on information provided, the Council proposes to subdivide the site as requested. Subdivision of the site would not result in any loss or gain in the overall site area or the housing numbers but instead would make both plots more effective and help facilitate delivery of the overall site.

The Council considers this to be a non-notifiable modification

Margaret E Copp (210.002); Allan Maxwell (235.002); Charlie Fulton (364.001); Charles Rae (373.001); Marjorie Airley (411.001) - Site guidance has acknowledged the requirement for a FRA as part of any future planning application. This should be agreed by the Council's FRMT and SEPA.

There is no record of any refusal for a new surgery in Daniel Park or housing on the northern end of the land at Nursery Cottage on flood risk grounds. Regarding land to the south of the Field of Hope, the FRMT did object to the application as the proposed FFL was lower than the 1:200 year flood level. However, any forthcoming planning application will be assessed on its own merits and this refusal does not preclude development on neighbouring land.

The purpose of the LDP is to allocate land for housing. The landowner is irrelevant provided efforts are being made to ensure the site's effectiveness and to enable the site's development. Any potential issues regarding perceived conflict of interest would be covered by the Council's Code of Conduct.

No biodiversity designations identified for this site. Responsibility lies with landowner or developer to front the costs of further site investigations.

Although remediation works were undertaken in 2001 by the Council, the land use at that time was for a tree nursery. The site is allocated for housing, further investigation would be required. The site including the railway embankments (now removed) is under the ownership of a private individual. The site is allocated in the adopted LDP and has been carried forward as an effective site into the proposed plan. The site was re-assessed as part of LDP2 (CD56, pages 13-18), and consultation with roads colleagues, as part of this, have suggested post-removal of the embankments that an access may be taken from the A711.

No modification proposed to the Plan.

Allan McLean Phin (097.003); M and G Bryson (466.001) – Site guidance states that proposals will need to demonstrate how development will take account of access, landscaping, cycle and pedestrian routes, open space within the site and linkages with wider green networks such as Bar Hill plantation.

Policy OP1: Development Considerations and OP2: Design Quality and Placemaking will both be important considerations as part of any forthcoming planning application. These will address concerns regarding general amenity and landscape, whilst seeking to achieve positive placemaking through high quality design.

No biodiversity designations identified for this site. Responsibility lies with landowner or developer to front the costs of further site investigations.

No modification proposed to the Plan.

DBT.H205: Land to south of Craignair

Janine Emma Lockhart (155.002); David Gordon Lockhart (520.001) - Acknowledge that there is flood risk and site guidance refers to the need for a Drainage Impact Assessment and if required, a FRA, as part of any development proposal. No development is to take place on the floodplain within the site. FRMT and the SEPA have not objected to the inclusion of this site.

The Council's roads officers were consulted as part of the site's planning and SEA assessment and did not raise any concerns regarding road safety. Site guidance states that proposals should provide for good pedestrian/ cycle links and green links to the new school and existing path systems.

Whilst it is recognised that the allocation of 124 housing units is a sizeable expansion, Dalbeattie is in Stewartry HMA as a district centre and therefore has an important role in helping to meet the need for new houses and support local services and facilities.

The LDP anticipates that the economy, along with developer interest, will begin to improve in the future and therefore seeks to ensure that sufficient land is available for when this happens. By not allocating sufficient land, future growth could be restricted.

No modification proposed to the Plan.

Sites not allocated in Proposed Plan**DBT.H202: Land adjacent to Nursery Cottage**

Mr and Mrs Jardine (522.001) – The site was considered at the MIR stage and determined as an alternative option for development. It is considered whilst the site may be suitable for development, there are other more suitable sites to meet the identified housing need.

No modification proposed to the Plan.

100/DBT/3: Land to west of Haugh Road

Rodger Callander (525.001) - The site was not submitted for consideration at the Call for Sites stages and the development potential of the site was not considered during the MIR. Members of the public have not had the opportunity to comment on such a proposed land use.

The site is located outwith the settlement boundary and was assessed as part of LDP1 (CD57) where it was considered that development of this site was not acceptable on landscape grounds. There is a generous supply of effective housing land on more preferable sites in Dalbeattie within the settlement boundary.

No modification proposed to the Plan.

KIRKCUDBRIGHT**Allocated sites****KBT.H1: Mersehouse/Mersecroft**

Emma Catherine Baird (049.002) - Support noted.

No modification proposed to the Plan.

Jacqueline Callander (407.001) – Acknowledge that there is flood risk and site guidance refers to the need for a DIA and if required, a FRA, as part of any development proposal. No development is to take place on the floodplain within the site. FRMT and the SEPA have not objected to the inclusion of this site.

Scottish Water and the Council's roads officers have raised no objections to the proposed development of this site in relation to either water supply or sewerage capacity, and to road safety, respectively.

Education services have been consulted and they are of the view that adequate capacity exists at the primary and secondary school in the short term. As development proposals come forward, the need for further education services may be required and this will trigger Policy OP3: Developer Contributions.

Consultation with the Council's service departments and statutory undertakers has confirmed that the sites can be serviced subject to the parameters set out in the site guidance.

No modification proposed to the Plan.

KBT.H2: East of Tongland Road/Burnside Loaning

Renate Tully (397.001) - Proposals will require that adequate car parking be provided per unit as part of the development of the site. Issues regarding blocking driveways are a matter for the police.

No modification proposed to the Plan.

KBT.H3: Land at Parkhouse

David McHale (261.002); Susan Kenny (269.002) - The site was carried forward from the adopted LDP but was re-assessed as part of the LDP2 process (CD58, p.14-20) and was still found to be effective.

Site guidance acknowledges that a FRA is required to identify the developable area of the site. No objection from the FRMT or the SEPA to prevent the allocation of this site on flood risk grounds.

The LDP is required to identify sites to meet the identified housing land requirement. The Housing Need and Demand Assessment Report (CD10) sets out the need and demand for housing supply. The HLR Paper (January 2018) (CD24) sets out the methodology of how the housing land figure was arrived at for each housing market area. It determined that an additional 952 housing units are required between 2017 and 2029 for the Stewartry housing market area, this is allocated between the district and local centres in support of the Council's spatial strategy. A range of sites have been identified to provide flexibility and choice. The sites allocated in the Proposed Plan are considered by the Council to provide enough land to meet the housing land requirement and are effective.

Consultation with the Council's service departments and statutory undertakers has confirmed that the sites can be serviced subject to the parameters set out in the site guidance.

Education services have been consulted and they are of the view that adequate capacity exists at the primary and secondary school in the short term. As development proposals come forward, the need for further education services may be required and this will trigger Policy OP3: Developer Contributions.

The NHS would need to consider expansion needs on a case-by-case basis and they would be consulted as appropriate as development proposals are brought forward. Again, the Council could consider the use of developer contributions for the expansion of health facilities.

Both the Council's FRMT and the SEPA have not objected to development here but have

requested a FRA to investigate any potential flooding issues and this will be taken into account during any future applications. At this stage, consider the site suitable for development in principle.

No modification proposed to the Plan.

KBT.H205: Land at Long Acre

David McHale (261.002) - Neither the Council's FRMT nor the SEPA have objected to development here but have requested a FRA to investigate any potential flooding issues and this will be taken into account during any future applications.

The LDP is required to identify sites to meet the identified housing land requirement. A range of sites have been identified to provide flexibility and choice. The sites allocated in the Proposed Plan are considered by the Council to provide enough land to meet the housing land requirement and are effective. The HLR Paper (January 2018) (CD24) sets out the methodology of how the housing land figure was arrived at for each housing market area.

No modification proposed to the Plan.

Reporter's conclusions:

Castle Douglas

CSD.H3: East of Ernespie Road

Background and Spatial Strategy

1. Castle Douglas is one of three local centres within the Stewartry Housing Market Area (HMA), and as such should contribute appropriately to the housing land requirement. A requirement for 952 houses up to 2029 is set out in the Housing Land Requirement Technical Paper 2018. This takes into account expected employment growth and other demographic factors, as well as past housing completion rates. A 20% generosity figure is included within the housing land requirement. I am satisfied that the process used by the council accords with that set out in Scottish Planning Policy (SPP).
2. The indicative capacity of all of the sites allocated within the Stewartry Housing Market Area is 1,324, but it should be noted that 342 of these are identified post 2029, leaving 982 within the period up to 2029. I also acknowledge that there would be likely to be infill and windfall sites, and sites within villages over and above that figure. In overall terms, I find that the allocations are generally in line with the housing land requirement for Stewartry, given that the actual number of houses built may be more or less than the indicative figure. The number identified within Castle Douglas appears to me to be a reasonable proportion of the total for this district centre. However, the above figures mean that the loss of any significant housing site from the allocations in the proposed plan for Castle Douglas would potentially result in a shortfall against the housing land requirement unless an alternative site was identified.
3. I note that the representation on behalf of the prospective developer of the site sets out the history of the site's inclusion in the existing adopted local development plan following the examination. It appears that the council's initial intention was to discontinue the site's inclusion in the proposed plan, but that the council made a final decision to include the housing site in the proposed plan before the plan was published.
4. The site is currently agricultural land, lying between an existing industrial estate which

takes access from Oakwell Road, a supermarket which takes access from Ernespie Road to the south of the proposed housing site, and existing housing on the west side of Ernespie Road. To this extent housing development would constitute a logical extension of the built-up area of Castle Douglas, extending no further north into the countryside than the existing housing to the west of Ernespie Road. Indeed, there is a small housing estate to the west of Ernespie Road that already extends further north, and the topography and woodland screen the site on approaching Castle Douglas from the north.

Landscape and Townscape Impact

5. I acknowledge that the site contributes to the landscape setting of Castle Douglas. However, following my inspection of the site, I find that the existing topography and woodland to the north provide a good landscape framework for development on the site. Structural planting would be likely to be necessary along the north-eastern boundary of the site, to supplement an open drystone wall, as would a landscaped buffer along the boundary with the existing industrial estate, and this (as well as intervening housing development) would soften the visual impact of the existing industrial estate to the south.

6. I note that the development guidelines set out in the settlement statement are comprehensive, and include reference to the quality of the design and layout of the development being a critical consideration, as the site is located along a main gateway point to the town. It would be a matter for the development management process to secure a high-quality design and layout for the development that maintains the character and amenity of the approach into Castle Douglas along Ernespie Road. I also note that the retention of the stone dyke along the site frontage with Ernespie Road would be required, although I find that the details of its safeguarding should follow further consideration of this feature during the masterplan process. The retention of mature trees along the boundary of the site is also required through the development guidelines.

7. I find that development on the proposed housing site would not have a significant adverse impact on the landscape setting of the approach to Castle Douglas from the north. Nor would it have an adverse effect on the character of the existing townscape along Ernespie Road. This is subject to the development guidelines, which I generally find to be sufficient in order to mitigate the landscape and townscape impact of development. The masterplan approach is a particularly important part of this overall process. The only addition I find to be necessary is the inclusion of structural planting along the north eastern boundary of the site to provide a new defensible edge to the built-up area of the settlement.

Biodiversity

8. I acknowledge that the site would provide a habitat for local wildlife species. In the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. There is also no national or local nature conservation designation applying to the site. I therefore find that there is no basis to remove this site owing to any nature conservation value that the site may have.

Transport Infrastructure

9. Concerns have been raised within the representations about the effect of development on the local road network. I note that this has already been considered in the site assessment, where no significant road safety concerns have been identified. However, a masterplan and

transport assessment are required through the development guidelines owing to the indicative capacity for 130 houses: this constituting a significant development proposal with access from the A745 Ernespie Road. A continuous footway would be required along the frontage of the site with Ernespie Road. Other road and traffic management improvements are referred to in the development guidelines, and further such improvements may result from the transport assessment.

10. I am conscious that vehicular access to the housing on the west side of Ernespie Road has been taken from Dunmuir Road, thus avoiding direct access from Ernespie Road. There appears to be no opportunity to secure such an arrangement for the proposed development site, and so it is likely that vehicular access would require to be taken directly from Ernespie Road.

11. However, I find that an appropriate access (or possibly 2 separate access points) to the site from Ernespie Road should be possible without a significant adverse impact on road safety, subject to the assessment of additional traffic flows on the road network and particularly at the roundabout junction of the A745 with the A713, within the transport assessment which would be undertaken through the development management process.

12. This would ensure that any required improvements to the existing road network or traffic management within the area are undertaken commensurate with the development of the site for housing. The number of access points should however be determined through the development management process following the transport assessment.

Other Infrastructure

13. With respect to public services including the NHS and schools, I find that there is insufficient evidence to suggest that the overall provision of 547 houses (which is the indicative number of houses for which land has been allocated in Castle Douglas up to 2029) would have a significant adverse effect on these services. Housing post 2029 would be likely to be reviewed in the next review of the local development plan. However, in the meantime, and in the event that deficiencies are identified in relation to particular housing sites through the development management process, then developer contributions could be sought in order to made good any such deficiencies.

14. I note that there is a former quarry on the site, and that this and potential drainage difficulties have been raised within the representations. However, there is insufficient evidence to suggest that this would be a significant constraint. I note that part of the site is shown on the Scottish Environment Protection Agency's (SEPA) flood map as having a risk of surface water flooding. The SEPA has also provided advice that part of the site may lie within the 1 in 200-year flood plain, within which no development should take place, and that a flood risk assessment is required. I am satisfied that an appropriate drainage assessment and flood risk assessment could be undertaken through the masterplan process to ensure that any risk of flooding resulting from the development of the site is properly addressed, and I recognise this may reduce the indicative capacity of the site.

Overall Conclusion

15. Following on from the above, I find that housing site CSD.H3 should be retained in the proposed plan, subject to an alteration to development guidelines in the terms referred to above. I provide appropriate text for this within my recommendation's below.

CSD.H5: West of Torrs Road

16. This representation seeks to retain the development guidelines set out in the existing adopted plan. However, apart from minor textual changes, which I do not consider significant in the circumstances, most of the development guidelines remain the same. There is an addition relating to the requirement for a transport assessment, and also an addition setting out the opportunity for links to the access roads in the existing housing to the north. I find both of these to be appropriate additions, and in any event, the representation does not provide any reasoning for the exclusion of these elements.

17. Neither the representation nor the council's response provides any information as to why the first sentence (giving an indication of the type of housing envisaged for the site, including affordable housing) in the development guidelines as set out in the adopted plan has been removed. Therefore, in the context of Circular 6/2013, there is no basis for me to recommend any change to what is now proposed.

18. The most significant change which is sought in the representation is to revert to the text in the adopted plan which states that the site contains steeply sloping land which may require major engineering works to develop, whilst removing the additional constraint to the effect that development should be focused on the eastern part of the site to avoid the steep sloping drumlin to the west of Upper Torrs Farm. The issue is whether there is sufficient justification to state that development should be focused in the eastern part of the site, or whether this matter should be left to the masterplan process.

19. From my inspection of the site, I note that the majority of the site slopes down to the west from a ridge within the eastern part of the site, whereas from this ridge the land slopes steeply down to the east as far as the minor road passing Upper Torrs Farm. The land set aside for access from the A745 is flat, but the access into the site would be on steeply sloping land, and so I find that it is accurate to state that the site contains steeply sloping land that may require major engineering works to develop. This should in my view continue to be included in the development guidelines.

20. I viewed the site from the south west, and particularly from the higher western part of site CSD.H6, which would essentially be a continuation of housing development on site CSD.H5 beyond 2029. I find that housing development on the western slope of site H5 would be relatively well contained by the existing topography, and would also reflect and complement the existing housing development to the north.

21. I find that there is therefore no justification to include a provision that development should be focused on the eastern part of the site; if anything, I find that the opposite is likely to be the case. In any event, apart from including the reference to possible major engineering works (in particular to facilitate vehicular access to the site), I find that the most appropriate course of action would be to rely on the masterplan process for the design and layout of development on the site, which would then be properly assessed through the development management process. In the context of the overall development of housing sites CSD.H5 and CSD.H6, I have no significant concerns about the impact of new housing development in the western part of the site, although I acknowledge that the indicative capacity of 133 houses may be affected by physical constraints. I also note the council's response to the effect that the masterplan will determine how the topography of the site should be taken into account in the development of housing on the site.

Overall Conclusion

22. I find that the development guidelines for site CSD.H5 should generally be retained as proposed, but that the first sentence should be replaced by alternative text to reflect my findings above, which I set out in my recommendations below.

CSD.H6: South of Jenny's Loaning

23. This proposed housing site has been included in the proposed plan for longer-term development, with an indicative capacity for 190 houses post 2029. I have noted the background to the inclusion of this site in the existing adopted local development plan set out in the representation on behalf of the prospective developer. However, I do not consider that it is necessary for me to further examine the effectiveness or otherwise of the site, since this is not raised within the representation expressing concern about the inclusion of the site in the proposed plan.

24. This is essentially a continuation of the proposed housing development on site CSD.H5 that is examined above, with the main vehicular access to site CSD.H6 likely to be taken from the A745 through site CSD.H5. As with site H5, the indicative capacity may be affected by the steeply sloping nature of the site and potential flooding constraints in the southern part of the site. I note that a masterplan, transport assessment and flood risk assessment would be required in order to determine the eventual capacity and layout of the proposed housing development.

25. The other representation seeks the removal of the western portion of the site, mainly through the likely effects of construction on the cottage hospital and the school. It should be noted that some adverse environmental effects on adjacent uses cannot be avoided with construction works, although they are temporary and appropriate health and safety requirements would have to be followed.

26. I recognise that the site boundary is close to both the cottage hospital and the school buildings, but I am satisfied that the masterplan approach could ensure that there is an appropriate buffer between the proposed housing and these existing uses, which would have the effect of reducing construction effects. The development management process would in any event ensure that appropriate safeguards are put in place in this respect.

