

STEPS & DISTRICT COMMUNITY COUNCIL

*Working with North Lanarkshire Council for the Stepps Communities
- Stepps, Stepphill, Cardowan, Craigendmuir, Crowwood Grange, Coshneuk & Millerston -*

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29 July 2021

Planning Permission Appeal PPA-320-2151

failure to give decision

20/01211/PPP Residential Development and Associated Infrastructure and Landscaping at Site
to The South of Dorlin Road Cardowan Stepps G33 6AP

Submission from Stepps & District Community Council seeking **dismissal** of the Appeal by the Reporter

Introduction

Stepps & District Community Council previously submitted a letter of objection, dated 4th November 2020, requesting that North Lanarkshire Council refuse 20/01211/PPP. The letter is attached to this representation for your convenience.

We now wish to reinforce our objection in relation to Miller Homes Appeal Statement, dated 23rd June 2021, and ask that the Reporter dismiss this Appeal.

We are of the opinion that Miller Homes are using this appeal to once again dispute North Lanarkshire Council's housing land supply as presented in the recent Examination Report on the Modified Proposed Local Development Plan, dated 24th May 2021, and to question the judgement of the Examination Reporters.

We would add that the arguments presented by the appellants in their Appeal Statement appear to suggest that a new Reporter should re-visit and scrutinise the recent work carried out by those Reporters involved in the Examination Report. We consider this neither appropriate nor respectful of the integrity of the DPEA Reporter Unit.

The particular issues raised by the appellants in their Appeal Statement are dealt with in detail in the Examination Report. In due course, North Lanarkshire Council will prepare an Adoption Plan and associated documentation for publication. The Reporters involved in compiling the Examination Report concluded that there is sufficient land allocated for housing in North Lanarkshire as a whole and, in particular, in the Cumbernauld Housing Sub-Market Area in which Stepps is located and that the appeal site is allocated appropriately as green belt to which it significantly contributes. Consequently, there is no imperative to allocate this green

belt site as housing land.

Timescales

Miller Homes have indicated that the appeal has been submitted on the basis of a ‘deemed refusal’, a ‘non-determination’. We would suggest that this is unreasonable. The application was submitted in October 2020, during a serious pandemic, at which time all local authority planning officers were working from home, which will undoubtedly have had an adverse effect on the timescales for processing and dealing with Planning applications.

Previous requests for extension were agreed to the 25th March 2021, and considering that this is designated a Major Development and contrary to the Local Development Plan, a request from North Lanarkshire Council, for a further extension is not unreasonable. We are aware that other Major applications lodged, during the pandemic, with other local authorities, have taken up to a year to determine.

We now move on to expand our comments in detail.

Housing Land Supply

The appellants seek in their Appeal Statement (<https://www.dpea.scotland.gov.uk/Document.aspx?id=769067>) to demonstrate that North Lanarkshire Council does not have an adequate supply of all-tenure housing land for the 2019-2024 period. They provide a table (Table 1 on page 12) that purports to show that there is a five-year all-tenure housing land supply shortfall of 2,147 units across North Lanarkshire and argue that, as a result, North Lanarkshire Council ought to approve this application for housing on land that is currently designated as green belt. For convenience, we reproduce the table below:

A	North Lanarkshire All-Tenure Housing Land Requirement 2019-24	14,630
B	House Completions 2012-19	6,950
C	Remaining All-Tenure Housing Requirement 2019-24 (A-B)	7,680
D	Gross 5-Year Housing Supply 2019-24	9,100
E	Disputed Sites 2019-24	1,376
F	Demolitions 2019-24	2,191
G	5-Year Net Supply 2019-24 (D-E-F)	5,533
H	5-Year Housing Supply Shortfall	2,147

We have a number of criticisms to make about this presentation:

1. Rows A-C calculate the 2019-24 housing land requirement using the so-called “Compound” method whereas PAN 1/2020 (issued in conjunction with the recent revisions to Scottish Planning Policy¹) calls for the use of the average method. The correct figure to use to calculate the 5-year Housing Requirement 2019-24 (Row C in the

¹ We acknowledge that the revisions to SPP have been challenged in the Court of Session, but judgement has not been given as at the date of this submission. So far as we are aware, however, the legality of PAN 1/2020 has not been challenged

table above) is to take the 2012-29 All-Tenure Requirement set out in Clydeplan Schedule 8 and to divide this figure by 17 (to reach an annual equivalent) and to multiply the result by five to arrive at the 5-Year requirement. This calculation yields a figure of 6,097 units $((20,730/17) * 5)$.

2. Row D purports to show the Gross Housing Supply 2019-24. What in reality it shows is the programmed output for that period. There is a much larger supply of capacity that is effective or expected to become effective within the 2019-24 period. Since effective capacity is, by definition, free of development constraints, it follows that it is available to meet the Housing Land Requirement². The difference between effective capacity and programmed capacity is explained clearly in Section 3 of Finalised Amendments to Scottish Planning Policy - December 2020 ([Scottish Planning Policy - Finalised Amendments \(www.gov.scot\)](http://www.gov.scot)) The correct figure for Row D in the table above, therefore, is the whole of the land supply that is deemed to be effective or which is expected to become effective within the period – 17,881 units³.
3. We are not qualified to make detailed comments on any of the “disputed sites”. We note, however, that disputes arise “more often, that the programming of completions is overly ambitious”. So, the disputes are not so much about the effectiveness of the sites, but more about timing. As pointed out above, however, the relevant consideration in assessing the adequacy of the Housing Land Supply is effectiveness (freedom from development constraints) not programming. Ultimately, the Housing Land Audit is the responsibility of North Lanarkshire Council in exercise of its planning judgement, and it is for the Council to determine the availability, effectiveness and capacity of the housing land supply.
4. We are puzzled by the contention that projected demolitions 2019-24 should be subtracted from the Housing Supply 2019-24. A building may be demolished but the land on which it stands cannot be demolished and remains available for rebuilding. It is possible, of course, that rebuilding will take place at a lower density than the demolished dwellings, but it is impossible to be certain of this. We note, furthermore, that the projected demolitions relate entirely to Social Housing so that, if any shortage did arise due to lower density replacement housing, it would be necessary to supplement the land supply with sites suitable for Social Housing. The suggestion that the addition of this proposed private sector development site would be an appropriate supplement does not hold water.

