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DEVELOPMENT OF NEW WALLACE HIGH SCHOOL AND ASSOCIATED PLAYING FIELDS ETC AND FORMATION OF NEW ACCESS AT AIRTHREY ROAD, STIRLING

ANNEX C

BACKGROUND INFORMATION

Proposed Development

1. The erection of a new 2/3 storey school building with car parking, playing field (including all-weather pitch), associated hard and soft landscaping and formation of an access road.

The Site

2. The site is in the Stirling Green Belt, an irregular area of flat land stretching northwards from the existing built up area at Causewayhead. It is bounded by residential development to the south and south-east. It is bounded by agricultural land to the north and west separating Stirling from Bridge of Allan. Airthrey Road, which forms the eastern boundary, also provides the proposed main access to the site and separates this area of Green Belt from Stirling University to the north east.

Policy Context

Development Plan

3. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case comprises the *Clackmannanshire and Stirling Structure Plan (approved 2002)* and the *Stirling Council Local Plan (adopted 1999)*.

4. Key Principles in the Structure Plan sets out a number of criteria for assessing development proposals in terms of principles of sustainable development, including the re-use of brownfield sites in preference to greenfield release. Also very relevant to this application are Structure Plan policies on green belts and on development in the countryside, which note a general presumption against development except in exceptional circumstances where development would have to demonstrate appropriate environmental enhancement or be a rural activity dependant on a countryside location. The Structure Plan also states that development proposals in areas of known flood risk will not be permitted unless it can be demonstrated that no suitable alternative location exists, and if a flood risk assessment (prepared in consultation with SEPA) indicates that the risk could be satisfactorily mitigated by works which will not lead to increased flood risk elsewhere, or unacceptable habitat loss. It also notes that flood protection and run-off attenuation works in association with development will be permitted only if long-term maintenance and management arrangements are in place. The Structure Plan also supports the objectives of local transport strategies, to reduce the need to travel and improve transport choice.

5. The Local Plan identifies the site as falling within the Stirling Green Belt. Local Plan policies support the Structure Plan policies on the Green Belt referred to above.

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Relevant Material Considerations

6. National policies of relevance to this proposal can be found in Circular 24/1985: *Development in the Countryside and Green Belts*, which states Ministers' commitment to the purpose and permanence of green belts. It notes that any review of green belt boundaries should only be carried out through review of the development plan. Our recently published consultation draft SPP on Green Belts also gives an indication of emerging national policy. SPP 7: *Planning and Flooding* states that new development should be free from significant flood risk from any source, and should not materially increase the probability of flooding elsewhere or affect the ability of the functional flood plain to attenuate the effects of flooding by storing flood water. NPPG 18: *Planning and the Historic Environment* supports the preservation of the historic environment, particularly listed buildings and conservation areas, while remaining responsive to present day needs. It notes that a listed building's setting and its contribution to the townscape or landscape should be considered, having particular regard to the impact of the development upon the views to and from the listed building.

7. Also of relevance as a matter of national policy is the Scottish Executive's commitment to secure improvement in the condition of the school estate. The Executive also provides financial support to local authorities for school PPP projects; however the existence of such funding is not a material consideration in deciding a planning application, which must focus on the land use issues.

8. Prior to reaching its conclusions on these applications, Stirling Council obtained legal advice to the effect that the cross-funding relationship between the housing and schools developments is a material consideration that can be taken into account when deciding the applications. The advice suggested that the planning gain (in the form of funding for the schools) could be taken into account when deciding the housing proposals, and the funding itself could be considered in dealing with the schools proposals, if their viability would be in doubt without it. This legal advice has not been universally accepted by all parties (nor has the weight the Council has attached to it in reaching its decisions).

9. Circular 4/1997: *Notification of Planning Applications* and our recent White Paper *Modernising the Planning System* are relevant to Ministers consideration whether or not to call in the Stirling school PPP planning applications. The former sets out the circumstances in which applications are notified to Ministers due to the planning authority having an interest and notes that Ministers are concerned that the planning procedure is seen to be operating openly and fairly in these circumstances. The White Paper proposes that the Executive will focus particular attention on any cases where the local authority will gain a capital receipt as a result of the proposed development going ahead.

Representations and Consultations

10. SEPA has objected to the proposal, concerned about the flooding issues arising from the culverted burn along the northern boundary of the site. SEPA required that the finished floor level of the school be above the 1 in 200 year return period flood and recommended a condition requiring the proper maintenance of the culvert and entire surface water drainage scheme be put in place. They also noted that details of the attenuation scheme had not been provided and that failure to ensure sufficient attenuation on site would be contrary to SPP 7, as the development site represents 50% of the catchment of the culvert. SEPA recommended that the application should not be determined until the flooding issues had been resolved.