27. From my inspection of the site, I note that the western portion of the site slopes quite steeply upwards from the north east boundary to the south west boundary, and that it is likely that a significant landscape buffer along the south-west boundary would be required in any event in order to avoid visually intrusive development on the site when viewed from the north east. A similar buffer could be provided along the north-east boundary. In the circumstances, however, I find that no addition to the development guidelines is required in this respect and that the concerns expressed in the representation could be met through the masterplan and development management process.

28. It would not be appropriate to safeguard land for other purposes, unless a clear need for such has been identified. The council has not indicated that there is any identified requirement for the expansion of the primary school. Furthermore, whilst I recognise the importance of continuity within the local development plan process, the proposed housing site essentially constitutes an indication of long-term housing development after 2029, and there would therefore be an opportunity to review this matter at the next review of the local development plan should a need for educational expansion be identified. Developer contributions for

educational provision could also be sought under Policy OP3 if any future deficiency is identified as a result of housing development on the site.

Overall Conclusion

29. In overall terms, I find that there is no justification for the exclusion of the western portion of site CSD.H6 from the proposed plan and that no changes are required to the development guidelines with respect to the concerns expressed within the representations. No modification to the proposed plan should be made.

CSD.H11: Land to south of Kilmichael, Abercromby Road

30. I note the background to the site's inclusion in the existing adopted local development plan as set out in the representation on behalf of the prospective developer of the site. I recognise that the site was included in the existing adopted local development plan following the examination of representations relating to the site. I further note that the development guidelines include a requirement for screen planting along the road frontage and the boundary with the golf course to the south.

31. I also refer to my findings above relating to the overall provision of housing within Castle Douglas, and would reiterate that there is no evidence of any significant burden on the provision of public services for new housing development. However, in the event that deficiencies are identified in relation to particular housing sites through the development management process, then developer contributions could be sought in order to make good any such deficiencies.

32. From my inspection of the site and the surrounding area, I find that housing development on this site would constitute a significant extension of the built-up area of Castle Douglas, east of existing housing on Abercromby Road. The site is agricultural pastureland rising to a high point within the eastern part of the site. However, I also find that the site's enclosure by Kilmichael to the north and the golf course to the south, the topography of the site and the surrounding area, and existing mature trees, provide a relatively good landscape framework for the development of the site, subject to further screen planting which is referred to in the development guidelines. In this context, there would be no significant adverse impact on recreation or tourism facilities.

33. The site rises above the level of existing housing on the east side of Abercromby Road, and I understand the concern expressed with respect to the amenity of this adjacent housing. However, subject to a sufficient landscaped buffer and an appropriate distance between existing and new housing, I find that the proposed housing development would not have a significant adverse impact on this. A slight addition to the development guidelines should be made, in order to include appropriate screen planting along the eastern boundary of the site to the rear of the housing on Abercromby Road.

34. As also indicated with respect to site CSD.H6 above, it should be noted that some adverse environmental effects on adjacent uses cannot be avoided with construction works, although they are temporary and appropriate health and safety requirements would have to be followed. In this case, I am satisfied that appropriate protection for existing housing development adjacent to the site would be available through the development management process.

35. Although I recognise that the area for the proposed vehicular access slopes quite steeply

up from Abercromby Road, and may require substantial engineering works and landscaping, I am satisfied that vehicular access to the site from Abercromby Road would be acceptable subject to any necessary junction or traffic management improvements identified through the development management process, and as set out in the development guidelines. I also note that a drainage impact assessment, and possible flood risk assessment would be required, and I am satisfied that these should address the concerns on this matter expressed within the representation.

Overall Conclusion

36. In overall terms, I find that the development of CSD.H11 for housing would not have a significant adverse impact on the environment or infrastructure of the area, subject to a slight addition to the development guidelines in terms of my findings above, and I provide appropriate text for this in my recommendations below.

CSD.H203: Land at the Stables

Background and Spatial Strategy

37. I note that the settlement overview has been condensed in the proposed plan from that included in the adopted local development plan. However, whilst I find that there would be merit in referring to the landscape character of Castle Douglas in the manner included within the adopted local development plan, I also find that in the context of Circular 6/2013 the plan is not insufficient or inappropriate without this level of detail. I therefore find on this matter that no change to the proposed plan is required.

38. I also note that there is support from prospective developers for mainstream and affordable housing on this site following its assessment in the main issues report. However, it would appear that only the south western field was proposed as a housing site at that time, although I note from the council's submissions that the full site was assessed for the existing adopted plan. From one of the prospective developers, which owns the 4 north eastern fields, the support appears to be conditional on the site not being an alternative to site CSD.H6. Clearly, it is not an alternative, since site CSD.H6 is also included in the proposed plan, albeit for longer-term housing development post 2029.

39. The site as now proposed is for all 5 fields, and with an indicative capacity for 180 houses up to 2029. Access would be likely to be taken from Cairnsmore Road, Donald Road or Dunmuir Road. The site is agricultural pastureland, which rises quite steeply to a ridge and summit (upon which there is an existing telecommunications mast) in the central part of the site. However, the site is in close proximity to the town centre, including sustainable transport and facilities, and is well contained by existing built development on 3 sides. In the context of SPP, the site is not prime agricultural land, and there is no evidence that the site is locally important for agriculture.

Landscape Impact

40. In considering landscape impact, I also take into account the effect on the character of the surrounding townscape, local heritage and the amenity of surrounding houses. The development guidelines state that the site is raised, which I find to be a considerable understatement. The south-western field is relatively low-lying, and a well-landscaped housing development within this field would have no significant adverse effect on the landscape setting of the northern edge of Castle Douglas or the surrounding townscape.

41. However the remainder of the site is steeply sloping, particularly from the north and east, rising to a ridge along a field boundary that contains a row of substantial mature trees, including the highest point on the site upon which the telecommunications mast is located. I walked around the whole of this part of the site in order to assess the potential effect of development on the site owing to its prominence and therefore its landscape and townscape sensitivity. I also viewed the site from high points on sites CSD.H6 and CSD.H11, from where the site is clearly visible. Following on from this, I find that the site has a striking prominence in the overall landscape and townscape of Castle Douglas.

42. Conversely, from the ridge containing the row of mature trees, large parts of the built-up area of Castle Douglas are visible, so by definition development on the higher part of this site would be generally prominent within the overall townscape of Castle Douglas. I also have some concern about the site's relationship with the school and playing fields to the north, and more particularly, the existing housing accessed from Donald Road to the south-east and from Dunmuir Road to the east. The residential amenity of these housing areas would be adversely affected to some extent from housing development on the 4 north-eastern fields of site CSD.H203.

43. It would therefore be important to provide a landscaped buffer between new development and existing housing and the school along the eastern boundary of the site. A landscaped buffer could ensure an appropriate distance between houses in terms of potential overlooking and provision for sunlight and daylight. In addition, the north-western boundary of the site is fairly weak in places, and traffic on the A75 is clearly visible from the site. I find that it would be necessary to implement structural planting along this north-western boundary in order to provide a new defensible boundary along the northern edge of the built-up area. In general terms, development would also require to avoid the highest parts of the site, which is already to some extent recognised within the development guidelines for the site. With respect to the prehistoric fort, I find that appropriate protection would be likely to result from this this.

44. I draw this matter to a conclusion with other matters in my overall conclusion below, but one of the constraints to my examination is that there is so far not even a high-level landscape assessment of the effects of development on this site, and I find that a masterplan approach would therefore be very important if this housing site is retained within the proposed plan. Such an approach would in my view require to be informed by a comprehensive landscape assessment in order to determine how the landscape and townscape impact from development could be sufficiently mitigated.

45. The masterplan approach should be specified in more detail in the development guidelines (as is the case for example with respect to sites NST.H4 and NST.H7 in Issue 13) to refer to the layout and design of houses on the site, the eventual number of houses (which may be lower than the indicative number, although I have insufficient evidence at this stage to suggest a lower figure) and the landscaping of the site. It would be important to retain mature trees on the site and provide sufficient open space to an extent that would retain access into the site for recreational purposes (for both residents and visitors).

Biodiversity

46. I acknowledge that the site would provide a habitat for local wildlife species. In the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. There is also no national or local nature conservation designation applying to the site. I therefore find that there is no basis to exclude this site owing

to any nature conservation value that the site may have.

Transport Infrastructure

47. There is a requirement for a transport assessment within the development guidelines, and this would take into account future traffic flows and any required road, junction or traffic management improvements. This would also include any necessary steps that may be required to ensure a safe route to the local school. I note the council's response to the effect that access to Dunmuir Road would be likely to be for pedestrian and cycle access only. However, any change to the development guidelines in order to accommodate this would be significant, and certainly more than a non-notifiable change and I further examine this matter below.

48. I have viewed the roads in the vicinity of the site, and the possible points of vehicular access. The only readily available point of access would be from Dunmuir Road, and it appears that this may require the acquisition of third-party land in order to provide the necessary width of the access road and appropriate sightlines. However, I noted at my site inspection that Dunmuir Road is a straight section of road at the point of access, and has a reasonable width to accommodate some increased traffic levels, although there is an existing junction opposite. It was fairly quiet at the time of my site inspection. It may be the case that this access would be better suited to pedestrian and cycle access only, but I do not believe it would be appropriate to specify this within the development guidelines before the transport assessment has been undertaken. This is also influenced by my assessment of other potential points of access.

49. Other potential points of access referred to by the council include Cairnsmore Road and Donald Road to the south. However, Cairnsmore Road is separated from the site by the route of a former railway line, now used as a recreational footpath in connection with neighbouring areas of amenity open space. There is a significant difference in levels and bordering vegetation that would require substantial engineering works in order to facilitate vehicular access to the site. At my site inspection, I saw no obvious point of access, other than possibly a group of lock-up garages on the north side of Cairnsmore Road that may be considered to be of a more temporary nature.

50. Donald Road provides a potential point of access into the site at its south-east corner, but this would clearly result in the loss of significant amenity open space, and would require a significant length of new road in order to reach the site. Furthermore, Cairnsmore Road and Donald Road are existing residential estate roads, which would have to be assessed as to their capability in terms of the increased levels of traffic that would be involved in providing access to the site.

51. I find that the difficulties of providing access to the site raise questions as to the effectiveness of the site, and its potential contribution to the housing land requirement up to 2029. However, since the council (in terms of its response above, and following discussion with prospective developers of the site) appears to consider that vehicular access to the site would be feasible, and that a transport assessment has yet to be undertaken in order to assess the impact of increased traffic on the local road network, I find that it would not be appropriate to exclude the site on these grounds alone.

Other Infrastructure

52. Owing to the steeply sloping nature of the site, concern has been expressed within the

representations about the potential flood risk to existing housing. However, I note that the requirement for a flood risk assessment is set out in the development guidelines for the site, following advice provided by SEPA, and I find that this is in the circumstances sufficient. Any identified deficiencies within the drainage and sewerage infrastructure could be addressed under Policy OP3 by a requirement for appropriate developer contributions. There is no evidence of any significant burden on education and medical services, but should such be identified during the development management process, developer contributions could also be sought for this. The council has not indicated that any expansion of the primary school is required.

Overall Conclusion

53. Whilst only the south-west field appears to have been included at the main issues report stage, I recognise that the council is entitled to increase the extent of its proposed housing sites within the proposed plan where this is considered to be justified. However, I am concerned that the extent of the site in both the site assessment and the updated environmental report is referred to as 3.81 hectares, which (comparing to the extent of other similar sized sites such as CSD.H5 and CSD.H6) does not appear to relate to the whole site as now allocated in the proposed plan. Furthermore, the description in the overall summary of the strategic environmental assessment of the site does not appear entirely compatible with my findings relating to the whole site. In this context, however, it is a matter for the council to ensure that the strategic environmental assessment of the site is sufficient before the plan is adopted.

54. I find that development on this proposed housing site would have an adverse impact on the landscape setting of the northern edge of Castle Douglas, and on the existing townscape, although this could be substantially mitigated. I also find that there are questions relating to the effectiveness of the site in terms of providing vehicular access. However, the site is well related to the urban area in locational terms, particularly with respect to sustainable forms of transport and local facilities, which should be reflected in the development guidelines, and its development would significantly contribute to the housing land requirement for Stewartry examined above. I have considered the possibility of excluding the 4 north-eastern fields, which are the areas of the site where development would have the most landscape and townscape impact, and retaining the south-western field on its own. However, in overall terms, and on balance, I find that housing site CSD.H203 should be retained as proposed within the plan.

55. This is however subject to the inclusion of more comprehensive development guidelines covering the masterplan process, the need for a comprehensive landscape assessment as well as a transport assessment, and more specific matters arising from my findings above. I provide appropriate text for this in my recommendations below.

CSD.B&I1: Land at Oakwell Road

56. I agree with the council to the extent that some provision requires to be made within this district centre for the expansion of existing business uses and for inward investment. The site lies adjacent to established business and industry areas both to the south-east and west; and development on the site would essentially constitute a logical extension of these areas, as well as being infill development within the existing settlement boundary. The site is also, however, within a mixed-use area, with a housing area to the south, and further housing to the east; south of the former railway line. The site is allocated for business and industry within the existing adopted local development plan.

57. It appears that the existing business and industrial areas have been established for some time and I recognise that the amenity available to existing housing in the area may be affected by periodic noise and disturbance. However, the level of amenity that exists within an entirely residential area cannot be expected within a mixed-use area.

58. I note that the development guidelines require a landscaped buffer zone adjacent to Oakwell Place and Whitelaw Avenue. These are the housing areas where residential amenity would be the most affected by the development of the site for business use. With respect to the housing area to the east, a substantial landscaped buffer could be provided relatively easily. I note that there is a gated access from this housing area into the site, but which was locked at the time of my site inspection.

59. I recognise that the site is fairly narrow and that there is otherwise limited space for the provision of landscaped buffer zones, but providing a further buffer zone to the north and west of the housing at Oakwell Place would assist with protecting residential amenity, as would a restriction on the type of use and hours of operation (which is also referred to in the development guidelines). A further measure would be to restrict development to Class 4 business uses (uses which can be carried on without detriment to the amenity of a residential area) where this is considered appropriate. I recognise that there is no such provision in the existing adopted plan. However, the site is relatively small and new industrial units on the site would be likely to be small-scale, so there is an opportunity to enhance the environment of the area as a whole through such new development.

60. The site is rough unmaintained grass, with a track leading through the site from Oakwell Road (to the west of Oakwell Place). This would however not be suitable for vehicular access to development on the site. Although I acknowledge that the site in its natural unmaintained condition is likely to provide a wildlife habitat to some extent, I find that the site has no significant nature conservation value.

61. I find that there should be no difficulty in providing vehicular access to the site, either through the existing industrial estate to the west, or from the line of the former railway further east along the A745, although I consider that this is a matter which should be addressed through the development management process, depending upon the nature and layout of the development.

62. I note the concern raised within the representations about the difficulties experienced with a sewage pumping station in the area, but I find that this is a matter that should be investigated by the appropriate authorities. It may be the case that the required provision for new services would assist with improvements to existing infrastructure.

Overall Conclusion

63. In overall terms, I find that this site should be retained within the proposed plan for business and industry use, with the development guidelines as currently written, but with the addition of a restriction to Class 4 business uses where this is considered appropriate. I provide appropriate text for this in my recommendations below.

CSD.H10: Land to the south of Ernespie Lodge

64. I note that this site was allocated for housing in the adopted local development plan in accordance with the reporter's recommendation following the examination of that plan. In the previous examination report, the reporter refers to the main development issue being the need

to maintain the historic shelter belts that surround the site, especially in the alignment of the vehicle access that would be required. It is concluded however that the site merits a high quality, low-density development, including allowance for generous separation distances from the surrounding tree belts to safeguard their long-term future.

65. The council, however, proposed the exclusion of the site from the proposed plan in the main issues report, owing to an assessment that the development of the site would have adverse effects on the semi-natural and ancient woodland that surrounds the site. Impact on semi-natural or ancient woodland is referred to as a negative factor in the strategic environmental assessment of the site, within the updated environmental report.

66. I also note that the site continues to be marketed by the prospective developer as an effective housing site. The proposed housing site could make a material contribution to the housing land supply within Castle Douglas, in the context of the housing land requirement referred to above. I agree with the prospective developer that continuity is important, and I find that it would only be appropriate to exclude the housing site from the proposed plan in the event that new material circumstances have been identified which justify this.

67. In this context, the key issue is the effect that new housing development would have on the woodland that surrounds the site. From my site inspection, I note that this is an elevated area of pastureland, rising steeply from the point of access on Ernespie Road, surrounded by mature trees. I find that these trees have intrinsic merit, and would be important in screening development on the site. However, I also find that their retention and protection could be set out in the development guidelines for the site, such that they would not be adversely affected by the development of the site.

Overall Conclusion

68. In overall terms, I therefore find that the site should be allocated for housing development in the proposed plan, with development guidelines set out in the settlement statement for Castle Douglas as already set out in the adopted local development plan. I have no evidence before me to justify any change to these development guidelines.

CSD.H201: Land at Castle Douglas

69. This site is included as protected open space in the proposed plan, and I note the description of protected open space within the council's response above. From my inspection of the site, I find that this is an area (or paddock) of rough grazing land, which is not available for any form of public access or use. However, the site contributes to the visual amenity of the southern edge of the built-up area, and I have noted that there is other similar open space designated as protected open space within the Stewartry area. The site is also included as protected open space in the existing adopted local development plan, and I find that continuity should be maintained in this respect unless there is a material change in circumstances.

70. In addition to the removal of the protected open space designation, the representations also seek the designation of the site for housing. In this context, I refer to my findings above with respect to the housing land requirement within the Stewartry HMA. Taking into account the housing land allocations post 2029, I have found that the allocations are generally in line with the housing land requirement for Stewartry. In addition, potential infill and windfall housing within the settlements, and housing in villages, is likely to contribute significantly to the housing land supply.

71. I therefore find that there is no shortfall in the housing land requirement that would provide a significant reason to seek to allocate additional housing sites in Castle Douglas. Furthermore, I do not consider that there is any reason to require housing sites to be identified particularly within the southern part of the built-up area of Castle Douglas; essentially sites should be effective and with the least impact on the environment and infrastructure wherever they are located within the settlement, although they should be sustainable in the context of transport and other local services.

