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18 November 2024

Members of the Council

Chief Executive's Office

Archie Aitken
Chief Officer (Legal & Democratic)
Civic Centre, Windmillhill Street,
Motherwell ML1 1AB
www.northlanarkshire.gov.uk

Notice is given that a Special Meeting of the **Council** is to be held in the Council Chamber, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB on Wednesday, 27 November 2024 at 10:30 AM which you are requested to attend.

The agenda of business is attached.

Archie Aitken
Chief Officer (Legal & Democratic)

Members :

D Ashraf, A Ballinger, C Barclay, B Baudo, A Beveridge, M Boyd, H Brannan-McVey, G Brennan, B Burgess, A Bustard, J Cairns, A Campbell, T Carragher, C Costello, M Coyle, S Coyle, D Crichton, G Currie, P Di Mascio, K Docherty, K Duffy, A Duffy-Lawson, H Dunbar, T Fisher, F Fotheringham, W Goldie, H Gray, K Harmon, M Hughes, J Hume, L Jarvie, D Johnston, T Johnston, J Jones, P Kelly, J Keltie, A Khan, K Larson, J Leckie, G Lennon, J Logue, H Loughran, F MacGregor, A Masterton, M McBride, B McCluskey, A McCrory, B McCulloch, M McCulloch, P McDade, F McKay, R McKendrick, J McLaren, C McManus, M McPake, J McPhilemy, A McVey, L Mitchell, L Nolan, P Patton, C Quigley, J Reddin, L Roarty, D Robb, G Robinson, N Shevlin, W Shields, A Smith, A Stubbs, L Stubbs, R Sullivan, A Thomas, J Toner, S Watson, C Williams, N Wilson, G Woods.

Application No:

21/01414/PPP

Proposed Development:

Proposed Residential-Led Development Including Roads, Access, Landscaping, Open Space, Suds and Associated Development

Site Address:

Land At Dullatur Golf Club
Constarry Road
Croy
Cumbernauld

Date Registered:

8th October 2021

Applicant:

Hallam Land Management Ltd & Dullatur Golf Club
c/o 16 Gordon Street
Glasgow
G1 3PT

Agent:

Stantec
5th Floor
9 George Square
Glasgow
G2 1DY

Application Level:

Major Application

Contrary to Development Plan:

Yes

Ward:

02 Cumbernauld North
Danish Ashraf, Tom Fisher, Alan Masterton,
Gordon Currie,

Representations:

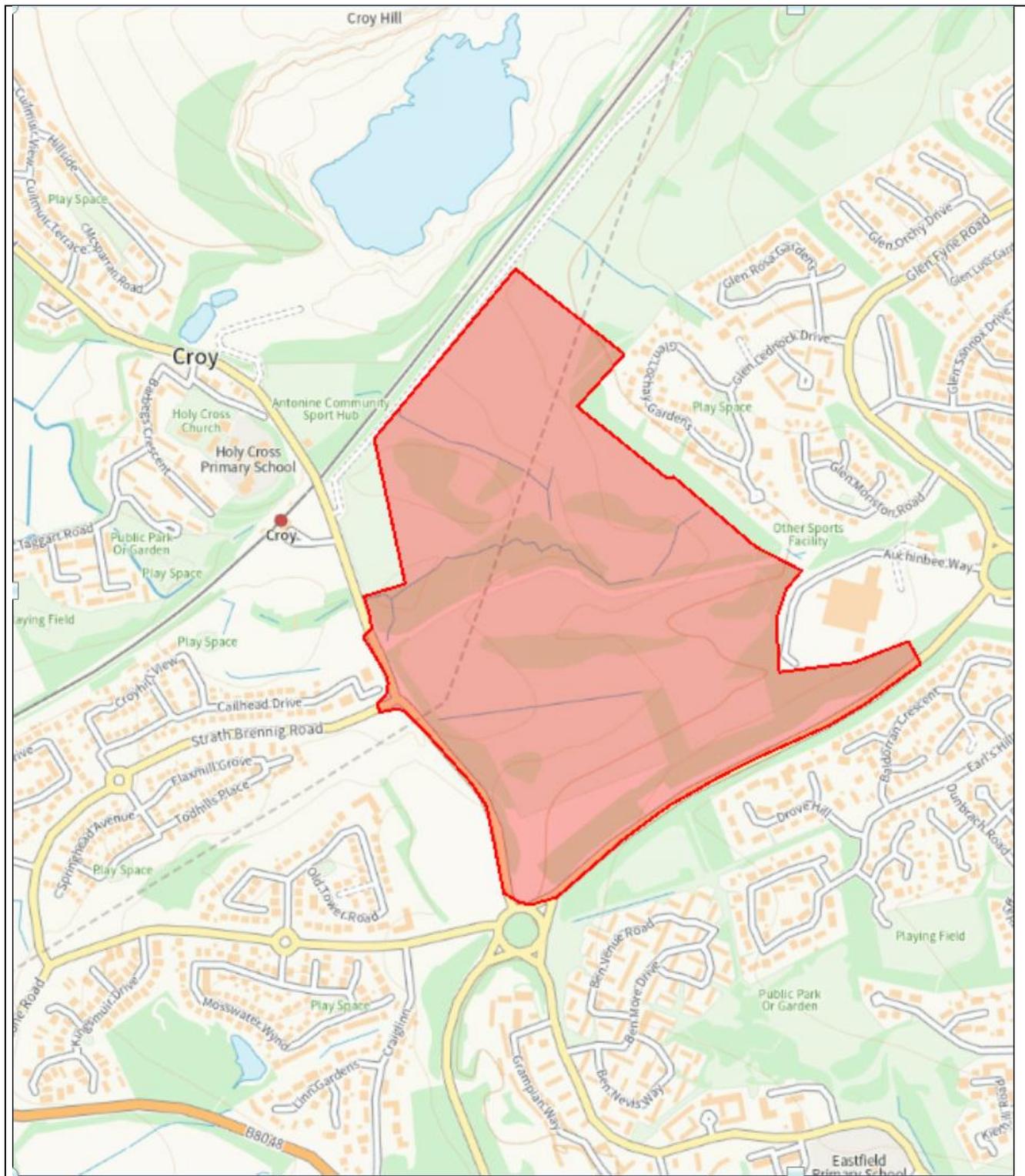
294 Total (211 objecting and 83 in support).
197 within the statutory time period (188 objecting and 9 in support) including objections from Gillian McKay MSP, Stuart McDonald MP and Jamie Hepburn MSP.
97 late representations received (23 objecting and 74 in support).

Recommendation:

Refuse

Reasoned Justification:

The proposal is contrary to policies within National Planning Framework 4 and the North Lanarkshire Local Development Plan 2022 and would represent a significant departure from the development plan and its spatial strategy. There are no material planning considerations at this time that would justify the release of this green belt site for residential purposes.



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Planning Application: 21/01414/PPP
Applicants: Hallam Land Management Ltd & Dullatur Golf Club
Site Address: Land At Dullatur Golf Club, Constarry Road, Croy, Cumbernauld
Development: Proposed Residential Led Development Including Roads, Access, Landscaping, Open Space, Suds And Associated Development



Recommendation: Refuse for the Following Reasons:-

1. The proposed development is contrary to Policy 8 Green Belts within National Planning Framework 4 (NPF4), and Placemaking Policy 4 - Green Belt, PP 4 Purpose of Place and AD4 Amount of Development within the North Lanarkshire Local Development Plan 2022 (LDP) as the development would result in the unacceptable impact of the loss of a valuable area of green belt which strongly contributes to defining the settlements of Cumbernauld and Croy and contributes to the landscape character and outdoor recreational space of that area. No adequate justification, special circumstance or material considerations have been demonstrated to merit a departure from the development plan. Furthermore, the proposal is considered to undermine or be at odds with the aims of NPF4 Policy 1 Tackling the Climate and Nature Crisis, Policy 2 Climate Mitigation and Adaptation and Policy 6 Forestry Woodland and Trees
2. The proposed development is contrary to National Planning Framework 4 (NPF4), Policy 9, Brownfield, Vacant and Derelict Land and Empty Buildings, which advises Local Development Plans to encourage, promote and facilitate reuse of such land and buildings and identify such opportunities. Policy 9b) advises proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by the Local Development Plan. Neither applies in this case so the development should not be supported. In addition, the proposed development is also contrary to the Local Development Plan's Spatial Strategy and LDP priority PROM LOC 1 Regeneration Priorities in as much as the proposal does not promote the physical regeneration of the existing urban area or identified Centres and should not therefore be given priority. No adequate justification, special circumstance or material considerations have been demonstrated to merit a departure from the development plan.
3. The proposed development is contrary to National Planning Framework 4 (NPF4), Policy 16 - Quality Homes, including Policy 16 f) in that the residential aspect of the proposed development does not meet the criteria to justify residential development on a site not allocated for housing in the North Lanarkshire Local Development Plan.

Background Papers:

Consultation Responses:

NLC Education – July 2022, July 2024.
NLC Environmental Health (including Pollution Control) – March 2022, August 2022, October 2022, February/March/April 2023.
NLC Local Housing Strategy (New Supply Team). – November 2021, January 2023, July 2024.
NLC Greenspace Development – June 2022.
NLC Planning and Place (Policy and Strategy Team) – November 2021, July 2023, September 2023, May 2024, September/October 2024.
NLC Play Services - August 2023, February 2024.
NLC Traffic & Transportation - May 2022, October 2023.
NLC Archaeology Service - October 2021.
The Coal Authority –October 2021.
Network Rail – November 2021, May 2023.
Scottish Power Energy Networks - October 2021.
Scottish Water - October 2021.
Scottish Environment Protection Agency, January 2022.
Sports Scotland – July 2022.
Strathclyde Passenger Transport – August 2024.
Transport Scotland – December 2023, January 2024, May 2024.

Contact Information: Graeme Lee at Planningenquiry@northlan.gov.uk or 01236 632487

Report Date: 15th November 2024

Executive Summary

1. Background, Site & Proposals

- 1.1 Planning Permission in Principle (PPP) is sought for a residential development of 600 to 650 dwellings on a site east of the B802 road linking the north of Cumbernauld to Croy. The application is submitted jointly by Hallam Land Management Ltd and Dullatur Golf Club. Should Planning Permission in Principle be granted, the site would be marketed onwards to housing developers who have expressed an interest in the site.
- 1.2 The site is approximately 37 hectares/94 acres in size and is currently part of the Antonine Golf Course (one of two 18-hole golf courses at Dullatur Golf Club). The site is located adjacent to the existing residential area of Smithstone and Croy railway station to the west; Craigmarnock residential area, Craigmarnock local retail area, and further golf course land to the east; the Edinburgh to Glasgow railway line to the north; and a wide tree belt and a major local distributor road, (Eastfield Road), to the south. The site falls significantly in height - by approximately 20-25m from east to west but also has undulating ground of various heights within the general downwardly sloping topography.
- 1.3 The site is designated as Green Belt within the North Lanarkshire Local Development Plan 2022 (LDP), to protect its open landscape character, for its recreational value both for golfing, and for other outdoor activities such as walking, cycling and other informal recreation. There are areas of long-established trees, more recent scrub vegetation, a designated nature conservation site and open space and local core footpaths across the site connecting the Craigmarnock residential and retail areas to Smithstone and Croy. As such, there is a presumption against development in the green belt designated area except in specific circumstances such as development proposals for recreation, agricultural, forestry or low-impact tourism
- 1.4 The planning application was validated in October 2021 and the submission includes an Indicative Development Framework document and Planning Statement, which details at a strategic level the layout and design of the site including the location, number of development phases, and the anticipated timescale for site completion if planning permission is granted
- 1.5 Road access would be from two access points on Constarry Road, with a distributor road looping around the site and a series of seven residential development phases served from this. There would also be an area set aside at the main site access point for community facilities such as GP surgery facilities, or for retail – although the application does not include provision of these, and other agencies or private investors would have to provide these. The applicant advises that development phases would be contained within sensitive landscape planting and extensive green corridors to minimise the ecological and visual impacts to the existing site and wider landscape. They indicate that existing features such as designated core footpaths would be protected and valued ecological and landscape areas would largely be preserved or compensated for in the long-term by replacement planting and new habitat creation
- 1.6 The applicant is of the view that the development is required in order to address what they consider is a need for immediately deliverable housing sites and have therefore provided a background report commissioned by Homes for Scotland (the representative organisation for a number of house builders in Scotland) which states that there is an immediate need and demand for housing. The report states this need/demand affects 32% or 49,000 households

in North Lanarkshire. Reasons given are housing unaffordability, overcrowded or concealed households, and households not adapted for special or additional needs. The applicants consider that existing allocated housing sites within the Local Development Plan are not delivering sufficient housing at a rate which would address this need/demand and that, on that basis the site should be released for housing. The applicants also consider that the proximity of the site to Croy railway station, local bus routes and local retail centres at Craigmarloch, adjacent to the site, and Broadwood, within 1.2km, makes the site sustainable and would generate less additional road traffic by private car than other housing sites due to the nearby availability of public transport options. Whilst accepting the locational advantages of the site, you will note from your report that we do not share the applicants view of the demand/need for additional housing in North Lanarkshire.

- 1.7 The applicants also provide details on what they see as being the community benefits that would arise if the development were to proceed. They feel that the development would assist in meeting local housing requirements (including affordable homes), that it would provide or enhance local infrastructure, facilities and services (highlighting the provision of land for community facilities and the traffic signalisation improvements and physical junction improvements to improve flow at Craiglinn roundabout, over and above any increased traffic impact generated by the development) and that the development would improve the residential amenity of the surrounding area. Over and above this, specific economic information is provided, and the applicant highlights a range of economic benefits including:
- 263 direct and 309 indirect employment opportunities
 - In terms of Gross Value Added (GVA), it is projected that the proposed development will deliver £94.5m directly, £117.2m indirectly, and in total £211.7m GVA during the construction phase;
 - Once the proposed development is occupied, it will deliver an increase of 1,443 residents to the area, resulting in £33.8m GVA per annum and £646m in employment; and
 - Retail and leisure expenditure is expected to be £12.4m per annum, with council tax opportunities of over £1.1m per annum
- 1.8 The applicants also advise that planning permission for the proposal would provide funding to allow a Golf Course Improvement and Development Plan to be fully implemented which would allow the golf club to continue and expand, since at present there is a general decline in golf club membership across Scotland. The improvement plan provides opportunities to allow future generations to participate in the sport and encourage more youth participation. Funding from the residential development would also provide for the implementation of a range of other activities within the improvement plan which it is stated, would benefit the local community and allow greater participation and use of these facilities by sections of the community who are not currently members or guests of the club, the golf club being active in promoting community access to these.
- 1.9 Whilst acknowledging the golf club's plans you will note from the report that these are not considered to be sufficient either in isolation or in conjunction with other community benefits stated by the applicants to warrant an approval of permission in principle.
- 1.10 In addition to addressing the policy requirement for affordable housing (indicating they will provide this at 25% rather than 20% as required by the LDP) the applicant also indicates their willingness to provide developer contributions to address impacts of the development on the capacities of local schools, to address children's play provision and increases to traffic on local roads, the applicant has submitted a traffic solution for Craiglinn roundabout which is currently

a traffic congestion point. This solution would be achieved by providing a “smart” signalisation system and physical changes to several exits from the roundabout to improve traffic flow. If permission were to be granted, the applicant would be required to implement these improvement works at their own cost prior to the commencement of development on site. Whilst this is noted, these are matters that would be required to mitigate the impacts of any development so are not additional benefits.

2. Consultations

- 2.1 This development would represent a significant and unjustified departure from the development plan and for this reason the planning service is not supportive of it, so whilst not indicating support for the proposal, where comments from consultees could be addressed by planning conditions this has been highlighted in the report.
- 2.2 A range of consultations were undertaken and NLC Archaeological Service, NLC Education, NLC New Supply (Affordable Housing), NLC Play Services, NLC Protective Services, NLC Greenspace Development, NLC Traffic and Transportation, Scottish Power Energy Networks (SPEN), The Coal Authority, Network Rail, Scottish Water, Transport Scotland and Strathclyde Partnership for Transport (SPT) all provided comments that would make the development acceptable subject to planning conditions being included if Planning Permission in Principle were to be granted. These included additional surveys and reports, and preparation of implementation plans and strategies and subject to some amendments to the current Indicative Development Framework, focusing mainly on proposed locations of play areas.
- 2.3 The Scottish Environment Protection Agency (SEPA) required that some minor re-alignment of the main access road and additional measures such as wider culverts to prevent a 1-in-200-year flood event and mitigate against other potential off-site flooding.
- 2.4 NLC Traffic and Transportation and Strathclyde Partnership for Transport (SPT) requested additional bus stop provision on Constarry Road. NLC Traffic and Transportation also required an additional pedestrian road crossing along Constarry Road, measures at Craiglinn roundabout to improve traffic flows and safety and traffic calming measures within the site.
- 2.5 Whilst it is the case that there were no objections from consultees (subject to the imposition of a range of planning conditions) there were however objections from both Craigmarloch and also Kilsyth Community Councils. Craigmarloch CC raising a number of concerns regarding loss of green spaces in this part of Cumbernauld, existing public service provision, access to GP and dental provision, increased traffic congestion, impacts on school provision, lack of safe walking routes to school, parking under-provision at Croy railway station, impacts on landscape and wildlife, the development being contrary to development plan policies and a lack of early publicity for an applicant’s non-statutory consultation meeting with local community groups.
- 2.6 Kilsyth Community Council objected to the application being contrary to development plan policies, the loss of green belt land if planning permission is granted, and a precedent being set to allow development of other green belt designated areas around Kilsyth and the Kelvin Valley.

3. Representations

3.1 A total of 197 Representations were received during the official consultation period of 14th October 2021 until 4th November 2021 with a clear majority opposing the application proposal (188 objecting and 9 in support). Objections were received from Gillian McKay MSP, Stuart McDonald MP and Jamie Hepburn MSP who all have serious reservations about this development such that it is their shared opinion that permission should not be approved. They point out that the site is not an allocated residential site and also highlight concerns with regards to the scale and adverse impacts of the development

3.2 Other representations were received late and are not included in the above figures however these later submissions are discussed within the main body of this report.

3.3 Reasons given in representations for opposing the application proposal included:

- The application was contrary to Development Plan policy as it was a designated Green Belt site in the Local Development Plan.
- The application was contrary to National Planning Framework 4 policies and objectives.
- Loss of a valuable area of recreational open space with adverse landscape, wildlife and recreational impacts for the local and wider communities.
- Traffic congestion adversely affecting the north of Cumbernauld where congestion issues are already experienced and regarding road safety concerns particularly for school children going to and from school.
- Air and noise pollution increases.
- Additional impacts to infrastructure and additional public services such as schools, and primary health care provision (general practice and dentistry).
- Potential flooding impacts
- That housing provided would be unaffordable for large sectors of the community.
- Issues over the legal (title) status of the land.

3.4 With regards to supporting comments – reasons given include:

- Shortage of/need for new and affordable homes
- Job creation during construction
- Will lead to improved facilities
- Community hub is welcomed
- Increase in Council tax will help the Council deliver better services

4. Development Plan

4.1 The development plan comprises the National Planning Framework (NPF4) adopted in February 2023 and the North Lanarkshire Local Development Plan (NLLDP/LDP) adopted in 2022. You will note from the report that there is a detailed and lengthy assessment of the proposal against the provisions of the development plan.

5. Assessment against the Development Plan and Other Material Considerations

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning decisions must be made in accordance with the development plan unless material

considerations indicate otherwise.