We present below an amended version of the Appellants’ Table taking account of the points made above.

A	North Lanarkshire All-Tenure Housing Land Requirement 2012-29 (from Clydeplan Schedule 8)	20,730
B	Annual All-Tenure Housing Land Requirement (A/17)	1,219
C	5-Year All-Tenure Housing Land Requirement (B*5)	6,097
D	Effective 5-Year Housing Supply as at 2019	17,881
E	Disputed Sites	2,396
F	Demolitions 2019-24	0

² Paragraph 117 of Scottish Planning Policy explains: “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.”

³ The criteria for determining the effectiveness of housing land are set out in paragraph 55 of PAN 2/2010.

G	5-Year Net Supply 2019-24 (D-E-F)	15,485
H	5-Year Housing Supply Surplus (G-C)	9,388

Row D of the table above differs greatly from that presented by the appellants. The higher figure is derived from the sums of the columns headed “Total Effective” and “Non-effective Units on Effective Sites” in the North Lanarkshire Council Housing Land Active Sites Table ([2019 Final HLA A4 Issue Version with Headings.xlsx \(northlanarkshire.gov.uk\)](#)). North Lanarkshire Council appear to treat only capacity that is programmed for completion in the seven years from 2019 as being effective (12,496 units). We have added to this the capacity from effective sites that North Lanarkshire Council has categorised as being non-effective (because not programmed for completion before 2026). This amounts to 5,385 units. We attach as *Appendix 1* a summary table showing the basis of our calculations.

Row E of the above table, Disputed Sites, is greater than shown by the appellants because (as is consistent with their approach) they have only included disputed capacity that is programmed for completion in the 2019-24 period. Although we do not consider that the views of Homes for Scotland should carry more weight than those of the planning authority, we have left disputed sites in the calculation above to demonstrate that North Lanarkshire Council has an adequate supply of 5-year housing land even if all disputed capacity were to be removed.

We have excluded demolitions from the table for the reasons set out above. It is, however, noteworthy that even if they had been included in the table there would still be a comfortable surplus of over 7,000 units.

Properly considered then, North Lanarkshire Council has a healthy surplus of five-year housing land when applying the calculations set out in Scottish Planning Policy and PAN 1/2020.

We note that there is a question as to whether the December 2020 changes to SPP may be quashed by the Court of Session. Should this be the case and the 2014 version of Scottish Planning Policy becomes the relevant consideration, then the appellants’ adoption of the compound method of calculating the five-year Housing Land Requirement might be considered to apply. There would, however, still be a healthy surplus of effective housing land over and above the higher Housing Land Requirement used. It is also appropriate to note that paragraph 117 of Scottish Planning Policy was not altered in the December revision and so would be unaffected should the revisions be quashed.

We are not providing detailed comments on the arguments set out by the appellants in their paragraphs 5.20 – 5.38 as these are only pertinent if a shortfall in the 5-year housing land supply exists. As demonstrated above, however, no such shortfall exists making these arguments redundant.

We note the comments made by the appellants in their section 6. With regard to the proposed North Lanarkshire Council Modified LDP, we point out that if the proposed plan had identified a shortage of housing land arising during the plan period, there would have been a requirement for the proposed plan to identify additional housing sites to remedy the shortage.

The appellants take issue with the Examination Report’s conclusions relating to demolitions and disputes. As noted above, however, even if the appellants’ arguments on these matters are accepted in full, there is still a more than sufficient supply of effective five-year housing land available to meet the housing land requirement. If the appellants have concerns about the

legality of the proposed amended North Lanarkshire Council LDP they will have the opportunity to seek a judicial review in due course.

The appellants also take issue with the Examination Report's conclusions on the specific merits of the appeal site and its place in the green belt. On these matters, too, it is open to the appellants to seek a judicial review. We do not consider that it is appropriate or respectful of the integrity of the DPEA Reporters Unit to re-rehearse arguments that have been rejected by one Reporter in the hope that one of his or her colleagues will take an opposite view.

We note the arguments made in relation to Scottish Planning Policy and PAN 1/2020 set out in paragraphs 6.18 – 6.53. The conclusion that these support the approval of this planning application pre-supposes that there is a shortage of effective housing land in the existing North Lanarkshire Council housing land supply. As shown above, no such shortage exists.

Appeal Site: Green Belt Designation

The proposal does not comply with Scottish Planning Policy Principle 40, which indicates that 'Planning should direct the right development to the right place', and 'considering the reuse or redevelopment of brownfield land before new developments take place on greenfield sites'.

An allocated brownfield site for housing is identified in the LDP, site HCF 2 A1, located within the Buchanan Business Park within Stepps. In compliance with the Scottish Planning Policy, the allocated site should be redeveloped. Despite the allocation of this site in the LDP, the applicant has not indicated, that this site was considered. The allocated site should be given primary consideration.