72. This particular site is located within the settlement boundary, and its development would essentially constitute an infill site. In this context it could be therefore be considered for housing under Policy H1(b), together with other relevant policies in the proposed plan.

Overall Conclusion

73. In overall terms, I find that there is no justification for the allocation of this site as a housing site in the proposed plan. I also find that the site should be retained as protected open space, and that any proposals for housing development should be considered in the context of Policies H1(b) and CF3(a). No modification should be made to the proposed plan with respect to these representations.

Dalbeattie

DBT.H3: Bruce Road/Port Road

74. This site is currently amenity open space to the north of existing housing at Bruce Road, to which the site is well related and from which it is readily accessible. It is a small proposed housing site with an indicative capacity for 12 houses, and the development guidelines include pedestrian/cycle links to both the existing housing area to the south, and the area of protected open space to the north.

75. Whilst it is clearly a site within the settlement boundary, and would constitute an infill development site, housing development would lead to the loss of amenity open space which is available to existing residents, and the key issue to be examined is whether or not this loss would have a significant adverse impact on the amenity of the area, particularly insofar as it provides a safe play area for children.

76. The site is a well-maintained area of grass, but there are no formal play facilities on the site. It is nevertheless an ideal play space for children, particularly from the existing housing to the immediate south and east, with supervision being readily available owing to the close proximity and visibility of the site from the housing. I therefore understand the concern raised within the representations about the loss of this amenity open space.

77. The amenity open space also contributes the landscape setting of the existing housing to the south. There is a rough track to the north of a hedge between this amenity open space and an area of protected open space to the north. However, this protected open space to the north is rough pastureland to which access is not readily available, and therefore essentially only serves as visual amenity open space. There is no evidence of any intention to provide formal access to or landscape the open space to the north.

78. There is a footpath and cycle access from the site to formal protected open space to the east of the site including areas east and north of the Dalbeattie Burn. A footbridge over the burn accesses this area. Whilst this is further away from the housing to the south of the site, it

is still readily accessible, and includes active play facilities.

79. The site to the west across the A710 is not an alternative housing site because that has also been allocated for housing with an indicative capacity for 60 units. Whilst I accept that housing site DBT.H3 is a relatively small site, it would nevertheless contribute to the housing land supply for Stewartry that I have already examined above.

80. I do not consider that the site is significant in terms of its contribution to biodiversity. There is no national or local nature conservation designation applying to the site and there is no basis to remove this proposed housing site owing to any nature conservation value that the site may have, particularly given the informal protected open space to the north, which would be likely to provide a more significant local wildlife habitat.

Overall Conclusion

81. In overall terms, I find that the site's potential contribution to the housing land supply is more significant than the contribution that the site makes to the residential amenity of the area. I therefore find that the site should be retained for housing within the proposed plan. The development guidelines are also appropriate, although I find that there should be clarification in terms of access links from the site to the protected open space to the east including both east and north of the Dalbeattie Burn.

DBT.H6: John Street/Barhill Road

Characteristics of the Site

82. In the first instance, I note that one of the representations seeks the subdivision of the proposed housing site into two separate allocations. I do not consider that this is necessarily of great significance, since ownership and physical distinction among different parts of a site often occur, and may not be a determining factor either in relation to the suitability or the effectiveness of a housing allocation, particularly where development guidelines identify constraints which need to be addressed for different parts of the site.

83. Nevertheless, I recognise the physical distinction between the northern part of this site, to the west of the Edingham Burn, which is partly a brownfield site having already been developed, and the remainder of the site to the east of the Edingham Burn that is an undeveloped site. I also recognise that vehicular access to the former would probably be taken from John Street, whereas to the latter it would probably be taken from Barhill Road to the south. In addition, I recognise that an area free from development may be required both to the north and to south of the Edingham Burn to alleviate possible flood risk from the burn, which would be likely to physically separate the development.

84. Furthermore, some of the representations draw a distinction between the northern and southern parts of the site, seeking only the removal of the southern part of the site. I therefore return to this matter following my examination of the issues raised in the representations, and in this context, I consider that separating the site into two allocations would be a material consideration that would not in the circumstances constitute a "non-notifiable" variation in the context of Circular 6/2013.

Site to the west of Edingham Burn

85. This part of the site is relatively small, and generally appears to constitute an already or

previously developed area, although the eastern part (adjacent to the burn) appears to be rough unused grazing land (or a paddock). In any event, it lies to the south of an existing house (which appears to be related to the use of the remainder of the site) and there is existing housing on the west side of John Street. I find that development on this part of the site would relate well to the existing built-up area, there would be no significant adverse environmental impact, and access could readily be taken from John Street.

Site to the east of Edingham Burn

86. I acknowledge that this part of the site is likely to provide a habitat for local wildlife, as it constitutes an area of naturally regenerated woodland and rough grassland. However, in the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. Any interest in the site by badgers would be protected through the Badgers Act 1992.

87. Furthermore, there is no national or local nature conservation designation applying to the site, and there is therefore no basis to exclude the proposed housing site owing to any nature conservation value that the site may have. There is no evidence that the area constitutes an important peatland area, as referred to in one of the representations, and the site is not designated as such in the proposed plan.

88. I recognise that the site east of the Edingham Burn is part of a green corridor extending from the Bar Hill Plantation (beyond the settlement boundary) through the site and into the area of protected open space at Colliston Park. From my site inspection, I find that the site has significant amenity value, and contributes to the local landscape, particularly given that there is a track running through the eastern part of the site, which provides a designated footpath access into the Bar Hill Plantation. Whilst there is no formal access into the site to the west of this track, there are existing field gates which would allow access. However, housing development could be provided on the site, whilst retaining the green corridor and this could be referred to within the development guidelines. I also note that a small part of the proposed housing lies to the east of the track, but I am satisfied that is only likely to be used for access from the site to the woodland to the east. I return to the importance of the green corridor, and how this should be approached, in my overall conclusion below.

Other matters raised in the representations

89. The Edingham Burn runs through the site, and I recognise that part of the site is shown on the SEPA flood map as being at risk of flooding. The majority of this appears to be to the west of the Edingham Burn, but since this is largely an already developed site, housing development here could accord with SPP subject to a flood risk assessment. In any event, I consider that a flood risk assessment would require to be undertaken for the whole site, with respect to any development proposal considered through the development management process. Nevertheless, I find that the identified flood risk is not at this stage sufficient to justify the exclusion of either part of the site examined above for housing development, although it may eventually result in a reduction in the indicative capacity of the site.

90. I note that remediation works with respect to the land to the west of the Edingham Burn were related to the use of the land as a tree nursery. I acknowledge that for residential use, more stringent requirements may apply, and I therefore find that a requirement for potential further remediation should still be included within the development guidelines, although this should be revised to refer to the remediation work already undertaken.

91. I also note the concern expressed about the history of proposals for the development of the site, but different considerations apply to the inclusion of land for housing development in the local development plan, and it is important to emphasise that planning permission would only be granted if the constraints identified in the development guidelines (including flood risk) could be satisfactorily addressed.

92. The issue of the removal of the railway embankment is not relevant to the examination as to whether or not the site should be allocated for housing development in the proposed plan. I note the potential conflicts of interest raised within the representations, but I find that this is a matter for the council to address, and that it is also not relevant to the examination as to whether or not the site should be allocated for housing development within the proposed plan.

Overall Conclusion

93. I find that there would be no adverse environmental or infrastructure consequences from the allocation of that part of the site west of the Edingham Burn for housing in the proposed plan, subject to appropriate development guidelines including the need for a flood risk assessment, and an assessment of the need for possible further remediation measures relating to housing development on the site.

94. Whilst I recognise that the site to the east of the Edingham Burn is part of a green corridor, I find that this could still be retained if the site is developed for housing. There would be an adverse impact on the local landscape and amenity of the area to some extent, because the character of the site would be significantly altered. However, housing development with a landscaped area of open space bordering the existing track would maintain the green corridor from the Bar Hill Plantation to Colliston Park.

95. I have considered the possibility of excluding this part of the proposed housing site, and designating the area as protected open space, linking into Colliston Park. However, there is no current formal access into the site, and I have no evidence relating to the extent to which the site could be landscaped and access provided in order to fully accord with the council's definition of protected open space (referred to with respect to site CSD.H201 examined above). The site is allocated for housing in the adopted plan.

96. I therefore find that this part of the site should be retained for housing development in the proposed plan, thus maintaining the housing land supply already examined above, but subject to the retention of a green corridor being referred to in the development guidelines. This may reduce the capacity for housing on the site, but the figure referred to in the development guidelines is only an indicative capacity, and I find that the current indicative capacity provides for a relatively low density of development.

97. However, in the context of the representations made, and given that the council considers this to be an appropriate course of action, I find that the sites to the west and east of the Edingham Burn should be separated into two allocated housing sites, with an indicative capacity commensurate for each site, and with separate development guidelines in so far as they relate to each site, and taking into account my findings above. I provide appropriate text for this within my recommendations below.

DBT.H205: Land to south of Craignair

98. I refer to my examination of the housing land requirement for Stewartry above, and I recognise that this is a fairly large site with an indicative capacity for 60 houses. However,

Dalbeattie is one of three local centres within the Stewartry housing market area, and as such should contribute appropriately to the housing land requirement.

99. I note that the council's roads officers have not raised any concerns about road safety with respect to providing vehicular access to the site. From my site inspection, it appears that a suitable access on to either to A710 or the A711 could be provided. I note that there is already an access provided to a new health centre along the south-east boundary of the site, which may assist in providing vehicular access to the site. In any event, road safety would be further considered with respect to any development proposal through the development management process.

100. There is concern raised in the representations relating to the potential flood risk resulting from the development of the site. However, I note from the council's response above that SEPA has not objected to the allocation of this housing site in the proposed plan. The site is mostly free of areas of flood risk as shown on the SEPA flood map. Furthermore, the development guidelines state that a drainage impact assessment and possible flood risk assessment would be required with respect to any proposal for development on the site. I therefore find that the housing site should remain within the proposed plan, and that no modification to the proposed plan should be made.

DBT.H202: Land adjacent to Nursery Cottage

101. I note that this site was considered as a potential housing site in the main issues report, following which it was determined that more suitable sites are available in order to meet the housing land requirement. The site lies outside the northern edge of the settlement boundary of Dalbeattie, on the west side of John Street, across the carriageway from site DBT.H6 that is examined above. The site is currently agricultural pastureland. Housing development would therefore constitute an extension of the settlement into the countryside, although it would be a fairly logical extension between existing housing development to the south and a caravan site to the north.

102. The site is relatively flat, but rises gradually towards the western boundary of the site, and contributes to the landscape setting of the northern edge of Dalbeattie. There would therefore be some local adverse impact on this landscape setting from the development of the site for housing, but the topography and screening would limit this significantly on approaching Dalbeattie from the north along the A711. Landscape impact could be further ameliorated through the layout and design of housing on the site, including a substantial landscaped boundary to the north and west.

103. However, from my examination of the housing land requirement above, there is no significant shortfall in the housing land allocation within Stewartry, and in the event that such becomes evident before the next review of the local development plan, any proposal for housing development could be considered under Policy H4. The status of the site could also be reconsidered at the next review of the local development plan.

104. On balance, I therefore find that this site should not be allocated for housing development in the proposed plan at this time. No modification to the proposed plan should be made.

100/DBT/3: Land to west of Haugh Road

105. Whilst this site was not included for consideration in the main issues report for the

proposed plan, I note that it was assessed and rejected by the council on landscape grounds in the context of the existing adopted local development plan.

106. The representation acknowledges that the allocated sites within Dalbeattie would meet the projected demand for housing, but maintains that a further back up of more reliable sites to 2029 would be desirable owing to service or environmental constraints identified with respect to the allocated sites.

107. I recognise that the capacity for housing on each of the identified sites is indicative, but from my examination of those sites upon which representations have been submitted, the indicative capacity generally takes into account the service and other constraints that have been identified. In addition to this, infill and windfall sites throughout the plan period would be likely to supplement the allocated sites. I also accept that there may be no significant service constraints with respect to the development of this site, including the risk of flooding and vehicular access, but this would require confirmation.

108. The site appears to be good quality agricultural pastureland lying outside the settlement boundary at the north west entrance to the town along the B794 Haugh Road. It would however constitute a reasonable extension to the built-up area with existing housing development on the eastern side of Haugh Road. The site is fairly low lying (below the level of Haugh Road and the housing development on its eastern side) and rises to the north (Walker Hill). There are no physical features along the northern boundary and a new defensible edge to the built-up area would be required.

109. The site contributes significantly to the landscape setting of the north-western edge of Dalbeattie, and there would be local adverse impact on this landscape setting from the development of the site for housing. However, the topography is such that development would be screened entering the settlement from the north west, which would limit this adverse impact. Landscape impact could be further ameliorated through the layout and design of housing on the site.

110. On balance, I find that this site should not be allocated for housing development in the proposed plan at this time. The status of the site could however be reconsidered at the next review of the local development plan, in the light of the housing land requirement for Stewartry. No modification to the proposed plan should be made.

Kirkcudbright

KBT.H1: Mersehouse/Mersecroft

111. This proposed housing site lies to the north of an existing housing area, which is separated by the River Dee from the rest of the settlement of Kirkcudbright. It has an indicative capacity for 70 houses, and so it is therefore a major part of the allocation of 93 houses up to 2029 within Kirkcudbright, with further sites for 152 houses being identified post 2029. I have noted the representation in support of the proposed housing site and that the site is allocated for housing within the existing adopted local development plan.

112. Kirkcudbright is one of three district centres within Stewartry, and I find that the above allocation for housing (in terms of its scale) is both necessary and reasonable as part of the contribution to the housing land requirement for Stewartry, which I have already examined above. I note the concern expressed within the representations about the lack of the necessary infrastructure to support the proposed housing development. However, I find that

there is insufficient evidence to suggest that this is the case.

113. I note that Scottish Water has raised no objection in the context of the water supply or sewerage capacity, and that the council's education services consider that sufficient capacity exists within the local primary and secondary schools in the short term. In the event that an improvement to this infrastructure is required in the longer term, as a result of this proposed development, I am satisfied that the council could seek appropriate developer contributions towards this in the context of Policy OP3.

114. The concern expressed about road safety is general (in relation to an increase in traffic flow from the proposed development) and not specific to any particular part of the local road network. All new housing development will have some impact on the local road network, and I note that the council's roads officers have not raised any objection on road safety grounds. However, any proposal for housing development would require to demonstrate that an appropriate vehicular access can be provided and that any other required improvements to the local road network would be undertaken in order to ensure no adverse effect on road safety. This would be secured through the development management process when a planning application is submitted, and I note that a masterplan approach to the development of the site is required.

115. A further element of concern within the representations relates to the flood risk to the site and the resulting effect elsewhere in the vicinity of the site. The site is located in fairly close proximity to the River Dee, and the council recognises within its response that there is a flood risk to the site. I note however that the site is not shown on the SEPA flood map as an area at risk of flooding. However, a flood risk assessment is required within the development guidelines for the site, in order to determine the developable area. I find that in the circumstances, and in the absence of any such view from SEPA, the proposed housing site should not be excluded from the proposed plan on flood risk grounds.

116. In overall terms, I find that there is no basis to exclude the housing site from the proposed plan, and that no additional matters are required within the development guidelines. No modification should be made to the proposed plan.

KBT.H2: East of Tongland Road/Burnside Loaning

117. The only issue of concern with respect to this proposed housing site relates to road safety. I note that this is a small infill site within the existing built up area, with an indicative capacity for 8 houses. I find that there is no evidence to suggest that appropriate access could not be provided, and the parameters for this are indeed set out in the development guidelines for the site.

118. The council's normal parking standards would be applied and any required traffic management arrangements would be addressed through the development management process. I agree with the council that the blocking of driveways would be an enforcement matter for the police. I find that there is no basis on road safety grounds to exclude the allocated housing site from the proposed plan. No modification should be made to the proposed plan.

KBT.H3: Land at Parkhouse

119. I note that this proposed housing site is included in the existing adopted local development plan, and that the council still considers the site effective, although it is identified

for development post 2029. I refer to my examination of the housing land requirement for the Stewartry HMA above, and I find that there is no significant oversupply of sites in relation to this housing land requirement. Whilst this site, together with site KBT.H205 examined below, is identified for development post 2029, they would both in due course contribute to the overall housing land requirement.

120. I note that the council's education services consider that sufficient capacity exists within the local primary and secondary schools in the short term. There is insufficient evidence that the local health service centres in Kirkcudbright would not be able to cope with additional patients that may result from the proposed development. However, in the event that an improvement to this infrastructure is required in the longer term, as a result of this proposed development, I am satisfied that the council could seek appropriate developer contributions towards this in the context of Policy OP3.

121. A further element of concern within the representations relates to the flood risk to the site and the resulting effect elsewhere in the vicinity of the site. Part of the site is shown on the SEPA map as being at risk of surface water flooding, and SEPA has advised that appropriate surface water measures would be required. A flood risk assessment is required within the development guidelines in order to determine the developable area of the site. This may reduce the capacity of the site for housing, but I find that in the circumstances there is insufficient evidence to exclude the housing site from the proposed plan on flood risk grounds.

122. In overall terms, I find that there is no basis to exclude the housing site from the proposed plan, and that no additional matters are required within the development guidelines. No modification should be made to the proposed plan.

KBT.H205: Land at Long Acre

123. This proposed housing site is adjacent to housing site KBT.H3 examined above, although it is an additional site to those identified in the existing adopted local development plan. Nevertheless, the contribution from this site to the overall housing land requirement for Stewartry remains consistent with my findings on this matter above, although I recognise that this site is also identified for development post 2029.