- 5.2 As this proposal relates to a Green Belt site that is **not** allocated for residential purposes in the Local Development Plan a key policy and material consideration relates to the interpretation of National Planning Framework 4 - Policy 16 (Quality homes). This policy deals with new homes and including sub-section 16 f) relating to the development of new homes on sites **not** allocated for residential purposes in the LDP and the limited circumstances in which these will be supported.
- 5.3 Since the adoption of NPF4, the interpretation of NPF4 policy 16 has been evolving and has been informed by the outcome of judicial reviews, Chief Planner Letters and Planning Appeal decisions. These matters are discussed in some detail in the report, suffice to say that when the proposal is considered against Policy 16, it is concluded that there is no justification at this time to release this green belt site for residential purposes and to do so would represent a significant departure from the development plan and its spatial strategy. Indeed, recent appeal decisions are of some note and relevance to this case. The thrust of these decisions is that if there is no housing land pipeline in place, the effect is to remove the possibility of the exception provided by Policy 16 f) iii being triggered. There is currently no housing land pipeline in place in North Lanarkshire. The Planning Service is progressing with this and a separate report on the matter will be presented to the planning committee in due course. As such, the general restriction on development on non-allocated sites established by Policy 16 f) therefore still applies.
- 5.4 In tackling the Housing Emergency and as recently as 12th November 2024, the Scottish Government further explained its rationale behind the changes introduced in NPF4. They advise NPF4 signals a move away from past practice which allowed for additional land, which is not supported by plans, often in more easily developed, greenfield locations, to be released if insufficient land for housing was available. The context for the statement is that, according to the Scottish Government, across Scotland there are sites with planning permission that could deliver more than 164,000 homes but are not, they set out measures to identify the reasons for this, and actions to be taken to support delivery. In doing this they indicate what their objectives will be for the next 6 months, identifying 4 key objectives, none of which relate to the allocation of additional land for housing.
- 5.5 In addition, the application is also assessed as contrary to National Planning Framework 4, Policy 8 Green Belts as the development would result in loss of an area of land which strongly contributes to the landscape character and defining the settlements of Croy and Cumbernauld. The proposal is considered to be at odds with the aims of NPF4 Policy 1 Tackling the Climate and Nature Crisis, Policy 2, Climate Mitigation and Adaption and Policy 6 Forestry, Woodland and Trees.
- 5.6 Furthermore, the proposal is assessed as being contrary to NPF 4 Policy 9, Brownfield, Vacant and Derelict Land and Empty Buildings which advises Local Development Plans (LDPs) to encourage, promote and facilitate reuse of such land and buildings and advised that development on green belt sites will not be support unless allocated for development or explicitly supported by other Local Development Plan policies.
- 5.7 With regards to the Local Development Plan the proposal is assessed as contrary to the LDP Spatial Strategy and LDP priority PROM LOC1 Regeneration Priorities in that the proposal does not promote regeneration of an existing urban area or within identified Centres within the LDP and should not therefore be given priority. The proposal is also contrary to Placemaking Policy 4 - Green Belt, PP 4 Purpose of Place and AD4 Amount of Development as the development would result in the unacceptable impact of the loss of a valuable area of green belt which strongly contributes to defining the settlements of Cumbernauld and Croy and contributes to the landscape character and outdoor recreational space of that area

5.8 As required by NPF4 for development proposals of 50 or more houses the applicants have provided a Statement of the Community Benefits they feel that the development would deliver in relation to meeting local housing requirements including affordable homes, providing or enhancing local infrastructure, facilities and services and improving the residential amenity of the surrounding area. In addition, information has been provided on the economic benefits associated with the development and the Golf Club has provided extensive information on the benefits this development will bring including a Golf Course Improvement and Development Plan which they state will secure the long-term future of the club. These matters have been considered and assessed in detail in the report and are not considered, either in isolation, or cumulatively to be sufficient to warrant support for a development that represents such a significant departure from the development plan and its spatial strategy.

6. Conclusions

6.1 With regards to NPF4 and the North Lanarkshire Local Development Plan 2022 there is no policy support or other sufficient justification at this time to release this green belt site for residential purposes and to do so would represent a significant departure from the development plan and its spatial strategy. As such planning permission in principle should be refused

APPLICATION NO. 21/01414/PPP

REPORT

1. Purpose of Report

- 1.1 To advise Committee regarding a planning application for large-scale residential development at land north of Cumbernauld which is currently designated as Green Belt and to seek Committee agreement to the report conclusions and recommendations.

2. Background

- 2.1 A planning application was submitted in September 2021 seeking Planning Permission in Principle (PPP) for residential development with associated infrastructure of approximately 600 to 650 dwellings at land east of the B802 road between Cumbernauld and Croy village.
- 2.2 During the application process statutory and internal consultees provided consultation comments regarding the proposal. Neighbour notification and public consultation resulted in a significant number of responses. The applicant subsequently submitted additional information to support the application. At the time of this report there are no outstanding planning matters to be addressed at the level of detail required for a Planning in Principle (PPP) application.
- 2.3 A site layout and design framework for the site has been provided however if permission were granted, detailed, Matters Specified in Conditions (MSC), planning applications would be required to provide greater detail and to be assessed for each development phase as development progressed.

3. Site Description

- 3.1 The 37 hectares (94 acres) site lies north of Cumbernauld and south of Croy village. Site boundaries are: the Glasgow/Edinburgh railway line and a designated core footpath to the north; the B802 Constary Road, Smithstone residential area and Croy railway station/park-and-ride to the west; a wide belt of woodland and Eastfield Road to the south; and Craigmarloch local retail centre, Craigmarloch residential area and an area of golf course land to the east.
- 3.2 The site consists of a western section of the Antonine 18-hole golf course containing approximately six golf course fairways and greens, blocks of woodland, scattered semi-mature woodland and regenerating scrub. Core footpath 74 follows the northern site boundary parallel to the railway line. Core footpath 90 a tarmac surfaced, street-lit footpath, crosses the middle of the site east-to-west from Craigmarloch retail area towards Croy station while more minor paths provide access to golf course fairways and greens. Site height drops significantly (by approximately 20 to 25 metres) from east to west but includes areas of undulating land within the general downward slope.
- 3.3 A Site of Importance for Nature Conservation (SINC) comprising wooded, marshy ground, lies at the lowest point in the north-west corner of the site. Several wooded areas are designated by Tree Preservation Orders (TPOs). High voltage electricity transmission lines traverse the site north-east to south-west with two large pylon towers located on the site.
- 3.4 The development proposal does not encroach into the protective landscape buffer zone of the Antonine Wall World Heritage site. Part of the site is shown to be within a designated Air Quality Action area as identified in the Local Development Plan. However, as air quality has improved in the area this Action Area was revoked in July 2022.

4. Proposed Development

- 4.1 The application is for 600-650 dwellings, associated access, internal distributor and residential roads, landscaping, open space and play areas. Eight separate development phases or “pods” are proposed within an indicative development framework document, with the phase adjacent to the proposed site access allocated for community uses such as local medical practice or local shops although delivery of these facilities is not part of the current application and would require to be delivered by other means subject to market conditions and community demand.
- 4.2 A drainage pond and basins, landscaped buffer zones and equipped play areas are proposed between development phases. Buffer areas would also be located around the SINC, the watercourse, part of the main footpath bisecting the site and beneath the electricity transmission lines. A 25m wide tree-belt at the east of the site, between the golf course and housing at Craigmarnloch, beyond the site boundary but within ownership of Dullatur Golf Club would be retained.
- 4.3 Acoustic fencing is proposed along the northern site boundary with access points to and from the development to the core path (No.70) located adjacent to the railway. Replacement tree and shrub planting is proposed between development phases to compensate for losses of existing trees due to development and bolster adjacent natural habitats areas. A key distributor road within the site would take access from two points on Constarry Road with secondary accesses from the key distributor to individual development phases.
- 4.4 Whether housing would be exclusively low-rise or include flatted housing is not stated. The application advises that house types will be designed and sympathetic to each landscape location. The applicant’s original Planning Statement (2021) suggested a delivery rate of 70 to 100 units per year starting within six months of a grant of planning permission which would suggest a construction period of six to nine years. However, a recently updated planning statement addendum advised of a construction-to-completion period of 6 years although this would be subject to prevailing economic circumstances.
- 4.5 The application is jointly submitted by Hallam Land Management Ltd and Dullatur Golf Club. The golf club buildings and parking are approximately 1000 metres east of the eastern site boundary beyond Craigmarnloch residential area. Club facilities currently comprise a clubhouse, two eighteen-hole golf courses, tennis courts, a bowling green, golf practice area, three existing small business leases and a separately managed restaurant.
- 4.6 The applicants advise that development of the application site would provide funding for a golf club improvement plan comprising clubhouse upgrade, tennis dome provision for year-round use, retention of the existing bowling green and structural tree-planting within the remaining golf course areas. The golf course at the application site would be reduced in from 18 to nine holes. The improvement plan aims to improve accessibility for the local community to club facilities, for pay-and-play golf, shorter rounds of golf and use of other club facilities such as the tennis courts. This would be encouraged by active community outreach methods. The improvement plan does not advise of a legal mechanism to ensure the proposed community access to these facilities.

5. Applicant’s Supporting Information

- 5.1 The following supporting package of documents were submitted.
- Site Drawings/Plans: including revisions/amendments,
 - Location Plan,

- Golf Course Improvement Plan,
- Landscape Framework and Landscape Visual Assessment,
- Tree Survey, Tree Constraints and Tree Removal/Retention Plans,
- Indicative Development Framework Plan (including revised versions),
- Statement of Community Benefit,
- Title Plans,
- Craiglinn Roundabout Upgrade Options ,
- Meeting Minutes with local Community Representatives (December 2023).

Reports

- Air Quality Impact Assessment (July 2021)
- Air Quality Impact Assessment – Update (April 2023)
- Design and Access Statement (September 2021)
- Dullatur Golf Club –Statement of Proposed Development (September 2021)
- Ecology Assessment (October 2021)
- Ecological Assessment: Addendum: Bats (February 2022)
- Ecological Surveys – Updated (September 2022)
- Education Review (May 2021).
- Engineering and Drainage Summary Report (July 2021)
- Flood Risk Assessment, (July 2021)
- Geotechnical Report -(within Engineering Report) (July 2021)
- Historic Environment Statement (March 2021)
- Landscape and Visual Impact Appraisal (September 2021)
- Mining Risk Assessment Report (October 2021)
- Noise Impact Assessment (June 2021)
- Pre-Application Consultation (PAC) Report (September 2021)
- Planning Statement (September 2021)
- Planning Statement Addendum (Policy Review – NPF4) (December 2022)
- Planning Statement Addendum - (Following Local Development Plan Adoption). (December 2022)
- Planning Statement Addendum 3 (Following Scottish Government/Chief Planner’s Letter regarding NPF4) (August 2024)
- Transport Assessment and Supporting Statements (August 2021 onwards)
- Craiglinn Roundabout Traffic Modelling/Data Assessments (March 2023 onwards)
- Tree Survey/Arboricultural Report and Appendices, (June 2021)
- Woodland Strategy and Mitigation Planting (June 2021)
- Housing Land Supply Statements (multiple dates)
- Statement of Community Benefit (December 2023)

5.2 Updates to documents and additional information has been submitted up to the finalisation of this application report, for example multiple traffic modelling documents to improvement traffic flow at Craiglinn roundabout and updated information to address changes to national planning policies resulting from the adoption of National Planning Framework 4 (NPF4).

6. Site History

6.1 No planning applications have been submitted nor planning permissions granted within the application site since prior to 2000. The applicants state within the application that they are sole landowners of the application site.

The following all relate to the current planning application.

- 21/00177/EIASCR Proposed Residential Development with Roads, Access, Parking, Landscaping, Suds & Associated Development,
- 21/00165/PAN Residential Development with Roads, Access, Parking, Landscaping, Sustainable Urban Drainage Systems and Associated Development.

7. **Development Plan**

- 7.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997 planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the National Planning Framework 4, (NPF4) adopted February 2023, and the North Lanarkshire Local Development Plan (NLLDP/LDP) adopted July 2022.
- 7.2 NPF4 policies supersede both the Scottish Planning Policy (2014) and the Clyde Plan Strategic Development Plan (2017) and have precedence over policies in the current North Local Development Plan 2022 in situations or circumstances where LDP policies are incompatible with the aims and objectives of NPF4. The national document was adopted more recently, and national guidance advises that its policies have more recent planning policy relevance.
- 7.3 The scale of this planning application proposal requires the application to be assessed from both national strategic and local development plan perspectives and assessed against the policies in both documents.
- 7.4 Relevant NPF4 and Local Development Plan policies that apply are stated below and discussed in detail in the context of the planning application assessment within section 10 below, the Planning Assessment-section of this report

National Planning Framework 4 (NPF 4)

- 7.5 **NPF Policy 1 Tackling the climate and nature crisis** - advises that when considering all development proposals, significant weight will be given to the global climate and nature crisis. This includes promoting compact urban growth as part of climate mitigation and adaptation.
- 7.6 **NPF Policy 2 Climate mitigation and adaptation** – advises that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and development proposals will be sited and designed to adapt to current and future risks from climate change
- 7.7 **NPF Policy 3 Biodiversity** - advises development proposals should contribute to enhancement of biodiversity, including where relevant, restoring degraded habitats and buildings and strengthening nature networks and connections between them. Proposals should integrate nature-based solutions with development where possible.
- 7.8 **NPF Policy 6 Forestry Woodland and Trees** - is intended to protect and expand woodland and trees.
- 7.9 **NPF4 Policy 8 Greenbelt** - seeks to encourage, promote and facilitate compact urban growth and land use around our towns and cities sustainably and to ensure that:
- Development is directed to the right locations, urban density increased, and unsustainable growth prevented.
 - The character, landscape and natural setting and identity of settlements is protected and enhanced.
 - Nature networks are supported, and land managed to help tackle climate change.

- 7.10 **NPF 4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings** - advises Local Development Plans should set out opportunities for sustainable reuse of brownfield and vacant and derelict land and empty buildings to help tackle carbon climate emissions, to support local living and limit use of additional land for development. The policy has cross-cutting objectives supportive of Policy 8 Green Belt - managing development in the greenbelt, and Policy 3 Biodiversity, by improving degraded habitats and buildings and integrating nature-based solutions.
- 7.11 **NPF4 Policy 13 Sustainable Transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and to reduce the need to travel unsustainably.
- 7.12 **NPF4 Policy 14 Design, Quality and Place** - aims to ensure that developments are of good design, are not detrimental to amenity of the surrounding area and are consistent with the six qualities of successful places – Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 7.13 **NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods** - aims to achieve this sustainability objective of development including considering existing settlement patterns and the level and quality of interconnectivity of proposed development with the surrounding area.
- 7.14 **NPF4 Policy 16 Quality Homes** - supports new homes on land allocated for housing in Local Development Plans and sets out various requirements including meeting local housing requirements, providing or enhancing local infrastructure, local facilities and services and improving residential amenity of the surrounding area
- 7.15 **NPF4 Policy 20 Blue and Green Infrastructure** - aims that Development Plans protect and enhance blue and green networks (natural habitats, watercourses and water bodies). Development proposals resulting in fragmentation or loss of this infrastructure will only be supported where development does not result in a deficit nor exacerbate such impacts on this asset. Developments incorporating new or enhanced blue/green infrastructure will be supported subject to compliance with other policies and with effective management and maintenance plans and funding provision for upkeep of the enhancements.
- 7.16 **NPF 4 Policy 21 Play, Recreation and Sport** - supports provision of spaces and opportunities for play, recreation and sport. Subsection 21 a) considers circumstances where loss of outdoor sports facilities may be acceptable and subsections 21b) and 21 d) assess loss or new provision of children’s play area, 21c) is not relevant and sections 21e)-g) deal with design detail and future maintenance. Subsection 21a) is more relevant to this application.
- 7.17 **NPF 4 Policy 22 Flood Risk and Water Management** - considers development proposals that may exacerbate or lead to flooding elsewhere off-site or may be at risk of flooding due to the development. It aims to ensure that development can be connected to water supply and sewerage systems and where possible, can create, protect or expand opportunities for blue/green infrastructure for natural flood risk management.

North Lanarkshire Local Development Plan (NLLDP) 2022.

- 7.18 The following priorities and policies within the North Lanarkshire Local Development Plan are relevant to the planning application.
- 7.19 **PROM LOC 1 Regeneration Priorities**

PROM LOC1 states that North Lanarkshire Council will promote regeneration and sustainable

growth, by applying the Policies in the Plan to deliver the right amount of development in the right places, developed to the right quality, and for the benefit of the communities they affect. Physical regeneration of the existing urban area and the Centres identified therein will be given priority.

Any development proposals will require to take into account all Promote and Protect Policies and the Council's Regeneration Priorities:

7.20 **PROT A - C Protecting Assets**

Policy PROT A - Protecting Assets: Natural Environment and Green Network Assets not relevant in this case – site is green belt.

Policy PROT B - Protecting Assets: Historic Environmental Assets, PROT B1 International. B1 seeks to protect the internationally designated, Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Buffer Zones. This policy states there will be a presumption against development which has an adverse impact on this heritage asset and its setting.

The policy also seeks to preserve or record Sites of Archaeological Interest by either preserving the asset at the location or by removing/recording the remaining asset.

Policy PROT C - Protecting Assets: Mineral Resources contains a presumption against development which would potentially sterilise valuable mineral resources. As this site is designated as protected green belt the policy does not apply.

7.21 **Placemaking Policy PP4 Greenbelt – Purpose of Place and Placemaking Policy AD4 Greenbelt - Amount of Development**

Policy PP4 advises the purpose of the Green Belt is to protect the setting of communities, support regeneration by directing growth to urban areas, protect natural assets and provide a high-quality environment by promoting a Green Belt as defined on the Promote Map. The policy sets out that the council seeks to support developments for agriculture, forestry, recreation, or developments that need a non-urban location.

Policy AD4 Amount of Development requires that housing proposals support a Green Belt appropriate use as identified in Policy PP4 above.

7.22 **Policy CI Contributions to Infrastructure**

Policy CI sets out that the council will seek developer contributions for new developments that generate a requirement for new or enhanced services or infrastructure in terms of Affordable Housing, Education, Transportation improvements, Amenity Space and Play Areas and Green Infrastructure.

7.23 **Environmental and Design Quality Policies**

EDQ1 - Site Appraisal

EDQ2 – Specific Features for Consideration

EDQ3 – Quality of Development

These policies set out the processes by which proposed development will be appraised. Policy EDQ1 is to assess the site and its surroundings to ensure it will integrate successfully into the local area and avoid harm to neighbouring amenity. Policy EDQ2 takes account of hazards

such as flooding and existing infrastructure, Policy EDQ3, provides guidance and the need for assessment to ensure quality design within the development.

8. **Consultations**

8.1 The following consultation responses were received regarding the application proposal.

Note: This development would represent a significant and unjustified departure from the development plan and for this reason the planning service is not supportive of it, so whilst not indicating support for the proposal, where comments from consultees could be addressed by planning conditions this has been highlighted.

8.2 **NLC Archaeological Service Consultee** – agreed that the development did not materially impact on the Antonine Wall or its buffer zone but recommended if permission were granted that further archaeological investigative work be required in advance of construction. An appropriate model planning condition was provided to be included in a PPP permission and future detailed permissions, if permission in principle were to be granted.

8.3 **NLC Education** – Primary school catchments for the site had available capacity but the development would add capacity constraints to secondary provision at Our Lady’s High School requiring provision of additional modular teaching units. A developer contribution of £606,666 was requested subject to review if development did not commence within 3 years of submission of the application in 2021. As the original consultation was in 2021 NLC Education were asked to look afresh in July 2024 at the impacts and have confirmed that the amount remains the same at present subject to future indexation following any grant of planning permission to account for inflation.

A Section 75 legal agreement could secure these contributions including indexation to ensure that inflationary increases would be accounted for.

8.4 **NLC New Supply (Affordable Housing)** – requires 20% provision of affordable housing on-site in accordance with Local Development Plan Policy CI – Contributions to Infrastructure. The applicant stated (March 2023) willingness to provide up to 25% affordable housing which the New Supply (Affordable Housing) service would support. Further consultation with New Supply in July 2024 confirmed that despite NPF4, NLC’s position remains that 20% affordable housing was the requirement but that developers providing 25% would mark a positive contribution to affordable housing.

New Supply also advised appropriate house type mixes for affordable housing including housing for varying needs and that affordable housing should be integrated with other housing tenures throughout the development. The proportion of housing sought is 28% 1 bedroom cottage flats, 50% 2 bedrooms (houses preferred) 14% 3-bedroom houses and 8% 4 bedrooms. 10% of the housing should be wheelchair standard and all property must be Housing for Varying Needs compliant. If planning permission in principle is granted the developer must consult with North Lanarkshire Council New Supply Team regarding the housing mix for each development phases.

If permission in principle were to be granted, compliance with the policy could be secured by planning condition requiring subsequent MSC applications to be accompanied by affordable housing agreements (this could reflect the applicants offer of a 25% affordable housing contribution).

8.5 **NLC Play Services** - advised that as development would be delivered over a number of phases, the three currently proposed indicative play areas were inappropriate in size and

location including due to their proximity to electricity transmission lines. Instead, appropriate play provision should be assessed for each development phase application, or for several phases if being built at a similar time. Provision should consider existing and other planned local play provision. Multi Use Games Areas (MUGA), (which included football/basketball courts), and local equipped children's play areas would be required at appropriate locations with delivery by either developer contribution or direct provision and funding contributions and mechanisms for future maintenance to be determined at the time of detailed applications.

If permission in principle were to be granted these matters could be addressed by planning conditions.

- 8.6 **NLC Protective Services** - raised concerns regarding initial level of detail of site investigations particularly as some site areas had historic quarrying and shallow coal mining activity. In response, the applicant requested that more detailed site investigations take place at individual development phases rather than at Permission in Principle (PPP) stage. This is not unreasonable given a PPP planning decision primarily determines the principle of a proposed use is acceptable for a site. Further site investigations would be required for MSC applications to address potential impacts for health, water environment, plant life, gas risk, former mine and landfill areas and contamination screening of imported soil materials.