The recent planning approval of the green belt site at Gateside Farm should be taken into account (20/01359/MSC | Approval of Matters Specified in Conditions 1 and 4 of Planning Permission in Principle ref 16/01271/PPP).

This application was approved on the 26th March 2021 subsequent to the Dorlin Road application being submitted. The Gateside Farm housing development for 199 houses has been approved, onerously, on the basis of the housing land supply argument, and constitutes a significant depletion of the green belt to the north of Stepps. The green belt boundaries are defined to promote controlled and sustainable development of communities, and an approval of a second green belt designated site in Stepps, within 12 calendar months, would not constitute compliance with Scottish Planning Policies 28 and 29, 'A Presumption in Favour of Sustainable Development'.

Turning now to Paragraph 6.17 of the Appeal Statement which deals with the appeal site. Points 31 and 32 refer to Miller Homes representations 215 and 258 relating to the site at Dorlin Road, Stepps. Their representations object to the green belt designation of the appeal site and claim that it should be removed and the land allocated for residential development.

We rebut their representations that '*the site makes no significant contribution to green belt objectives.*' (Appeal Statement point 32) and are critical of the appellants' view, lack of vision and interpretation of Policy 14 Green Belt and Paragraph 8.15 of ClydePlan (*Appendix 2*). It is evident that the green belt designation at this locality is an important strategic tool which plays a significant role in:

- protecting open space and sustainable access and opportunities for countryside recreation
- maintaining the natural role of the environment
- creating and safeguarding identity through place-setting and protecting the separation between communities
- directing planned growth to the most appropriate locations

The appellants take issue with the Examination Report's conclusions on the specific merits of the appeal site and its place in the green belt. The Examination Report concludes that, *'the site makes a positive contribution to the function of the Green Belt. It provides a pleasant setting for and an open outlook from the adjacent urban area, and that persons were observed walking on the site.'*

We contest Miller Homes assertion that, *'In our experience this could be a description of much land on the edge of communities'* (Appeal Statement point 36) on the basis that it trivialises and disregards the importance attached to this land by the local community. If Miller Homes had not ignored community views and carried out a more thorough survey, they would have discovered that there is overwhelming evidence that the site is a well-used and highly-valued area for both informal and planned outdoor recreational activities and learning by all generations in all seasons. These outdoor activities bring many benefits to the community including improvements to health and wellbeing, new educational opportunities, skills sharing, good citizenship and community cohesion.

It is unambiguous that the green belt designation at this locality protects this open space, offers sustainable access and opportunities for countryside recreation while maintaining the natural role of the environment.

Furthermore, the green belt designation at this locality promotes and safeguards the identity of Cardowan through place-setting and protects the separation between communities. The site is located within the midpoint of Cardowan's south boundary and prevents coalescence of the existing older housing to the west with the more recent housing developments to the east. As concluded by the Examination Report the existing green belt designation should be upheld to maintain the rural setting and character of Cardowan.

Finally, the Appeal Statement, section 7.0 Planning Application Consultation Responses, gives no recognition to the community's concerns regarding the potential loss of its greenspace. It lists only supportive comments for the developers but fails to give evidence of the significant community opposition and objections to this development.

Appeal Site: Examination Report on the Modified Proposed LDP

Paragraph 6.17 of the Appeal Statement also deals with the conclusions of the Examination Report which are relevant to the consideration of the appeal, as follows:

Point 33, *'There is no imperative for us to consider allocating further housing sites in the Cumbernauld housing sub-market area to ensure the plan is sufficient in regard to its provision of housing land.'*

Point 34, *'With regard to the green belt, the site provides a pleasant setting for and an open outlook from the adjacent urban area. During my inspection, I noted that the site was used by persons out walking.'*

Point 36, *'My conclusion is that the site makes a positive contribution to the function of the green belt in this locality. I am satisfied that the green belt designation of the site is appropriate. In these circumstances and in the context that there is no imperative to identify additional housing land in this area, the proposed plan need not be altered.'*

The appellants proceed to set out their alternative arguments to the Examination Report conclusions. It is important to note that the Examination Report represents North Lanarkshire Council's current position regarding provision of housing land supply and green belt designation. Significant consideration should be given to the Examination Report rather than the weighting applied by the appellants to suit their arguments.

We note that in a previous recent planning appeal in North Lanarkshire (PPA-320-2135) the Reporter found that the advanced stage of the proposed North Lanarkshire Local Development Plan was a material consideration. Additionally, the Reporter did not find that there was a clear shortfall in the five-year housing land supply whether the calculation was made on the original basis or on the one set out in PAN 1/2020 (albeit this was based on the 2018 housing land supply figures). We, therefore, suggest that the Reporter's reasoning on these two matters is relevant to the decision on the appeal for the site at Dorlin Road.

The proposed North Lanarkshire Council Modified LDP plan retains the site at Dorlin Road as green belt and not allocated for housing so the above-mentioned material consideration would move against the granting of the appeal.

In respect of the appellants' request for an oral session there would seem to be no justification for this. The local plan examination was carried out without oral session and it would have been appropriate to make such a request at time of the examination stage and not by way of this appeal.

In conclusion, we are confident that you will give consideration to these material issues with regards to this PPP application. We look forward to your support for the current designation of this site as green belt land and that the Principal Scottish Planning Policies are upheld. Consequently, we request that you dismiss this appeal.

