

The Proposed Renfrewshire Local Development Plan - Statement of recommended modifications that Renfrewshire Council has not made

In accordance with Section 19(10)(a)(i) and 19(12) of the Town and Country Planning (Scotland) Act 1997 and Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009, Renfrewshire Council agree to all the recommended modifications as set out in the Examination Report into the Proposed Renfrewshire Local Development Plan with the exception of 3 modifications.

Renfrewshire Council decline to make the recommended modifications to the Proposed Renfrewshire Local Development Plan in relation to two recommended modifications in Issue 11 'Housing Sites in Johnstone and Elderslie', Page 218 of the Examination Report into the Proposed Renfrewshire Local Development Plan and one recommended modification in Issue 15 'Housing Sites in Bridge of Weir', Page 278 of the Examination Report into the Proposed Renfrewshire Local Development Plan.

1st Recommended Modification Not Accepted

The modification in relation to Issue 11 'Housing Sites in Johnstone and Elderslie', Page 218 of the Examination Report into the Proposed Renfrewshire Local Development Plan.

Modification 1 - Removing the site Golf Driving Range, Johnstone (LDP2057) as depicted under Policy P2 Housing Land Supply on Proposals Map F, as outlined in Appendix 1 - RENFREWSHIRE LOCAL DEVELOPMENT PLAN EXAMINATION REPORT Recommendations by Issue Number – 29 January 2021 and all other text modifications associated with this site is not accepted.

Grounds for Declining to Follow Recommended Modifications

As set out in Section 19(10) of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the grounds are that the removal of this previously used site in a sustainable location would be inconsistent with the Development Plan which prioritises the reuse of previously used land before the consideration of greenfield and green belt sites. Furthermore the conclusions of the Reporter to remove this site from the Proposed Plan could not have been reasonably reached based on the evidence presented and considered as part of the Examination.

Reasons

1. The recommended modification by the Reporter would be inconsistent with the Development Plan consisting of the National Planning Framework and Clydeplan - the Strategic Development Plan

The spatial strategy outlined in National Planning Framework 3 (NPF3) shows where there will be opportunities for growth, regeneration, investment in the low carbon economy, environmental enhancement and improved connections.

Page 8, para 2.20 of NPF3 highlights the need for more ambitious and imaginative planning to meet the requirements for a generous and effective supply of land for housing in a sustainable way.

Para 2.21 of NPF3, outlines that most of Scotland's vacant and derelict land lies in particular in west central Scotland, which presents a significant challenge but also an opportunity and that planning has an important role in finding new and beneficial uses for previously used land.

Page 10 of NPF3 – Glasgow and the Clyde Valley – further highlights that 'Regeneration is the central focus of planning across the city region.' Page 43, para 4.7, goes on to encourage a planned approach to development striking a balance between safeguarding assets which are irreplaceable and facilitating change is a sustainable way.

The vision for Clydeplan reflects and is consistent with the National Planning Framework wherein the 'Spatial Land Use Model' directs development to sustainable brownfield locations, maximising the use of existing infrastructure and assets and recycling previously used land.

Policy 1 – Placemaking, in Clydeplan, supports the 'compact city' model with priority given to brownfield locations supporting low energy consumption and high residential density within a mixed land use context.

Policy 8 – Housing Land Requirement aims to ensure a generous supply of land for housing in support of the Clydeplan Vision and Spatial Development Strategy and that steps to ensure a five year effective land supply requires to ensure that 'the development will not undermine Green Belt objectives.'

Overall the Development Plan sets the framework for the Spatial Strategy in the Proposed Renfrewshire Local Development Plan wherein the Plan aims to ensure the right type of housing is delivered in the right locations, creating strong sustainable communities with a focus on available brownfield land and previously used land to meet the majority of Renfrewshire's Housing Land Requirements. It is considered that in relation to the Spatial Strategy and proposals put forward in the Proposed Renfrewshire Local Development Plan that these are consistent with the Development Plan of NPF3 and Clydeplan.

The site at the former Golf Driving Range, Rannoch Road in Johnstone is an previously used site that is now vacant. It provides opportunities for residential development in a sustainable location, with good transport links and connections to existing services and facilities where there is existing capacity to deliver new homes which benefits from existing infrastructure and nestles into the existing place, community and landscape.

To remove a site which is completely in line with all levels of the Development Plan, consistent with the spatial strategy and policy framework of the Development Plan, and replace this site with sites which are green belt sites, not previously used and require additional infrastructure, would be inconsistent with the Development Plan.

In these circumstances and on the basis of the evidence before the Examination, the appointed person's conclusions and recommended modifications are considered to be unreasonable/perverse.

2.The Reporter has misinterpreted and/or failed unreasonably to give any weight to certain relevant evidence available, and did not seek further clarification on determining issues through the Examination process, therefore the recommended modifications are based on conclusions that could not reasonably have been reached.

Renfrewshire Council submitted evidence to the Reporter in respect of a Further Information Request 12 (FIR12) which provided additional information in respect of the site's ground conditions and other information and conclusions drawn from surveys/studies along with the Council's understanding of the previous use of the site.

A site investigation that had been submitted by Cruden Homes Ltd as part of planning application 19/0749/PP was sent as part of the reply to FIR12. The Council confirmed that we had considered the content of the report and that we had confirmed to the developer that the information associated with the site investigation was comprehensive and that it is important that additional information will be required as part of the remediation strategy and implementation plan for the site's proposals.