If Permission in Principle were to be granted, planning conditions requiring further site investigations would be imposed for individual phases and potentially remediation measures as required.

A Noise Impact Assessment was submitted indicating locations where excessive noise would require to be addressed. Protective Services would require further detailed noise modelling for each detailed phase application once site layouts were confirmed. Additional noise assessments of retail vehicle deliveries at Craigmarloch retail centre and of road and rail noise from site boundaries was also required, as was a Construction Environmental Management Plan for the overall site to address noise, dust, operating hours and other matters during development.

If permission in principle were to be granted, these matters could be addressed by planning conditions.

An Air Quality Management Area which included part of the site adjacent to Croy station was revoked in July 2022. The applicant's submitted Air Quality Assessment was initially considered to underestimate traffic volumes and predicted NO_x (Nitrogen Oxide) levels however Protective Service advised this was due to reduced traffic flows during the Covid lockdown period. More details supplementary information was submitted which indicated no predicted breaches of relevant air quality standards. Protective Services provided model planning conditions to address air quality mitigation and monitoring for detailed application phases.

- 8.7 **NLC Greenspace** – advised permission should only be granted if no adverse impacts occurred to the Site of Importance for Nature Conservation (SINC) or to two blocks of native woodland (one within the SINC). Habitat loss in other areas should also be prevented. Preliminary Ecological Appraisals would be required for each development phase including habitat and protected species surveys. The main access road should be re-aligned to prevent fragmentation of the SINC and by use of buffers areas to prevent adverse impact to the SINC, and a habitat management plan and green network strategy prepared.

If permission were to be granted these matters could be addressed by planning conditions at PPP stage for individual development phases.

- 8.8 **NLC Traffic and Transportation** –protracted and involved discussions have taken place with consultants acting on behalf of the applicant to address the question of whether this scale of development could be accommodated on the local road network without adverse impacts, especially in relation to the nearby Craiglinn interchange which experiences significant congestion at peak times.

Various physical solutions have been explored by the applicant including adding lanes to the roundabout. The impacts of this solution when measured against the disruption the works would cause were not considered proportionate in terms of the improvements that would be achieved. Instead, an alternative solution has been demonstrated by the applicant's Transport Consultant to NLC Traffic and Transportation, which involves minor widening to several roundabout exits, realignment of exit lanes and installation of an updated traffic signalisation system which assesses traffic volumes more effectively at access points and adjusts signalisation accordingly to improve traffic flow. In combination, these measures are assessed as addressing the impact of the proposed development and improving on existing traffic flow.

Should planning permission be granted the applicant would be required to implement the works and pay the cost of the works. The works would require to be completed before any construction work commences at the application site and this could be controlled by means of a suspensive planning condition.

NLC Roads and Transportation also provided a number of other comments regarding road safety and for other traffic matters more specific to the site itself and immediate surroundings. There would be requirement to provide pedestrian crossings and active travel routes for pedestrians/cyclists across the site and to the wider local active travel network. A bus route around the site was considered if Strathclyde Partnership for Transport (SPT) in consultation with the bus companies had requested this however SPT advised that this was not practical. (See SPT consultation response below).

Provision and implementation of pedestrian/cycling crossings and routes would require to be delivered by individual developers as part of a strategic site active travel network. Again, this travel network, the main site distributor road and provision of access links and junction upgrades from the site to the existing road network would require to be delivered and paid for by the applicant or future developers following consultation with NLC Roads and Transportation.

These matters could be addressed by planning conditions within an initial permission in principle requiring detailed provision of the requirements above to ensure a co-ordinated approach by developers to share the implementation of roads infrastructure.

- 8.9 **Scottish Environment Protection Agency (SEPA)**

SEPA advised measures were required to address compensatory flood storage to offset loss of floodplain due to the new access road and ~~that~~ any new bridges or culverts required to accommodate a 1-in-200year flood event. As such further detailed survey work would be required for individual phases to future-proof the overall impact of the planned development.

These matters could be addressed by planning conditions within an initial permission in principle requiring detailed provision of the requirements above.

- 8.10 **Scottish Power Energy Networks (SPEN)**. SPEN advised that they required to be contacted regarding detailed development proposals due to the presence of high voltage overhead and low voltage underground cables. Stand-off areas for access, maintenance and associated works to existing infrastructure would be required unless the developer were to fund re-routing of such infrastructure.

If permission were to be granted these matters would need to be addressed by the developer with regards to how development could proceed in relation to these constraints. Further consultation with SPEN would be required.

- 8.11 **Coal Authority** advised an area at the east of the site was defined as a Development High Risk Area due to the mining legacy with potential for ground instability and gas emissions. Intrusive site investigation works were required to establish risk and provide remediation. Future technical reports should also be provided including information to address potential implications relating to previous coal mining and the creation of sustainable urban drainage infrastructure.

Should planning permission be granted these matters could be addressed by planning conditions.

- 8.12 **Network Rail** had no objections to the proposal subject to the applicant providing a 1.8m high trespass-proof fence adjacent to the railway boundary and provision for fence maintenance and renewal. In addition, Network Rail required a minimum 10m stand-off area between sustainable urban drainage systems and the railway boundary. Draft planning conditions were provided to address these matters which would be included should planning permission in principle be granted.

- 8.13 **Scottish Water (SW)** advised that the developers should ensure no damage to existing water and sewerage infrastructure by contacting SW prior to construction, providing stand-off distances and providing access to maintain infrastructure which includes a 18"/400mm trunk water main. Sufficient water and wastewater capacity was available at the time of consultation although the proposed development had not been incorporated within these capacity assessments. Therefore, the developer would be required to discuss potential investment needs and programming and future water supply and foul water disposal requirements.

- 8.14 **Sportscotland** took reference from the Scottish Planning Policy (now replaced by NPF4) and North Lanarkshire Local Development Plan policy PROM LOC 4 Special Landscape Areas and Green Network Improvements and policy PROT A Natural Environmental and Green Network Assets regarding the safeguarding of outdoor sports facilities. They also consulted Scottish Golf who advised that the proposed reduction from an 18 to 9-hole golf course was acceptable given falling levels of participation. Sportscotland agreed with this assessment from Scottish Golf.

Sportscotland also recommended measures to address issues related to golf course activity and the close proximity of the proposed development to these, for example protective fencing/netting near proposed new housing. Should permission be granted measures to address the interface between residential development and golfing activity could be addressed by planning conditions.

- 8.15 **Transport Scotland** did not object to the application provided the development did not exceed 650 dwellings in order to ensure no negative impact on operation of the trunk road network (M80).

- 8.16 **NHS Lanarkshire** – No response was received.

- 8.17 **Strathclyde Partnership for Transport (SPT)** advised that whilst bus penetration into the site was possible it would be unlikely to be attractive to bus operators due to the proximity of Croy railway station and existing adjacent bus services. SPT did advise however that bus stop provision should be considered between Strath Brennig Road and Smithstone Road and should align with pedestrian exits from the site ie Two new bus stops on the B802. Proposals

for stops should be discussed with the road authority and SPT prior to occupation of any phases of development. These matters could be address by planning conditions.

- 8.18 **Craigmarloch Community Council (CCC)** – objected advising there was a petition with over 2000 signatures objecting to destruction of Cumbernauld green spaces. This did not however state that the petition only related to this planning application. Other concerns raised were that infrastructure in the north of Cumbernauld was already inadequate with minimal GP and dentistry provision and with GPs not registering new patients, that there was traffic congestion along Eastfield Road in the vicinity of the application site and that recent planning permissions had exacerbated this problem, that there was a lack of safe routes to primary school and a lack of safe pick up and drop off parking, insufficient parking at Croy railway station, that spaces allocated in previous developments for such community facilities had failed to provide these, that the site had considerable environmental value for wildlife and people as had been demonstrated during Covid lockdowns and that the proposal would lead to urban sprawl.
- 8.19 **Craigmarloch Community Council Addendum** – submitted further consultation comments as an Addendum to their original submission by email dated 25 June 2024The Addendum updated previous comments to reflect the adoption of National Planning Framework 4 and NPF4 policies.

The submission added additional comments opposing the development on the grounds that Dullatur Golf Club is a business and private members club and had not been a community hub for use by all local resident’s contrary to the suggestions in the Golf Club Improvement Plan that facilities will be made more widely publicly available through community engagement.

The Addendum also stated that

- planning permissions granted to the golf club in recent years for other smaller-scale housing development opposed by residents had caused problems and inconvenience for residents during construction.
- The application proposal is contrary to NPF4’s policy on Blue and Green Infrastructure, (NPF4 Policy 20), which states development would only be supported where it does not result in fragmentation or loss of blue-green infrastructure (natural habitats and watercourses/waterbodies).
- A community meeting by the applicants had been arranged at short notice and the subsequent Minutes produced were not an accurate reflection of the meeting or matters raised.

Response: The club is a private one as indicated. The wider community benefits are therefore perhaps limited beyond those of potentially retaining the club as a viable entity going forward for local residents to join. That said no information has been provided on the state of the golf clubs accounts or its current financial viability. Nor has the application provided information on the nature of the deal between them and Hallam Land in terms of financial benefit.

It is true that in some cases, contrary to local residents wishes, the golf club previously benefited financially through the sale of land it owned for residential use, (a total of 28 houses – 10 as individual plots and 18 developed by CALA homes). Nevertheless, any disturbance caused by previous permissions granted for housing development at the golf club is not material to this application. Those permissions were however granted following assessment by the statutory planning application decision-making process and were subject to public consultation.

With regards to the community meeting the planning service was not aware of this meeting, and did not attend so cannot comment on the accuracy or otherwise of the minutes.

Other objections raised in relation to planning policy and NPF4 are addressed in the Planning Assessment section of this report.

- 8.20 **Kilsyth Community Council (KCC)** – objected advising that whilst the site was not within their Community Council boundary they objected to the proposal as it was contrary to North Lanarkshire Local Development Plan policy as the site is designated for protection as green belt and that if the development was approved there would difficulty in protecting similarly designated green belt and countryside around Kilsyth and Kelvin Valley villages.

9. **Representations/Objections**

- 9.1 The statutory public consultation on this application took place from 14th October up to 4th November 2021 (triggered by neighbour notification letters and a press advert) and this resulted in 197 representations being received within this time period (188 objecting 9 in support) including from Gillian McKay MSP, Stuart McDonald MP and Jamie Hepburn MSP (who all have serious reservations about this development such that it is their shared opinion that permission should not be approved. They point out that the site is not an allocated residential site and also highlight concerns with regards to the scale and adverse impacts of the development). A total of 97 representations were received outwith the public consultation period (23 objecting 74 in support). The Council policy is that only those representations received within the statutory time periods are taken into account.

The comments objecting to the application proposal are summarised within the subject headings below followed by comments in support.

- 9.2 **Planning Policy and Development Plan Compliance: Representations:** The proposal is contrary to Local Development Plan policy as the site is Green Belt, was previously assessed for housing by the Local Plan Report of Examination process and rejected in that Examination for residential use. Significant housing allocations are already available in the LDP at the South Cumbernauld Community Growth Area at sites at Mid Forest and Palacerigg. Local plan policy gives clear direction to where development should take place and the application ignores the purpose of the development plan process and community consultation. The proposal represents significant unplanned growth and increases pressure on local infrastructure and there is not a shortfall in housing land supply in the area.

- 9.3 **Response:** Agreed. The site is not allocated as a development site and the application is assessed as contrary to the development plan which consists of NPF4 and the Local Development Plan. The application site was submitted in response to the consultation on the Modified Local Development Plan, as the applicant objected to its green belt designation rather than as a residential development site and subsequently therefore was presented as an unresolved objection to the Examination of that plan. However, as the site was not included in the Plan because it was submitted too late it was not assessed at Examination. The Reporters concluded that the site was not included in the LDP Main Issues Report, had not been the subject of public consultation and had not been subject to Strategic Environmental Assessment which the Reporters required. Accordingly, the site was retained as green belt. There is no need at this time to release more housing land in Cumbernauld where planned expansion has been plan-led with significant releases allocated at South Cumbernauld (the Community Growth Area) and Orchardton Woods.

- 9.4 **Traffic Congestion, Parking and Public Transport: Representations:** Congestion is currently experienced at key junctions and within the local road network including at Craigmarnoch and Broadwood local retail centres, local primary schools and St Maurice's High

School particularly during morning and afternoon commutes. Development will generate significant additional vehicle movements and parking issues at these locations. The recently granted planning permission for 77 dwellings at the Croy Quarry site has already added cumulatively to congestion. Congestion also occurs on the local road network as local distributor roads are used as alternative routes when there are accidents, motorway congestion or long-term maintenance works on the M80 motorway. The site is distant from primary schools serving the area and would increase road traffic to local schools. The development will add to this congestion including by causing disruption during the construction period.

There is a lack of parking at Croy railway station with minimal land availability for additional provision other than by a multi-storey parking solution. There is existing dangerous roadside parking along Constarry Road and Strath Brenning Road some distance from the station. Roadside safety fencing has exacerbated this issue by displacing some previously safer roadside parking at the station to a wider local area. There would be additional passenger capacity issues on trains due to increased resident commuting if the application granted. Bus services in the area are already limited and minimal in evenings and on Sundays.

There would be an increased need for road maintenance due to increased traffic from the development. There is already an Air Quality Management Area at the north end of the site adjacent to Croy. Development would exacerbate air pollution including at the Antonine Community Hub, Croy, where primary school children and others use the outdoor sport facilities.

- 9.5 **Response.** Existing congestion at sections of the local network are confirmed by NLC Traffic and Transportation however the applicant has submitted proposals to improve flow on the road network particularly addressing off-site issues at a key congestion point at Craiglinn roundabout. This is discussed at the Planning Assessment section of the report.

Passenger statistics indicated that passenger numbers using Croy Station had fallen since Covid potentially due to an increase in home working however parking provision pressures were confirmed by site visits in June and October 2024 when the station car park was operating at capacity with some illegal parking within the car park although no roadside parking was taking place beyond the car parks in roadside locations. The application does not propose to provide additional parking provision other than to serve the residential development although some of the site would be within walking distance of the station in reasonable weather conditions.

There are currently bus stops and services at Croy Station and along the B802 Constarry Road and also bus stops along Eastfield Road to the south of Craigmarloch retail centre.

Some disruption to traffic flows would be inevitable during site construction due to increased construction traffic and physical engineering works off-site. Road maintenance is prioritised on the basis of need and the resources available to the road authority and subject to monitoring inspections.

The Air Quality Management Area mentioned was revoked in 2022 due to improved air quality. NLC Protective Services has recommended air quality monitoring prior to applications for individual development phases adjacent to the existing main distributors road at the site (B802). If permission in principle were granted these matters could be addressed by planning conditions.

Regarding the objection suggesting a mound of materials that may be pollutants, full site investigations would be required at MSC application stage.

9.6 **Road Safety :Representations.** Concerns were raised regarding increased road safety risks due to additional traffic along routes to schools at Constarry Road and Eastfield Road, at Holy Cross Primary School, Croy, at the railway station, and towards the primary school campus containing Cumbernauld and St. Andrew's primary schools and also at other facilities south of Eastfield Road due to a lack of bridge or underpasses and limited crossing points. An objection stated various new site residential roads would cross the east-west Core footpath (No. 90) within the application site with associated road safety issues.

9.7 **Response.** The applicant's Indicative Strategic Framework document indicates only one point, where Core Path 90 from Craigmarnloch retail area to Croy station would be crossed. This is by a distributor road between development phases 4 and 5. The applicant would, as part of the detailed design process be required to consider the need for safe road crossing points and pedestrian links from housing to core paths for each phase of the development. NLC Roads and Transportation has requested an active travel plan for walking and cycling. With regards to general road and pedestrian safety matters in the wider area NLC Traffic and Transportation have not objected or highlighted any concerns.

These matters could be addressed at MSC application stage if planning permission in principle were to be granted.

9.8 **Education: Representations.** The local primary and secondary schools that would serve the application site have capacity issues. The development would result in temporary and sub-standard accommodation provision in portacabins and huts. The projections for the number of school pupils in the application submission is too low and is unrealistic. Holy Cross Primary School in Croy is locationally nearer than existing catchment primary schools. The development residents would seek placements there resulting in additional resource pressures on that school. The developer should be required to pay for any addition educational provision needed if planning permission is granted.

9.9 **Response.** NLC Learning Services have advised there is not currently a primary school capacity issue for schools serving the area. One secondary school, Our Lady's HS, would require additional modular accommodation. A developer contribution of £606,666. would be required based on this 2022 assessment and would be subject to indexation to reflect future inflation trends.

if permission in principle were to be granted a legal agreement would require to be concluded before planning permission is issued to secure the required developer contributions for education.

9.10 **Environment, Landscape and Natural Hazards: Representations.**

Environmental Impacts. The site is designated as green belt. A significant area of one of Cumbernauld's last large open greenspace areas and this character would be lost. The proposed mitigating planting does not have the same biodiversity value as established trees, would take significant time to mature and does not compensate for the resultant loss of landscape features, habitats and wildlife. Tree Protection Orders may be removed. The site acts as a wildlife corridor and development will result in loss of this wildlife link and habitat.

The application site is not only used by golfers but by many local residents for various uses including walking, dog walking, other active exercise, enjoyment of open space and the natural environment, with associated physical and mental health benefits This function was particularly apparent during Covid lockdowns including for nearby residents in flatted property who do not have gardens.

There will be increased noise and light pollution, loss of residential amenity for existing

properties and an adverse impact on mental health and wellbeing.

The development is contrary to global, national and local policies to tackle climate change. Brownfield land and sites should be used before greenbelt. Developers should be required to install environmentally friendly technologies such as solar panels and heat pumps.

One objection states that there is a mound of unknown material on site which may contain pollutants.

Landscape Impacts The proposal would result in coalescence between Croy village and existing residential areas in Cumbernauld with no large open landscape between resulting in loss of the area's character, peace and tranquillity. The greenbelt landscape contributes to the setting of the Antonine Wall World Heritage Site. Housing near the railway line and main road would require bunds or fencing as noise protection resulting in further negative landscape impacts.

Flooding Impacts Areas of the site are susceptible to surface water flooding including of parts of the existing road which the development will exacerbate which may also impact on existing residents.

9.11 **Response**

Environment: It is acknowledged that an area of green belt would be lost and coalescence between Croy and Cumbernauld in this current area of open space. This would represent a significant departure from the development plan and for this reason the planning service is not supportive of this development proposal

In biodiversity terms, replacement tree planting and vegetation would take time to mature and be colonised by associated species therefore not having the same positive biodiversity impact as existing habitats. However, NLC Greenspace Services have requested ecological surveys for each subsequent planning application for individual development phases in order that protected species are identified and proposals and management can be provided or altered to allow for biodiversity mitigation.

The value of the site - not only for golfing - but as an asset for active exercise and the physical and mental benefits associated with a natural/semi natural environment to the local community is acknowledged.

The issue of noise mitigation measures on the local landscape would only become clear as applications containing proposed design detail and site layouts for individual phases of the development were submitted, but, in addition to the impact of housing there is also potential for positive or negative landscape impact by noise mitigation measures such as earthworks (bunding) and acoustic fencing. NLC Protective Services have requested further noise assessments once individual phase site layouts have been submitted. These matters could be addressed by planning conditions if permission in principle were to be granted.

Regarding impact to the setting of the Antonine Wall World Heritage Site - the application is not within the defined landscape protection buffer zone for the Heritage Site which was subject to a consultation process with Historic Environment Scotland. Additionally, the archaeological consultant employed by North Lanarkshire Council advises that the development would not impact on the Heritage Site setting.

Climate change - NPF 4 Policy 1 and Policy 2 relate to Tackling the Climate and Nature Crisis, and Climate Mitigation and Adaptation. Policy 1's policy intention is to encourage development that addresses the global climate emergency which requires future Local Development Plan

strategies to reduce, minimise and avoid greenhouse gas emissions and to support adaptation to current and future risks by guiding development away from vulnerable areas.

Policy 2 states development proposals should be sited and designed to minimise greenhouse gas emissions. The policy does not specify the level of detail regarding these measures. However, most developers now install solar panels as a matter of course although this is not yet required by building regulations. Devices such as air heat pumps are normally left to individual householders due to cost issues. Any detailed measures to address the above NPF 4 policies, for example to orientate buildings for maximum solar gain and to fit technologies to reduce carbon emissions would be assessed at a detailed application stage and not at Planning Permission in Principle stage. A condition could be required for the developer(s) to provide a statement of actions to address the policy objectives above.

The North Lanarkshire LDP policy EDQ 3 a) regarding Development Quality requires developments to move towards carbon reduction by reducing energy needs, provision for EV charging points, reducing waste and resources use through effective storage and collection/composting of waste and recyclable materials including the installation and operation of low and zero-carbon generating technology. Such measures would be assessed as part of assessment of applications for Matters Specified in Conditions level and a planning condition to address this could be included in any Planning Permission in Principle.