Regards

Alice Morton, Chair
Steps and District Community Council

Summary of North Lanarkshire Council 2019 Housing Land Audit – Active Sites

Page	Remaining Established Supply	Total Effective	Non- Effective	Non-Effective Units on Effective Sites	Effective Disputed Units
2	796	323	473	362	0
3	888	290	598	526	36
4	666	618	48	48	142
5	375	332	43	0	49
6	732	248	484	47	0
7	477	192	285	2	0
8	147	99	48	2	0
9	893	477	416	323	200
10	1008	686	322	322	217
11	1066	767	299	224	0
12	308	236	72	3	0
13	969	574	395	320	0
14	2437	423	2014	778	78
15	1462	507	955	212	220
16	730	352	378	301	150
17	508	51	457	0	0
18	315	212	103	7	0
19	189	102	87	0	0
20	1719	1045	674	644	556
21	1155	938	217	217	527
22	227	199	28	0	0
23	380	288	92	88	2
24	897	356	541	297	0
25	591	468	123	123	162
26	1092	614	478	0	0
27	978	662	316	260	0
28	539	510	29	29	57
29	526	410	116	0	0
30	767	517	250	250	0
Totals	22837	12496	10341	5385	2396

Notes

1. The figures are sourced from North Lanarkshire Council's 2019 Housing Land Audit – Active Sites. Because the document does not provide totals, we have calculated these on a page-by-page basis for ease of checking.
2. We have included only columns from the HLA which are relevant to the calculation of the effective land supply.
3. "Non-Effective Units on Effective Sites" is a heading that might be more accurately described as "Effective Capacity not yet Programmed"

Clydeplan, Strategic Development Plan, July 2017, Page 75

Green Belt

8.14 The Green Belt is central to the sustainable planning of the city region and complements the positive action orientated Green Network programme.

8.15 In terms of the sustainability and low carbon focus of the Vision, the Green Belt is an important strategic tool which has a significant role to play in supporting the delivery of the Spatial Development Strategy and in achieving the following strategic objectives:

- directing planned growth to the most appropriate locations;
- supporting regeneration;
- creating and safeguarding identity through place-setting and protecting the separation between communities;
- protecting and enhancing the quality, character, landscape setting and identity of settlements;
- protecting open space and sustainable access and opportunities for countryside recreation;
- maintaining the natural role of the environment, whether in terms of floodplain capacity, carbon sequestration or biodiversity;
- supporting the farming economy of the city region; and
- meeting requirements for the sustainable location of rural industries including biomass, renewable energy, mineral extraction and timber production.

Policy 14 Green Belt In support of the Vision and Spatial Development Strategy, Local Authorities should:

- designate within Local Development Plans, the inner and outer boundaries of the Green Belt to ensure the objectives set out in paragraph 8.15 are achieved; and
- collaborate to ensure consistency across Local Development Plan areas when defining or altering Green Belt boundaries.

STEPPS & DISTRICT COMMUNITY COUNCIL

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4 November 2020

**Application Ref 20/01211 PPP Residential Development in Principle
Site to south of Dorlin Rd Cardowan North Lanarkshire**

Stepps & District Community Council **objects** to the above referenced planning application and requests that North Lanarkshire Council **refuses** permission for this development.

Summary

Development at the site would result in loss of this greenspace to the community with associated negative impact on wellbeing. True sustainable development requires that social, economic and environmental aspects must be given equal weighting in any decision-making process, and allowing development at this site would ignore negative social and environmental impacts in favour of economic concerns, putting profit before people and planet.

The Scottish Government has made clear its intention to remove conflict from the planning process and to reinforcing a plan-led system. The applicant has introduced conflict to the process by progressing an unnecessary application of little value to the local community on a green field site that is not allocated for development and in the proven absence of a shortfall in supply and, arguing that North Lanarkshire Council (NLC) must make its decision based on the outcome of a legal case, the applicant is proposing that the decision-making process is court-led as opposed to plan-led, a situation that clearly contradicts the ethos and spirit of Scottish Planning Policy (SPP) and is therefore unsustainable and unacceptable.

5-Year Effective Housing Land Supply

At para 5.11 of its Planning Statement Miller Homes states that *‘the most up-to-date land supply position at the time of writing’* is shown in the table at para 5.12 of Section 5.0. In this submission it is shown as Table 1 on page three.

Note: Points made by Miller Homes, in Sections 4.0 and 5.0 of its Planning Statement, are in italics with the rebuttal beneath each point.

“4.4 The North Lanarkshire Local Plan 2012 is out-of-date, as it is more than 5 years old and, as we explain later in this statement, there is a shortfall in the 5-year effective housing supply. In these circumstances, as explained in paragraph 125 of the SPP, development plan policies for the supply of housing will not be considered to be up-to-date.”

Comment: It is agreed that the first part of this paragraph is correct – the LDP is more than five years old and, for this reason alone, it is considered out of date. The assertion that there is a shortfall in the 5-year effective [land] supply is, however, incorrect as will be shown below.

“4.5 The consequence of this is that if this proposal can be described as development that contributes to sustainable development, which in our view it can, then there is a presumption in favour of it. As explained in paragraph 33 of the SPP, decision makers should also take into account any impacts which would “significantly and demonstrably” outweigh the benefits when assessed against the wider policies of the SPP. We consider the proposal against these wider policies later in this Statement under the heading of Scottish Planning Policy.”

Comment: Since there is a demonstrable surplus of effective housing land in the Cumbernauld sub-HMA (in which this development proposal sits), the North Lanarkshire Council private sector and the North Lanarkshire all-tenure housing land supply, the consequence suggested in the applicant’s paragraph 4.5 does not arise and there is no presumption in favour of sustainable development to be made.

“4.6 There has been a significant judgement by the Court of Session in 2020 arising from an appeal by Gladman Developments - [2020] CSIH 28 - which has provided greater clarity on how Scottish Planning Policy in respect to the “presumption in favour” is to be interpreted by decision makers.”