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Sportscotland were concerned that the requirements of community users of the existing pitch could still be met, and that a condition be attached requiring the phasing and specifications of the new playing fields should be agreed in detail, which has not been done. They also expressed concern at the substandard dimensions of the indoor sports provision. **Historic Scotland** did not consider the likely impact on the setting of the Wallace Monument or Abbey Craig Fort sufficient to warrant objection but expressed concern at the potential cumulative impact on the green belt, the effect of flood lighting on the Monument at night and need for care with external materials. The **Council Transport Department's** comments were comprehensive (but not reported on in the Council's report to Committee) and suggested a substantial list of conditions, not all of which have been attached, especially the requirement that the access to Airthrey Road be replaced by a proper roundabout.

11. The Council reported receiving 254 objections, including a petition of 63 pages with 1052 signatures from a local action group 'Causewayhead Residents Against Greenbelt Erosion' (CRAGE), which had been set up to oppose both the new school and the proposed housing on the site of the former school. We have received over 500 objections so far, mostly as a result of a campaign orchestrated by CRAGE. The issues raised by objectors include: development in the green belt, visual appearance, traffic congestion and safety, reduction in playing field facilities, sewerage and drainage infrastructure limitations, precedent, flooding, loss of privacy, further travel to school, intrusion from lighting, loss of agricultural land, boundary treatments, setting of Wallace Monument and potential for increasing use of the Eastern Cornton Road level crossing. One of the most significant points made by objectors, though, is the consideration of alternatives to building a new school. The point is made strongly by CRAGE that, when the Council first consulted, it was seeking to refurbish the existing school and the objectors argue that justification has not been given for deciding on new build in the green belt. It was also mentioned that there is sufficient land within the grounds of the existing school to fit the footprint of the new school.

12. In correspondence to the Scottish Executive, CRAGE has requested that the Scottish Ministers call in the application, quoting what it considers to be flaws in the Council's decision. In particular, it is argued that the independent legal advice that the Council has taken in relation to cross-funding actually supports the objectors' position that planning permission should be refused, and therefore the Council has failed to grasp the significance of the legal opinion. It is also said that the Council's committee reports are far too brief to set out and fully argue the issues, and that the Council has made no attempt to argue why the balance should be in favour of the development [due to the civic gain], compared with the development of Green Belt land, flooding concerns etc. CRAGE also claims it was denied the opportunity to present its objections to Stirling Council at the committee meeting.

The Council's Consideration

13. Stirling Council submitted both a general report (about six of the applications, including this one) and an individual report about the specifics of this application. The general report addressed a number of issues relevant to all proposals in this PPP scheme. In particular the Council's Corporate Plan commitment to the replacement of old schools through the PPP scheme and lack of disruption to schools by building the replacements first on new sites is discussed. In this report, the Council recognises the provisions (in Section 25 of the Planning Act) that planning applications must be decided in accordance with the terms of the development plan unless material considerations indicate otherwise. In this, the Council has argued that the community/civic gain that would result from the provision of new

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schools outweighs normal planning provisions. The Council has also attached significant weight to the legal advice it obtained about the cross-funding relationship between the housing and schools developments being a material planning consideration.

14. In its report on this application, the Council states that there are three issues for consideration: (i) the proposed development in the countryside and green belt, (ii) traffic issues, and (iii) flooding. The appraisal considers the green belt development is the fundamental policy issue and acknowledges the development is not dependent on a countryside location but considers there is a clear argument for a new school and suggests that what needs determined is whether the need for the school constitutes exceptional circumstances justifying departure from Development Plan policy. It points out that the green belt aim of preventing coalescence between Stirling and Bridge of Allan will not be compromised but is not comfortable with the idea that the proposal is a logical rounding off of the boundary at this point. It emphasises however, that the clear community/civic gain outweighs normal planning provisions.

15. The report acknowledges the importance of flooding and states it would have been preferable if the issues had been resolved prior to the Council reaching its conclusions on the application, and notes that the issues of concern to SEPA should not be underestimated and an acceptable solution requires to be reached. However, the Council concludes that a suspensive condition is sufficient to achieve this. Despite stating that traffic matters are among the main issues, the Council report then makes no mention of the particular points raised (by the Transport Department) or how to address them.

16. In response to some of the grounds of objection received, the Council sought to justify the departure from the development plan, in particular the development on agricultural land in the Green Belt, by arguing that the circumstances are unique due to the civic gain of the new schools. The Council also argued that this development would not set a precedent for further development pressure in the Green Belt, because of the exceptional circumstances of the case. The provision of a new school with modern facilities is also given as an argument to offset concerns about the extra distance a significant percentage of students would need to travel. On local people's concerns about the reduction in playing field facilities and the potential impact on the setting of the nearby Wallace Monument, the Council noted that Sportscotland and Historic Scotland respectively had not objected to these points.

DD/PL1
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