124. The concern relates to the flood risk to the site and the resulting effect elsewhere in the vicinity of the site. The situation is the same as that for site KBT.H3 above. Part of the site is shown on the SEPA map as being at risk of surface water flooding, and SEPA has advised that appropriate surface water measures would be required. A flood risk assessment is required within the development guidelines in order to determine the developable area of the site. This may reduce the capacity of the site for housing, but I find that in the circumstances there is insufficient evidence to exclude the housing site from the proposed plan on flood risk grounds. No modification should be made to the proposed plan.

Reporter's recommendations:

I recommend that the proposed plan be modified by:

Castle Douglas Settlement Overview

CSD.H3: East of Ernespie Road

1. amending the fifth sentence of the development guidelines for site CSD.H3 to read as

follows:

'A wide screening belt is required to screen the adjacent industrial land and supermarket, boundary definition to the north is required to avoid development of the moraine slope, and new structural planting is required along the north east boundary of the site in order to provide a new defensible edge to the settlement.'

CSD.H5: West of Torrs Farm

2. deleting the first sentence of the development guidelines for site CSD.H3 and replacing it with the following sentence:

'The site contains steeply sloping land which may require major engineering works to develop.'

CSD.H11: Land to south of Kilmichael, Abercromby Road

3. amending the second sentence of the development guidelines for site CSD.H11 to read as follows:

'Development should be set back from the road with screen planting provided along Abercromby Road, and a landscaped buffer should be provided to the rear of existing houses on the east side of Abercromby Road in order to protect residential amenity.'

CSD.H203: Land at the Stables

4. deleting the development guidelines for site CSD.H203 in their entirety and replacing it with the following development guidelines:

'CSD.H203: Land at the Stables (180 units allocated up to 2029)

A masterplan is required to be submitted prior to or as part of any planning application and agreed by the council before any development can commence on site. The masterplan should include the design and layout of the development, the road layout including access, the phasing of the development, open space provision and the landscaping of the site.

The masterplan should be informed by a comprehensive landscape assessment in order to determine the development areas on the site, which would be likely to be limited to the lower areas around the hill, thus ensuring that longer distance views of the hill from the town and the surrounding countryside are protected. Appropriate protection should be given to the prehistoric hill fort at the top of Dunmuir Hill, with an evaluation and any appropriate mitigation measures (including recording of any findings).

Existing mature trees (which may also be the subject of a tree preservation order) along the boundary of, and within, the site should be retained and protected as far as possible, and new structural planting should be undertaken along the north west boundary of the site in order to create a new defensible northern edge to the settlement. A landscaped buffer should be provided along the eastern boundary of the site in order to protect the amenity of residential properties adjacent to the site.

A transport assessment is required to determine the impact the development will have on the capacity of the surrounding road network and any associated road, junction and traffic management improvements required. The transport assessment and masterplan should

investigate the most appropriate vehicular, pedestrian and cycle access to the site, and how this would be implemented to meet the council's roads standards. Consideration should be given to appropriate access from Cairnsmore Road, Donald Road and Dunmuir Road, utilising third party land outwith the application site where this may be feasible.

The open space provision should be integrated with existing pedestrian and cycle links providing access to the town centre and local facilities. A flood risk assessment will be required as part of any future planning application.'

CSD.B&I1: Land at Oakwell Road

5. amending the fourth sentence of the development guidelines for site CSD.B&I1 to read as follows:

'A limitation on the hours and type of industry may be appropriate, including restriction to Class 4 business uses (uses which can be carried on without detriment to the amenity of a residential area) where this is considered appropriate.'

CSD.H10: Land to the south of Ernespie Lodge

6. amending the proposed plan by allocating site CSD.H10 for housing development on the Castle Douglas inset map, by including the site in the settlement statement with an indicative capacity for 25 houses, and by including development guidelines; all as set out in the adopted local development plan. Amend Appendix 2 accordingly.

Dalbeattie Settlement Overview

DBT.H3: Bruce Road/Port Road

7. amending the second sentence of the development guidelines for site DBT.H3 to read as follows:

'Development should provide a pedestrian/cycle link to the existing Bruce Road and to the area of protected open space to the east of the site, including both east and north of the Dalbeattie Burn.'

DBT.H6: John Street/Barhill Road

8. amending the proposed plan by separating the proposed housing allocation DBT.H6 into 2 parts with revised development guidelines to read as follows:

'DBT.H6a: John Street (10 units allocated up to 2029)

Proposals will need to demonstrate how development will take account of vehicular, pedestrian and cycle access, landscaping and open space within the site. A flood risk assessment will need to be submitted and agreed by SEPA and the council as part of any planning application in order to identify the developable area. A former depot forms part of the site and work may be required to supplement remediation already carried out in order to ensure the soil is sufficiently remediated to enable housing development to take place.

DBT.H6b: Barhill Road (30 units allocated up to 2029)

Proposals will need to demonstrate how development will take account of vehicular access, landscaping, cycle and pedestrian routes and open space within the site and linkages with wider green networks. In this context, proposals will need to include an area of open space along the access track within the eastern part of the site, thus maintaining a green corridor with pedestrian and/or cycle links from Bar Hill Plantation to Colliston Park. A flood risk assessment will need to be submitted and agreed by SEPA and the council as part of any planning application in order to identify the developable area.'

Amend Appendix 2 accordingly.

Note: The actual numbering of the sites is a matter for the council to determine.

Issue 14b	Settlement Statements and Inset Maps: Stewartry Housing Market Area Local Centres	
Development plan reference:	Chapter 6 - Settlement Statements and Inset Maps: Auchencairn, pages 108 - 110 Carsphairn, pages 115 - 116 Crossmichael, pages 124 - 125 New Galloway, pages 185 - 186 St John's Town of Dalry, pages 204 - 205 Twynholm, pages 215 - 216	Reporter: Lance R Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Ian Thomson (085) Scottish Natural Heritage (122) Thomas Phillips (236) Judy Spinks (243) Dalry Community Council (279) Nigel Emslie (301) Heather A Emslie (305) Lynne Barker (326) Leonie S Ewing (371) Finlay M Porter (375) J Dixon-Gould (389) Barbara Day (412) Paul and Alison Cook (421) Carsphairn Community Council (436) Auchencairn Community Council (477) Marcus and Kate Maxwell (492) A F Keith (493) Kenneth Taylor (495) Susan Johnstone (502) Mr and Mrs R Porteous (526) Andrew Sloan (550) Margaret Lindsay (567)		
Provision of the development plan to which the issue relates:	Auchencairn - AUC.H201; Crossmichael - CMI.H1: (including part of CMI.H204), H201, H202; New Galloway - NGA.H1; St John's Town of Dalry - DLR.H2; Twynholm - TWY.H201	
Planning authority's summary of the representation(s):		
<p>AUCHENCAIRN</p> <p>General</p> <p><u>Judy Spinks (243.015)</u> - Auchencairn as a Local Centre should be attracting business opportunities. There is a need for new small business premises to create opportunities for local employment. With a mixed business and housing allocation, Auchencairn would be better placed to become a 'Vibrant Village' (Spatial Strategy p.14). With the possibility of both new housing and business premises, the village could successfully attract/support young people to live and work in the village and revitalise the community and support the school and shop etc.</p>		

Judy Spinks (243.016) - Support the 3 housing allocations in the Proposed Plan.

The new allocation at AUC.H201 for 10 units is a welcome number that would result in a possible development of 20 houses together with AUC.H1 and will allow for regeneration of a rural community.

Nigel Emslie (301.002); Heather A Emslie (305.002); Auchencairn CC (477.001) – Welcome the reduction of housing numbers. However, the reduction does not go far enough, especially if development of all three sites is expected to commence by 2020/2021. 25 extra housing units, brought forward within a short timescale, would represent damaging overprovision.

Although designated a Local Centre, the village has very limited services, facilities and opportunities for employment. The proposed addition of 25 new units would place undue strain on existing services and facilities, and risk serious harm to the identity, cohesion of the village community and would be difficult to absorb.

Limited local bus services and residents rely on car. Proposed development would materially increase the incidence of local car travel and associated air pollution, in direct contradiction of the repeated policy aspiration of Local Development Plan 2 (LDP2) to reduce reliance on the motor car and encourage walking and cycling instead.

All three sites comprise greenfield agricultural land. Concern developing sites AUC.H1 and AUC.H201 in conjunction (20 units) would affect privacy and amenity of existing properties. The proposed development fails to conform with LDP2's aspirational statements and specific Policies.

Allocated sites

AUC.H201: rear of the Primary School

Margaret Lindsay (567.001) - Support the inclusion of site. However, seek an increase in size of land allocated. Larger sites in rural areas are more appealing to developers. Extended site follows the actual contours of the field and avoids the knove, allowing for any development to sit below the brow of the hill with gardens and appropriate screening behind. If site were to be developed with H1, a mirror of the existing triangular road network of Main Street and Church Road could be considered.

Allocating a larger site will ensure there is scope for housing that is appropriate and in keeping with rural areas.

CARSPHAIRN

General

Carsphairn CC (436.001) - Pleased to note the site's removal on flood risk grounds. However, concerned no additional sites suitable for housing development identified.

CROSSMICHAEL

Allocated sites

CMI.H1: (including part of CMI.H204) extension to land at Templand

Ian Thomson (085.002) - Request site boundary amended as per map provided with representation. A larger site will offer better layout potential. Access to the proposed development can be taken from the current road into Templand (already adopted by the Council). This is the lower area of the field with the higher areas being left as best quality agricultural land with no adverse effect on Culgruff Non-inventory designed landscape or the listed designed landscape or the listed Church. Culgruff House is not within close proximity of

the proposed site with the community woodland being in between.

A small watercourse runs close to eastern edge of site, but this was cleaned over 25 years ago and poses no flood risk. Infrastructure from previous development already established, including new sewerage system constructed approximately 10 years ago.

Thomas Phillips (236.002), (236.006); J Dixon-Gould (389.002); Kenneth Taylor (495.001) - An area within the site map belongs to the owners of Templand who pay for its maintenance (21 owners and 10 owned by a housing association). The remaining area belongs to the landowner and is surrounded by a post and wire fence. Representor does not give permission to access site through area in residents' ownership.

Flood risk concerns.

Thomas Phillips (236.003), (236.004), (236.005); Leonie S Ewing (371.001), J Dixon-Gould (389.001), Paul and Alison Cook (421.001) – Concerns raised include;

- land instability due to poorly backfilled hole on the site,
- no employment opportunities or market demand for housing,
- environmental impact of residents from 25 new units commuting to Dumfries,
- road congestion and safety concerns
- flood risk and poor drainage. Further development will exacerbate this. Photos have been included.
- impact on wildlife

A F Keith (493.001); Susan Johnstone (502.001) - Support the proposed development plan for Crossmichael. Do not agree that additional housing will have a detrimental impact to the village.

Sites not Included in Proposed Plan

CMI.H201: north of Etive Mhor

Mr and Mrs R Porteous (526.002) - This site was a preferred option in the Main Issues Report (MIR). It should be re-considered for inclusion in the Plan. The re-alignment of the settlement boundary in the current LDP has removed the development potential of the site.

CMI.H202: north of Crossmichael

Mr and Mrs R Porteous (526.001) - Re-allocate site in the Proposed Plan for 3 units as recommended in the draft Proposed Plan as taken to Committee before Proposed Plan was published.

NEW GALLOWAY

Allocated sites

NGA.H1: west of Kirk Road

Finlay M Porter (375.001) – Concerns raised include:

- lack of consultation and no acknowledgement of previous representations,
- representation forms are not user friendly and for an older citizen far too challenging,
- no prospects in the area for employment,
- limited transport options,
- limited capacity of sewerage system,
- flood risk,
- road safety,
- impact on biodiversity.

Other issues regarding the consultation process were raised.

Lynne Barker (326.002), (326.003), (326.004), (326.005), (326.006) – Concerns raised are:

- loss of privacy and overlooking,
- road safety,
- flood risk,
- ground stability and drainage,
- sewerage capacity,
- limited employment opportunities in the catchment area and limited bus service.

Other non-planning matters were raised.

Marcus and Kate Maxwell (492.001) - Support the inclusion of this site. In talks with the owners of Overton House on Kirk Road to discuss the junction visibility and negotiate the alteration to land to gain access. Overton Cottage is for sale and the owners are now living in Australia. Reached out to discuss the junction visibility and potential to purchase the property. Looking at the access from the south of the site on the Newton Stewart road as well. This will enable the site to have two entrances.

ST JOHN'S TOWN OF DALRY

General

John's Town of Dalry Community Council (279.004) - The Council owned site to the west of the B7000 has been empty for many years. Questions what plans the Council have for the site. Dalry lacks industrial sites and number of residents note lack of lock-up storage facilities in the settlement.

Allocated sites

DLR.H2: south of Whinnymuir

Dalry Community Council (279.002) - One of the houses developed as part of DLR.H1 remains unsold 5 years later. Concern that new development of 25 houses could take many years to be sold - this would not be good for the village (or developer). Propose any new development is phased.

Dalry Community Council (279.003) - Concern Sustainable Drainage Systems (SuDS) of recent development at DLR.H1 is insufficient and new development will exacerbate pluvial flooding in the area. Propose that the Community Council, having local knowledge, is consulted at the Flood Risk Assessment (FRA) stage of any proposed development. This is supported by the Council's new Participation Request Strategy, which allows communities to participate in decisions, and processes which are aimed at improving outcomes.

Barbara Day (412.001) - Concerns of flood risk and that further development will exacerbate this. Concern that there is limited employment and social activity opportunities, travel options and an abundance of lovely landscapes including lochs but limited paths to walk around these or facilities for families.

TWYNHOLM

Settlement boundary

Andrew Sloan (550.001) - Extension of settlement boundary to include site marked Merok would also be supported.

Allocated sites

TWY.H201: The Doon

Scottish Natural Heritage (122.018) - The hillfort here plays an important role in landscape

setting and character of Twynholm and the approach to the settlement on surrounding roads. Queries capacity for development at this site given the identified constraints and remains unchanged. However, if the site remains in LDP2, recommend that the site requirements are amended to strengthen the approach to assessing and developing the site. In these circumstances, do not consider that “careful consideration” provides strong enough direction and recommend that the site requirements are made more explicit on assessment and the response of design and layout to identified constraints.

Andrew Sloan (550.002) - The site should be extended southwards. This area is not at risk of flooding. The site provides a logical extension to the current housing ‘Doon’ and would utilise and easily extend the existing services and access. This allows for an additional 10 units, making the site more viable and thus, attractive to developers.

Modifications sought by those submitting representations:

AUCHENCAIRN

General

Judy Spinks (243.015) - Amend housing allocation to housing and business.

Judy Spinks (243.016) - No modification requested.

Nigel Emslie (301.002); Heather A Emslie (305.002); Auchencairn CC (477.001) – Reduce number of new housing units proposed OR delete AUC.H201 allocation.

Allocated sites

AUC.H201: rear of the Primary School

Margaret Lindsay (567.001) - Increase the size extending the site further back towards Auchencairn Burn.

CARSPHAIRN

General

Carsphairn CC (436.001) – Identify land for housing.

CROSSMICHAEL

Allocated sites

CMI.H1: (including part of CMI.H204) extension to land at Templand

Ian Thomson (085.002) - Alter and extend site boundary.

Thomas Phillips (236.002), (236.006); J Dixon-Gould (389.002); Kenneth Taylor (495.001) - Exclude land in perceived ownership of residents of Templand from site allocation.

Thomas Phillips (236.003), (236.004), (236.005); J Dixon-Gould (389.001); Paul and Alison Cook (421.001) - Delete allocation.

Leonie S Ewing (371.001) - Reduce or delete allocation.

A F Keith (493.001); Susan Johnstone (502.001) - No modification requested.

Sites not Included in Proposed Plan

CMI.H201: north of Etive Mhor

Mr and Mrs R Porteous (526.002) - Include site for housing.

CMI.H202: north of Crossmichael

Mr and Mrs R Porteous (526.001) – Include site for housing.

NEW GALLOWAY

Allocated sites

NGA.H1: west of Kirk Road

Lynne Barker (326.002), (326.003), (326.004), (326.005), (326.006); Finlay M Porter (375.001)
- Delete allocation.

Marcus and Kate Maxwell (492.001) - No modification requested.

ST JOHN'S TOWN OF DALRY

General

Dalry Community Council (279.004) - No modification requested.

Allocated sites

DLR.H2: south of Whinnymuir

Dalry Community Council (279.002) - Add sentence to site guidance that development should be phased.

Dalry Community Council (279.003) - Request the Council consult with the Community Council on Flood Risk Assessments submitted as part of any planning applications.

Barbara Day (412.001) - Delete allocation.

TWYNHOLM

Settlement boundary

Andrew Sloan (550.001) - Include site marked Merok within allocation.

Allocated sites

TWY.H201: The Doon

Scottish Natural Heritage (122.018) - Amend site guidance. Sentence to read:
The amount of land available is limited by the prehistoric hillfort to the north-east and the risk of flooding from the Kirk Burn to the south, which will require assessment and design and layout that accommodates setting and standoff for both.

Andrew Sloan (550.002) - Extend settlement boundary south and increase allocation.

Summary of responses (including reasons) by planning authority:

AUCHENCAIRN

General

Judy Spinks (243.015) - The Plan includes policy provision for economic development in the rural area, through Policy ED1: Business and Industry b) Business and Industrial Development

on Unallocated Land, and Policy ED2: Business Development and Diversification in the Rural Area.

As such, the Plan would be supportive of any proposals for live / work units, provided they were in accordance with the associated policies.

No modification proposed to the Plan.

Judy Spinks (243.016) - Comments noted.

No modification proposed to the Plan.