Comment: In the Gladman case referenced by the applicant, both parties (the applicants, Gladman Developments, and the Scottish Government) agreed that there was a shortage of housing land to be remedied and, consequently, the “presumption in favour” was activated. That is a different situation from this application in which there is no agreement that there is a shortfall to be remedied. Before the applicability of the “Quarriers judgement” to this case can be considered, not only must a shortfall be established but it must be (broadly) quantified as described in paragraph 49 of the judgement quoted by the applicants.

“4.7 As a matter of law, therefore, the application for housing development at Cardowan must be determined on this basis.”

Comment: This conclusion would only be valid if there was, in fact, a shortage of housing land that triggered the presumption in favour of sustainable development. Since there is no such shortage, even when using the Housing Land Requirement as the determinant of adequacy (as stipulated by the Court in paragraph 50 of the judgement quoted by the applicants) the relevance of the “Quarriers judgement” to this case is partial at best.

“4.8 It is notable that since the Quarriers decision, the Scottish Government has issued a consultation on proposed changes to Scottish Planning Policy, which remove reference to the “presumption in favour”, amongst other things. We make further reference to this later in this statement under the heading of Material Considerations. As a matter of law, the current consultation is a material consideration, but because it is only a consultation exercise at this stage it should be accorded very little weight. Indeed, the Scottish Government Chief Planner has clarified in a letter to Heads of Planning (4th September 2020) that in the meantime the terms of the extant SPP remain in place.”

Comment: We do not agree that the proposed changes to SPP should be accorded very little weight. The proposals are designed to clarify rather than fundamentally to alter policy. To the extent that the proposals do not contradict existing SPP, they should be considered to represent the Scottish Government’s policy intentions and, accordingly, be given due weight.

“5.10 As far as we know, the Council has never acknowledged that it had an ongoing shortfall in its 5-year effective housing land since Clydeplan 2017 was approved and before that, despite a number of appeal reporters concluding otherwise.”

Comment: This is a mysterious allegation. Why should the Council be expected to acknowledge a non-existent shortage?

“5.11 The most up-to-date land supply position at the time of writing is shown in the table below. This identifies the 5-year housing land supply measured against the Clydeplan Policy 8 Housing Requirements, and demonstrates a shortfall in that supply under two of the specified requirements in the period 2019 – 2024 i.e. North Lanarkshire wide All Tenure and North Lanarkshire wide Private Tenure. The housing supply information is taken directly from the 2019 Housing Land Audit. It should be noted that we have

not counted 'disputed sites' identified in the HLA for the 5-years from 2019 - 2024, on the basis that these sites will not contribute to the effective supply in the timescales stated. These disputed sites have been formally logged by Homes for Scotland (HfS) and the Council, where agreement could not be reached between the two parties as to their effectiveness and delivery timescales. We have reviewed the evidence and consider that this evidence supports the HfS position."

Table 1: North Lanarkshire 5-Year Effective Housing Land Supply Assessment (Miller Homes)

North Lanarkshire 5-Year Effective Housing Land Supply Assessment									
	Housing Land Requirement 2012 - 2024	Completions 2012-19	Housing Land Requirement 2019-24	5-yr Effective Supply (HLA 2019)	Demolitions 2019-24	Disputed 2019-24	5-yr Effective Supply 2019-24 (Actual)	Shortfall/ Surplus	
NCL All Tenure	14630	6950	7680	9100	1700	1462	5938	1742	
NLC Private	11590	5672	5918	6219	0	1442	4777	1141	
Cumbernauld HSMA Private	2900	1854	1046	2066	0	36	2030	984	

Notes

1. The 3 rows reflect the requirement of Clydeplan 2017 make provision for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10, and to provide for a minimum 5-year effective land supply at all times.
2. Column 1 is the Clydeplan Housing Requirement (Source Clydeplan Schedules 8, 9 and 10).
3. Column 2 is the number of houses completed in the plan period from 2012 - 2019.
4. Column 3 is the remaining Housing Land Requirements subtracting completions to date for the period 2019 – 2024.
5. Column 4 is the 5-Year Effective Housing Land Supplies from 2019/20 – 2024/25 taken from HLA 2019
6. Column 5 is the demolitions from 2019 – 2024.
7. Column 6 is the Disputed sites contained in HLA 2019
8. Column 7 is the actual 5-year housing land supply, subtracting demolitions and disputed sites from HLA 2019.
9. Column 8 is the shortfall/surplus in the 5-year Housing Land Supply when measured against the 5-year Housing Land Requirement. Red is a deficit and black is a surplus.

Comment: The table referred to compares the 5-year programmed output with the equivalent of 6.3 years of 2012-24 Housing Land Requirement from Clydeplan. By exaggerating the 5-year land requirement and excluding the non-programmed parts of the effective land supply, the applicant is conjuring up an entirely synthetic shortage. Even using these specious calculations, the applicant cannot arrive at a shortfall for the Cumbernauld sub-HMA private sector which is the most relevant consideration in this case. The Housing Land Audit is a Council document for which it is responsible. While the views of Homes for Scotland are relevant and will influence the Council's assessment of sites it is for the Council alone to exercise its planning judgement to include or exclude disputed sites in the HLA.

"5.12 Also, the Council's HLA fails to identify the proposed demolition of housing, which has not been taken into account by Clydeplan and is therefore being lost to the supply of homes which was assumed when it was approved. We understand from information provided by the Council that these demolitions will amount to approximately 1,700 homes in the period 2019 – 2024."

Comment: These demolitions are part of the Council's programme to update its housing portfolio. Demolition of existing units will make way for the erection of replacements on the same site(s). This is quite normal and there is no reason why Clydeplan should have taken them into account.