Regarding the representations submitted that the applicant should have sought a brownfield site for development, NPF 4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings is intended to encourage, promote and facilitate the reuse of such land and buildings. The policy advises that Local Development Plans should identify such opportunities. Policy 9b) also states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by the Local Development Plan. This matter is discussed further at the Planning Assessment section of the report

Landscape

It is acknowledged that the proposal would result in a loss of open landscape between Croy village and existing residential areas. The applicant has however submitted a Landscape and Visual Impact Assessment (LVA) which aims to replace or compensate for losses of habitats and landscape features such as trees and woodland. The applicant's strategy also proposes to use landscaping between development phases and around the site boundaries to break up the urban visual impact of the development.

The site is not within the designated landscape buffer zone for the Antonine Wall World Heritage Site although the LVA advises that views from the Heritage Site would be minimally affected due to the proposed landscape strategy.

Bunding or fencing is acknowledged as being required along parts of the site boundaries within the application's Noise Impact Assessment. The nature of such noise buffers cannot be confirmed until detailed MSC applications for individual phases are submitted although the application submissions suggested willow fencing and bunding could include landscape planting to mitigate landscape impacts. It is inevitable however that the currently relatively tranquil nature of the golf course would be altered by the development of the site for housing.

Flooding: Regarding flooding issues, SEPA has requested specific planning conditions to address potential flood issues. NLC Protective Services have advised of a need for planning conditions to require detailed site investigation for each phase of development which would also provide data to address any potential flooding issues due to the mining legacy.

9.12 **Housing Supply, Types and Tenure: Representations.** Sufficient housing sites are already allocated within the Local Development Plan, by the Local Development Plan housing land supply review process including a Community Growth Area in the south of Cumbernauld. Other representations suggest the site is not designated for housing and any provided will be luxury housing unaffordable to many. Each previous new development in the area has been increasingly expensive. Affordable housing is needed.

9.13 **Response.** It is correct that the application site is not an allocated site for housing but is designated as green belt. In terms of house prices, the planning process not directly in control of these however it is correct that sufficient land has already been allocated in the Local Development Plan to provide a continuous supply of housing for new development for the short and medium term with regular monitoring to bring new sites forward if required for the longer term.

Regarding affordable housing, the Local Development Plan, affordable housing policy for the Cumbernauld Area is that 20% of new dwellings within larger residential developments require to be affordable. The applicant stated by e-mail dated 31st March 2023 that they would be willing to provide up to 25% affordable housing which NLC New Supply (Affordable Housing) have advised would be welcomed.

9.14 **Community Facilities: Representations** received state there is a lack of sense of community due to lack of local amenities; New estates have been built locally but with no community facilities despite areas being designated for such within previous planning permissions. There is therefore a lack of confidence in developer or Council's ability to deliver these. Plans for community infrastructure investment should be required.

The only GP surgery and primary health facility north of M80 stopped accepting new patients as it was oversubscribed. New residents have to go south of the M80 to Condorrat or Cumbernauld town centre for GP appointments and the development will increase this pressure. There is also a lack of dental and veterinary provision. Cumbernauld (north of the M80) needs a community centre and increased GP, dental and pre-school nursery provision.

9.15 **Response.** A review of the local medical practice (Glen Medical Practice website) in 2022 confirmed that new patients were not being accepted. A more recent review of July 2024, (by telephone call to surgery), confirmed the previous situation may have been due to unfilled posts. The surgery was now accepting new patients but may have to restrict registration of patients again if numbers become unmanageable.

The applicant advises an area within the site will be reserved for community facilities such as retail and medical or dental practices. The planning system is not in the position to deliver shops, GP facilities or similar types of community facilities directly as these are within the remit of other agencies or the private sector. However, it is possible through the planning permissions process to negotiate for areas be reserved so that land is available to that market to deliver the facilities/services. If permission were to be granted, a planning condition could be used to safeguard this area indicated for future community facilities and use.

9.16 **Legal Matters Regarding Land Title: Representations.** The land is stated to have been gifted to Dullatur Golf Club by Cumbernauld Development Corporation for a nominal fee specifically for the public good or the purpose of creating a golf course. Also suggested in representations is that there is a burden on the title (a restriction on the types of use of land) which permits public or recreational use only and not development as proposed in the application.

9.17 **Response.** The applicants have stated on the application form that Hallam Land Management are the sole owners of all the land. The Land Ownership Certificate within the same planning

application form is signed on behalf of both Hallam Land Management and Dullatur Golf Club hence the application has been registered as being by both parties. The legal status of the land title, previous land titles or burdens on the title are not material planning considerations for the planning authority but a separate legal matter which would require to be considered separately by the parties involved should planning permission in principle be granted. If there are burdens on the land title the landowner should address these matters prior to implementation of any development.

9.18 **Representations from MPs and MSPs:**

Elected representatives also submitted comments including mentioning a survey of local residents. Objections were received during the consultation period from:

Stuart McDonald Constituency MP
Jamie Hepburn Constituency MSP
Gillian MacKay List MSP

The issues raised were similar to those raised by other participants during the neighbour notification and public notice consultation period.

Stuart McDonald MP and Mr Jamie Hepburn MSP's joint submission advised of concerns raised to them by constituents in terms of pressure on various infrastructure including schools, roads, public transport and associated parking and medical facilities, the fact that the proposal is contrary to Local Development Plan policy and regarding the scale of the development. Additionally, the elected representatives stated that their latest survey with over 700 responses indicated an overwhelmingly negative reaction to the development and similar developments in the area and requested these concerns be considered by the Council. The nature of the survey quoted or when it had taken place was not stated.

Gillian MacKay MSP raised similar concerns from constituents and also regarding increased air pollution, loss of open space adverse impact on nature and that development should minimise the use of private cars in favour of public transport and active travel to promote health and tackle the climate emergency.

All three have serious reservations about this development such that it is their shared opinion that permission should not be approved. They point out that the site is not an allocated residential site and also highlight concerns with regards to the scale and adverse impacts of the development

The matters raised by the elected representatives relating to specific policy areas are covered in the responses above.

9.19 **Representations in Support of the Application:** Comments received during the statutory consultation period supporting the application are summarised below:

Investment in the area should be welcomed, the developer has made provision for a community facility and affordable housing within the development which is needed in Cumbernauld. Employment will be created in construction and for local suppliers and council tax income will be increased.

Local schools are operating below capacity so there will not be pressure on schools however the new development must include new provision for medical and community facilities. The community hub site provides the opportunity for this and for more car parking provision at Croy Stations. The council should ensure money generated by the development is spent locally to provide community facilities.

The occupiers of the new housing will create vacant housing elsewhere. The provision of a community hub gives opportunity to increase local provision of GP, dental and community facilities. The close proximity of the site to the station will reduce the necessity for private car use and maximise public transport and active travel. The Council should ensure the money brought by the development is spent local to provide facilities for the community.

Response. If the development goes ahead new housing and affordable housing would become available and construction and supply industries would receive investment although the benefit in terms of specific local employment is not confirmed. The applicant's have submitted a Community Benefit Statement as required by NPF4 and the contents are detailed below. The developer has allocated an area for community facilities but has not specifically included such facilities in the application. Council tax revenue would increase from the development increasing the number and value of housing stock however the need for infrastructure and services investment would also increase.

9:20 **Late Representations**

As indicated above, a total of 97 representations were received outwith the statutory public consultation period i.e. late (23 objecting and 74 in support). These were submitted in 2022, 2023 and 2024 well after those representations received as part of the formal statutory neighbour notification and public notice in 2021. These recent representations do not represent part of the statutory planning application assessment process but are included for purposes of transparency and open government and to allow elected members and others to be aware of the representations. The points of objection reflect the comments already received so are not reiterated here. For information purposes the sources of the *supporting* representations are detailed below.

Just Build Homes – representations were received in June and July 2024 from a residential lobbying organisation, “Just Build Homes”. These were on behalf of residents of various areas of Cumbernauld.eg Abronhill, Blackwood and Carbrain. All but one of these supported the application mainly citing a need for new affordable housing. One representation of those submitted objected to the proposal. The responses forwarded by the lobbyist were individual responses from residents.

Scottish Golf submitted a letter of support dated 20th December 2022 that they were supportive of the proposed development proposals to retain and grow membership and the proposals within the Golf Club Improvement Plan submitted with the original application.

Employees of Dullatur Golf Club – a number of letters of support in the form of a proforma letter were submitted in August 2024 from employees of the golf club and advised the development would support the continuation of the club and the employment of those signing the letters.

9.21 The planning service does not usually comment on representations which were submitted late.

10 Planning Assessment

10.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the National Planning Framework 4 (NPF4) adopted in February 2023 and the North Lanarkshire Local Development Plan adopted in July 2022. Where there is incompatibility between policies, the policies within NPF4 have precedence.

10.2 The site is designated as being within the Green Belt in the North Lanarkshire Local Development Plan and is not an allocated housing site. As this is a Planning in Principle (PPP) application, the key issue is whether the principle of the proposed use of residential development is suitable for the site in policy terms unless other material considerations indicate otherwise.

National Planning Framework 4 (NPF 4).

10.3 Policies within NPF4 which have relevance to the application and are assessed are:

- Policy 1 Tackling the Climate and Nature Crisis
- Policy 2 Climate mitigation and Adaptation
- Policy 3 Biodiversity
- Policy 6 Forestry, Woodland and Trees
- Policy 8 Greenbelt
- Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 15 Local Living and Local Living and 20-minute Neighbourhoods
- Policy 16 Quality Homes
- Policy 20 Blue and Green Infrastructure
- Policy 21 Play, Recreation and Sport
- Policy 22 Flood Risk and Water Management

These policies are assessed below.

10.4 **NPF4 Policy 1 - Tackling the Climate and Nature Crisis.**

The intention of this policy is to encourage and facilitate development that addresses the global climate emergency and nature crisis with policy outcomes being to move towards zero carbon developments and have nature positive places.

The policy states Local Development Plans must address these outcomes by ensuring a spatial strategy which will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration. Significant weight must be given to impact of development in terms of these objectives. Proposals are to support policy aims of conserving and recycling assets, supporting local living and delivering compact urban growth.

10.5 **Policy Assessment**

The Local Development Plan (LDP) had already incorporated many NPF4 Policy 1 objectives through LDP policies and development site allocations including for residential development within a wider and considered spatial strategy that seeks to direct development to allocated sites and avoid development of green field sites through the promotion, reuse and redevelopment of vacant and derelict sites.

Specific to NPF4 policies the Design and Access Statement submitted by the applicant confirms current building regulations for energy efficiency requirements will be met and housing layouts be designed to maximise passive solar gain. Solar panels for energy capture are not currently required by building regulations legislation but many developers provide these to address climate change. The carbon surplus or deficit from such technology cannot be fully quantified in a Planning in Principle application for a site of this scale since details of house types, design and carbon capture measures would be provided at MSC (Matters Specified in Condition) application stage for individual phases and since for a site of this scale there may

be a number of different housebuilders/developers who will determine their own house designs layouts and energy efficiency measures at MSC stage.

The latest Chief Planner's guidance letter issued 20th September 2024 outlines that the current year's Programme for Government will develop new guidance to support NPF 4 Policy 2, Climate Mitigation and Adoption to integrate climate considerations into development proposals, increase sustainable energy capture and minimise greenhouse gas emissions and it is hoped such guidance will be completed to allow incorporation into the individual development phases.

Policy 1 objectives cannot be fully assessed until more detailed individual planning applications are submitted with detail regarding woodland replacement and carbon capture and carbon reduction measures. If permission in principle were to be granted, planning conditions could be imposed at that stage to secure compliance with these NPF4 objectives and aims.

However, this site is green belt and within the spatial strategy for the local development plan there are allocated residential sites. There is considered to be no current argument that would justify this site being developed before allocated sites. On this basis it could be argued that the development proposed would undermine these policy aims

10.6 **NPF4 Policy 2 Climate Mitigation and Adaption**

The intention of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Of relevance to this application, the policy states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and designed to adapt to current and future risks from climate change.

10.7 **Policy Assessment**

Whilst such measures could be addressed at a detailed application stage if permission in principle were to be granted, this development is significantly contrary to the local development plan spatial strategy. It is considered that there is no current argument that would justify this site being developed before allocated sites.

On this basis it could be argued that the development would undermine these policy aims.

10.8 **NPF4 Policy 3 - Biodiversity**

Policy 3 intentions are to protect biodiversity, reverse biodiversity loss, strengthen nature networks and deliver these by positive development mechanisms. Policy outcomes should enhance biodiversity with the objective of better connected and strengthened nature networks.

Policy 3 a) requires development proposals to contribute to biodiversity enhancement, where relevant restoring degraded habitats and creating nature networks and connections between them. Nature-based approaches and solutions are to be applied.

Policy 3 b) applies to major developments such as the application site and advises proposals will only be supported where it can be demonstrated the proposal will conserve, restore and enhance biodiversity assets to a point where they are in a demonstrably better state than without intervention. Proposals are to consider existing site ecological characteristics, assess potential negative impacts and provide suitable mitigation and biodiversity enhancements along with arrangements for long-term monitoring and management of biodiversity assets.

The Preliminary Ecological Assessment submitted with the application surveyed the site during an optimal ecological survey period in July and August (2021). The Assessment recognised the sites' biodiversity value including the Site of Importance for Nature Conservation (SINC) and two woodland areas protected by Tree Preservation Orders. Other woodland areas, tree belts and regenerating scrub including the valley of the east-west watercourse were also confirmed as having biodiversity value or potential. UK protected species, (badger and several bat species), used the site for foraging and feeding although permanent presence of bats was not confirmed. Existing site habitats indicated presence or potential for a wide range of native and migratory bird species, (over 20 species). NLC Greenspace advised that currently unmanaged grassland areas had potential value for avian wildlife and UK protected species of water vole and great crested newt.

10.9 Policy Assessment.

The ecological assessment provides recommendations including retention and enhancement of identified valuable habits such as wildlife corridors the watercourse corridor, residential street lighting guidance to minimise adverse impact to bat species, and protective measures for the SINC. A list of further required surveys is recommended for future phases including a bat protection survey, species surveys and a local Site Biodiversity Action Plan. Most links between existing green corridors would remain although some more isolated areas of existing woodland and other habitat would be lost to development. The proposal avoids development at the SINC and provides buffer areas and supplementary planting around both these and locates sustainable urban drainage (SUDS) ponds or detention basins in areas adjacent to existing habitats providing potential for additional habitat creation and enhanced biodiversity if correctly managed. New woodland planting is proposed to augment remaining existing woodland in the green corridors to create buffers between and around development phases.

Land re-profiling which is required to create residential development platforms on the sloping site, could have either positive or negative biodiversity impacts to habitats and species in the long term but would have negative impacts during construction and in the short term afterwards as replacement planting would take some years to compensate for habitats lost.

Assessment by planning staff using site visits and aerial photographic reviews indicate that the Indicative Development Framework layout represents an approximate equivalent replacement area of habitat to that lost, although some existing woodland would be lost within some development phases.

At PPP application stage, details such as species mix to be planted and future management are not available or outlined to allow fuller assessment of biodiversity impacts. If permission in principle were granted further updated ecological surveys and protective measures would be required for each detailed MSC planning application. A biodiversity replacement and enhancement plan in the form of a local Site Biodiversity Action Plan is recommended at a strategic level if Planning Permission in Principle were granted both for the overall development, with more detailed requirements for each development phase.

In conclusion, full assessment of impact in terms of this policy is complex and multifaceted until the various factors affecting individual phases and proposed mitigation measures are known. Overall impact cannot be fully measured without more detailed information although in the shorter term there is potential of some biodiversity loss but a later gain if biodiversity friendly species are used and a Site Biodiversity Action Plan prepared and implemented.

It is noted that measures have been proposed to maintain and enhance biodiversity as required by Policy 3 however this would require full commitment to implementation and future management including funding by future developers. Overall, the application is assessed as neutral in terms of Policy 3 impact.

10.10 **NPF4 Policy 6 Forestry, Woodland and Trees.**

The intent of this policy is to protect and expand forests, woodland and trees and policy outcomes include protecting what exists and expanding woodland cover and sustainable management of development sites.

The policy requires Local Development Plans to fulfil these intentions and outcomes but also to avoid habitat fragmentation and support ecological connectivity.

Specifically, Policy 6 a) which advises development proposals that enhance, expand and improve woodland and tree cover will be supported, 6 b) which seeks to safeguard woodland of high biodiversity value and prevent woodland fragmentation and 6 c) which advises proposals involving woodland removal will only be supported where they achieve significant and clearly defined additional public benefits in accordance with government policy on woodland removal. Where woodland is removed, compensatory planting will be expected.

NPF4 Policy 6 advises that LDP spatial strategy is to identify and set out proposals for forestry, woodlands and trees to meet these aims and should be supported and informed by an up-to-date Forestry and Woodland Strategy. There is not currently a Forestry and Woodland Strategy linked to the Local Development Plan since the LDP was adopted prior to this NPF4 requirement however there are LDP policies which address biodiversity protection and enhancement in LDP policy EDQ1 Site Appraisal and policy EDQ3 Quality of Development, specifically EDQ3 c). The aims of the policy as set out in National Planning Framework 4 Policy 6 are therefore addressed largely through existing Local Development Plan policies.

10.11 **Policy Assessment**

Policy 6 for Forestry, Woodlands and Trees is inter-related to NPF4 Policy 1 Tackling the Climate and Nature Crisis, and Policy 3 Biodiversity with many mutually supporting policy objectives.

The submitted Tree Survey and Arboriculture Report (June 2021) informed the development masterplan layout. Over 1000 trees were surveyed and assessed in four categories. 15% were classified category A (best quality) and 38% category B (good quality) and were recommended for retention where possible, subject to those lost to development. Other poorer quality tree categories (C and D) would only be removed if included within development proposals or for safety reasons.

Woodland areas protected by TPOs, trees along Constarry Road and at Craigmarloch retail park and residential areas along with trees along the southern site boundary would all be retained (the latter due to their screening function). Set-back distances between existing mature trees and development, planting with viable native species to compensate for tree losses and to enhance the post-development landscape character, are all proposed. The Tree and Arboricultural report recommended a Woodland Management Plan be prepared for longer-term maintenance and management.

Site visits and aerial photography comparison to the Indicative Development Framework indicates areas of established mixed woodland of approximately 1ha each would be removed at development phases 2, 4, and 5 with more minor losses of smaller groups and individual trees elsewhere on-site. However compensatory planting is proposed to replace these.

Policy 6 a) aims to protect and expand woodland and forestry resources and ensure that woodland and trees on development sites are sustainably managed. The development

proposals do not expand the amount of woodland in the short term and appears to result in some loss of woodland area but could improve woodland quality in biodiversity terms in the longer term if appropriate native species are planted and managed.

In terms of Policy 6b) the development does not propose loss of ancient woodland or trees or significant fragmentation of existing woodland. Where fragmentation does occur, compensatory planning is proposed.

Policy 6 c) requires that proposals involving woodland removal will only be supported where they will achieve significant clearly defined public benefits. The applicant has provided a statement on what they perceive to be the community benefits arising from the proposed development and these are discussed below. However, it is the planning authority view that these are not sufficient to justify planning permission being granted.

In conclusion whilst the proposal has the potential to comply with parts of Policy 6 it is assessed as being at odds with 6 c) as there is not considered to be significantly clearly defined public benefits arising.

10.12 **NPF4 Policy 8 Green Belt**

This policy intends to encourage, promote and facilitate compact urban growth and use of the land around towns and cities sustainably. The projected policy outcomes are that development is directed to appropriate locations, urban density increased, and unsustainable growth prevented, the character, landscape, natural setting and identity of settlements are protected and enhanced, nature networks are supported, and land is managed to help tackle climate change.

To achieve these outcomes NPF4 advises that Local Development Plans should use green belts to support their spatial strategy to restrict development around towns and cities. Green belts can be zoned where there is significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside.

Green belts are to be identified or reviewed as part of LDP preparation on an evidential basis. This process has already taken place as part of preparation of the North Lanarkshire LDP which was adopted in 2022 - and after the planning application was submitted.

The applicant states in their submitted Planning Statement Addendum 3 (August 2024) that they consider that the site is not countryside nor edge-of-settlement in character and is instead a man-made, managed golf course within an urban area and that the application proposal is an appropriate infill development and suitable urban extension, the implication being that the site should not be designated as green belt in the LDP.

The Addendum also contends that NPF4 Policy 8 supersedes the LDP and that Policy 8 states that green belts are to be zoned around settlements where there is significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside. The applicant considers that the site and proposed development are located within a settlement not outside it, surrounded by development, is not countryside in character, nor unsustainable and has links to public transport and public transport facilities nearby and that following the adoption of NPF 4 the applicant notes that the council website supporting text advises that where there is incompatibility between the North Lanarkshire LDP and NPF4, that the latter document will take priority. The Addendum acknowledges however that whilst the proposed development does not fall within the list of exemptions identified within NPF4, the development should be supported.