Nigel Emslie (301.002); Heather A Emslie (305.002); Auchencairn CC (477.001) – The Housing Need and Demand Assessment (HNDA) (CD10) provides an estimate of the additional housing units required in the future to meet the housing need over the plan period. This informs the Stewartry Housing Land Requirement (HLR) for 2017 to 2029, which is 952 units, the majority of which is allocated to the District, and Local Centres as these have the larger concentrations of facilities. Auchencairn is designated a Local Centre as determined through the Settlement Hierarchy Technical Paper and as such, has a role meeting future housing needs. The Council do not consider 25 units to be an overprovision and instead offers a choice of sites to allow Auchencairn the opportunity to grow. Planned growth should assist in supporting the village’s services and facilities including public transport provision. Dumfries and Galloway is a rural region and it is acknowledged that car journeys are inevitable.

The HLR Technical Paper (Appendix B; Extract from Housing Land Audit 2017, page 47) (CD24) states development of all three sites is expected to commence by 2020/2021 is an estimate based on neighbouring housing density and is for illustrative purposes.

It is acknowledged that the site would involve the loss of greenfield land, but the site is well located to existing facilities and Auchencairn Primary School.

No modification proposed to the Plan.

Allocated sites

AUC.H201: Rear of the Primary School

Margaret Lindsay (567.001) - The original housing site, put forward through the Call for Sites exercise and included in the MIR, was substantially reduced in size in the Proposed Plan. This was to address significant landscape concerns and to take into consideration the view of the local community, from which a large number of representations were received against the scale of proposed development in the village.

A number of representations received to the Proposed Plan from the community, suggest this reduction has not gone far enough. The site is allocated for 10 units and is indicative. No evidence has been provided as to how an extension to the site would not have an impact on the landscape.

No modification proposed to the Plan.

CARSPHAIRN

General

Carsphairn Community Council (436.001) - No sites came forward through the two Call for Sites exercises held in 2015.

As part of LDP1 process, a number of sites were assessed around Carsphairn but were constrained by landscape and / or flood risk issues. Development may be acceptable within the village and any future development proposals will be assessed through policy rather than specific land allocations. Carsphairn, having more than 3 local facilities, remains designated as a Local Centre, allowing it a settlement boundary and the opportunity for future growth.

Carsphairn is located within the remote rural area as identified in draft Housing in the Countryside Supplementary Guidance (CD19). This guidance in addition to Policy H3: Housing in the Countryside would be relevant in any forthcoming proposal.

No modification proposed to the Plan.

CROSSMICHAEL

Allocated sites

CMI.H1: (including part of CMI.H204) extension to land at Templand

Ian Thomson (085.002) – The site was assessed as part of the Planning and SEA Site Assessment. Further extension is considered unacceptable based on concerns regarding impact on designed landscape and the listed church.

It is unclear who owns the strip of grassland along the entrance of Templand between the road and the wire and post fence, where access in the representation is proposed. This area is maintained by the residents of Templand and although requested, no evidence has been provided of perceived land ownership. The developer would be responsible for investigating this matter further if required.

No modification proposed to the Plan.

Thomas Phillips (236.002), (236.006); J Dixon-Gould (389.002); Kenneth Taylor (495.001) - It is unclear who owns the area of grassed maintained by the residents of Templand between the road and the wire and post fence. Title deeds were requested from the residents but no further information has been forthcoming. The road is a public road and maintained by the Council. An alternative access can be taken from the A9000 and so the site is considered to be effective.

No modification proposed to the Plan.

Thomas Phillips, (236.003), (236.004), (236.005); J Dixon-Gould (389.001); Leonie S Ewing (371.001); Paul and Alison Cook (421.001); - Crossmichael is designated a Local Centre as determined through the Settlement Hierarchy Technical Paper and as such, has a role meeting future housing needs and to allow the village the opportunity to grow and support local services and facilities.

It is acknowledged that Dumfries and Galloway is a rural region and there may be a need to travel to the larger employment centres of Dumfries and Castle Douglas. However, both are less than 45 minutes drive, which is considered an acceptable travel time. Public transport is encouraged where possible.

Comments regarding a backfilled hole would be a matter for detailed site investigation as part of any forthcoming planning application.

It is acknowledged that there is flood risk. This does not necessarily prohibit development. Site guidance states the need for both a FRA and Drainage Impact Assessment (DIA) to be carried out and agreed by the Council and SEPA. The outcome from these will determine any areas of

the site unsuitable for development.

No biodiversity designations identified for this site. Responsibility lies with landowner or developer to front the costs of further site investigations.

Council road officers were consulted and are satisfied that a suitable access can be achieved and that only one access in ratio to the number of houses proposed is required. Any forthcoming planning application would need to demonstrate to the road officer's satisfaction that road safety measures are compliant.

Furthermore, site guidance states that footway and cycle links to the existing development will be required and a footway link should continue from the existing development along the site frontage. Details of the proposed road access will be considered to take account of the comments above.

No modification proposed to the Plan.

A F Keith (493.001); Susan Johnstone (502.001) - Support noted.

No modification proposed to the Plan.

Site not Included in Proposed Plan

CMI.H201: North of Etive Mhor

Mr and Mrs R Porteous (526.002) - The site is not included within the settlement boundary in LDP1. It came forward in the Call for Sites exercise and was included in the MIR as having development potential at that stage. Further discussion / investigation considered biodiversity issues and landscape issues too significant to allocate this site for housing in the Proposed Plan, given its proximity to Loch Ken - River Dee Marshes Special Protection Area.

No modification proposed to the Plan.

CMI.H202: North of Crossmichael

Mr and Mrs R Porteous (526.001) - The settlement boundary was re-aligned including the site as an infill opportunity. Small sites (less than 5 units) would not normally be allocated for development and would be assessed as part of the development management process. Policy H1: Housing Land and in particular part b) Infill/ Windfall Sites would be relevant.

No modification proposed to the Plan.

NEW GALLOWAY

Allocated sites

NGA.H1: West of Kirk Road

Lynne Barker (326.002), (326.003), (326.004), (326.005), (326.006); Finlay M Porter (375.001)
 - Comments regarding loss of privacy and overlooking would be matters addressed at the planning application stage. Detailed proposals will be assessed against the policies in the Plan. Policy OP1 Development Considerations a) General Amenity will be relevant to these concerns. No biodiversity designations identified for this site. Responsibility lies with landowner or developer to front the costs of further site investigations. There will be an opportunity to make representation on more detailed proposals at this stage.

The Council roads officers were consulted as part the Planning and SEA Site Assessment

(CD59, p.1-7) and advised a suitable access could be achieved. The Council note the site owners are actively looking to provide safe access to the site. Any future planning application would need to demonstrate this could be safely achieved to the satisfaction of roads officers.

Acknowledge flood risk on site and site guidance refers to the need for a DIA. Depending on content, a FRA may also be required. Scottish Water were consulted as part of the Strategic Environment Assessment and site assessment, and advised early consultation would be required to discuss build out rates and to establish any potential investment at the water and waste-water treatment works. This would not prohibit the allocation of the site for housing at this stage.

The LDP anticipates that the economy, along with developer interest, will begin to improve in the future and therefore seeks to ensure that sufficient land is available for when this happens. By not allocating sufficient land, future growth could be restricted.

Dumfries and Galloway is a rural region and it is acknowledged that car journeys are inevitable. Planned growth should assist in supporting the village's services and facilities including public transport provision.

The Council is satisfied that it has conformed with the Participation Statement.

Scottish Government require that local planning authorities review the LDP every five years. Circumstances change and new evidence can emerge during the course of the adopted LDP's lifetime that may change the requirements and development potential of a settlement.

No modification proposed to the Plan.

Marcus and Kate Maxwell (492.001) - Comments noted. Following publication of the Proposed Plan, the landowner contacted the Council to advise that discussion with owners of the adjacent land had begun to negotiate improving access to the site. The Council welcome efforts to enable development. CD60 (email).

No modification proposed to the Plan.

ST JOHN'S TOWN OF DALRY

General

Dalry Community Council (279.004) - This area of land was the subject of a report to the Stewartry Area Committee on 23 August 2017. Members were asked to note that the land is surplus to Council requirements and is to be placed on the open market for sale; and consider if they wish to suggest any community use or propose any conditions which might be imposed on the sale of this property.

The Minute from this meeting states; "Deferred consideration of this report to ensure consultation with the appropriate local community council has been undertaken." The Council is awaiting the views of the Community Council and the intention is to re-present this report to Stewartry Area Committee in September 2018.

No modification proposed to the Plan.

Allocated sites

DLR.H2: South of Whinnymuir

Dalry Community Council (279.002) – Dumfries and Galloway Housing Partnership confirmed all social rent plots at DLR.H1 are let and all Shared Equity plots have been sold. It is considered unnecessary to amend the site guidance as site allocation is for 25 units. Phasing development is typical to housing sites allocated at a greater scale in relation to the size of the settlement.

No modification proposed to the Plan.

Dalry Community Council (279.003) – SEPA has not objected to development on this site. However, a FRA will be an integral part of any planning application assessment. The Community Council have a statutory right to be consulted on applications for planning permission and are in receipt of the weekly list of new planning applications. When and if a proposal comes forward, there will be an opportunity for the Community Council to make a representation at that point, to all areas of the application including the Flood Risk Assessment.

No modification proposed to the Plan.

Barbara Day (412.001) – SEPA have not objected to development on this site. Site guidance already notes that a FRA is required.

The LDP anticipates that the economy, along with developer interest, will begin to improve in the future and therefore seeks to ensure that sufficient land is available for when this happens. By not allocating sufficient land, future growth could be restricted.

The Galloway Glens Landscape Partnership proposes a number of projects for the Glenkens region over the next five years including increasing opportunities to access the natural landscape. These include improvements to Loch Ken, Core Paths, and provision of a community and visitor facility for walking and leisure. See website for more details (<http://www.gallowayglens.org/projects>). Various lead partners will be taking these projects forward including, amongst others, Dumfries & Galloway Council, local community organisations, the Galloway & Southern Ayrshire Biosphere, Forestry Commission Scotland and Historic Environment Scotland.

No modification proposed to the Plan.

TWYNHOLM

Settlement boundary

Andrew Sloan (550.001) - Comments noted. The site is within close proximity to the A75 and the development potential is limited. The site has been included within the settlement boundary as a potential infill opportunity rather than as an allocated site for housing for these reasons. Future proposals will be assessed against the policies in the LDP and Supplementary Guidance.

No modification proposed to the Plan.

Allocated sites

TWY.H201: The Doon

Scottish Natural Heritage (122.018) - Site guidance refers to the need for a full archaeological investigation to determine the developable area of the site. This is supported by Policy HE3: Archaeology which sets out the additional policy regarding protecting historic environment from

any possible adverse effects resulting from development. Also relevant is the draft Historic Built Environment Supplementary Guidance and Policy OP1: Development Considerations b) Historic Environment.

No modification proposed to the Plan.

Andrew Sloan (550.002) - The land south of the allocated site down to the river was assessed as part of the Sites submitted through the Main Issues Report (CD39, p.193-199). The site boundary has been drawn to exclude the area closest to the river for a number of reasons - flood maps show there is a risk of flooding, the gully and burn provide an important wildlife corridor, and development towards the edge of the steep gully might increase risk of soil erosion.

No modification proposed to the Plan.

Reporter's conclusions:

Auchencairn

General

1. Whilst there are several established business and industry sites identified within the settlements of the Stewartry Housing Market Area (HMA), I note that there are only 2 specific new business and industry allocations; one in each of the district centres of Castle Douglas and Dalbeattie. There are none in any of the local centres. There are no mixed-use allocations in any of the Stewartry settlements.
2. Whilst the council may consider further such opportunities in future reviews of the local development plan, it would not be appropriate (in the context of Circular 6/2013) for this examination to review the council's approach in the terms suggested in the representations. I find that the council's current approach (as indicated within its response above) relies more on the policy framework, notably Policies ED1 (business and industry) and ED2 (business development and diversification in the rural area), which would support appropriate business development proposals through the development management process, where they are consistent with these policies.
3. I consider that Policy ED1(b) is particularly relevant. Whilst it is in my view quite reasonable to prioritise new business development within established business areas, this policy would allow opportunities for new business development within Auchencairn, essentially subject to there being a specific local need for such a proposal within the settlement, and of course subject to normal environmental considerations through the development management process.
4. Furthermore, there are three allocated housing sites within Auchencairn, two of these being carried forward from the adopted local development plan, and the third being a proposed additional housing allocation that is further examined below. In the context of my findings above, there is insufficient evidence available that would justify any change to these designations in the terms referred to in the representations.
5. However, I recognise that there is a view within the representations that new opportunities for business development in Auchencairn should be specifically provided for within the local development plan. Whilst I do not consider that it would be appropriate to change the

designation of the three allocated housing sites in the terms stated in the representations, I therefore find that it would be appropriate to provide for this in the objectives for Auchencairn in a manner consistent with Policy ED 1(b), and I include suitable text for this within my recommendations below.

6. I note that there is a view expressed in the representations that 25 houses would be appropriate in the context of the services and facilities available within this local centre. I also note that this is less than the total number envisaged in the main issues report, largely through a reduction in the area of AUC.H201, which is further examined below.

7. There is also, however, a view expressed that 25 houses would be too large an allocation for Auchencairn, given the services and facilities available. In this context, there is a view that the housing numbers should be significantly reduced, or that at least housing site AUC.H201 should be removed. However, it should be emphasised that this is only an indicative figure; the actual number would depend on the assessment of proposals through the development management process. I also do not consider that it is particularly significant when the development of the three allocated sites commences. In any event, all of the housing is expected in the period up to 2029.

8. Within Stewartry, a requirement for 952 houses up to 2029 is set out in the Housing Land Requirement Technical Paper 2018. This takes into account expected employment growth and other demographic factors, as well as past housing completion rates. A 20% generosity figure is included within the housing land requirement. I recognise that one of the representations includes an annex of comments submitted at the main issues report stage, which criticises the council's process for identifying the housing land requirement.

9. However, I also refer to the general findings on this matter set out in Issue 13, which relate to this process, and which apply here to some extent. In particular, I refer to the finding that the use of past completion rates accords with Scottish Planning Policy (SPP). In overall terms, I am satisfied that the process used by the council for identifying the housing land requirement accords with that set out in SPP.

10. The indicative capacity of all of the sites allocated within the Stewartry HMA is 1,324, but it should be noted that 342 of these are identified post 2029, leaving just 982 within the period up to 2029. As a result, I find that the allocations are generally in line with the housing land requirement for Stewartry, given also that the actual number of houses built may be more or less than the indicative figure. In any event, there is no significant surplus of allocated housing land. In this context, local centres should generally contribute to the housing land supply, including Auchencairn.

11. Nevertheless, I recognise that in the context of a small community that is stated to have a population of around 200, the addition of 25 houses would be significant. I note that the indicative number of houses is greater than in some other local centres within the Stewartry HMA, but in overall terms, I find that the number of houses within each of the local centres does not appear to be significantly disproportionate. Any statistical comparison made with Dumfries is not in my view a reasonable comparison.

12. I note the limited services and facilities set out within the representations, which are stated to have been greatly reduced with respect to the sale of a garage and hotel, and the closure of a public house. However, there is insufficient evidence in overall terms to suggest that public services (including community and education services) would be unable to cope with the additional population from the proposed new housing.

13. In the event that an improvement to this infrastructure is required in the longer term, as a result of proposed development within the local centre, I am satisfied that the council could seek appropriate developer contributions towards this in the context of Policy OP3. With respect to other commercial services including local shops, it is likely to be the case that in the event of additional demand, new business development may also occur, reinforcing my findings above with respect to potential business development in the context of Policy ED1(b).

14. I recognise that development within local centres with limited services and facilities is unlikely to be as sustainable in transport terms as development in the district centres, and Auchencairn is no different in this respect. I also note that it lies a significant distance from the nearest district centre, and that public transport may be limited in this context. However, allowing for some housing and other growth within local centres is part of the council's overall spatial strategy, and accords with the provisions of SPP. Again, I find that what is proposed is not disproportionate even in the context of promoting sustainable transport. The integration of new housing development into the existing community is an important consideration, but I find that could be ensured through the appropriate design and layout of the new housing development. Taking into account the scale of the proposed housing development, I do not consider that it would risk serious harm to the identity and cohesion of the existing community.

15. I also find that there is no material change in circumstances with respect to housing sites AUC.H1 and AUC.H2, which are both included in the existing adopted local development plan. In overall terms, I find that there is insufficient justification for an overall reduction in the indicative number of houses allocated within this local centre. However, matters relating specifically to the proposed new housing site AUC.H201 are further examined below.

Allocated sites

AUC.H201: Rear of the Primary School

16. The representation under this heading seeks an enlarged housing allocation of around 1.8 hectares, which would still only be part of the site identified at the main issues report stage. Nevertheless, it would represent an approximate doubling of the area of the site as allocated in the proposed plan. Whilst I note that the primary stated reason for the enlarged housing site is to provide a more attractive and less intensive development site which fits better into the landscape, leaving more sensitive areas undeveloped, the site's indicative capacity would potentially be increased, although I recognise that the actual capacity would depend on the consideration of a proposal through the development management process. I note that the representation suggests a masterplan approach in conjunction with site AUC.H1.

17. In addition to this representation, I have to also take into account the representations examined above which in part seek the removal of site H201 from the proposed plan. However, I find that there is little within these representations that expresses significant concern about the specific consequences of developing this site, other than the additional housing having an overall negative effect on sustainable transport and the available infrastructure and local facilities, which I have already examined. There is an assertion that the scale of development from sites AUC.H1 and AUCH.201 together would be detrimental to the privacy and amenity of existing properties. However, I find that this matter could be appropriately addressed by ensuring that there is a landscaped buffer between the proposed new housing and existing housing.

18. I therefore find that there is no basis for me to recommend the exclusion of the site as identified in the proposed plan. Notwithstanding this finding, by definition, the larger the

housing site, the more it would affect sustainable transport and the available infrastructure and it may be argued that it would be unnecessary and therefore inappropriate in the circumstances to increase the housing allocation still further in this context. However, I find that the environmental implications from the development of the enlarged site in landscape and amenity terms is the most important consideration, with the quantity of housing being a secondary consideration, particularly in the context of the prospective developer's stated reason for requesting the enlarged housing allocation.