We set out below an accurate assessment of the 5-Year Housing Land Supply in Table 2 below.

Table 2: North Lanarkshire Council 5-Year Effective Housing Land Assessment

North Lanarkshire Council Effective Housing Land Assessment										
	A	B	C	D	E	F	G		H	I
	Housing Land Requirement 2012-24	Housing Supply Target 2012-24	Housing Land Requirement 2019-24	Effective Land Supply 2019	Surplus	Non-Effective units on effective sites	Adjusted Surplus		Effective Disputed Units	Undisputed Surplus
NLC All Tenure	14630	12720	6096	12482	6386	5415	11801		2396	9405
NLC Private	11590	10080	4829	9046	4217	4921	9138		2348	6790
Cumbernauld HSMA Private	2900	2520	1208	2946	1738	1188	2926		236	2690
Notes										
Column A from Clydeplan Schedules 8 and 9										
Column B from Clydeplan Schedule 7 (Cumbernauld from Schedule 9 HLR /1.15)										
Column C =5/12* Column A										
Columns D and F from NLC 2019 HLA - Finalised Housing Land Audit Totals (https://www.northlanarkshire.gov.uk/CHttpHandler.ashx?id=21656&p=0)										
Column E = Column D Minus Column C										
Column G = Column E plus Column F										
Column H from NLC 2019 HLA - Finalised Housing Land Audit Totals (https://www.northlanarkshire.gov.uk/CHttpHandler.ashx?id=21656&p=0)										
Column I = Column G Minus Column H										

Significant surpluses of housing land are evident for the North Lanarkshire Council area (both private and all-tenure) and for the Cumbernauld sub-HMA. This is true even if disputed capacity is removed entirely (and would still be true even if proposed demolitions were subtracted from the NLC All-Tenure figure).

There are three main reasons why this assessment differs significantly to that produced by the applicant:

1. The applicant has inflated the 5-year housing land requirement by the notional shortfall in output that occurred between 2012 and 2018. As a result, its 2019-24 housing Land Requirement represents not five but over six years of the 2012-24 HLR. There is nothing in the current version of Scottish Planning Policy to support this approach and the proposed alterations to SPP make it clear that it should not be used.
2. The applicant has taken the effective land supply to consist only of the programmed output for the 2019-24 period and have excluded the rest of the effective land supply from their calculations. There is nothing in the current version of SPP to suggest that this approach is correct, nor is there any logic in doing so. We note, furthermore, that the proposed amendments to SPP make it clear that effective capacity should not be excluded when calculating the adequacy of the supply merely because it is not programmed for completion during the period under review. Effective capacity has passed the tests of effectiveness and is therefore capable of being developed should it be required.
3. We have included both North Lanarkshire Council’s “Total Effective” column from the “2019 Finalised Housing Land Totals” Table (which consists of the programmed output 2019-2026) and the “Non-Effective Units on Effective Sites” column from the same table. The latter represents capacity that has not been programmed for completion during the period, but which is, nevertheless, capable of being developed should demand exceed the programmed supply. This approach is consistent both with existing SPP and the proposed changes to it.

“5.13 The identified shortfalls in the 5-year effective housing land supply means that the planning application is supported by Clydeplan Policy H8 on the basis that it meets the five criteria identified in the Policy”

Comment: Since there are, in reality, no identified shortfalls Clydeplan Policy H8¹ is not relevant.

¹ We assume that this is a reference to Clydeplan Policy 8.

“5.16 and 5.17” [We are not reproducing the lengthy text]

Comment: Since there is no identified shortfall of housing land, the justifications given here for departing from Section 10 of Clydeplan are invalid.

“5.26” [We are not reproducing the lengthy text]

Comment: There is not a shortfall in the 5-year housing land supply against the Housing Requirements of Clydeplan.

“5.32 The above assessment of Development Plan policies demonstrates that the application complies with all relevant policies.”

Comment: This conclusion is not correct since the applicant is disregarding policies that apply where no shortage of housing land exists. We have demonstrated above that there is an ample supply of housing land in North Lanarkshire and it is the policies of SPP, Clydeplan and the LDP that cover this situation which are relevant and with which this application is non-compliant.

PPA-320-2144 (27 October 2020) Site to the west of Potassells Road, Muirhead, North Lanarkshire, G69 9EA

The appellant in its appeal submission indicated that there was a shortfall in the effective 5-year housing land supply across the North Lanarkshire local authority area. NLC in its appeal statement and committee report stated that, based on the 2018 housing land audit, there was no shortfall in the 5-year housing land supply.

For the purposes of this PPP objection it should be noted that at para 30 of the appeal report, Reporter Kirkwood concurs that *“On the basis of the information before me, I conclude that there is currently a minimum five years effective land supply for the Cumbernauld housing sub market area and the North Lanarkshire council area (both private and all-tenure).”*

Local Development Plan, Greenbelt Policy NB3A

The site is located within land designated as Greenbelt, for which there is a presumption against development. The proposal is for a large development of up to approximately 350 houses, and the prominent built form of the proposal will adversely impact on the existing rural landscape.

Furthermore, this prominent greenbelt site, located within the midpoint of Cardowan’s south boundary, prevents the coalescence of the existing older housing to the west, with the more recent housing developments to the east. The existing landscape is attractive and rural, and requires the greenbelt designation to be upheld, to maintain the rural setting and character of Cardowan.