10.13 Policy Assessment

The development proposal is not compatible with policy requirements of NPF4 Policy 8. The Local Development Plan has allocated housing sites on the basis of need and demand and prepared policies for the green belt at LDP Placemaking Policy 4 Green Belt, and its sub-policies PP4 Purpose of Place and AD4 Amount of Development. However, NPF4 Policy 8a) i) states that development proposals within a green belt designated within the LDP will only be supported in a limited set of circumstances with many of the uses highlighted already included in the Council's LDP policies i.e. for certain specified uses such as

- development associated with agriculture, woodland and forestry,
- residential accommodation for key workers,
- horticulture, outdoor recreations and tourism uses and other uses which require a greenbelt location.

Just to be clear, large scale residential development (such as is proposed in this application) or even modest scale residential developments are not included within the categories identified as being suitable developments within the green belt.

NF4 Policy 8a) ii) goes onto state that, in addition to fulfilling the above requirements in order for a development to be supported, reasons should be provided as to why a green belt location is essential and why development cannot be located on an alternative non-greenbelt site, and the purpose of the green belt at the location would not be undermined, the proposal is compatible with the surrounding established countryside and landscape character, the proposal is of an appropriate scale and external appearance, and uses materials to minimise visual impact to the green belt and that there will be no significant long-term impacts on the environmental quality of the green belt.

The application proposal does not comply with these criteria in terms of scale, visual impact - in terms of being compatible with the surrounding landscape character, nor other specific exceptional reasons mentioned at a strategic level for using the green belt.

The open space area, including the two golf courses between Croy and Dullatur, represent the last areas of green belt in north Cumbernauld-between Constarry Road and Dullatur Road and would occupy most of the remaining open space area between Cumbernauld and Croy at the widest remaining section of greenbelt. The green belt represents a community asset in terms of landscape, natural setting and providing identity to settlements. It is an informal recreational asset for surrounding established communities hence the Local Development Plan designation and the reason that its status as green belt should be robustly protected.

The applicants Addendum 3, at sections 3.4 to 3.12, argues that a submitted Diffley and Rettie Report demonstrates that there is significant housing need within North Lanarkshire and that the National Housing Emergency and intention to make housing a National Outcome elevates the urgency of housing delivery to meet critical need. It is also argued by the applicant that:

- The site is not countryside or edge of settlement but is a man-made, managed environment within the urban area surrounded by development.
- NPF4 Policy 8 Green Belt supersedes LDP Policy PP4 Purpose of Place Greenbelt. That the LDP does not meet the principles of NPF 4 in that the NLC website states "*where there is an incompatibility between the LDP and NPF 4, the NPF4 will take priority*" and that the site represents a logical infill development within defensible man-made boundaries.

Whilst these comments are noted, this site is designated as green belt in the LDP and was identified as such following the LDP preparation process and Report of Examination. As indicated in the Representations section of this report, the application site was submitted in response to the Consultation on the Modified Local Development Plan, as the applicant objected to its green belt designation rather than the site being designated as a residential site, and subsequently therefore the site was presented as an unresolved objection to the Examination. However, the Reporters concluded that the site was not included in the LDP Main Issues Report, had not been the subject of public consultation and had not been subject to Strategic Environmental Assessment which the Reporters required. Accordingly, the site was retained as green belt.

It is the planning authority view that there is nothing in NPF4 in relation to green belts that indicates that previously approved green belts should be set aside or reviewed except as part of new LDP preparation. There is therefore no need to release more residential land and when the next LDP is prepared consideration will be given to the guidance in NPF4 to determine whether the green belt status of this site should remain.

Even if the applicant's assertion was accepted i.e. that this site should be regarded as part of the urban area and not green belt, the site would still be offered significant protection as part of the urban green network and LDP Policy PROT A4 would then require to be assessed.

In conclusion, the development fails to meet the objectives of NPF4 Policy 8 to increase urban density, is not directed to an allocated residential site, and is considered unsustainable as it would undermine the green belt objectives for which the land is designated. There are no material considerations that justify development of the site. The development proposal fails to meet both NPF4 Policy 8 Policy Intent and Policy Outcomes. As such the application should be refused for these reasons

10.14 **NPF4 Policy 9. Brownfield, Vacant and Derelict Land and Empty Buildings**

The intent of this policy is to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development with policy outcomes that include that development is directed to the right locations, maximising the use of existing assets and minimising additional land take.

The Policy requires Local Development Plans to set out opportunities for sustainable reuse of brownfield land including vacant and derelict. These objectives were considered, policies prepared, and sites identified within the LDP prior to publication of NPF4 however an assessment of relevant NPF4 issues is given below.

10.15 **Policy Assessment**

Policy 9 directs focus to maximising brownfield development opportunities. The application proposal in this context does not represent the reuse of a vacant brownfield site within an existing urban area and does not therefore address the issue of reuse of vacant and derelict land nor does it comply with Policy 9 due to its location within the green belt and at a site not allocated for residential development in the local housing sub-market area. The purpose of Policy 9 is to direct development to allocated sites and the reuse of brownfield and derelict sites before greenfield. Specifically, Policy 9b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. This is not the case for the application site. In conclusion the application proposal is considered to be contrary to NPF4 Policy 9.

10.16 **NPF4 Policy 13 - Sustainable Transport**

The intent of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduces the need to travel unsustainably, to support connectivity and reflect place-based approaches and local living to provide more, better, safer and more inclusive active and sustainable travel opportunities. Developments should be in locations which support sustainable travel.

NPF4 advises Local Development Plans to prioritise locations for further development that can be accessed by sustainable transport by making best use of existing infrastructure and services to reduce car dominance. Policy 13 is supported and is inter-related to NPF4 Policy 15, Local Living and 20 Minute Neighbourhoods

Policy 13 b) advises development proposals will be supported that demonstrate that transport requirements have been considered in line with sustainable travel and they provide direct, segregated safe links to local facilities for walking, wheeling and cycling including by introducing such travel networks, are accessible to public transport ideally existing services. Development should also incorporate safety measures including safe crossings and reduce the number and speed of vehicles and take account of transport needs of diverse groups to ensure safe and easily accessible use. The policy is also to mitigate against any impacts on local public access routes.

Policy 13 d) advises that proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car taking account of specific locational characteristics and Policy 13 g) requires that development proposals fully assess impact on the Strategic Transport Network.

Other outcomes of the Policy would apply more to detailed planning application phases, for example the provision of electric vehicle charge points and are therefore not assessed at the level of assessment for a Planning in Principle application.

10.17 **Policy Assessment**

The applicant considers the site is appropriate as it is near the railway station, bus routes and a local retail centre for convenience shopping. This would allow residents to benefit from the use of these facilities. In this respect the development had locational advantages in terms of the sustainable transport options available.

Objections from residents however raised a number of concerns. These relate to the frequency of bus services and the lack of these, particularly in evenings and on Sundays, a perceived issue of lack of parking at Croy Station leading to roadside parking, congestion and road safety concerns.

It is assessed that while sustainable transport facilities are within the locality access to these would be difficult for the elderly and those with restricted mobility requirements. There is also however potential for residents of the proposed development site to use cars when accessing the railway station, dependant on where they reside within the site, exacerbating any existing parking problems. The development has not incorporated any proposals to provide additional station car parking to address this potential issue.

The applicant has indicated that within the site path networks would allow sustainable access from the development to local sustainable transport facilities and would be required to provide safe crossing points across Constarry Road to link into the wider active travel network.

Matters of reducing speed can be built into detailed design for the distributor road and internal

road network, as could measures which as far as possible ensure safe and easily accessible use of active travel network

The applicant has considered and taken measures to mitigate and safeguard against adverse access impacts to the existing path network by safeguarding Core Path routes 74 and 90 although the character of these routes in landscape terms would alter due to the development.

In terms of fully assessing the impact on the road network, the applicant has carried out modelling studies of the wider local road network. This has indicated that traffic generated from the development site at completion without appropriate mitigation measures would impact adversely at the Craiglinn roundabout junction which already experiences congestion at peak times. The applicants traffic modelling has however produced a solution in terms of rephasing the traffic signalisation at this junction along with alterations to exit roads from the junction to improve traffic flow. Based on the modelling this solution has been analysed and accepted by NLC Traffic and Transportation with a requirement that the works are implemented prior to development commencing on site, and that the applicant implements and funds the necessary works.

In conclusion, the applicant has demonstrated that the transport requirements generated have been considered in line with the sustainable travel policy and by investment can address the requirements of Policy 13 by measures already planned, agreed or which can be delivered by planning conditions for detailed development phase applications.

10.18 NPF4 Policy 14 Liveable Places. Design, Quality and Place

The intent of this policy is to encourage, promote and facilitate well-designed places by a design-led approach and applying the Place Principle which focuses on six qualities of successful places with the outcome of ensuring that the qualities of healthy, pleasant, distinct, connected, sustainable and adaptable places are delivered.

10.19 Policy Assessment

Policy 14 states that development proposals should be designed to improve the quality of an area regardless of scale. Proposals will be supported if the development is consistent with the six qualities above. In the case of this objective Local Development Plan policies EDQ 1-3 (Environmental Design Quality policies) are also key considerations and are discussed later.

As the proposal is an In Principle application the detailed design at a local level cannot be fully assessed at this stage. However, at a strategic level the applicant has considered existing features such as natural habitats and existing key footpaths and measures to protect or compensate for these such as where habitat is lost to development. The current landscape would clearly be significantly altered were the development to proceed. However, if planning permission in principle were to be granted there is potential within the application site to create an attractive environment and for developers to devise layouts that could deliver on the six quality of place objectives. Having said this, the development of the site would inevitably result in there being an impact and an erosion of the quality of place through the loss of green belt land that existing residents in the locality currently enjoy.

In conclusion, the proposal is assessed to have the potential to comply with Policy 14 objectives although matters of detailed design and layout would require further assessment during applications for detailed design phases which could be subject to planning conditions in any permission in principle that may be granted.

Matters of detailed development design quality are assessed further within the Local Development Plan section of this report at the section assessing LDP policies EDQ 1-3

(Environmental Quality) policies.

10.20 **NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods**

The intent of this policy is to promote and facilitate the Place Principle to create connected, compact neighbourhoods where residents can meet most daily needs at a reasonable distance from home, preferably by walking, cycling or using sustainable transport. An additional aim is to increase community engagement within local areas by focusing on the daily needs of communities in their local areas.

The policy outcomes are that development creates high-quality, accessible, mixed-use neighbourhoods, which support health and well-being, reduce inequalities and that new and existing communities are planned together with homes and key local facilities such as schools, community centres, shops, greenspaces, health and social care and digital and sustainable transport links.

Local Development Plans are to support the policy through mechanisms such as spatial strategy and masterplans with the 20-minute approach taking account of the settlement pattern and the characteristics and challenges faced in each place.

Scottish Government Planning Guidance for Local Living and 20-minute neighbourhoods (April 2024) advises the timeframe of 20 minutes is research-based examining health, design and site planning, and therefore ease of access to local services, infrastructure and community spaces based on an approximate 10-minute walk to any destination and 10-minute return journey i.e. A 20-minute round trip. Such trips vary based on factors such as quality of walking environment, individual age and ability, and topography and by the distance people are willing to walk, wheel or cycle to access. The 20-minute timeframe is an approximate guide and does not rigidly define the term local living.

10.21 **Policy Assessment**

Whilst being significantly contrary to the spatial strategy of the local development plan, the application site is relatively well-placed to access the benefits of local living with Croy Station to the west and Craigmarnoch retail area (containing a supermarket, pharmacy, hairdressers and hot foot takeaway) to the east and further to the west shopping facilities at Broadwood Retail Park.

The site is sizeable being approximately 600 m wide from east to west and 650m from north to south however, and greater walking and cycling distances would be involved taking account of future road and path layouts. The site slopes generally downhill from east to west with some undulating sections which would add to journey times and as such some areas in the south and east of the site are not a 10-minute one-way walk from the station and main bus route at Constarry Road, nor are some areas in the west, north and south of the site within ten minutes of the Craigmarnoch retail facilities. Local primary school provision for the site is again some distance being further along Eastfield Road.

Assessment of Policy 15 therefore is that whilst some areas of the site benefit from proximity to either of these retail and transport nodes other areas do not, particularly for a proportion of future residents who may have more limited mobility. That said it is acknowledged that whilst the site is perhaps no worse located than other existing neighbourhoods in this part of the town it is the case that those developments predate the advent of NPF4 and NPF4 Policy 15. Crucially where those sites differ to the application site, the sites were planned additions to the housing supply and were plan-led. So, whilst not strictly being within the definition of a 20-minute neighbourhood, the site could benefit from some of the advantages of local living.

However, this of itself is not sufficient to override the other more fundamental policy failings of the site. In particular, the development of this site is significantly contrary to the spatial strategy of the LDP which has the site as protected green belt and there is no justification sufficient to permit the site being developed for residential purposes at this time.

10.22 NPF4 Policy 16 Quality Homes

The intentions and outcomes of this policy are to promote and facilitate delivery of high quality affordable and sustainable homes in the right location with a range of tenure choice to meet diverse housing needs, and places that contribute to well-being of communities, supported by appropriate infrastructure, providing energy efficient greener homes and tackling issues such as fuel and child poverty.

The policy supports new homes on land allocated for housing in Local Development Plans and sets out various requirements including meeting local housing requirements, providing or enhancing local infrastructure, local facilities and services, and maintaining or improving the residential amenity of the surrounding area

Relevant subsections of Policy 16 advise that:

16 a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

16 b) Development proposals over 50 homes should be accompanied by a Statement of Community Benefit which meets local housing requirements including affordable homes, provide or enhance local infrastructure facilities and services, and improve residential amenity of the surrounding area.

16 c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs and addressing gaps in provision would be supported.

16 e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for open market, (i.e. private-for-sale), homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where higher or lower contributions can be justified.

Policy 16 f) importantly advises that development proposals for new homes on land **not** allocated for housing in the LDP will only be supported in limited circumstances where:

- i) the proposal is supported by an agreed timescale for build out and,
- ii) the proposal is otherwise consistent with the plan's spatial strategy and other relevant policies including local living and 20-minute neighbourhoods
- iii) and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery of new housing earlier than pipeline timescales with a general trend being sustained; or
 - the proposal is consistent with policy on rural homes, or
 - the proposal is for smaller scale opportunities within an existing settlement

boundary; or

- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

10.23 **Clarification of NPF4 Policy 16 Interpretation provided by the Chief Planner Letter of 26th June 2024 and Subsequent Applicant's Addendum 3. (August 2024).**

Following a Court of Session judicial review regarding a planning application for an unallocated green belt site in West Lothian, further national planning guidance entitled *Planning for Housing* was issued by letter on 26th June 2024 by the Chief Planner, Dr Fiona Simpson and Ivan McKee MSP, Minister of Public Finance.

The letter advised that NPF 4 Policy 16 required to be considered in terms of all its various criteria i.e. sub-sections 16 a) to 16 f), and not only the Policy 16 f) criteria which only allowed release of unallocated sites in specific exceptional circumstances.

Following issue of this guidance the applicant submitted a further Planning Statement Addendum, (Addendum 3), stating that Policy 16 f) criteria should therefore not be the only consideration in determining compliance with Policy 16 where an application site is unallocated, and that all Policy 16 criteria (and indeed all NPF4 Policies) should be assessed as the updated Chief Planner guidance raised further significant material considerations applicable to the application.

The applicants Addendum 3 stated that whilst the Court of Session upheld the W. Lothian and the Scottish Government Directorate of Planning and Environmental Appeals, (DPEA), decision to refuse that application, the Court also confirmed only how Policy 16 f) should be applied but not the other criteria of Policy 16 as the Court of Session judgement focused only on Policy criteria 16 f) as a consideration and did not specifically provide comment or interpretation of other criteria within Policy 16.

The Addendum submitted by the applicant takes the view that the new *Housing for Planning* guidance of 26th June 2024 states a development proposal is not contrary to the Development Plan just because there is conflict between individual policies within it, (in this case the National Planning Framework policies of the Development Plan and specifically NPF4 policy 16), and that since there is no hierarchy of policies, no one part of a policy should outweigh others and, on that basis, a balanced judgement of all policies and all criteria and sub-sections within a policy should be made when assessing applications.

The Addendum specifically mentions Policy criteria 16 c) which states support for proposals for new homes on sites which improve affordability and choice, and which crucially identify gaps in provision of accessible, adaptable and affordable housing, new rented housing, supported and care homes provision and more specialised categories such as student or military personnel accommodation.

The applicants Addendum noted that the *Planning for Housing* letter advises that the Scottish Government has recently declared a national housing emergency and that the First Minister had confirmed an intention to engage constructively to expand housing supply to tackle homelessness and having an all-tenure approach which diversifies supply to achieve these priorities, the applicant's assertion being therefore that the National Housing Emergency declared on 27th May 2024 is a significant material planning consideration requiring action across all parts of Scotland.

A number of Scottish local authorities have declared local housing emergencies following the

National Housing Emergency declaration. These include neighbouring local authorities of Glasgow City, West Lothian and South Lanarkshire. Declaration reasons vary but include pressures on homelessness services, lack of affordable houses, long waiting lists and high temporary accommodation households. (Scottish Parliament Information Centre: SPICe Spotlight, 27th June 2024).

The applicant's Addendum asserts there are very significant gaps in housing provision in North Lanarkshire and provides a series of figures for the Council area from a report titled *Existing Housing Need in North Lanarkshire*, (January 2024), by The Diffley Partnership and Rettie and Company consultants who were commissioned by Homes for Scotland the organisation representing housebuilders in Scotland. The survey suggests that around 32% of households are in some form of acute housing need which the report defines under categories including concealed households, inability to afford an existing occupied household, overcrowding, a need for housing adaptation or housing in poor condition.

The applicant's Addendum also proposed an analysis of housing provision in North Lanarkshire based on published Council documents i.e. the Local Development Action Programme (LDAP) (September 2022) and the Housing Land Audit (HLA) for 2023 (March 2023) stating that the LDAP had a majority of sites which are not programmed for delivery, or programmed sites for early delivery which were disputed by Homes for Scotland and stated that as a consequence of the National Housing Emergency additional unallocated sites should be given more significance when assessing planning applications.

10.24 Policy Assessment (Housing Land Supply Commentary)

From the outset it is important to note that there is no specific guidance from the Scottish Government regarding how the National Housing Emergency applies locally however the government programme for 2024-25 mentions the housing emergency stating that the planning system will respond to the housing emergency by allocating a land pipeline for new homes and promote consistent monitoring and delivery. Crucially, North Lanarkshire has not declared a housing emergency.

The matters raised within the applicant's Planning Statement Addendum 3 regarding the national housing emergency and North Lanarkshire Council's current housing land supply and delivery position and the Chief Planner/Scottish Government updated guidance letter of 26th June 2004 implications for NPF 4 Policy 16 are assessed below.

- Scottish Government - National Housing Emergency (declared 27th May 2024). Whilst a number of Scottish local authorities have declared a local housing emergency to date, North Lanarkshire has not. However, analysis by the Planning Service in conjunction with Housing Services indicate that there are sufficient allocated sites allocated for private housing and programmed to meet this demand during the time periods set by Scottish Government guidance. In areas with an identified need for affordable and social housing, such as the Cumbernauld housing area, allocated sites for larger-scale private housing developments are required to provide a minimum of 20% affordable housing by LDP Policy CI - Contributions to Infrastructure.
- North Lanarkshire Council Housing Land Availability and Delivery – the applicant's Planning Statement Addendum 3 states that North Lanarkshire Council has significant gaps in housing provision and the applicant therefore uses a national survey commissioned by Homes for Scotland, *Existing Housing Need in North Lanarkshire*, (January 2024), to justify this statement. The local authority position in contrast is based on housing need and supply audits, site commencement and house completion monitoring and regularly reviewed projections to maintain a housing supply "pipeline" of new sites which is as required by NPF 4 Policy 16. This is to provide transparency regarding phasing of housing

for the short term (1-3 years), medium term (4-6 years) and long term (7–10 years). The annual Housing Land Audit (HLA) monitors housing delivery to inform the pipeline and guide necessary interventions in terms of inclusion of new sites or de-selection of sites now considered non-deliverable. An updated Action Programme in the form of a Delivery Programme has been prepared with a target date of submission to the December 2024 Planning Committee. The draft Housing Land Audit 2024 is being completed in consultation with Homes for Scotland.

- North Lanarkshire's housing land position is considered sufficient at present, exceeding the Minimum All-Tenure Housing Land Requirement, (MATHLR), set by Government in Annex E of National Planning Framework 4, of 7,350 units over a 10-year period. The finalised 2023 Housing Land Audit to 31st March 2023) is the Council's most up to date land supply position and the established housing land total for North Lanarkshire is 17,318 units, of which 8,646 units are programmed as deliverable over the next 7-year period.