A response from the Council's Environment Protection Section was also attached to FIR12. Renfrewshire Council confirmed the additional information that is required to address any gaps in the remediation strategy and implementation plan could be provided as part of a planning condition should the Council decide to approve the application in due course following the outcome of the Examination.

A consultation response from SEPA and the Coal Authority on planning application 19/0749/PP was also attached, wherein these consultees had no objections to the development of the site for residential.

SEPA's consultation response of the 25 November 2019 confirmed that the previous use of the site may impact on the proposed use but the primary responsibility for the decision on these matters lies with the Planning Authority.

The Council's Environmental Protection Section were satisfied that through the attachment of a condition, to any planning consent for the site, that this detail could be provided to ensure that suitable remediation measures could be applied to allow appropriate protection for the future development at the site.

Having sought clarification from the Council in relation to the site conditions and having been provided the requested information, it is difficult to see how the appointed person could come to the conclusion in paragraph 8, page 215 of the Examination Report that *'The site investigation report for the current planning application requires significant further information and updating, in particular with regard to the adequacy of the remedial strategy for the site'*. The appointed person should have sought further comment from the parties to make sufficient enquiry into determining a matter which was considered significant but failed to do so.

In relation to a further section in paragraph 8 of the Examination Report it is again difficult to see how the appointed person could have reached the conclusion that *'There is a degree of uncertainty as to the mitigation and stabilisation works required for historical mining activities.'* When this was not raised as a significant concern by the Coal Authority in their response dated 7 July 2020, to the Planning Application, where they had no objections subject to the imposition of a condition.

Again in paragraph 8 of the Examination Report, the appointed person states *'SEPA has clear concerns over the deliverability of the site due to the previous uses of the site - including the source of the gassing from the landfill and the implications of disturbance arising from regrading of the site.'* SEPA in their consultation letter of the 25 November 2019, do not raise 'clear concerns'. SEPA do outline that the potential source of the gas has not been established from the site investigation work, however that remedial measure proposed by the applicant constitute best practice.

Clarification should also have been sought from the Council on the fact that the appointed person states *'the council has been unable to determine a planning application for the site.'* and then *'I have noted that a planning application was lodged on 1 November 2019 which is pending a decision'*. It can be confirmed that the Council were awaiting the outcome of the Examination as there was outstanding representations to the Plan concerning this site and that it would have been premature. Renfrewshire Council consider that the primacy of the Development Plan should direct changes and land uses rather than individual planning applications. The Local Development Plan indicates where opportunities for development should happen. The detail of development is for consideration at the development management stage.

It is considered that the appointed person also erred in paragraph 9, page 215 of the Examination Report where it states, *'in terms of Scottish Planning Policy, is whether the site is effective or can be expected to become effective in the plan period and therefore could be developed'I cannot say that the site will be constraint free or be able to be developed.....In my view the site should not be considered as effective given the wide range of uncertainty relating to the contamination from a previous use'*. The Council agree that the site is not constraint free, however as highlighted above, all consultees in relation to the site conditions considered that a satisfactory and comprehensive remediation strategy and implementation plan can demonstrate that within five years it can be free of constraints and therefore both deliverable and effective and should be included as part of the 5-year effective land supply.

Overall it is considered that the conclusions and recommended modifications were unreasonably reached given the evidence available.

2nd Recommended Modification Not Accepted

The modification in relation to Issue 11 'Housing Sites in Johnstone and Elderslie', Page 218 of the Examination Report into the Proposed Renfrewshire Local Development Plan.

Modification 3 - Adding the site Auchenlodment Road, Elderslie (LDP2053) as a Policy P2 Additional Housing Site and depict this on Proposals Map F, as outlined in Appendix 1 - RENFREWSHIRE LOCAL DEVELOPMENT PLAN EXAMINATION REPORT Recommendations by Issue Number – 29 January 2021 and all other text modifications associated with this site is not accepted.

3rd Recommended Modification Not Accepted

The modification in relation to Issue 15 'Housing Sites in Bridge of Weir', Page 278 of the Examination Report into the Proposed Renfrewshire Local Development Plan.

Modification 1 - Adding the site Thriplee Road (LDP2064) as a Policy P2 Additional Housing Site and depict this on Proposals Map B, as depicted under Policy P2 Housing Land Supply on Proposals Map F, as outlined in Appendix 1 - RENFREWSHIRE LOCAL DEVELOPMENT PLAN EXAMINATION REPORT Recommendations by Issue Number – 29 January 2021 and all other text modifications associated with this site is not accepted.

Grounds for Declining to Follow Recommended Modifications

On the basis of the re-insertion of the Golf Driving Range, Johnstone (LDP2057), as a site which will assist in meeting the Housing Land Requirements throughout the Local Development Plan Period, the site at Thriplee Road, Bridge of Weir (LDP2064) and the site at Auchenlodment Road, Elderslie (LDP2053) are no longer required in order to meet the Development Plan Housing Land Requirements.

As set out in Section 19(10) of the Town and Country Planning (Scotland) Act 1997 (as amended) and the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, on the basis of the re-insertion of the Golf Driving Range, Johnstone (LDP2057) the Reporter could not have reasonably concluded that the site at Thriplee Road (LDP2064) and Auchenlodment Road, Elderslie (LDP2053) be allocated in the Plan.