Furthermore, the applicant, within the Pre-Application Consultation Report Section 4.6 ‘Loss of Green Space/ Wildlife’, has downplayed the community’s concerns regarding the loss of greenspace, noting that there were ‘some concerns raised regarding the loss of green space’, and omitted to record that objections were received highlighting that the proposals were contrary to the current and the modified emerging Local Plan.

The Quality of the Development, and Policy DSP4

The applicant has outlined the concept for the proposals in the Design and Access Statement. This statement provides site plans, and highlights that the proposals will provide enhanced opportunities for walks, protect the existing landscape features, provide a clear settlement edge, and create a landscape gateway.

Policy DSP4, Quality of Development, which applies to all applications, outlines that development will only be permitted where high standards of site planning and sustainable design are achieved. For the reasons set out below, this proposal does not meet the requirements of criterion 2, which refers to the importance of safeguarding or enhancing existing site features, nor criterion 3 which requires a high-quality development in terms of criterion a-f.

1. The concept plans indicate that approximately 90% of the site accommodates housing units, and the largest open space, which is no larger than one of the housing blocks, is hidden adjacent to the eastern boundary. As a result, the open aspect character of the site will be lost.
2. The large rectilinear block geometry, shown on the site plan, does not reflect the more organic character of the existing housing layout within Cardowan. The rectilinear geometry is similar to that adopted for the redevelopment of the Gorbals Hutcheson Town, which infamously became known as the 'coffin blocks', and was not successful.
3. To accommodate the slope of the site, the development will require significant remodelling of the existing landscape features, and change the character of the topography.
4. The Design Statement notes that the proposals will provide a clear settlement edge. Providing a clear settlement edge will significantly increase the visual impact of the development from the existing settlement and from the south. The design proposals will not mitigate the visual impact of a site that is a greenfield site, with no development.
5. The proposals are described as a landscape gateway. The organic form of the existing Southern settlement boundary provides a more attractive and accessible 'gateway' to the open fields. Constructing 350 housing units on this site will reduce accessibility to the countryside and walks within the countryside.

Modified Proposed Local Development Plan

At para 6.5 of the Planning Statement, the applicant's agent (Holder Planning) suggests the NLC Modified Proposed Local Development Plan (MP LDP) should carry little weight in determining this application. This opinion directly contradicts the opinion of the same agent (Holder Planning) in DPEA appeal ref PPA-320-2143. In that appeal, the agent suggested the MP LDP should carry weight, presumably because the site zoning in the plan supported their application; Reporter Shiel agreed the MP LDP should carry weight and allowed the appeal. In this application, the MP LDP zoning – greenbelt – does not support the application, resulting in Holder Planning completely reversing their previous opinion. The MP LDP represents NLC's current position on zoning of land, therefore significant weight should be given to this, rather than weighting applied to suit the arguments of the applicant.

Pre - Application Consultation

While the application is for approval in principle, S&DCC must point out that the applicant has not been clear at any stage as to how many houses they wish to build at the site. The Pre-Application Consultation documents stated "up to 250 houses", however documents in the application separately suggest "up to 300 houses", "300 houses" and "300-350 houses". The local community is confused as to the applicant's position and feels misled by the original position stated at Pre-Application Consultation and subsequent upward revision. The PAC report makes no mention of the overwhelming opposition to the development, as voiced at the public meetings and responses. It would be helpful and illuminating if the applicant published the written responses received.

Transport

SPP states clearly that developments should be located within reasonable walking distance of local facilities and public transport. The evidence presented by the applicant is weak and relies on theoretical modelling and speculation as reasons why the application meets SPP requirements.

- The application documents include a detailed Transport Assessment. S&DCC would like to point out that Section 4.4 of the assessment states "*these parts of the assessment are based on published service data for bus and ferry services*". There are, rather obviously, no ferry services in or close to the site, suggesting a clear lack of attention to detail and/or a cut & paste approach to compiling this report.
- Bus – the site lies outwith 800m of current bus services; the applicant suggests that building houses will increase the probability of services being reinstated. The applicant is unaware that S&DCC has several times lobbied First Group to have services reinstated in the past 10 years,

working with local politicians, SPT and other groups, without success. There is no evidence to suggest this position would change with additional housing. The assessment acknowledges that any service would require subsidy (from SPT presumably), and there is no guarantee that funding would be available when constraint on budgets is significant. In addition, the road network serving the site is wholly unsuitable for large buses, so any service would be local in nature and constrained in terms of capacity. It is clear then that the applicant is relying on factors wholly out with its influence to make the case that bus travel represents a realistic mode of travel for this development.

The Transport Assessment is presented as supporting the development. The assessment is based on a snapshot over a very short time period and theoretical modelling, and does not reflect the reality of the road traffic situation in Cardowan and Stepps:

- Cardowan Rd, the main site access, is single lane in each direction, however resident on-street parking effectively reduces this to a one-way operation in many places; significantly increasing the volume of traffic would exacerbate this issue with road safety implications. This could also lead to increased traffic on Clayhouse Rd and Loch Road, turning these residential streets into rat runs. Loch Rd is unadopted and suffers significant issues due to subsidence and is regularly closed or limited due to ongoing repairs.
- The junction at Cardowan Rd / Cumbernauld Rd is very often queued back beyond the roundabout (>40metres) at Cardowan Rd at peak times and does not clear in one cycle, likewise queueing at the east and westbound carriageways of Cumbernauld Rd is a regular peak time feature.
- The assessment rightly identifies the Cumbernauld Rd / Avenue End Rd / Station Rd junction as a pinch point. Local residents regularly report peak time journey times of 20 minutes to travel the one mile distance between Lenzie Rd and this junction, and the Avenue End northbound arm regularly takes up to 3 cycles to clear at peak times
- The assessment was carried out (12/12/19) prior to the opening of Robroyston Station (15/12/19); this has increased traffic on Station Rd and renders the assessment of right turn traffic from Cumbernauld Rd westbound as out of date, and the proposed junction layout change also out of date
- The proposed layout changes at Cumbernauld Rd / Avenue End Rd/Station Rd junction would place straight-on traffic from Cumbernauld Rd westbound lane in conflict with right-turning traffic from the eastbound side, due to alignment of the road.
- The large increase in new homes at the former Cardowan colliery site has led to overspill parking issues on residential streets around the train station – clear evidence that commuters continue to use private cars to travel the short distance to the station. The development would only add to existing parking issues and associated nuisance and inconvenience for local residents.