The applicant's Addendum's position that the report commissioned by Homes for Scotland *Existing Housing Need in North Lanarkshire*, (January 2024) indicates a significant gap in housing provision is therefore not accepted by the planning authority. Additionally, both Fife Council's and Moray Council's Local Development Plan Evidence Reports when reviewed by different Scottish Government Reporters found that although the report provided some indication of the scale of potential need in each area based on primary data, it did not represent a robust alternative or additional evidence that those councils needed to rely on.

The Scottish Government wrote to planning authorities in parallel to the *Planning for Housing* guidance letter to require that local development plan action programmes be reviewed, updated and republished as Delivery Programmes by 31 March 2025 to ensure Action Programmes included sequencing and timescales for housing sites delivery within LDPs.

The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the Delivery Programme. The Delivery Programme will be reviewed every two years, and the review represents an opportunity to re-evaluate sites, including whether these sites can be delivered earlier in the plan period. The Delivery Programme sets out where action is needed to overcome identified constraints

The guidance within the Housing and Planning letter requires local authorities to review the deliverable housing land pipeline and update delivery programmes by 31 March 2025. The Planning Service is progressing this by preparing an Action Programme which will become a Delivery Programme with a view to this matter being reported to the planning committee in due course.

As recently as 12th November 2024, the Scottish Government Published its 'Planning and the Housing Emergency - Delivery Plan'. In this the Government advise that they have reformed Scotland's planning system to strengthen a plan-led approach to development. They indicate that NPF4 sets out a strong vision for the future and includes a single set of national planning policies which is now being applied to all planning decisions. They advise that National planning policy is clear that planning applications will be supported in principle, where they are on sites allocated in local development plans. In particular, the Government advises that NPF4 signals a move away from past practice which allowed for additional land, which is not supported by plans, often in more easily developed, greenfield locations, to be released if insufficient land for housing was available.

The context for the statement is that, according to the Scottish Government, across Scotland there are sites with planning permission that could deliver more than 164,000

homes but are not, and they set out measures to identify the reasons for this, and actions to be taken to support delivery. The Government's short-term objectives are identified in this plan and the allocation of additional land in response to the housing emergency is not a solution identified or supported in this delivery plan.

In conclusion, the planning authority consider that there is no present need for this unallocated green belt site to be brought forward. Of course, circumstances may change going forward but the release of the site should be plan-led and the applicants should engage with the council in the preparation of North Lanarkshire Local Development Plan 2 process (NLLDP2) which has been commenced

10.25 Policy Assessment

An assessment against **Policy 16** follows below:

Policy 16 a) states development proposals for new homes on land allocated for housing will be supported. The application site is not allocated and the proposal represents a significant and unjustified departure from the plan and its spatial strategy.

Policy 16 b) The development proposal is accompanied by a Statement of Community Benefit which explains the contribution the development will make towards the three specific criteria

With regards to **Policy 16 b) i.** meeting local housing requirements including affordable homes. The applicant has indicated their intention to contribute towards affordable housing at 25% which is more than the LDP requirement of 20%. This is not of itself considered to be sufficient to lend support to the development

Policy 16 b) ii. requires that the development provides or enhances local infrastructure, facilities and services. Beyond mitigation of the direct impacts (education contributions etc of the development which would also be a requirement of an allocated residential site), the applicant has indicated a willingness to set aside part of the site that could be used for community facilities such as shop units and the golf club has indicated improvements that it will make to the course and club and to allow wider community access. The Craiglinn interchange improvements, whilst required to mitigate extra traffic arising from the development, is projected to improve traffic flows through the junction. Again, this is not considered to be of sufficient benefit to justify support for the development.

Policy 16 b) iii. advises that development should improve the residential amenity of the surrounding area. The surrounding residential areas currently look onto open space at the application site in the form of a golf course with groups of trees and other habitats. The applicant has advised that tree cover around the edge of the site will be retained or enhanced, and compensatory planting take place where vegetation and habitat is lost to development. In this respect whilst views in terms of contribution to residential amenity are subjective, the impact on the surrounding area is considered to be either as an adverse or at best no better than what it replaces. This is reflected in the objections received. Overall, in terms of impact on amenity it has to be acknowledged that as this is a planning application in principle there is a lack of absolute detail to be able to come to a fully considered view on the impact on surrounding residential amenity. However, as the site is identified as being green belt and given the scale of the development proposed, it is difficult to see how this will improve the residential amenity of the surrounding area.

To support the application, the applicant submitted a Landscape and Visual Impact Assessment (LVA) which advised that the site's visibility is largely contained within the immediate local area due to its location and the site's rolling, undulating landform.

The LVA identified landscape features and key viewpoints into the site likely to be affected by the development and identified impacts on landscape and visual amenity and measures to mitigate these including during the construction period. The loss of existing landscape, introduction of new landscape features and matters such as impact of lighting at completion of the development to avoid significant light pollution were also highlighted.

The LVA advised that the site is already partially or largely screened by belts of woodland on three sides with only views from the north adjacent to the railway particularly open. However, at other points to the south- west and west the site can actually be seen from areas of higher ground, for example from parts of the Smithstone residential area.

Sensitivity to landscape change was measured from High meaning the site was vulnerable to small changes, through to Low sensitivity which would apply to areas of low quality where change can be positive. The assessment considered how development would impact on the landscape overall, community facilities, e.g. open space and paths, the Green Belt, the natural environment, the nearby built and historic environment and adjacent residential areas.

Loss of open space by removal of part of the golf course was acknowledged however the assessment advised that the proposal includes around 30% of remaining open space and would retain recreational resources for new residents and existing communities by retaining the existing core paths and other informal routes and adding other site-wide paths, many of which would follow the proposed interlinked green corridors. Open space areas would be created to compensate for loss by the creation of a large centrally located community park, and a smaller park in the south of the site with other interspersed open space around the site – although the council's Play Services has raised concerns regarding the location of the larger park and responsibility for future maintenance is not confirmed.

The LVA argued that the site, rather than being typical green belt, has a strong urban context being within the urban edge of Cumbernauld with existing development to the west, east and south-east and the Edinburgh to Glasgow railway line enclosing the northern boundary, and that the enhanced landscape framework would support a more robust, re-aligned Green Belt boundary consolidating the edge of the built up area at the railway line and strengthening the urban/rural boundary along its northern boundary.

The LVA acknowledged the conservation value of areas of ecological and green network importance, the SINCS, small mature tree groups woodland belts and links to the wider green network area. However, the assessment also acknowledged that the proposed residential development would require the loss of some of these features due to necessary site-wide cutting and filling and earthwork re-modelling operations to create housing development platforms, hence the need for a compensatory site-wide landscape strategy should permission in principle be granted.

The key built cultural feature potentially affected is the Antonine Wall as the site would be seen from Croy Quarry 300m to the north and from more distant Croy Hill which is partially located within the designated World Heritage Site boundary. The application emphasis on an integrated landscape strategy around and interspersed within development phases and sensitive orientation of some dwellings could minimise visual impact from the nearby Croy sporting hub and from the area having World Heritage Site status.

The LVA assessed impact on adjoining residential areas as being mitigated by the landscape strategy and the existing trees and the trees and wider tree belts along the west, south and east of the site boundary. Sensitivity to change is considered low from the edge of the Smithstone area and Constarry Road at the west although from Croy to the north sensitivity to change is considered higher but impact was assessed as moderate or moderately adverse during construction, and more beneficial in the long term. At the east towards Craigmarnoch

visual impact is assessed as being less due to existing screening. In summary the LVA considers the overall short terms impacts to be moderate or slightly adverse but generally visual beneficial in the longer term after site completion and as the landscape features mature.

In response the planning authority consider that the site is not allocated for residential development in the LDP, as sufficient land has been allocated for housing in the local area and across the whole of the council area. Should there be a financial burden in maintaining this part of the golf course and the club wished to reduce to a nine-hole course, the maintenance of this area could be removed to allow regeneration to a natural condition until such time as it may be necessary to develop the site.

In summary, from a planning authority perspective the applicant's Indicative Development Framework Plan, Landscape Visual Assessment (LVA) and other supporting information shows (amongst other measures) the retention of green corridors around and through the site as a means of mitigating the impacts. However, the impact on the green belt would be significantly less if all that was involved was taking part of the course out of play rather than being developed for housing. There is considered to be no justifiable reasons for the release of this land for residential purposes. Therefore, whether or not the proposed mitigation measures are sufficient to comply with the policy are largely academic.

Policy 16 c) advises that development proposals which improve affordability and choice, are adaptable and cater for diverse needs and address identified gaps in provision are supported.

The application proposal could provide for such needs however the published housing land supply and demand figures including the Housing Land Audit and Housing Action Programme advise that there are not identified gaps in provision.

Policy 16 d) refers to development proposals for traveller sites and is not relevant to this application.

Policy 16 e) states that proposals for affordable homes to meet an identified need will be supported. Housing Land Audit and Housing Action Programme projections do not identify a need at present. In the case of private market housing provision this policy states that unless local circumstances can justify differently at least 25% affordable housing would be required as part of the proposal which the applicant has stated they would meet (the Council's LDP policy requirement is for 20%).

Policy 16 f) refers to new homes on sites **not** allocated in the LDP and the limited circumstances in which these will be supported. This part of the policy supersedes PROM LOC 3 of the LDP – Housing Development Sites, which included an 'exceptional release' policy where there was a shortfall of housing in the Housing Land Supply.

In order to activate Policy 16 f) to justify a release of non-allocated land a proposal would need to be deemed to comply with branches (i) and (ii) and at least one of the four factors listed in branch (iii).

With regards to **Policy 16 f) i** in April 2024 the applicant provided information on the build out projections for the site which indicated a timeline from obtaining consent to the completion of the first new home and until final completion of the development. This timeline (including the conclusion of a S75 legal agreement to allow the consent to be released), a first MSC application being submitted four months later, this being determined by the Council three months after that. Then starting on site with the first completed home being ready within 16 months of permission in principle being obtained and the whole application site being complete within 6 years.

In addition, the applicants forwarded letters on 29th April 2024 from the following housebuilders or development interests supporting the application as a site they would consider developing :Cala Homes, Miller Homes, Barratt Homes, Bellway Homes, social housing provider (Sanctuary Homes), and Places for People Scotland, also representing housing providers, developers and property interests.

Whilst developer interest is acknowledged this is not surprising as Cumbernauld and the Northern Corridor have always been a preferred location for developers as sites are more often than not green field in nature and easier to develop than brownfield sites (acknowledged by the applicant who advise that they view the site as being free from insurmountable constraints). With regards to the applicant's indicative projections for the grant of planning permission and build out programme this is considered not only unrealistic but also overly optimistic by the planning authority (particularly as this level of delivery, 110 units per year, is not being achieved on any housing site in North Lanarkshire). In any event, as there is no current need for the site and the developer indications of support for developing the site are not considered relevant in planning terms during the current LDP lifecycle.

In relation to **Policy 16 f) ii** – the site is allocated as green belt so the application does not comply with the local development plan spatial strategy and given the scale of the development it is significantly contrary. In addition, the site does not fully comply with the Local Living and 20-minute neighbourhood policy as, whilst achieving in part a level of compliance with the Local Living objective, the scale of the site and distances from both local facilities at Craigmarnock retail centre and accessible public transport at Croy Station and local bus routes are more than 10 minutes in each direction from a significant proportion of the proposed housing areas within the site.

As indicated above, proposals need to satisfy both 16 f) i) & ii) above (not achieved in this case) to then go on and be assessed against the 4 bullet points in 16 f) iii). Although not required in this case, for completeness bullet points 1-4 are discussed below

Policy 16 f) iii bullet point 1 as there is no housing delivery pipeline bullet point 1 cannot be activated in favour of the proposal.

Policy 16 f) iii bullet point 2 is not relevant in this case as the site is green belt and not within the identified rural area in North Lanarkshire's LDP

Policy 16 f) iii bullet points 3 & 4 the site is of such a scale that it cannot conceivably be regarded as a smaller scale proposal within an existing settlement boundary nor is it a proposal for delivery of less than 50 affordable homes having local authority housing plan support

In summary the proposal is not compliant with bullets 2, 3 and 4 and as there is no housing delivery pipeline bullet point 1 cannot be activated in favour of the proposal. The proposal therefore fails to satisfy the provisions of Policy 16 f).

Furthermore, in recent weeks there have been a number of appeal decisions that are of some note and relevance to this case. The thrust of these decisions is that if there is no housing land pipeline in place, the effect is to remove the possibility of the exception provided by Policy 16 f) iii being triggered. The general restriction on development on non-allocated sites established by Policy 16 f) would still apply.

In conclusion, with regards to **Policy 16** there is considered to be no sufficient justification at this time to release this green belt site for residential purposes and to do so would represent a significant departure from the development plan and its spatial strategy.

This policy aims to protect and enhance blue and green networks (natural habitats, watercourses and water bodies) and to ensure that such blue and green infrastructure is integrated into a development design to deliver a variety of objectives including climate mitigation, nature restoration, biodiversity benefits and flood prevention and management.

Policy 20 a) advises development proposals resulting in fragmentation or net loss of blue green infrastructure will only be supported where it can be demonstrated that the proposal takes account of existing such assets and would not result in a deficit nor exacerbate such impacts on this asset and that the overall integrity of the network is maintained.

Policy 20 b) advises that developments incorporating new or enhanced blue and green infrastructure will be supported where design takes account of existing provision and integrates new provision into the design, and blue-green network connections in terms of the quality, quantity and accessibility to such assets and where possible is designed to be multi-functional.

Policy 20 c) and d) refer to regional and country parks and temporary open space areas or greenspace and are not relevant to this application.

Policy 20 e) requires that effective management and maintenance plans which cover funding arrangements for long-term delivery and upkeep of blue-green infrastructure and identifies the responsible mechanisms and ownership of this management and maintenance.

10.27 Policy Assessment

Given the site is currently green belt and a golf course if it were to be developed then overall inevitably there would be a reduction in green infrastructure. The applicant's Indicative Development Framework Plan and other supporting information shows the retention of green corridors around and through the site as a means of mitigating the impacts. However, the impact on the green belt would be significantly less if only taking part of the course out of play rather than developing housing was proposed.

The site has one watercourse and several open but maintained drainage ditches. There is an area of ponded marshy ground in the north-west corner of the site designated a Site of Importance for Nature Conservation (SINC).

In terms of Policy 20 objectives the application proposal safeguards some of the current blue-green infrastructure on and in close proximity to the site by creating buffer zones around both the Site of Importance for Nature Conservation (SINC) and the burn crossing the site and its valley.

The Indicative Development Framework also indicates that sustainable urban drainage ponds and intermittently wet drainage basins will be located around the SINC and valley of the watercourse and elsewhere on site and that buffer stand-off areas will be left along the more minor drainage ditches.

In terms of green infrastructure, again where not located in proposed development areas trees and other habitat features are proposed for retention and where woodland is lost to development compensatory planting is proposed around development phases.

If there were considered to be a justifiable reason to grant permission, which is not applicable in this case, any net loss of green infrastructure could be accepted and mitigated as far as reasonably practicable through the use of planning conditions. With regards to other NPF4 Policy 20 objectives further detail could be required by condition for a site blue-green biodiversity strategy to mitigate impacts and enhance green and blue infrastructure along with

biodiversity to address both the overall development site and more detailed blue-green-biodiversity plans for each development phase application. This should also address future maintenance and management responsibilities. Therefore, in other circumstances, and if the development were otherwise considered to be acceptable, then appropriate planning conditions could as far as is practicable secure compliance with Policy 20.

10.28 **NPF 4 Policy 21 Play, Recreation and Sport** - This policy supports provision of spaces and opportunities for play, recreation and sport with the outcome that natural and built environments are improved, more equal access to play and recreational opportunities are provided and that spaces should be integrated with existing provision.

- Policy 21 a) considers circumstances where loss of outdoor sports facilities may be acceptable, or whether compensatory provision is considered necessary.
- Policies 21 b) and 21 d) assess loss or new provision of children's play area.
- Policy 21 c) considers temporary and informal play provision on underused land and is not relevant to this application.

10.29 **Policy Assessment**

Policies 21 a), iv) is relevant in terms of the loss of part of the golf course. This policy subsection advises that development proposals resulting in loss of an outdoor sports facility will only be supported where the proposal can demonstrate that there is a clear excess of provision to meet current and anticipated demand and that the site would be developed without detriment to overall provision.

The submitted Golf Club Improvement Plan and accompanying Development Statement includes reasons to support development and the reduction of one of the two current golf courses to nine holes. Reasons given for the reduction in course size and the development include falling membership and levels of participation, potential employment losses amongst golf course staff and the viability of the golf club being threatened including several currently occupied small business units owned by the club.

The applicants state that finances raised by the sale of land for development would be used to improve, redevelop and maintain existing facilities and to widen involvement and youth development processes by encouraging wider local community use. Scottish Golf the organisation representing golfing interests made a separate submission also supporting the Improvement Plan and Development Statement

Sportscotland's consultation response advised that they had liaised with Scottish Golf who advised that the reduction from 18 to nine holes was acceptable in terms of the capacity for golfing facilities in the area, Sportscotland did not therefore object to the loss of part of the golf course but did provide suggested planning conditions to protect the safety of adjacent residents and property from golf activities. eg stray golf balls.

The consultation response advised that comments related only to the loss of part of the golf course as a sporting amenity and facility and that the response was not commenting on other possible impacts on the open space area.

It is worth noting that the reduction of the existing course to a nine-hole course could happen without the accompanying residential development and that permission would not be required to only take part of the course out of play. Nevertheless, it is assessed that the application proposal complies with Policy 21 a) in that loss of some of the golf course facility is acceptable.

Policy 21 b) and 21 d) concern adequate provision of children's play and detailed design and maintenance of such facilities. The developer has confirmed play provision will be incorporated into the development. The facilities could therefore be assessed in greater detail within subsequent more detailed MSC applications.

The development proposal currently has three play areas, two adjacent areas centrally located in the north of the site largely surrounded by drainage basins and green infrastructure to act as part of larger green corridors across the site and the third play area at the centre of the southern part of the site at the axis of two other strategic green corridors.

The northern play areas would serve development phases 2, 3 and 4 and be immediately north of phase 1; the area set aside for community facilities or small-scale retail provision. The southern area would serve development phases 5, 6, 7 and 8.

Play Service had concerns that the northern play areas are located in a corridor which also contains electricity transmission cables above which may have safety implications. The location could also result in temporary closures if the utility provider required to carry out maintenance or inspections works, although this is likely to be infrequent.

NLC Play Services have advised that given the development timescale of a number of phases and over six or more years, the currently proposed play areas within the application submission are inappropriate in terms of size and location and that play provision should be considered on an incremental basis during development of individual phases. Play areas should be provided for individual phases or, for several development phases simultaneously where adjacent phases are being developed concurrently and developers agree to joint provision of a larger shared play area. As such, if the application were granted permission in principle the applicant should submit a revised indicative development framework indicating that the northern play area is to become part of the green corridor network and each MSC application would require to provide details of play provision.

A planning condition would be required to consider play provision for each development phase or several concurrent phases. The provision of such a condition or conditions would allow the application proposal to comply with Policy 21 b) and d) therefore with the above requirements for detailed plan provision proposals for individual/several phases the application complies with Policy 21.

- 10.30 **NPF 4 Policy 22 Flood Risk and Water Management** - considers resilience to flooding risk by promoting avoidance of such risk and reducing vulnerability of existing and future development. It also promotes the wider use of natural flood management mechanisms to benefit people and natural assets. A precautionary approach is recommended which suggests alternative land uses are appropriate if flood risk from the proposal is not manageable.

It aims to ensure that development can be connected to water supply and sewerage systems and where possible, protect or expand opportunities for blue/green infrastructure for natural flood management.

Policy 22 a) advises development at risk of flooding or in flood risk area will only be support for certain uses such as essential infrastructure, redevelopment of existing buildings or sites where a positive use can be identified by the Development Plan. Policy 22 b) relates to small scale extensions and alterations to existing buildings. Neither policy is relevant to the application proposal

NPF4 Policy 22 c) is relevant. It advises that development proposals should not risk surface water flooding to others and that the development site should manage rain and surface water

by means of sustainable urban drainage (SUDs) which should integrate with blue-green infrastructure and ensure surface water does not add to combined sewerage systems.

10.31 Policy Assessment

The submitted Flood Risk Assessment report included a projected climate change allowance and advised that the majority of the site is at little or no risk of surface water flooding. However, both low lying land upstream from a culvert under the B802, (Constarry Road), and land south of the footpath culvert under the same road were at risk of medium to high fluvial flooding from the main burn crossing the site, including from potential lack of maintenance or blockages of culverts.