19. I recognise that the site lies within the Solway Firth Regional Scenic Area, and that the landscape impact from housing development on the site is an important consideration. The site is part of a larger field of agricultural pastureland. It already constitutes a significant extension to the built-up area, because it is physically separated from site AUC.H1 by a large drystone wall, and is of an entirely different character to that site, which constitutes rough grassland and appears unused.

20. This area of agricultural pastureland contributes significantly to the landscape setting of the western edge of Auchencairn. It is undulating but generally the highest part of the wider field lies to the west of the site as currently allocated in the proposed plan, and then the field slopes down to the minor road along its western boundary. There is no physical definition to the western boundary of the site, and it could be argued that the exact boundary should not be an arbitrary straight line from south to north across the field. The exact boundary should probably relate to the undulating landform and this could be determined through the development management process.

21. Nevertheless, I find from my inspection of the site that in general terms the further west development penetrates into the field, the more adverse the impact would be on the landscape setting of the settlement. There are extensive views of the surrounding landscape from the highest part of the field. It would therefore be appropriate to focus development on the eastern (lower) part of the field in order to reduce its visual impact.

22. I recognise that a larger site could provide a lower density of development with more landscaping and open space, and that appropriate development guidelines could also assist in mitigating the landscape impact. However, in overall terms, I find that there is no justification at this stage to extend the boundary of site as proposed within the representation, which in my view would have a more significant adverse impact on the landscape setting of the western edge of Auchencairn.

23. I find that the overall level of development is too small to justify a masterplan approach. However, I also find that the stated development guidelines should be clarified with respect to the integration of the proposed new housing site with site AUC.H1 which is already allocated for housing development in the adopted local development plan, and in this context, there is no requirement to state that development should not prejudice future access to land to the east. The guidelines should provide for a new landscaped defensible edge to the settlement (with appropriate flexibility in the context of my findings above) and for a landscaped buffer to protect the residential amenity of existing houses.

Overall Conclusion

24. In overall terms, I find that site AUC.H201 should be retained within the proposed plan, but without the extension proposed within the representation. However, the development guidelines should be revised in the context of my findings above, and I set out appropriate text for this within my recommendations below.

Carsphairn

General

25. I note that a number of sites were assessed during the preparation of the existing adopted local development plan, and that an allocated housing site at the northern boundary of the settlement in the adopted plan has now been removed owing to flood risk issues. There is no representation expressing concern about the removal of that site from the proposed plan, and so this is not a matter for examination.

26. I also note that no other housing site has been identified in the proposed plan, since no site was put forward during the call for sites, and the council has clearly not been able to identify a suitable site for allocation under Policy H1(a). It would not be appropriate in the context of Circular 6/2013 for this examination to consider the possibility of allocating housing sites in the proposed plan, but the council has the opportunity to further consider this matter at the next review of the local development plan.

27. In the context of providing for the housing land requirement, it is not essential to allocate housing sites in every local centre, and I refer to my findings above to the effect that the allocations are generally in line with the housing land requirement for Stewartry. However, I recognise that new housing development within local centres contributes to the housing land requirement, and provides for the appropriate growth of such centres. In this context, the settlement statement for Carsphairn indicates that infill proposals will be considered favourably provided they comply with other policies contained in the plan.

28. In addition, Policy H1(b) specifically provides for infill or windfall residential development within settlement boundaries defined on inset maps, which would include Carsphairn, subject to certain conditions. I therefore find that there is provision for housing growth in the settlement through this policy. I also find that Policy H3 may contribute to the housing land requirement by allowing housing development in the countryside in the vicinity of Carsphairn, which lies within the remote rural area where there is a specific opportunity for single houses, again subject to certain conditions, and I refer to the conclusions and recommendations on this matter in Issue 4.

29. In overall terms, I find that no modification to the proposed plan is required with respect to this representation.

Crossmichael

CMI.H1: (including part of CMI.H204) Extension to Land at Templand

Background

30. I note that this proposed housing site constitutes an extension to site CMI.H1 as identified in the existing adopted local development plan. It includes a significant part of site CMI.H204 which was submitted to the council at the call for sites stage, but was not proposed in the main issues report because (in the terms stated in the site assessment) development is likely to have a significant impact on the Culdruff Designed Landscape. It is also stated that although it may be possible to develop the lower parts of the site, there are other sites that are considered more suitable for development as they better reflect the existing pattern of development and would contribute more positively to place making.

31. The site as now proposed includes the south-eastern (lower) part of site CMI.H204, which is to some extent consistent with the second part of the above statement within the site assessment, and I also note that two other housing sites proposed within the main issues report have not been included in the proposed plan, with representations about these sites being further examined below. Site CMI.H1 (as extended) is the only allocated site now included in the proposed plan.

32. I note that there is support for the proposed development within the representations. In addition, one of the submitted representations suggests an amendment to northern boundary of the site as included in the proposed plan, this essentially incorporating more of the site to the west up to the proposed northern boundary, but excluding a part of site CMI.H1 (as included in the adopted plan) adjacent to the public road to the west.

Housing Need

33. I refer to my findings above (under the heading of Auchencairn – General) relating to the housing land requirement for Stewartry, which would equally apply to Crossmichael. In this context, the local centres should contribute to the housing land supply, including Crossmichael. I recognise that 25 houses would be a significant addition to the overall housing in the village, but I find that this is not a disproportionate figure when related to the housing allocations for other local centres. I also refer to my findings for Auchencairn above relating to sustainable transport, which would also apply to Crossmichael, and in this case also I find that what is proposed is not disproportionate even in the context of promoting sustainable transport.

Biodiversity

34. I acknowledge that the site is currently agricultural land, although there is no evidence that this is locally important. The site would provide a habitat for local wildlife species. However, in the event that any European protected species are subsequently found on the site, I am satisfied that the interests of such wildlife would be satisfactorily protected by the Conservation (Natural Habitats, &c.) Regulations 1994. There is also no national or local nature conservation designation applying to the site. I therefore find that there is no basis to remove or reduce the area of the site owing to any nature conservation value that the site may have.

Transport and Other Infrastructure

35. I note the concerns expressed within the representations about the traffic impact from the proposed development. However, I am satisfied that the addition of 25 houses, taking access from the public road to the west, or from Templand, would not have any significant adverse impact on road safety, subject to any necessary road, footpath and junction improvements associated with the proposed development. This would be addressed through the development management process, and I note the council's response that its roads officers have indicated that a suitable vehicular access can be provided.

36. Several representations state that there is a strip of land fronting Templand which is owned by the residents of Templand, and that the title deeds prevent building upon the land, taking access through the land, planting trees or erecting walls and fences on the land. Whilst ownership is not necessarily a determining factor with respect to the allocation of housing sites, I acknowledge that significant difficulty in providing vehicular access to the site may render the site ineffective. However, there are alternative options for providing vehicular access to the site, and I find from my site inspection that vehicular access could readily be achieved from the minor road to the west of the site.

37. I also note the concerns relating to the risk of flooding on the site or elsewhere from the proposed development. The Scottish Environment Protection Agency (SEPA) has advised that appropriate surface water measures would be required. Whilst the vast majority of the site is not shown on the SEPA flood map as being at risk of flooding, I note that following the advice of SEPA there is a requirement for a flood risk assessment and drainage impact assessment in the development guidelines for the site. With respect to the existence of a culvert on the site, and concerns expressed about the stability of the site for development, I find that these matters require further investigation. However, there is insufficient evidence on these matters to exclude or reduce the area of the site, although they may affect the eventual capacity of the site for housing development.

Environmental Impact

38. With respect to the representations about the environmental impact of the development of this site for housing, including the actual boundary of the proposed housing site, I find that the key issues are the effect on the landscape setting of Crossmichael, the effect on the designed landscape, the effect on the built heritage, and the effect on the residential amenity of existing housing in the area, particularly the existing residents of the houses on the north side of Templand.

39. From my inspection of the site, I recognise that there is no physical definition to the northern boundary the site, including the proposed modified boundary which would only take in part of site CMI.H1 in the adopted plan but extend the western part of the site further north. There is however a low voltage electricity transmission line extending through the site which may require to be relocated. In any event, a new defensible edge to the settlement boundary would need to be provided through appropriate landscaping.

40. The proposed housing site also has an unusual configuration, which on the map may suggest significant constraints to development. The proposed amended boundary would probably mitigate any such constraints to some extent. Nevertheless, on viewing the site from the western boundary, it is clear that even the proposed larger site suggested at the call for sites stage is relatively low lying and has a good landscape framework provided by the woodland along its northern and eastern boundary. There would in my view be no significant adverse impact on the landscape setting of Crossmichael.

41. However, it is also clear that the concern about the possible adverse effect on the designed landscape (at the main issues report stage) has resulted in the reduction of the proposed housing site to its lower levels adjacent to the existing built up area. However, since the site is existing pastureland within a framework of mature woodland to the north and east, I find that its development would have no adverse effect on the designed landscape. Its development would also have no significant adverse effect on the townscape of Crossmichael, particularly in relation to the nearby church, which is understood to be a listed building. I am satisfied that an appropriate layout, design and landscaping of the proposed development would protect the residential amenity of the existing houses on the north side of Templand.

42. With respect to the proposed alternative boundary, I understand the logic in this, but I find that there is insufficient reason to change the boundary of the proposed housing site at this stage. In particular, there is insufficient evidence to justify removing part of the site that is already allocated in the adopted plan. Furthermore, I find that the exact northern boundary, together with appropriate landscaping, should be determined through the development management process. A similar situation exists to that referred to in respect of site AUC.201, even though the characteristics of the sites are very different.

Overall Conclusion

43. In overall terms, I find that site CMI.H1 (including its extension by including part of site CMI.H204) should remain in the proposed plan without any alteration to its boundaries. However, I also find that the development guidelines should be revised in accordance with my findings relating to the northern boundary above, and I provide appropriate text for this in my recommendations below.

CMI.H201: North of Etive Mhor

44. This site, together with CMI.H202 (separately examined below) are proposed new sites which are not included for housing in the existing adopted local development plan. However, they are proposed for housing in the main issues report, in addition to housing site CMI.H1 which was intended to be simply carried forward as in the adopted plan, but has now been expanded and I refer to my conclusions on this matter above. The council has now decided not to pursue the allocation of sites H201 and H202 in the proposed plan. It should be noted that the indicative capacity of both sites H201 and H202 would probably be similar to or less than that of the proposed expansion of site CMI.H1.

45. The proposed housing site would essentially constitute an additional ribbon of development on the south side of the A713, joining the existing built-up area with Upsall House to the north of the site. It would therefore also constitute a relatively significant extension to the settlement, which would have an adverse impact on the landscape setting of the settlement to some extent. I do not agree with the statement in the representation that development would enhance the approach to the village from the north, although I recognise that further landscaping would mitigate the visual impact of development on the site.

46. I note that the representation suggests 3 houses may be developed on the site, although I find that the indicative capacity of the site would be likely to be larger than that. In the context that there is no significant requirement for additional housing sites within Crossmichael, I find that there is no current justification for the extension of the settlement boundary and the designation of this site for housing in the proposed plan.

47. I recognise that the site is low lying and has a fairly good landscape framework, which is provided by existing vegetation to the north and west, and by an embankment that would appear to physically distinguish and separate the site from the River Dee Marshes Special Protection Area (SPA) to the west. Nevertheless, the site may require an appropriate assessment before development. Whilst there is no evidence before me that development would be likely to have an adverse impact on the interests of the SPA, I find that this is a further matter that indicates that it would be inappropriate to designate the site for housing development in the proposed plan.

48. The granting of planning permission for other development within the area, which is not as close to the settlement boundary as the proposed site, is a matter for the development management process and does not provide any justification for allocating the site for housing development in the proposed plan, or for including the site within the settlement boundary. I find that no modification should be made to the proposed plan with respect to this representation.

CMI.H202: North of Crossmichael

49. This proposed housing site has the same background as that set out with respect to site

CMI.H201 above. However, I note that the representation only seeks the identification of part of the site that was proposed for housing development through the main issues report: this being the part of the site immediately to the north of the A713. I do not consider that there would be likely to be any effect on the SPA from the development of this site, which lies to the north of the A713, with existing houses on the opposite side.

50. I find that the proposed site could be reasonably regarded as an infill site within the settlement boundary, with the representation indicating that the site only has capacity for one or two houses. In my view, there would be no significant adverse landscape impact from such development. Other environmental matters could be addressed through the development management process.

51. However, I agree with the council that there is no requirement to formally allocate such a site for housing development in the proposed plan. I note that the proposed plan includes the site within the settlement boundary, and I find that this is appropriate. Any proposal for housing development could be considered under Policy H1(b), through the development management process. I therefore find that no modification should be made to the proposed plan with respect to this representation.

New Galloway

NGA.H1: West of Kirk Road

Background

52. I note that this site is allocated in the existing adopted local development plan with an indicative capacity for 30 houses, and that this followed the examination of representations lodged with respect to the proposed development. I have also noted the reporter's consideration of these representations and that the reporter recommended that the site should be included in the plan.

53. The council has now decided to continue the site's inclusion in the proposed plan, and although the site is being carried forward from the adopted plan, it is still necessary for me to review the matters of concern raised in the representations, particularly in order to assess whether or not there are any material changes, but in any event to separately ensure that the allocation is appropriate and necessary in the context of Circular 6/2013.

54. I have noted the concerns expressed in the representation about what is considered a lack of appropriate consultation with the local community. Previous planning applications that have been refused for proposed development on the site are matters for the development management process, and are not directly relevant to the justification or otherwise for the allocation of a housing site in the proposed plan.

55. Participation of and consultation with the community is essentially a matter for the council, and I note the content of an e-mail from the council to Mr Porter dated 22 March 2018. In any event, I am satisfied that the council has taken into account representations made at both the main issues report and proposed plan stages, and I refer to the conclusions in the examination of conformity with the participation statement, to the extent that the planning authority has consulted on the proposed plan and involved the public in the way that it said it would in its participation statement. I find that there is therefore no deficiency in the proposed plan or modification required to the proposed plan with respect to the consultation undertaken.

56. I refer to my findings above (under the heading of Auchencairn – General) relating to the housing land requirement for Stewartry, which would equally apply to New Galloway. In this context, the local centres should contribute to the housing land requirement, including New Galloway. I recognise that 30 houses would be a significant addition to the overall housing in the village, but I find that this is not a disproportionate figure when related to the housing allocations for other local centres. I also refer to my findings for Auchencairn above relating to sustainable transport, which would equally apply to New Galloway, and in this case also I find that what is proposed is not disproportionate even in the context of promoting sustainable transport.

Landscape Impact

57. I acknowledge that the site lies within a regional scenic area, and contributes to some extent to the landscape setting of the north-western edge of New Galloway. The site is however rough grassland that is reasonably well contained by mature trees and other topographical features, although further landscaping would be required along the northern boundary to create a new defensible edge to the settlement. I note, however, that this matter is satisfactorily covered within the development guidelines for the site.

58. The site is particularly well contained by the topography and vegetation on entering the settlement from the north along either the A712 or the A762. Development would be largely screened until close to the site, so the visual impact of development would be very local in nature. There would be no significant views to development on the site from the existing built-up area, apart from the houses and a school along the southern boundary. In overall terms, I find that development would not have a significant adverse impact on the landscape setting of the western edge of New Galloway.

Biodiversity

59. This is a greenfield site, constituting agricultural land and natural features and boundaries, which would be likely to provide a habitat for local wildlife species. However, there is no national or local nature conservation designation applying to the site, and it would be possible to include areas for biodiversity within the overall development of the site. I therefore find that there is no basis to remove or reduce the area of the site owing to any nature conservation value that the site may have.

Residential Amenity

60. The site also lies to the north of an existing school and existing residential properties, and I note the concern expressed within the representations about the impact on residential amenity in the context of Article 8 of the European Convention on Human Rights (ECHR). The site rises above and is in particular directly adjacent to two residential properties on the north side of the A712.

61. However, I am satisfied that a landscaped buffer could be provided along the boundary with these properties, to the extent that there would be no significant adverse impact on residential amenity. A landscaped buffer and sufficient distance between new and existing properties would ensure that overlooking and any adverse effect on privacy is not material to an extent that would constitute any breach of Article 8 of ECHR. This would be a matter for consideration through the development management process, but should also be referred to within the development guidelines.

Transport Infrastructure

62. There are 2 potential points of vehicular access, one each from the A712 (to the west) and the A762 (to the east). I note that there is a bend in the road at both potential access points, but that the council's roads officers are satisfied that suitable access could be achieved, with a phased development commencing from the east with an appropriate vehicular access from the A762. From my site inspection, it appears to me that appropriate sightlines could be provided from either side. However, access from the A712 would be likely to require some engineering works owing to a change in levels and vegetation bordering the site at the point of access. I also note that the owners of the site are in discussion with the council and other interested parties in order to facilitate vehicular access to the site. On balance, I find that it should be possible to facilitate access to the site without significant adverse impact on road safety, subject to further consideration of this matter through the development management process.

Other Infrastructure

63. There are also concerns expressed within the representations about ground stability, drainage and flood risk to the site or elsewhere. In addition, there is concern expressed that the sewerage infrastructure is at capacity. Ground stability is a matter that would be further addressed at the development management stage, as would be the drainage of the site and any required improvements to the sewerage infrastructure.

64. I noted that there is an existing watercourse along the western boundary of the site, together with a marshy area within the southern part of the site, at my site inspection. However, the site is not shown within the SEPA flood map as being at risk of flooding. In any event, I note that a flood risk assessment is required within the development guidelines. These matters do not provide sufficient reason to justify the exclusion of the site from the proposed plan. Any pollution of the water environment would be a matter for enforcement by SEPA.

Overall Conclusion

65. Following on from the above, in overall terms, I find that site NGA.H1 should be retained in the proposed plan, but with a revision to the development guidelines to refer to a landscaped buffer along the southern boundary to protect the amenity of residential properties and the primary school. I provide appropriate text for this within my recommendations below.