The development would therefore negatively impact road safety and exacerbate traffic queuing leading to increased air quality impacts for the local community.

Education Facilities

It is well documented and accepted by all parties with local knowledge (NLC, developers) that the local schools - Stepps PS and St. Joseph's PS – have reached and exceeded maximum capacity due to additional development in the area. This will be further exacerbated by the Gateside/Hornshill development (up to 200 units) that is expected to commence in 2021. The developer of that site has agreed to a contribution of £7,800 per unit towards education facilities in NLC. The contribution however does not ensure capacity at Stepps or for any future speculative developments such as this. Both schools are constrained by lack of available land, with Stepps PS also affected by unstable ground conditions and a severe drainage issue – this has resulted in the loss of well-used community facilities at the school for a period of 2 years, use of

temporary buildings and significant upheaval for staff/pupils. There is no simple immediate remedy to this issue, and it must be stressed that developer contributions will not change this situation.

Local Services

There is a lack of healthcare facilities in the Northern Corridor area, a situation acknowledged by NHS Lanarkshire, who have stated publicly that the infrastructure inherited from NHS Greater Glasgow and Clyde (GG&C) when health boundaries changed is “not fit for purpose” and will not be considered so until a new health centre is built. In the meantime, many community health services continue to be provided by NHS GG&C under service level agreements, an unsatisfactory situation for local residents that results in increased private car use. There are no current plans for a health centre for the Northern Corridor, and no source of funding has been identified at this time, so it may be many years before the local population (25,000) has adequate and quality health services delivered locally. Additional housing would only place further stress on existing health facilities.

SUDS

The applicant seeks to make a positive point about the introduction of a SUDS pond as if this is an altruistic investment; as all parties know, SUDS is a requirement of any new development, hence no weight should be given to this.

Amenity

As evidenced by other responses to this application, the Dorlin Rd site is a well-used, highly valued recreation area. There is overwhelming evidence, acknowledged and championed by the Scottish Government and World Health Organisation amongst others, that access to local green spaces is of vital importance to physical and mental wellbeing. The recent restrictions associated with Covid 19 have resulted in increased use of local greenspaces and this has rightly been recognised as a hugely important factor in maintaining mental health. Loss of this area to unnecessary development is unacceptable to the local community.

Contribution to Net Zero Ambition

The Design Statement is completely unambitious regarding the Net Zero carbon objective adopted by Scottish Government. Reference is made to complying with building standards – this is a minimum requirement, compliance in non-negotiable – and use of efficient fossil fuel boilers. The applicant is well aware of the expected requirement to prevent new developments accessing the gas network from 2024, however makes no attempt to exceed current regulations or introduce novel low carbon technology. No assessment of heat network opportunities has been carried out, despite SEPA guidance for this scale of development. There is nothing of substance then to support the view that this development contributes anything to Scottish Government environmental objectives other than the minimum required by regulations.

Cardowan Moss SINC

The site is located next to Cardowan Moss, an area of wetland classified as a Site of Interest for Natural Conservation. This area of wetland appears to be in poor condition according to the Cardowan Moss Management Plan, however wetland is an important habitat for biodiversity and where peat is present, as a natural carbon sink. Therefore, the interaction between the proposed development and Cardowan Moss is particularly important. Should the development cause the wetland to dry out, which the Management Plan (MP) states is a possibility, this would cause further degradation. The MP suggests that water from the development should be channelled, via drains, to the Moss, with the formation of standing water pools to retain water on the Moss. However, pools would not allow a more diverse wetland vegetation, which could potentially include peat-forming plants, notably sphagnum, to colonise.

Peat

It is noted that the MP and the Geoenvironmental Assessment recognise that there is peat on the Moss, and that this could extend onto the site of the proposed development. However, no assessment has been carried out of the location and depth of peat deposits. This is necessary to protect the peat, and also because it would form an unstable base for construction.

Quality of assessment

Although an assessment of plants has been carried out, there has been no assessment of animal life, a clear omission, particularly as wetland can be important habitats for invertebrates and some vertebrates.

Potential for contaminated land

The Geoenvironmental report states that an area of the proposed development site was previously used as a dump for slag and/or colliery spoil and/or domestic refuse. This has the potential to contaminate the Moss if disturbed and needs to be evaluated in detail as not only is it a risk to the Moss, but permitting development on contaminated land would be unsatisfactory. It is also noted that there are some issues with the ground stability in this part of the site which could render it unsuitable for residential development. SEPA should be consulted to allow them to raise concerns about contaminants from this area of the site draining onto the Moss, given the possibility that these contaminants could travel into watercourses.

Methane

There are deep ground sources of gases, most likely methane from coal seams, which could affect the site. These need further investigation as high flows of these gases could make the site unsuitable for housing.

Electricity Sub-Station

An electricity sub-station is adjacent to the site. The possibility of any contamination close to the sub-station should be investigated.

Alice Morton (Chair)

Stepps and District Community Council