Site mitigation measures recommended included minimising the number of crossings (roads and culverts) and other impacts on the functional flood plain and the area of the proposed site access roundabout and that these minimum or high-risk areas should not be for housing or other buildings.

The SEPA consultation response had no objection to the planning application subject to several planning conditions being applied to any planning permission to address compensatory storage to offset a loss of floodplain capacity due to provision of the access road and that any new bridges or culverts in that area had to be sized to accommodate a 1 in 200year flood event.

The application proposal therefore largely avoids the area of flood risk. The inclusion of the SEPA-recommended conditions the proposal would comply with NPF 4 Policy 22 a) and c) however a planning condition for future individual phases would also be required providing detailed drainage assessment for each development phase.

10.32 North Lanarkshire Local Development Plan 2022 (NLLDP)

Although the North Lanarkshire Local Development Plan (NLLDP) was adopted in June 2022, nine months before the National Planning Framework 4 was applied, many NPF4 policy objectives are incorporated and also addressed through LDP policies and during the NLLDP preparation and Examination process. The LDP policies relevant to this planning application are listed and then discussed below.

Promoting Policies

PROM LOC 1 Regeneration Priorities

Protecting Policies

PROT B Protecting Assets: Historic Environmental Assets,
PROT C Protecting Assets: Mineral Resources

Placemaking Policies

PP 4 Greenbelt – Purpose of Place
AD 4 Greenbelt - Amount of Development

Contributions to Infrastructure

CI Contributions to Infrastructure

Environmental and Design Policies

- EDQ 1 - Site Appraisal**
- EDQ 2 – Specific Features for Consideration**
- EDQ 3 – Quality of Development**

Each of these policies are assessed below.

10.33 **PROM LOC 1 - Regeneration Priorities**

This policy advises that North Lanarkshire Council will promote regeneration and sustainable growth by applying the policies in the plan to deliver the right amount of development in the right places and to the right quality for the benefit of the communities they affect. Physical regeneration of the existing urban area and the identified Centres within these urban areas will be given priority.

10.34 **Policy Assessment**

The application site does not comply with the Council's regeneration priorities in terms of its location as it is an unallocated site in an area designated as green belt and other residential development sites are already allocated and available locally in urban and urban-edge locations. The proposal does not promote the physical regeneration of the existing urban area or identified Centres and should not therefore be given priority.

Whilst it could be considered to have some sustainable growth benefits due to its proximity to several modes of public transport and local smaller-scale retail centres and as economic support to these through increased footfall this does not outweigh the regeneration policy objectives of focussed urban and town centre development and redevelopment.

10.35 **PROT B Protecting Assets: Historic Environmental Assets**

The key objectives of Policy PROT B are to safeguard historic environment assets with the policy divided into two sub-policies to assess international and national site designations International - Category B1, and National - Category B2. Development should avoid adverse impacts to the character or setting of designated sites.

The policy also seeks to preserve or record Sites of Archaeological Interest by either preserving the asset at the location or by removing/recording the remaining archaeological asset

Category B1 International has relevance to the application site as it seeks to protect the internationally designated, Frontiers of the Roman Empire (Antonine Wall) World Heritage Site, and, the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Buffer Zones stating there will be a presumption against development which has adverse impact on the World Heritage Site asset and its setting.

10.36 **Policy Assessment**

The application site is not within the World Heritage Site boundary or Buffer Zones. The applicant's Landscape and Visual Impact Assessment advises that due to careful landscape design and orientation of buildings any visual impact from the World Heritage Site, for example from Croy Hill would be minimised with minimal adverse impact.

The other relevant element of policy PROT B seeking to preserve or record sites of archaeological interest is relevant. The archaeological service providing guidance to North Lanarkshire advised that the application site has potential to damage previously unknown

archaeological remains but that there are insufficient grounds to object. The service therefore recommended that if the application is granted planning permission, a suitably qualified archaeological contractor undertake a scheme of investigation. The archaeological service required a condition providing details of what was required to implement the investigation works.

It is therefore assessed that with implementation of planning conditions compliance with Policy PROT B can be achieved.

10.37 **PROT C - Protecting Assets: Mineral Resources**

This policy contains a presumption against development which would potentially sterilise valuable mineral resources. As this site is designated as green belt this policy does not apply.

10.38 **PP4 Purpose of Place – Greenbelt**

LDP Placemaking Policy PP4 advises that the purpose of the Green Belt is to protect the setting of communities, support regeneration by directing growth to urban areas, protect natural assets and provide high-quality environments within the Green Belt as defined on the LDP Promote Map. The policy sets out that the council seeks to support developments for agriculture, forestry, recreation, or developments that need a non-urban location such as visitor economy development. Development that does not include these uses or does not specifically need a green belt location will be resisted.

An Assessment of Appropriateness for any proposal for development in the Greenbelt should be supported by

- a business plan, or statement justifying that the development is compatible with the Green Belt.
- a statement that the proposal is not best suited to being located in a Centre, or General Urban Area taking the Town Centres First sequential approach where appropriate.
- a statement on the scale and nature of existing development in the Green Belt (all proposals require to satisfy the provisions of all EDQ Policies).
- evidence that there is a specific locational requirement for the proposal.
- evidence that the proposal will result in significant economic benefit.
- its impact on travel patterns and accessibility by sustainable modes of transport (all proposals also require to satisfy the provisions of Policy CI and Policy EDQ 3)

Policy PP4 also advises that the application will require to be assessed against its impacts determined by LDP policy AD4 Amount of Development and other relevant legislation and policies within the LDP.

10.39 **Policy Assessment**

The applicant contends that the site is not compatible with its Green Belt status, that it is already enclosed by other development or urban related uses and a railway line, that the site itself is a man-made maintained space being a golf course and would form a logical rounding-off of the urban area and a more robust future defensible Green Belt boundary.

Comment: The planning authority position is that the site was assessed during the preparation and consultations for the Local Development Plan regarding its designated LDP status, that the site forms a valuable green belt connecting to the remainder of the golf course and other areas of green belt to the east towards Dullatur and represents an environmental and recreational asset used by the local community.

The green belt status of the site was upheld by Reporters during the Report of Examination including in response to a submission by the applicants to have the site included within the LDP. If the applicants consider that the site should be removed from the green belt they would have another opportunity to make the case for this as part of the next LDP preparation cycle.

Policy PP4 also requires an Assessment of Appropriateness (AoA). In this respect whilst no specifically titled Assessment of Appropriateness document has been received many of the requirements have been covered by the applicant's other submitted documents.

The applicants have provided documents to support the development's compatibility with the Green Belt including the Landscape and Visual Impact Assessment. Planning Statement Addendum 3 contains reasons-why the applicants consider the site should not be green belt along with their assessment, to justify developing the site for residential purposes.

Of the other PP4 policy requirements

- With regards to the requirement that the proposal is not better suited to a town centre location or the general urban area taking a sequential Town Centre First approach the applicant has argued that the site should not be green belt.
- With regards to the applicant justification of a specific locational need for the proposal. Again, the reasons put forward in relation to housing need and community benefits (both the wider benefits relating to the national housing emergency and those specific to golf club viability) are not considered sufficient to justify support for the application.
- As the application is at PPP stage it is not possible to assess in detail whether the application would fully satisfy all EDQ policies however the applicant has provided information to a level appropriate for an In Principle application in terms of policies EDQ 1 to EDQ 3.
- There is a reasonable case that there would be of economic benefit in terms of employment created during the construction phase of the development and for suppliers of materials and skilled employment.
- A statement of the impact on travel patterns has been provided.

However, overall the application is not considered to comply with LDP Policy PP4 and approval of the development would represent a significant departure from the Local Development Plan.

10.40 Policy AD4 Amount of Development

Policy AD4 Amount of Development requires that housing proposals support a Green Belt appropriate use as identified in Policy PP4 above. The policy requires the development to be assessed for its implications based on an assessment of its scale and location. Where applied to housing proposals the proposed development should support Green Belt appropriate uses as defined in Policy PP4.

The policy goes onto state that Assessment of amount of any development, or change of use within the Green Belt should include, but not be limited to:

- a statement on whether the proposal is an intensification of an existing use.
- its impact on land supplies including all housing proposals over 10 units on the Housing Land Supply.
- evidence regarding the existence of suitable alternative sites.

Development not meeting these requirements will not be supported.

All proposals for housing of over 10 units should include an assessment of its impact on the Council's Housing Land Supply.

10.41 **Policy Analysis**

The development does not comply with Policy PP4 as it is not a Green Belt appropriate use. Policy AD4 advises of matters that need to be taken into account include appropriateness (which refers to scale and nature of the development). On this point, clearly a development of 600- 650 houses in the green belt represents a significant departure from the Plan.

Regarding other policy matters the application proposal is not an intensification of the existing use it but represents the introduction of a significant contrary use in the green belt The impact on the Housing Land Supply has been covered at some length above, particularly in relation to assessment of the proposal against NPF Policy 16 (which superseded LDP policy PROM LOC 3). There is considered to be no justifiable reason that would support the development of this site for residential purposes.

The proposed development is considered contrary to Policy AD4 and the policy indicates that development proposals not meeting these policy requirements will not be supported

10.42 **CI Contributions to Infrastructure**

Policy C1 seeks to secure developer contributions where developments generate a requirement for new or enhanced infrastructure or services. This includes contributions towards affordable housing in the Cumbernauld housing market area, education, transport and green infrastructure, amenity and play space provision.

10.43 **Policy Assessment**

The applicant has indicated a willingness to provide affordable housing at a rate of 25% (in excess of the LDP requirement for 20%). The applicant has also agreed to provide the financial sums requested by NLC Learning Services towards the necessity to increase the capacity of the school estate on an identified need for extra accommodation at Our Lady's High School. The submitted Transport Assessment and discussions with NLC Roads and Transportation has identified a need for improvement works at Craiglinn Roundabout which will be designed and paid for by the developer prior to any work commencing on the application site. The applicant has proposed a landscape strategy to augment the green infrastructure lost due to development and provide an interlinked green network and play areas to the standards and amounts required by NLC Play Services, Amendments will be required to the Indicative Strategic Framework document to the satisfaction of the planning authority to identify alternative locations for play areas requiring play areas to be located nearer to each development phase and away from the currently proposed locations of the main open space play areas close to overhead pylon lines.

Developer contributions can be addressed by planning conditions or, in the case of educational contributions, by legal agreement. Subject to implementation of the above infrastructure contributions and implementation of the physical infrastructure measures required by SEPA, Network Rail and Strathclyde Partnership for Transport. Therefore, the application proposal could comply with Policy C1 Contributions to Infrastructure.

10.44 **EDQ Policies (Environment and Design Quality)**

EDQ Policies aim to ensure that developments create new or enhance existing places and that they integrate with the local area by taking into account human-influenced and natural elements of the site and avoid harm to neighbouring amenity through successful design. Additionally, the policies aim to ensure proposals address issues of climate change, promote biodiversity and consider potential valued habitats, infrastructure provision and promote sustainable transport. These policies have similar objectives to many of the NPF4 policies.

10.45 **EDQ1 - Site Appraisal**

Policy EDQ1 requires the application proposal to address matters such as design, massing and finishing materials of buildings, site topography, public services available, street lighting and street design, road and path layouts and a number of other elements of good site design.

10.46 **Policy Assessment**

As this is an application for Planning Permission in Principle the application satisfies the level of detail required although the proposal for significant groundworks and soil cutting and filling raises concerns regarding the impact on the overall landform of the site and how this would impact visually and in terms of water movement and flood risk prevention. Further assessment of these design details and changes to landform would be required at each phase of development and could be addressed by planning conditions. However, the current PPP application complies with the principles of Policy EDQ1 in as much as sufficient detail has been provided to allow assessment.

10.47 **EDQ 2 Specific Features for Consideration**

Policy EDQ 2 addressed development in areas subject to hazards and the presence of future planning of utilities infrastructure such as pipelines and overhead transmission wires.

10.48 **Policy Assessment**

The applicant has responded to the level required for a PPP application in terms of matters of flood risk, contaminated land and ground instability and regarding current and future utilities infrastructure requirements. The relevant council and external agencies (SEPA, NLC Pollution Control, the Coal Authority and utility providers) have provided planning conditions which would require more detailed investigation and analysis of these matters therefore the application complies with policy EDQ2 at a Planning Permission in Principle level.

10.49 **EDQ 3 Quality of Development**

EDQ3 advises that only development where high standards of site planning and sustainable design can be achieved, and planning applications have to demonstrate that development takes account of the site appraisal. Matters to be considered include clear design principles in terms of siting, layout, density and other built environment matters; adaptability for climate change, green networks, transition to a low carbon economy, internet and other fibre interconnectivity, mitigation of potential adverse noise or air quality, protection of existing site features of value including those of a biodiversity and historic or cultural nature and other matters.

10.50 **Policy Assessment**

Again, it is not possible confirm in detail the final design and other measures relevant to policy EDQ3 at a PPP application level including protection of the designated biodiversity asset at

Croy Spinney SINC. However, the application has provided sufficient information to assess the application at a strategic level. The main area of concern is the level of impact on the green belt and that other measures proposed will be implemented to a sufficient degree to compensate for losses. However, these matters would be addressed by various planning conditions should an In Principle planning permission be granted and would then be assessed in detail when MSC applications for individual development phases are submitted.

Development Plan: Conclusion

10.51 With regards to NPF4 and the North Lanarkshire Local Development Plan there is considered to be no sufficient justification at this time to release this green belt site for residential purposes and to do so would represent a significant departure from the development plan and its spatial strategy

Other Material Considerations

10.52 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

- **Development Plan** – This is covered above in detail including the Chief Planner/Scottish Government updated guidance ‘*Planning for Housing*’ letter dated 26th June 2024. In addition, in a further letter sent on 20th September 2024 the Chief Planner advised among other work streams that this year’s Programme for Government recognises the importance of planning and sets out their intentions to:
 - ensure the planning system responds to the housing emergency. This includes supporting planning authorities to allocate a pipeline of land for new homes as local development plans come forward and promoting consistent monitoring of its delivery.

In this regard, as indicated above we are already moving towards allocating a pipeline of land for new homes.

With regards to NPF4 and the North Lanarkshire Local Development Plan there is considered to be no sufficient justification at this time to release this green belt site for residential purposes and to do so would represent a significant departure from the development plan and its spatial strategy.

- **Representations** – these are covered in Section 9 above.
- **Consultations** covered above in Section 8. Apart from the Community Councils, there have been no objections from consultees, however this development would represent a significant departure from the development plan and for this reason the planning service is not supportive of it, so whilst not indicating support for the proposal, where comments from consultees could be addressed by planning conditions, should planning permission be granted, this has been highlighted.
- **Statement of Community benefit & Golf Club Development Plan** these are discussed in the following sections below

Statement of Community Benefit

10.53 NPF 4 introduced the requirement for development proposals of 50 or more houses to prepare a Statement of Community Benefit.

Policy 16 b) of the NPF outlines that these Statements will explain the contribution of the proposed development to

- meeting local housing requirements including affordable homes,
- providing or enhancing local infrastructure, facilities and services,
- improving the residential amenity of the surrounding area.

10.54 Dealing with these in turn, the first two bullet points have been covered at length above. With regards to explaining the wider community benefit the applicant has provided two statements on what the applicant perceives to be the benefits arising from the proposed development. These are discussed in the following paragraphs.

Applicant's Agent Stantec's Statement on Community Benefits (dated Nov 2023)

Golf Course Improvement Plan

10.55 The applicant advises that the proposed development will deliver vital financial investment to Dullatur Golf Club, enhancing existing facilities and ensuring its long-term survival. The proposed development responds to the economic challenges facing golf clubs across Scotland and ensures that this community facility is retained and upgraded to serve a wider demographic.

Comment: No detailed financial information has been provided by the applicants agent Stantec on the state of the golf club's accounts or its current financial viability. Nor has the planning authority had any information on the nature of the agreement between Hallam Land and the golf club in terms of financial benefit. It is considered that if the club was in a dire financial state more information on these matters would have perhaps been provided/volunteered. Also not detailed is whether golf club members may benefit individually from this development – although this is not a matter that is relevant to the planning assessment.

10.56 With regards to specific plans, the applicant advises that improvements to the golf club are stated as including the following:

- The redevelopment of the Antonine Course to create a new-nine-hole golf course alongside the existing 18-hole course and allowing the opportunity for shorter play;

Comment: this could equally be achieved by the club without the need for any planning permission without the proposed housing development. Whilst this may benefit the club the wider community benefits of this are limited

- Development of a new Indoor Tennis Dome and facilities, allowing for year-round play;

Comment: Planning permission already exists for this (planning application reference 19/01240/FUL) and the development has commenced. The permission was obtained by a private individual and not the club, albeit planning permissions run with the land. Again, this would be a facility at a private club so wider community benefits would be limited

- Enhancement of Junior Play and Youth Development;
- The income received would allow for future refurbishment of the Clubhouse and additional tenant space to enhance the current offering. There are currently five other uses such as yoga, beauty salon, golf professional and a restaurant;

Comment: noted, both are aspirational aims.

- New Practice Area, Driving Range and Short Game area;
- An additional Trackman studio – a golf simulator – which can be hired on an hourly basis by both members and non-members and have proven to be attractive to younger golfers. This forms a key part of the investment into youth development at the club for coaching and training.

Comment: Noted and will in the main only benefit members of the club albeit it may be more attractive to new members. It may be the case that this along with a shorter 9 hole course may appeal more to junior members.

- Creation of jobs through clubhouse improvements;
- Carbon Footprint improvements and energy saving upgrades, including the potential installation of Photovoltaics on the greenkeeper's shed roof to meet the power requirements for the shed and clubhouse, and electrical charging points in the car park;
- Further green infrastructure enhancements including increased tree restorations and planting;

Comment: noted

10.57 In conclusion, when considered in the round the proposed projects within the Golf Course Improvement Plan are not sufficient to justify a favourable recommendation for the development. Many of these improvements could take place without the need for planning permission (reducing course to nine holes, photovoltaics, trackman etc). Nevertheless, it is noted that as the golf club are joint applicants. If the planning authority were minded to approve the development it may be possible to require an improvement plan detailing the physical works and a timetable for their implementation and to control implementation of the improvement plan by tying the completion of these works to the housing development e.g.no more than 100 houses will be built within the site until the works detailed in the improvement plan have been implemented in full.

Improvements to the Residential Amenity of the Surrounding Area

10.58 The applicant advises that the proposed development will deliver an attractive, modern and energy efficient residential development of between 600 and 650 new homes, including 25% affordable housing, equating to up to 163 homes. Furthermore, the proposed development will include the opportunity for a new community facility, and an extensive landscape framework within a highly sustainable location. The level of affordable homes at 25% is an increase of 5% above the current statutory requirement within the adopted North Lanarkshire Local Development Plan 2022. The tenure for the affordable homes would be set by North Lanarkshire Council and would be secured by a Section 75 Legal Agreement.

Comment: The requirements or need for additional affordable housing is covered elsewhere in the report, suffice to say there is no justifiable need for the release of this green belt site for residential development at this time

10.59 The applicant states that the proposed development will create benefits for the surrounding community by:

- Delivering significant financial investment into Dullatur Golf Club, thereby securing the long-term financial future of the Golf Club to maintain a modern golf facility for the local area;

Comment: The wider community benefits of maintaining a private club are limited and as indicated above, the financial justification that has been provided is short on detail and is not sufficient to justify the release of this green belt site for residential purposes. Other stated community benefits by the applicants are:

- Identification of land for a new community facility such as a GP surgery or retail facilities, providing a focal point and improving local service provision at the site and surrounding area. The land is located at the site entrance on Constrarry Road so would be accessible by the wider local community;
- A range of economic benefits associated with the reuse of the site, job creation through construction activity, supply chain jobs and expenditure in the local area by new residents.

Comment: noted but these benefits are not sufficient in isolation, or in addition to other stated benefits to warrant support for a development that is not needed and is such a significant departure from the development plan

- Financial contributions to the local school infrastructure to ensure that there is adequate capacity for local catchment areas arising from the development, secured by Section 75 legal agreement;
- A scheme of road improvements at Craiglinn Roundabout to accommodate the development, whilst also providing a net benefit for road users by minimising traffic congestion and improve traffic flows.

Comment: these are not additional benefits but are contributions and improvements that would be required in any case which are only required to mitigate the impacts of the proposed development. There may be some wider benefits of improved traffic flow for all users of the Craiglinn Roundabout.

- Provision of a variety of house types and sizes that gives choice for families seeking a new home in the area, including affordable homes;

Comment: as stated earlier in this report there is no identified gaps in provision nor is there a need for additional housing land

- Creation of a green network, comprising of a variety of maintained open green spaces, planting and tree planting. Such open spaces would be managed by property factoring agreements;
- Retention and improvement of existing trees and watercourses, and creating of green blue networks to strengthen boundaries;
- Provision of equipped play areas, creating a range of recreation opportunities across all age groups;
- Creation of green-blue network enhancements as part of the identified drainage solution and further enhancement of the biodiversity qualities of the site including the improvement of the SINC within the site.
- An extensive improved pedestrian and cycle network, providing upgrades of existing core paths, encouraging active travel across the site with the ability of safely connecting cycling from other residential areas of Cumbernauld to Croy Station

Comment: this is a golf course in the green belt so is already a significant green network resource. The measures indicated above would be in mitigation for the development if it were to proceed.