St John's Town of Dalry*General*

66. The community council refers to a site owned by the council to the west of the B7000 within the settlement boundary, and has proposed that the site be considered for light industrial use. Whilst the council has interpreted this as a general comment, I consider that in view of the proposed change referred to in section 4 of the representation, I need to examine whether or not the designation of the site for this purpose within the proposed plan would be appropriate.

67. I note that the site is considered surplus to the council's requirements and that there is no designated site for business and industry within St John's Town of Dalry. However, this is a small site for which alternative uses may be appropriate, including possible community use,

and I note that the community council's views have been sought. In the circumstances, I find that it would not therefore be appropriate to designate this site for light industrial use within the proposed plan. No modification should be made to the proposed plan in this respect.

68. I find that it would however be appropriate for any such proposals to be considered under Policy ED1(b) of the proposed plan. I am satisfied that this policy would allow for the consideration of business and industrial development on appropriate unallocated sites within St John's Town of Dalry where established or allocated sites cannot accommodate such a proposal. The development management process would determine whether such a proposal is acceptable in environmental and infrastructure terms, in the context of the stated objective to enhance St John's Town of Dalry's role as a local centre within the settlement hierarchy.

DLR.H2: South of Whinnymuir

69. I refer to my findings above (under the heading of Auchencairn – General) relating to the housing land requirement for Stewartry, which would equally apply to St John's Town of Dalry. Employment and good transport links, including local bus services are an important consideration with respect to proposed new housing development. Policies ED1, T1 and T2 are designed to secure appropriate provision in this respect. In addition, Policies CF1 and CF2 make provision for community facilities and for a green network that encourages access to open space and the countryside. I also note the council's response that refers to a number of projects for increasing access to the natural landscape. All of this is complementary to the allocation of housing sites to meet the housing land requirement, and should ensure that new housing development is not built without transport, community services, and access the countryside improvements.

70. Whilst I recognise that 25 houses would be a significant addition to the overall housing in the village, I do not consider that the site is sufficiently large to justify a requirement in the development guidelines for a phased development. Market conditions would normally determine when the houses are built, but in any event, I note that the houses are programmed for completion by 2029. In addition, I note that the draft action programme indicates that a masterplan should set out phasing and co-ordination with the adjacent developed site, and this action programme would be reviewed regularly in order to monitor and manage the development process. I find that there is no requirement for any modification to the development guidelines set out in the proposed plan in this regard.

71. A further concern set out in the representations relates to the risk of flooding to the site or elsewhere. The site is not shown within the SEPA flood map as being at risk of flooding. Nevertheless, I note that there is a watercourse running along the western boundary of the site, and that a requirement for a flood risk assessment has been included within the development guidelines.

72. I note the concern expressed by the community council that the sustainable urban drainage system for the existing recent housing development to the west of the site is insufficient when there is heavy rainfall, and has resulted in the flooding of a property downstream of the development. However, I also note that the draft action programme refers to the need for co-ordination with the adjacent developed site. I therefore find that there should be an opportunity in designing an appropriate drainage system for the proposed housing development, to also rectify any existing problem caused by the drainage arrangements for the existing development.

73. In this context, I recognise that it is important for the council to address concerns about

flood risk expressed on behalf of the local community. However, I find that there is no requirement to set out consultation arrangements within the development guidelines for the site, because the community council would be consulted with respect to any planning application submitted as part of the development management process. This would enable the community council (together with local residents in the area) to express a view on the flood risk assessment which would be submitted as part of the planning application. Unless any identified flood risk is satisfactorily addressed at the planning application stage, permission would be likely to be refused in terms of Policy IN7.

74. In the context of these representations, I am satisfied that the proposed housing site is appropriate in contributing to the housing land requirement for Stewartry, and I find that the policies in the proposed plan, and the development guidelines set out with respect to proposed housing site DLR.H2, sufficiently recognise the relevant constraints to the development of the site, including the potential local flood risk to the site and its vicinity. I therefore find that there is no requirement to exclude the housing site from the proposed plan or to modify or add to the development guidelines already set out. No modification should therefore be made to the proposed plan.

Twynholm

General

75. I note the representation supporting the allocation of housing site TWY.H204 and the inclusion of the site marked Merok within the settlement boundary. Both constitute changes from the existing adopted local development plan. My interpretation of the representation is that there is no request for the allocation of the site marked Merok for housing in the proposed plan, and I therefore find that there is no unresolved representation to examine in this context.

TWY.H201: The Doon

76. The extension of site TWY.H201 southwards towards the burn would potentially increase the indicative capacity of the site. I therefore acknowledge that the site could make a larger contribution to the housing land requirement within Stewartry. However, I also refer to my finding above (for Auchencairn – General) that the housing allocations are generally in line with the housing land requirement for Stewartry. I acknowledge that the resulting larger development area may allow greater flexibility in terms of integrating development within the landscape, protecting the setting of the hill fort, and providing open space areas.

77. However, extending the development site eastwards south of the existing housing may have an adverse effect on residential amenity, given the limited space available for development within this area. It would also, as the council indicates above, reduce the extent of the wildlife corridor along the burn. I note that the proposed extension to the south of the allocated site lies not within but directly adjacent to the area shown on the SEPA flood map as being at risk of flooding. A flood risk assessment may be required in any event, and extending the site southwards to the boundary of the area shown on the flood risk map would increase the potential flood risk.

78. I note that Scottish Natural Heritage expresses concern about the allocation of housing site TWY.H201, including the indicative capacity of the site, in the context of the effect of development on the setting of the hill fort to the north west of the site. The site is agricultural pastureland that rises steeply towards a copse in the north west corner of the site where the hill fort is located. I find that it would be very important for a substantial landscaped buffer to

be provided in the north west corner of the site. However, the development guidelines already provide for this, and I therefore also find that proposed housing development would not have an adverse effect on the setting of the hill fort.

79. I also note the suggested change in the text within the development guidelines for the proposed housing site. However, I find that the existing text is both sufficient and appropriate in order to ensure that there is no significant adverse effect on the setting of the monument, particularly given the other provisions, both in the proposed plan and in Supplementary Guidance, referred to in the council's response.

80. I therefore find that site TWY.H201 should be retained as excising in the in the proposed plan, that the proposed extension should not be included and that no alterations to the development guidelines are required. No modification should be made to the proposed plan with respect to these representations.

Reporter's recommendations:

I recommend that the proposed plan be modified by:

Auchencairn Planning Objectives

1. amending the first planning objective 1 for Auchencairn to read as follows:

'Consolidate and enhance Auchencairn's role as a Local Centre within the settlement hierarchy, providing for housing development on suitable sites within the settlement and business development where appropriate in the context of Policy ED1(b).'

AUC.H201: Rear of the Primary School

2. deleting the development guidelines for site AUC.H201 in their entirety and replacing it with the following:

'AUC.H201 Rear of the Primary School (10 units allocated up to 2029)

An integrated approach should be taken to the development of this site with site AUC.H1, and access will be taken from the existing gap site on Main Street through AUC.H1. Development proposals must be carefully designed and landscaped, taking into account the topography of the site, the character of the village and any potential visual impact of new houses in this area. In order to minimise landscape impact, development should follow the contour of the land (building being focused on the lower contours) and structural planting and landscaping should be provided along the western boundary of the site, the exact line of which should be determined through the development management process, in order to create a new defensible edge to the settlement. A landscaped buffer should also be provided at the southern end of the site, in order to protect the residential amenity of existing dwellings. Building height should be kept to single or one and a half storey. A flood risk has been identified within the site. A drainage impact assessment is required, and depending on content, a flood risk assessment may also be required.'

Crossmichael Housing Sites

CMI.H1 (including part of site CMI.H204)

3. amending the fourth sentence of the development guidelines for site CMI.H1 to read as follows:

'However, landscape and biodiversity enhancement schemes will be required, including an assessment of the impact on the designed landscape and the creation of greenways/ wildlife movement corridors along roads, footpaths and cycleways. In this context, the exact position and associated landscaping of the northern boundary of the site will be determined through the development management process.'

New Galloway Housing Sites

NGA.H1: West of Kirk Road

4. amending the development guidelines for site NGA.H1 by inserting a new sentence after the fourth sentence to read as follows:

'A landscaped buffer should be provided along the southern boundary to protect the amenity of residential properties and the primary school.'

Issue 15	Settlement Statements and Inset Maps: Business and Industry Overview - A74(M) and Chapelcross Sites	
Development plan reference:	Chapter 6 - Settlement Statements and Inset Maps: A74(M) pages 222 – 226, Chapelcross pages 227 - 229	Reporter: Steve Field
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (122) RSPB Scotland (133) Stephen Burnett (461) Kathleen A Burnett (499) Shona Burnett (500) Nuclear Decommissioning Authority (545) Linda Kirkbride (555)</p>		
Provision of the development plan to which the issue relates:	A74(M).B&I3, Chapelcross General and CPC.B&I1, CPC.B&I2, CPC.B&I3	
Planning authority's summary of the representation(s):		
<p>A74(M)</p> <p>A74(M).B&I3: Redhouse, Kirkpatrick Fleming <u>Stephen Burnett (461.001); Kathleen A Burnett (499.001); Shona Burnett (500.001)</u> - Development unsuitable due to loss of agricultural land, increased vehicular traffic, impact on wildlife, increased noise and air pollution.</p> <p><u>Linda Kirkbride (555.001)</u> Concerns raised include potential impact on house which is immediately adjacent to site and existing septic tank within site allocation, if site constraints can be overcome and if the allocation is an oversupply of employment land.</p> <p>CHAPELCROSS</p> <p>General <u>Nuclear Decommissioning Authority (545.001)</u> - The Chapelcross Masterplan and Chapelcross Development Framework are one and the same and should be referred to as one document consistently throughout the Local Development Plan (LDP).</p> <p>Paragraph 2 <u>RSPB Scotland (133.031)</u> - Do not support the inclusion of SPZ's / SDZ's where there is the potential for impacts on national or internationally important sites. It would likely be extremely difficult to ensure a sufficient amount of information is available at SPZ/SDZ designation stage to ensure impacts on designated sites are fully assessed and appropriate mitigation delivered to meet the Habitat Regulation Assessment requirements at that stage.</p> <p>Planning Objectives <u>Nuclear Decommissioning Authority (545.001)</u> - It is important that the Planning Objectives for Chapelcross also support decommissioning and remediation activities (including that</p>		

associated with radioactive waste management in line with national strategies).

CPC.B&I1: Chapelcross North; CPC.B&I2: Chapelcross South; CPC.B&I3: Chapelcross West

Scottish Natural Heritage (122.010) - Site guidance should be amended to include relevant information on adjacent European designated sites, likely presence of European protected species and actions, if required, following assessment.

Modifications sought by those submitting representations:

A74(M)

A74(M).B&I3: Redhouse, Kirkpatrick Fleming

Stephen Burnett (461.001); Kathleen A Burnett (499.001); Shona Burnett (500.001); Linda Kirkbride (555.001) – Delete allocation.

CHAPELCROSS

General

Nuclear Decommissioning Authority (545.001) – Amend reference to ensure consistency.

Paragraph 2

RSPB Scotland (133.031) – Provide clarification/ guidance on how protected species issues within the SPZ/ SDZ should be dealt with.

Planning Objectives

Nuclear Decommissioning Authority (545.001) - No modification requested.

CPC.B&I1: Chapelcross North; CPC.B&I2: Chapelcross South; CPC.B&I3: Chapelcross West

Scottish Natural Heritage (122.010) - Amend site guidance by inserting additional sentence between sentences 6 & 7: This may include Habitats Regulations Appraisal due to the site's proximity to the Solway Firth and Upper Solway Flats and Marshes, Special Protection Areas (SPA). Species surveys will also be required, followed by species management plans if protected species are found.

Summary of responses (including reasons) by planning authority:

A74(M)

A74(M).B&I3: Redhouse, Kirkpatrick Fleming

Stephen Burnett (461.001); Kathleen A Burnett (499.001); Shona Burnett (500.001); Linda Kirkbride (555.001) - The site benefits from proximity to the A74(M) and represents a strategic business growth and inward investment opportunity to support economic growth in the region. The site guidance states that a Masterplan will be required for the site which will require to address amongst other matters road improvements that may be required from the site and the A74(M).

A Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA) are required. No objection from Flood Risk Management Team (FRMT) or the Scottish Environment Protection Agency to prevent the allocation of this site on flood risk grounds. The Council Archaeologist has advised that the course of the Roman Road forming the

southern boundary would not prevent development, but that archaeological recording would be required as well as a watching brief. No biodiversity designations identified for this site.

Policy OP1 Development Considerations a) General Amenity and OP1d) Biodiversity and Geodiversity are relevant in the determination of a planning application. Site guidance states that mitigation is required for adjacent residential properties and development proposals would need to demonstrate that they would have no significant adverse impact on the residential amenity of nearby houses. Development proposals would require to take into account existing services.

It is acknowledged that the site is currently in agricultural use but it is not prime land. Responsibility lies with landowner and / or developer to front the costs of further site investigations.

No modification proposed to the Plan.

CHAPELCROSS

General

Nuclear Decommissioning Authority (545.001) – The document will be referred to as the Chapelcross Development Framework (July 2015) (CD36).

The Council considers this a non-notifiable modification.

Paragraph 2

RSPB Scotland (133.031)

The Council is currently examining the potential of a Simplified Planning Zone (SPZ) for the Chapelcross sites. It is acknowledged that an Environmental Impact Assessment (EIA) screening option would be required for all Schedule 2 developments as specified by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Royal Society for the Protection of Birds (RSPB) would be a key consultee in this regard. Schedule 1 developments as specified by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 would be excluded from such a scheme.

The Council are agreeing with the request from Scottish Natural Heritage to add additional text to the site guidance for the Chapelcross sites.

No modification proposed to the Plan.

Planning Objectives

Nuclear Decommissioning Authority (545.001) - Paragraph 3.18 of the Spatial Strategy refers to the decommissioning and defueling process that is currently ongoing at the site. The Chapelcross Planning Objectives are more about the future of the site. It is not considered necessary for them to make reference to the decommissioning and remediation activities.

No modification proposed to the Plan.

CPC.B&I1: Chapelcross North, CPC.B&I2: Chapelcross South, CPC.B&I3: Chapelcross West

Scottish Natural Heritage (122.010) - The Council will include the appropriate references as requested.

The Council considers this to be a non-notifiable modification.

Reporter's conclusions:

A74(M)

A74(M).B&I3: Redhouse, Kirkpatrick Fleming

1. There is a view that this is not a sustainable location. I agree that the site is not ideally located in terms of sustainable travel but appreciate that the location, close to Junction 21 on the A74(M), is potentially significant in attracting inward investment to Dumfries and Galloway. The council indicates in the supporting text of the proposed plan that precedes the allocation of employment sites in the A74(M) corridor that the planning objectives of allocating the Redhouse and other sites in that area are twofold. Firstly, it is to encourage employment creation by identifying business and industrial land to provide strategic inward investment opportunities for growth businesses that require quick access to the motorway network. Secondly, it is to support the Gretna-Lockerbie-Annan regeneration corridor. This approach is broadly consistent with Scottish Planning Policy 2014 (SPP).
2. This approach is supported by the council's Employment and Property Land Study, a technical paper prepared by Ryden in 2017 to support the review of the local development plan. A site assessment considering strategic fit, market assessment, transport and access, economic impact, development potential and alternative use pressure scored the Redhouse site joint second highest by comparison with other employment sites in the council area.
3. I am aware that the reporter who considered representations on the Redhouse site in the examination of what is now the adopted local development plan expressed significant reservations about the allocation of a large site at Redhouse for unrestricted general industrial use and major haulage operations. However, he found that the site forms an important element of the economic strategy for the area and recommended the retention of a substantial employment land allocation at the site to support the council's economic strategy. I do not consider that circumstances have change materially in this regard since the time of the previous examination.
4. Paragraph 101 of SPP requires local development plans to allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within 5 years; the potential for a mix of uses; their accessibility to transport networks and their integration with and access to existing transport networks. Allocations should be informed by relevant economic strategies and business land audits. I have no evidence to suggest the allocation of the Redhouse site constitutes an oversupply of employment land.
5. Paragraphs 102 and 103 of SPP require the council to carry out regular business land audits in order to inform reviews of the development plan. In line with this requirement, at paragraph 3.19 of the proposed plan, the council provides an undertaking to review business and industry allocations at least every 5 years. Therefore, should it prove at the time of a future audit that the site is surplus to requirements; the council will be obliged to consider this in the next review of the local development plan.
6. In considering the sustainable transport implications of the development proposals, part e) of proposed Policy OP1 (development considerations), which requires that development proposals should minimise the need for travel by car and encourage active and other more

sustainable forms of travel, will be an important consideration. Assessment against proposed Policy T1 (transport infrastructure) and proposed Policy T2 (location of development/ accessibility) will also be important in maximising sustainable means of travel to the site.

7. The development guidelines set out on page 226 of the proposed plan require that a masterplan is submitted as part of any planning application for the site and that this is agreed by the council. The masterplan is to include details of road improvements that may be required between the site and the A74(M). I consider that this requirement is sufficient to ensure that the increase in vehicular traffic that would result from development of the site can be dealt with adequately through the development management process.

8. Paragraph 80 of SPP sets out three criteria, one of which it would be necessary to meet in order for development to be allowed on prime agricultural land or land of lesser quality that is locally important. The council advises that this site is not prime agricultural land and I have no evidence to suggest that it is locally important for agriculture. Therefore, I find that the existing use for agriculture is not an impediment to allocation of the site in the proposed plan for business and industrial use. Potential disturbance to livestock in surrounding fields is principally a management issue to be resolved between the future site operator or operators and adjoining landowners. However, the landscape mitigation measures to be included in the masterplan could be designed to minimise any potential conflict. Additionally, proposed Policy OP1 enables the council to ensure that development proposals should not conflict with nearby land uses.

9. I observed on my site visit that the site comprises rough grazing land, a small plantation in the south-east corner of the site adjacent to the B7076 road and Redhouse farm steading, also fronting the B7076. One representation refers to the presence of curlew and lapwing on the site but I have not been made aware of any particular significance that the site may possess for wildlife. I note that the masterplan will be required to show the retention and enhancement of existing hedgerows and trees along external boundaries and retention of the existing plantation. This will help to retain the benefit of this existing vegetation to wildlife. The requirement to prepare a comprehensive landscape management plan, including mitigation for the cottage fronting the B7076 road, has the potential to enhance the biodiversity value of the site. I also note the council's comment that development will be required to comply with part d) of proposed Policy OP1, which requires that development proposals should respect, protect, and/or enhance the region's rich and distinct biodiversity. I consider that the proposed plan provides sufficient safeguards to protect any significant wildlife interests on the site.

10. In terms of a potential increase in noise and air pollution following development, I note that the masterplan will be required to show that development proposals will not have any significant impact on the residential amenity of nearby houses. I also note the council's guidance that development will be required to comply with part a) of proposed Policy OP1. This requires that development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The proposed policy lists a number of potential issues that will be a material consideration in the assessment of proposals. These issues include; noise and vibration, odour and fumes, emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air or soil. I consider that the plan provides a sufficiently robust policy context so that potential issues relating to noise and air pollution can be dealt with through the processing of any future planning application.

11. As I have noted in paragraphs 3 and 4 above, the proposed plan indicates that development proposals will be required to include landscape mitigation for adjacent residential properties and demonstrate that they will not have any significant adverse impact on the

residential amenity of nearby houses. The safeguards provided by proposed Policy OP1, which I have referred to in paragraph 10 above, along with other considerations listed at Policy OP1 including potential loss of privacy, sunlight and daylight to nearby properties and light pollution will also serve to minimise potential impacts on the cottage. Part a) of proposed Policy OP1, along with the requirement for a drainage impact assessment, will be sufficient to ensure the existing drainage provision for the cottage is not compromised by development. Overall, I consider that the plan provides adequate safeguards to protect the residential amenity of the cottage. In broader terms, effective design and implementation of the requisite landscape mitigation measures will also be important in minimising the impression that the developed site represents “isolated urbanisation”, which is a concern expressed in one representation on this site.

12. The proposed plan recognises that there are archaeological remains within the site and the B7076, which adjoins the site to the south, is a Roman road. The development guidelines require that an “archaeology scheme of works will be required to be agreed with the council’s archaeologist.” I consider this provision, along with the terms of proposed Policy NE3 (archaeology), provides adequate safeguards for any assets of archaeological interest on the site.

13. There is concern about potential flooding on the site. However, the development guidelines require that a flood risk assessment is submitted and agreed by SEPA and the council as part of any planning application. The guidelines also state that a drainage impact assessment may be required. Additionally, proposed Policy IN7 (flooding and development) and proposed Policy IN8 (surface water drainage and sustainable drainage systems (SuDS)) will apply to future development proposals. I consider that, all together, this provides adequate safeguarding from flooding resulting from development of the site for business or industrial use.

14. In terms of whether or not site constraints can be overcome, the role of the proposed plan is to set out the key development requirements for the site. I consider that these are adequate, appropriate and reasonable. It is for any prospective developer to establish whether they can devise development proposals that address these requirements to the satisfaction of the council.

15. In conclusion, I do not consider it is necessary to modify the proposed plan to take account of the representations on the Redhouse site.

Chapelcross Business and Industry Overview

General

16. The council endorses the representation from the Nuclear Decommissioning Authority that the proposed plan should refer to the Chapelcross Development Framework (July 2015), which is the terminology used on page 228 of the proposed plan, rather than the Chapelcross Masterplan, as at proposed Policy ED4 (Chapelcross). I agree with the council that this can be regarded as a non-notifiable modification.

Paragraph 2

17. Scottish Government Circular 18/1995: Simplified Planning Zones indicates that a simplified planning zone (SPZ) should not include “European sites” (now Natura 2000 sites) or sites of special scientific interest and advises that other land of significant conservation value

should be avoided (paragraphs 10 and 11). From the evidence presented, I am not aware that any of the three Chapelcross sites contain designated sites or other land of significant nature conservation value. Consequently, I do not find that there is anything of biodiversity importance to prohibit the council from considering the designation of an SPZ for the Chapelcross sites. I note that the development guidelines for all three sites require that biodiversity interests will require to be assessed.

18. However, as Scottish Natural Heritage (SNH) points out in its representation on the Chapelcross sites, the sites are close to the Solway Firth and Upper Solway Flats and Marshes Special Protection Areas and, as such, Habitats Regulation Appraisal may be required. SNH also suggests that the development guidelines are revised to indicate that species surveys will be required, followed by species management plans if protected species are found. I note that the council supports the changes proposed by SNH and I have recommended below modifications to the proposed plan to incorporate these.

19. I consider that, the proposed plan, with the modifications advocated by SNH, provides sufficient safeguards to address the concerns of RSPB Scotland and no further amendments are required to address the society’s representation. I also note the undertaking from the council that it will consult RSPB Scotland on any Environmental Impact Assessment screening option for Schedule 2 developments, as specified by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Planning Objectives

20. Paragraph 3.18 of the proposed plan states that “Chapelcross is a former nuclear power station currently undergoing the process of decommissioning and defueling. The current decommissioning contract should be complete within the first five years of the plan.” Whilst not stating explicit support for this activity, it is clear from the subsequent text outlining the development potential of the site that the council’s support is implicit. This is because decommissioning and defueling is an essential prerequisite of any future development for business and industry. I do not consider it necessary to modify the five planning objectives for the Chapelcross sites to address this part of the representation by the Nuclear Decommissioning Authority.

Chaplecross Business and Industry Sites

CPC.B&I1: Chapelcross North, CPC.B&I2: Chapelcross South, CPC.B&I3: Chapelcross West

21. I have referred at paragraph 11 above to the proposed changes to the plan suggested by SNH and recommended below modifications to the plan to take these on board. I consider that the modifications go beyond the minor modifications allowed as non-notifiable modifications by The Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

Reporter’s recommendations:

I recommend that the proposed plan be modified by:

1. amending the development guidelines for the sites at Chapelcross North, South and West set out on pages 228 and 229 of the plan by including the following two sentences before the existing last sentence in each case:

'This may include Habitats Regulations Appraisal due to the proximity of the site to the Solway Firth and Upper Solway Flats and Marshes Special Protection Areas (SPA). Species surveys will also be required, followed by species management plans if protected species are found.'

Issue 16	Proposals Maps, Settlement Statements, appendices, glossary	
Development plan reference:	Proposals Maps, Pages 81 – 88 Settlement Statements, Page 89 Appendix 1, Page 230 Appendix 4, Glossary, Pages 236 - 242	Reporter: Andrew A Sikes
Body or person(s) submitting a representation raising the issue (including reference number):		
Network Rail (002) Natural Power (080) Scottish Water (083)	Architectural Heritage Society of Scotland (Dumfries & Galloway) (146) Jack Cooper (573)	
Provision of the development plan to which the issue relates:	Proposals Maps; Settlement Statements; Appendix 1 - Settlement Hierarchy; Appendix 4 - Glossary	
Planning authority's summary of the representation(s):		
<p>Proposals Maps <u>Natural Power (080.046)</u> – Consideration should be given in the relevant proposals maps to sites and zones which may be required to accommodate, safeguard and promote the infrastructure necessary to bring about the decarbonisation of the economy of Dumfries and Galloway.</p> <p>Particular attention should be given to the identification of zones where heat and energy efficiency measures pursuant with the emerging Local Heat and Energy Efficiency Strategy (LHEES) guidance are likely to be located.</p> <p>Settlement Statements General <u>Network Rail (002.007)</u> – Level crossing safety is of the utmost importance to Network Rail who are committed to reducing the risk at level crossings where reasonably practicable. In addition, increase in usage of a level crossing may impact on line speed conflicting with a main Government objective for faster journey times. Increase in road traffic across a level crossing may also have an adverse effect on the road network as a result of longer journey times and queueing while level crossings are closed to allow trains to pass. New crossings onto the network will only be permitted in exceptional circumstances. In recognition of these issues Network Rail is a statutory consultee in the development management process in respect of proposals which may impact on level crossings.</p> <p>Encourage planning authorities to co-operate in securing level crossing closures or improvements in connection with new developments through encouraging clear development plan policy and supplementary guidance. There are 25 level crossings in the Dumfries and Galloway area.</p> <p><u>Scottish Water (083.004)</u> – (i) Alteration proposed to settlement statements that include the line - ‘The Drainage Impact Assessment (DIA) should also identify what impact the development would have on the water and waste water networks’ (ii) Those sites that have existing Scottish Water infrastructure within the site boundary were highlighted as part of the Call for Sites exercise.</p>		

Appendix 1: Settlement Hierarchy

Jack Cooper (573.001) – Sandhead is currently designated a Local Centre in the Local Development Plan (LDP) and should remain so in LDP2. Sandhead has a number of community facilities, proximity to employment centres including Port Ryan and the ability to absorb development and grow within the existing settlement boundary as defined and the land adjacent and north of the boundary.

Appendix 4: Glossary

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.004) -

Changes should be made to the following definitions in the Glossary – Curtilage, Key Agencies and NATURA sites. Definitions should be added for Conservation Area Appraisal and Protected Open Space.

Modifications sought by those submitting representations:

Proposals Maps

Natural Power (080.046) – Identify zones where heat and energy efficiency measures pursuant with the emerging LHEES guidance are likely to be located.

Settlement Statements General

Network Rail (002.007) – Enhance the general guidance given in the introductory paragraphs of settlement statements to refer to the need to consider infrastructure requirements in relation to settlement development and individual or groups of sites; and in particular that transport infrastructure be considered for any site. Recommend the list following paragraph 6.4 is reviewed to ensure that those infrastructure types potentially impacted by any development are included. Given the safety issues surrounding level crossings would suggest these are specifically mentioned

Scottish Water (083.004) –

(i) Change to “A Network Impact Assessment is required to identify what impact the development would have on the water and waste water networks.”

(ii) Request the following be added “There may be waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. Copies of water or waste water network drawings can be ordered from the Asset Plan Providers listed. This is distinct from rights to seek access to and inspect apparatus plans at Scottish Waters area offices, for which no charge is applied.”

Appendix 1: Settlement Hierarchy

Jack Cooper (573.001) – Make Sandhead a Local Centre in the settlement hierarchy.

Appendix 4: Glossary

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.004) -

Curtilage - Should say surrounding land “which is necessary for the enjoyment of the”

Key Agencies - Historic Environment Scotland

Conservation Area Appraisal should be included

Protected Open Space needs a definition and how does it relate to Greenspace

NATURA SITES needs an L

Summary of responses (including reasons) by planning authority:

Proposals Maps

Natural Power (080.046) – There are 11 LHEES pilot projects across Scotland. One of them is

in Glenluce. The Council are of the view that the outcome of the pilot projects needs to be looked at and understood to see if such zones could be identified.

No modification proposed to the Plan.

Settlement Statements General

Network Rail (002.007) – This issue is addressed under Issue 9: Transport and the proposed change to Policy T2.

No modification proposed to the Plan.

Scottish Water (083.004) –

(i) The requirement that “The DIA should also identify what impact the development would have on water and waste water networks” applies in a number of cases. The specification that DIA should include consideration of foul drainage and any possible interaction between this and surface water drainage is in the draft Surface Water Drainage and Sustainable Drainage Systems (SuDS) Supplementary Guidance (CD29). This should be amended to additionally require consideration of any water supply and waste water issues there may be for proposed developments. This representation will be responded to on that basis.

(ii) This issue should be addressed through the DIA that should as general practice be provided at a proportionate level in support of proposals all development. The draft Surface Water Drainage and Sustainable Drainage Systems (SuDS) Supplementary Guidance (CD29) should be amended to additionally require consideration of any water supply and waste water issues there may be for proposed developments. This representation will be responded to on that basis

No modification proposed to the Plan.

Appendix 1: Settlement Hierarchy

Jack Cooper (573.001) – Following the Main Issues Report consultation all settlements were resurveyed. Given Sandheads limited physical ability to grow it was changed to a village in the settlement hierarchy. The land to the north adjoining Sandhead was considered as unsuitable on road access and cultural heritage grounds in the Dumfries and Galloway Local Development Plan 1 Examination Report (CD06), Issue 29: Settlement Statements and Inset Maps – Stranraer Housing Market Area (HMA) District and Local Centres.

No modification proposed to the Plan.

Appendix 4: Glossary

Architectural Heritage Society of Scotland (Dumfries & Galloway) (146.004) -

Curtilage – For clarity, the following amendment is proposed to the definition:- ‘Ground which is used for the comfortable enjoyment of the dwellinghouse, often the area immediate surrounding the dwelling’.

The Council considers this to be a non-notifiable modification.

Conservation Area Appraisal – It is considered that the text in the body of the plan adequately explains what an appraisal is.

Protected Open Space – The Open Space Strategy Supplementary Guidance (CD26) defines what is meant by Protected Open Space.

NATURA sites is the correct name.

No modification proposed to the Plan.

Include Historic Environment Scotland as a Key Agency in the Glossary.

The Council considers this to be a factual statement and will be updated before the Plan is adopted.

Reporter’s conclusions:

Proposals Maps

1. The representation seeks a modification to the proposed plan proposals map to identify sites and zones that may be required to accommodate, safeguard and promote the infrastructure necessary to bring about the decarbonisation of the local economy. Particular mention is made of zones where heat and energy efficiency measures pursuant with the emerging Local Heat and Energy Efficiency Strategies (LHEES).
2. I consider that this matter is most appropriately addressed by ensuring that the proposed plan’s vision, overarching principles and spatial strategy express clearly the council’s ambition to develop a sustainable economy built on sustainable principles. To this end, this examination report has made a number of recommendations in response to representations, including a number from Natural Power, to modify the proposed plan to require all proposals to support sustainable development in their location and design with the aim of reducing carbon and greenhouse gas emissions. In particular, I have recommended a modification to the broad principles at paragraph 1.12 of the proposed plan that guide the preparation of all development proposals. Elsewhere a modification is proposed to refer to the Scottish Government’s Climate Change Plan and Energy Strategy and the ambitious targets considered necessary to decarbonise the economy.
3. Although the council has secured Scottish Government funding to prepare a Local Heat and Energy Efficiency Strategy (LHEES), it comments that it is part of a wider programme of pilot projects promoted by the Scottish Government to test different approaches to improving the energy efficiency of Scotland’s buildings. Given the nature and timing of the project, however, I consider that it would be impracticable for this examination to recommend the suggested modifications to the proposed plan. Should new guidance on renewable energy, including the provision of local heat networks, emerge through the next National Planning Framework and Scottish Planning policy (SPP), it will be for the next iteration of the local development plan to deal with the land use implications of that guidance, including the designation of sites and zones on a proposals map. Accordingly, I do not propose to modify the proposed plan in response to the representation.

Settlement Statements – general

4. The council does not directly respond the suggestion in the representation that the general guidance provided at paragraph 6.4 should refer to the infrastructure requirements of Network Rail. Neither does it comment on the need to reduce risks at level crossings on the rail network. The second sentence of the paragraph makes clear that the purpose of the list is to identify infrastructure requirements that apply to all (*my emphasis*) sites referred to in the settlement statements that follow. The following sentence notes that specific infrastructure requirements that need to be addressed prior to development commencing on certain sites are outlined in an individual overview to each settlement statement.

5. Network Rail states that there are 25 level crossings in the Dumfries and Galloway area and, in co-operation with the council, seeks to reduce the risk of accidents through their improvement and/or closure. Where proposals may affect the use of level crossings, Network Rail is a statutory consultee. I am satisfied that the status enjoyed by Network Rail in the development management process, together with the requirements of a modified Policy T2, that is, the requirement to prepare a transport assessment and implementation appropriate mitigation measures where necessary, are sufficient to address the impacts of new development on rail infrastructure. Accordingly, I do not consider it necessary to modify the proposed plan in response to the representation.

6. With regard to drainage impact assessments, I agree with the council that the matters raised by Scottish Water are most appropriately dealt with in the Surface Water Drainage and Sustainable Drainage Systems (SuDS) supplementary guidance that has been prepared accompany the proposed plan. I note that the council has given an undertaking to amend the text of the draft supplementary guidance to address the comments of Scottish Water's. Accordingly, I do not propose to modify the proposed plan in response to the representation.

Appendix 1: Settlement Hierarchy

7. The council explains that Sandhead is categorised as a village in the region's settlement hierarchy due to its limited physical ability to grow and absorb new development. The Settlement Hierarchy Diagram (figure 3) notes that where this is not possible a settlement should be regarded as a village. Whilst Sandhead may have the requisite number of community facilities and is located within 45 minutes travel time of an employment centre, the council comments that there is limited ability for the settlement to grow. In this regard, I note that the proposed plan does not promote any development opportunity sites in Sandhead.

8. The representation argues that there are nonetheless infill opportunities in Sandhead and a development opportunity located immediately to the north of the settlement. However, I have not been presented with any evidence to demonstrate that infill opportunities exist in the village and note that a proposal to develop land to the north of Piggery Lane for housing was removed from the adopted local development plan on the recommendation of the reporter examining the plan. The scale of development proposed at that time (40 units) was described in the examination report as undesirable, unnecessary and inappropriate. I have not been made aware of any development interest the site as part of this examination.

9. In conclusion, for the reasons set out above, I agree with the council that Sandhead is appropriately categorised as a village in the region's settlement hierarchy and do not propose to modify the proposed plan as sought in the representation.

Appendix 4: Glossary

10. I note the council's response to the various modifications sought by the Architectural Heritage Society of Scotland (AHSS) to terms contained in the glossary. I am content for these matters to be dealt with by way of non-notifiable modifications.

Reporter's recommendations:

No modifications required.