The Landscape Strategy Plan

10.60 The applicant indicates this will deliver a range of formal and informal recreation opportunities for new and existing residents of the area, whilst retaining and enhancing a significant proportion of the existing open space offering. The existing function of the site will continue to deliver a green corridor and footpath connections between neighbourhoods which surround the site. Although, as a result of the proposed development the site land will cease to operate as part of the golf course, it will continue to deliver green network connections and access to core path linkages. Indeed, in comparison with the current use as a functioning golf course, the landscape framework to be delivered through the proposed development will facilitate a wider range of outdoor recreation opportunities for all and enhanced permeability

Comment: The applicant's statement recreational and landscape opportunities are only as a result of and in mitigation of the development if it were to proceed.

Economic benefits

10.61 The applicant indicates the proposed development will provide significant economic benefits to the local area through the following:

- During the construction phase benefits will include the creation of jobs and use of local supply chains;
- This will include 263 direct and 309 indirect employment opportunities
- In terms of Gross Value Added (GVA), it is projected that the proposed development will deliver £94.5m directly, £117.2m indirectly, and in total £211.7m GVA during the construction phase;
- Once the proposed development is occupied, it will deliver an increase of 1,443 residents to the area, resulting in £33.8m GVA per annum and £646m in employment; and
- Retail and leisure expenditure is expected to be £12.4m per annum, with council tax opportunities of over £1.1m per annum.

Comment: These projected benefits are noted but there is currently no justifiable need at this time for the release of this green belt site for residential development.

Dullatur Golf Club – Proposed Golf Course Improvement and Development Plan Statement

10.62 This statement was undated but was submitted with the application so received by the Planning service on 6th Sept 2021. In view of the time that has elapsed an update was requested and this was received on 9th October 2024

10.63 Dullatur Golf Club (DGC) advise that the proposed residential development will assist in the cross-funding of the Golf Course Development Plan proposals detailed below. When DGC identified the need for funding, they appointed a property agent to market the area for 600+ homes. Hallam Land Management purchased the area of land which was marketed. The purchase has provided DGC with an initial payment with further payment to be received if planning permission for residential development is granted and the sale of the surplus land at the Antonine Course to a future housebuilder or housebuilders is achieved. The initial payment has allowed the club to begin some short- term projects, However, a further payment will be required to achieve the medium-to-long term projects and provide financial security for the long-term future of the club.

10.64 In 2021 the applicant advised that their proposals will include the following:

Short to Medium Term Projects:

- Indoor Tennis Facilities
- Improved Car Parking
- New Footpath and planting
- Lawn Bowls
- Tree Restoration and Strategic Planting
- Modernisation and Refurbishment of the Clubhouse – Phase 1
- Investment in Marketing and Community Reach
- Youth Development Phase 1
- Carbon Footprint Improvements – Phase 1

Medium to Long Term Projects – 5 – 10 years:

- Modernisation and Refurbishment of the Clubhouse – Phase 2
- Youth Development – Phase 2
- Carbon Footprint Improvements – Phase 2
- New 9 Hole Antonine Golf Course
- Sale of Remaining Land at the Antonine Course

- 10.65 DGB advise that the club has been a long-established local recreational facility within the community for 125 years. The types of financial challenges which Dullatur Golf Club has experienced in recent years have severely and adversely affected many golf courses, a number of which have not survived. In 2019 Scottish Golf had lost approximately 47,000 (21%) of members between 2007-2017, and if clubs continue to lose memberships, through aging membership there is not a enough younger members to sustain golf clubs.
- 10.66 The club has suffered from this trend and whilst 2020 saw some new memberships, driven by the immediate impact of COVID, however the Club and wider golfing community expect membership numbers to continue to decline.
- 10.66 Whilst figures are not provided the club assert that, using 2012 as a starting point, their income has fallen year on year with the exception of an upward spike in 2020 following Covid. No information has been provided beyond 2020.
- 10.67 The banking sector are no longer tolerant of clubs that move from cash positive to debt and funders generally do not consider golf clubs as stable for investment and return. However, the club decided in 2018 to pursue two strategic land sales both of which provided financial stability to the club in the short term. The club believe that the long-term future can only be achieved with a robust business model for future operation

Comment: whilst these financial challenges are appreciated, this alone is not sufficient justification to allow development on a site that is allocated as green belt and which there is no other justification at present. The release of the site for housing is not currently needed and to grant permission at this time would represent a significant departure from the development plan and its spatial strategy. There are many golf clubs within North Lanarkshire who are presumably facing similar issues and to grant permission for this application could be perceived as setting a precedent.

The Planning service has been supportive of the club previously, in 2008/2009 granting permissions for the redevelopment and replacement of the bowling and greenskeepers facilities for 18 houses developed by CALA homes and in 2019 a plotted development along Glen Douglas Drive (a total of 8 plots). Despite local opposition and objections, and unlike the

current proposal, these developments were assessed as complying with the policies within the development plan.

10.68 The club provided information on their membership over the period (2012 – 2020). The majority of members are seniors (65 and above) and indicate an ageing membership which does not provide a solid future for golf clubs. DGC has considered ways to increase their golfing membership and broaden the demographic of golfers, but they have also considered other avenues of income including opportunities within the clubhouse and facilities for other sports that can be provided on but require capital expenditure for these.

10.69 Updated membership information was provided in October 2024. Whilst not providing commentary on the age profile, overall membership numbers show a membership of 725 in 2014 rising to 956 in 2024. In commenting on this the club advises:

- The decline, and unsustainable level, of membership numbers in the period 2014 to 2018 precipitated the Club's decision in August 2018 to seek a purchaser for part of the Antonine Course with a view to achieving a sustainable future for the Club in the short, medium and longer term.
- The upturn in membership numbers in 2021, the 'Covid effect', was experienced by most golf clubs.
- A further upturn in membership was achieved in 2023 following the clubhouse refurbishment and having secured a catering franchise partner.
- In the period 2021 to 2024 the Club was successful in securing a higher, 'Intermediate plus Junior' membership in support of a strategy for attracting younger golfers to the club

Comment: In terms of membership numbers, it would seem clear that the club are in a better position than they were in 2014 and this has been achieved without the more significant financial benefits that the club may accrue if this planning permission in principle application were to be successful.

Proposed projects – 2024 update

Short to Medium Term Projects and Initiatives

10.70 The October 2024 updated information was provided on works that have been commenced/completed.

- **Indoor Tennis Facilities** - The substructure works for a tennis dome facility, on the existing tennis courts, together with the construction of the entrance building, has progressed during 2024. The dome structure for the 4 court padel tennis* facility is currently under fabrication The dome installer has programmed the handover of the tennis dome to the operator on 14th November 2024. The operator proposes to open the tennis dome to the general public in December 2024 and will launch a website soon to promote the facility.

(*Padel tennis has a smaller court, lower net and is played with a solid paddle instead of stringed racket).

Comment: In its initial submission the club acknowledged this is being delivered by Total Tennis under a lease agreement not by the club itself

- **Improved Car Parking** - The reconfiguration and construction of the improved car parking at the Club was completed in August 2021.

Comment: This 'improvement' is a direct result of the car park being reconfigured to allow the club to sell a series of plots on Glen Douglas Drive for housing.

- **New Footpath and planting** this is to allow walkers to access the club car park without the need to walk between the brick piers, which can be a busy junction where vehicles access and exit the Club car park. The new footpath and planting, entrance, was substantially completed in October 2022

Comment: This was a requirement of reinstatement works to restore the temporary car park that was put in place as a short-term facility when the works to reconfigure the car park and develop the plots were ongoing.

- **Lawn Bowls** – the club advise there are currently 40 Lawn Bowls members. It is an essential part of the sports facilities on offer at the Club and safeguarding its future through the financial security of the Club is crucial. The golf course greenkeeping staff maintain the playing surface, irrigation and power is provided from the clubhouse. The facility would not be able to operate without the golf club operational.

Comment: the wider community benefits of the bowling club are clearly limited.

- **Tree restoration/strategic planting** – the club advise they established an on-site nursery, with 420 native species saplings planted in November 2021, which will support wildlife with a rolling 3 year investment of wildlife and hedging plants to maintain the integrity of the tree buffer at the margins of the courses and to provide feeding and nesting for native birds. The club advise that a robust tree belt between the Club and the neighbouring houses is advantageous as it provides a buffer between the two uses and can help to stop stray balls entering gardens. A survey by the club to identify areas where the tree belt can be enhanced, and a proposal has been put in place to plant new trees to restore and enhance the buffer zones at locations. This planting requires short to medium term investment and is a project the club will pursue. There will then be ongoing maintenance to ensure the trees grow and mature successfully

Comment: Whilst this is commended in terms of landscape and wildlife benefits that may arise this could be considered part and parcel of managing and maintaining the land that the club own.

- **Modernisation & Refurbishment of Clubhouse** – The GC advises it has been very proactive in terms of identifying areas of potential income generation within the facility they have at the Clubhouse. The Club now lease rooms to three different wholly financially independent local businesses who provide services to the wider community; Cumbernauld Education Centre (after school hours tuition), a hairdressers and physiotherapy and sports injury clinic. It is very important for the golf club to continue to offer (and potentially expand) facilities available to local businesses and they are currently exploring additional areas which can be made available for this and ongoing improvement works to the existing facility.
- **Modernisation and Refurbishment of Clubhouse (Phase 1)** – Following completion of the refurbishment of the Restaurant, Kitchen and Toilet facilities at the First Floor level of the clubhouse Dullatur Golf Club welcomed the introduction of Nonna's Kitchen as our catering franchise partner for the provision of food and drink at the Club, in September 2022. The Club thereafter progressed the refurbishment of the Lounge which opened in December 2022
- **Yoxa Fit Studios** – In June 2022 Dullatur Golf Club welcomed Yoxa Fit Studios to operate a Yoga, dance and fitness studio at the former gymnasium within the clubhouse

- **Youth Development (Phase 1)** – In February 2022 Dullatur Golf Club completed the installation of a second Trackman facility at the clubhouse. The golf simulator is utilised extensively by the Junior Coach which has been instrumental in increasing the Junior Membership numbers at the Club

The club advise that the aforesaid changes have largely financed by the initial financial investment provided by Hallam Land and has resulted in the Club having completed the refurbishment of 40% of the clubhouse building. The refurbishment of the remainder of the clubhouse; the Ground Floor, 3 unused rooms and the Common Areas will be progressed when funds are available. In addition, and in recognition of the fact that the clubhouse building is 28 years old, future refurbishment works will need to include upgrading or replacement of the mechanical and electrical systems at the building which have largely exceeded their design life.

It is anticipated that the replacement energy systems will embrace harnessing solar and wind energy with a view to satisfying the clubhouse, and greenkeepers shed, energy requirements whilst also providing electrical charging points within the car park

Comment: the diversification of the club facility is noted but the wider community benefits of what is after all still a private members club is limited. As indicated above some of these works have been a direct requirement of other development opportunities that the club have been successful in pursuing in particular the recent sale of 8 housing plots on Glen Douglas Drive. We are not party to the nature of the deal between the club and Hallam Land so are unable to comment on how much of the additional work above has been funded by this deal rather than through the sale of the plots.

Medium to Long Term Projects

10.71 The club advise that the following projects will be undertaken:

- 9 Hole Course (Redevelopment of the Antonine Course)
- Sale of Land on Receipt of Planning Consent

The club advise that both courses are currently available to non-members and will continue to be so, as an 18 hole + 9-hole arrangement. The income from non-members and visiting parties of non-members is an integral part of the Club's annual income. The investment on the courses and in the clubhouse is considered to be fundamental in supporting the Club's aspiration of being the destination of choice for visitors at an affordable price point. The 9-hole offering allows the Club to provide 9-hole medal competitions, which neither the Antonine nor Carrickstone Courses currently accommodate readily as the 9th hole, on both courses, is a considerable distance from the clubhouse. In addition, a 9 hole course will allow the Club to target other markets; those who are new to golf, families, juniors, and those who simply don't have time to commit to a 4 hour round of golf on a 18 hole course. It will also allow Dullatur GC to pitch at a much lower price-point making the game accessible to those who would previously have considered the sport to be cost prohibitive

Comment: Noted. However, these changes to the course and club offer could be achieved simply by taking holes out of play without the related housing development. It is considered that reducing the course to 9 holes in itself would achieve savings on the likes of maintenance, grass cutting etc.

10.72 **Investment in Marketing Community Reach** - The club advises that Marketing and Community reach is in the early stages of development. Dullatur GC has appointed TB Digital to act on the Club's behalf in relation to their presence on Social Network platforms. This

objective is to increase awareness of what is on offer at the Club by targeting a variety of different people who may use the wider range of facilities on offer. The Club are also very keen to engage with the community through these platforms to inform and educate them on the projects which will be undertaken in relation to the wildflower mix planting, tree planting etc

Comment: Noted. This would seem a sensible thing for any private business to do.

- 10.73 **Youth Development** - DGC advise that they understand the importance of youth development within golf and the need to welcome junior players to the club. They indicate that they have already invested heavily into this and have a commitment to continue and grow this investment. The Club professional, currently coaches a large number of youth players from throughout the region. His assistant professional, who is currently taking the PGA course and is local to Dullatur, is a beneficiary of Dullatur's longstanding commitment to developing youth players. He was the club's youngest ever Club Champion, and has had a fine amateur career, before turning professional. He is currently working on the 'My Pathway2Golf' programme by Golphin, for young golfers and has over fifty players are attending weekly courses, which will run throughout the year. He also runs summer camps for youngsters throughout the summer months. The objective will be to continue this excellent engagement with young players but also to grow this with the inward investment from the potential housing development. At present the existing practice facilities are not well suited to junior coaching and development, however with the right investment the Club expect to attract and grow the number of Junior participants and members. Key to the investment will be an additional Trackman for coaching and training, a 9-hole course which is much more manageable and playable for younger golfers, a driving range facility for coaching and practice as well as a short game area. All of these will be key to increase the engagement and development of youth players. The proposals are significant and require investment to be able to progress and take forward

Comment: Noted. Investment in attracting younger players/future members to the club is a sensible approach and DGC are not alone in adopting this approach. Again the 9 hole course could be delivered now simply by taking holes out of play.

Conclusion on Community Benefits/Golf Course development plan

- 10.74 With regards to this matter, it is concluded that the indicated benefits (both to the wider community and with regards to the golf club in particular) are not considered to be sufficient either in isolation or in conjunction with the other justifications advanced by the applicant to justify an approval of this development. It is considered that the proposal represents a significant and unjustified departure from the development plan.

11. Conclusions

- 11.1 The application for residential development seeks to planning permission in principle to develop up to 650 dwellings on green belt land. The applicant states that the site should not have been designated as green belt in the Local Development Plan and is required as to address a national housing crisis (Scottish Government Housing Emergency). The applicant also states that there is insufficient delivery of housing on allocated LDP sites within North Lanarkshire and therefore as allowed by NPF4 Policy 16. In addition, the applicant has indicated a range of community benefits that would arise if the development were to proceed (economic, community benefits and securing the long term future of the golf club).
- 11.2 The application has been carefully assessed against the development plan taking all material considerations into account and, when this is done, it is concluded that there is nothing to justify such a significant departure to the development plan and for this reason planning permission in principle should be refused.

- 11.3 Should the Council be minded to approve planning permission in principle then the permission would not be released until such times as a legal agreement had been concluded to secure the required developer contributions that would be required to mitigate the impacts of the development.

North Lanarkshire Council Report

Council

Does this report require to be approved? Yes No

Ref EK Date 27/11/24

Finance Update

From Elaine Kemp, Chief Officer (Finance)

E-mail KempE@northlan.gov.uk **Telephone** 07939 280601

Executive Summary

In line with the framework outlined in the Revenue Budget Strategy, the Council's Medium Term Financial Plan (MTFP), approved by Policy and Strategy Committee on 5 June 2024, identified an envisaged three-year budget gap of £61.976 million, with an estimated shortfall of £21.561 million in 2025/26.

On 30 October 2024, the Chancellor of the Exchequer presented her Autumn Statement to the UK Parliament and announced significant increases in UK public spending, confirming an increase in Scottish Block Grant funding through Barnett consequentials across 2024/25 and 2025/26.

This report aims to summarise the potential impacts of this announcement on the Scottish Government's and North Lanarkshire's budgets and to update on other key movements on the MTFP since its approval. The financial outlook will continue to be reviewed and updated until the 2025/26 is set in February 2025, which will also reflect the Local Government Finance Settlement announcements expected in December 2024.

After adjusting for anticipated changes, the latest Financial Outlook shows an estimated net increase in the 2025/26 budget gap of £3.541 million and £4.661 million over the three-year planning period. This results in a forecast gap of £25.102 million in 2025/26 and a gap of £66.637 million over the three years.

Council is reminded that in setting the Revenue Budget in February 2024 it was recognised that this Council has one of the lowest levels of Council Tax in Scotland. Therefore, reflecting on the forecast challenging financial environment in which the Council operates, the Chief Officer (Finance) was instructed to undertake an analysis of options in relation to a future Council Tax Strategy to explore opportunities to protect vital public services valued by local communities given past, present and future financial forecasts for public sector funding. Therefore, a Council Tax Strategy report will be presented to Policy and Strategy Committee on 5 December 2024, which will present options for consideration. In line with the approach taken for the 2024/25 budget the S95 Officer will outline the income generation potential from Council Tax increases, and the impact on the revenue budget gap or other potential opportunities linked to the Community Investment Fund Programme and the Council's Programme of Work.

Council officers will work with Elected Members to ensure a number of potential solutions are presented to enable the Council to address the budget gap and to meet its legal

obligation to set a balanced budget. A suite of solutions will be presented including income generation from potential Council Tax increases, savings options and prudent use of balances in line with the Council's Reserves Policy.

Recommendations

It is recommended that Council:

- (1) Acknowledges the potential impact of the UK Government Autumn Statement.
 - (2) Recognises the key movements on financial planning assumptions and the impact on the forecast position for 2025/26 financial year and the three-year planning to 2027/28.
 - (3) Acknowledges that a suite of solutions to manage the position and ensure that the Council meets its statutory requirement to set a balanced budget will be presented for members consideration.
-

The Plan for North Lanarkshire

Priority	Improve North Lanarkshire's resource base
Ambition statement	(25) Ensure intelligent use of data and information to support fully evidence based decision making and future planning
Programme of Work	Statutory / corporate / service requirement

1. Background

- 1.1. The statutory requirements in relation to budget setting are contained within Section 93 of the Local Government Finance Act 1992. This is reinforced by CIPFA's guidance which requires that total estimated expenses for the year can be funded by the income estimated from grants, Council Tax and other income. Failure to meet these requirements would result in serious consequences for Council operations and individual members. Section 102 of the Local Government (Scotland) Act 1973 sets out specific processes for the Controller of Audit to report to the Accounts Commission on the failure to set a budget. The Commission can recommend that Scottish Ministers direct the Council to rectify this.
-

2. Report

UK Government Autumn Statement

- 2.1. On 30 October 2024 the Chancellor of the Exchequer presented her Autumn Statement to Parliament, taking cognisance of the Office for Budget Responsibility (OBR) published Economic and Fiscal Outlook. In July 2024 the UK Government published an audit of public spending, which set out £22 billion of in-year pressures, the vast majority recurring in future years.
- 2.2. The Chancellor announced significant increases in UK public spending of around £70 billion per year and confirmed Block Grant funding totals for devolved administrations
- 2.3. As a result, the Scottish Government is set to receive an additional £3.4 billion from Barnett consequential in cash terms across 2024/25 and 2025/26. In 2024/25, resource funding increased by around £1.4 billion in cash terms and capital increased by around £70 million. In 2025/26 resource funding increased by around £1.4 billion (3.4% relative to 2024/25), and capital funding increased by around £600 million (12.3%).

- 2.4. The Scottish Government will determine how the additional funding will be allocated and in line with its priorities and the impact on Local Government will become clearer following the Scottish Budget on 4 December 2024. However, based on the sizeable increase in funding, with a significant amount directed to Local Government in England, it may be reasonable for Local Government in Scotland to expect to see an increased settlement from 2024/25.
- 2.5. The Chancellor also increased the rate and starting point at which employers pay National insurance contributions. Employer National Insurance contributions (eNICs) will increase from 13.8% to 15% from April 2025. In addition, the threshold at which businesses start paying National Insurance will be lowered from £9,100 to £5,000. It is understood that Public Bodies will receive funding to support this additional cost pressure and that any funding will be additional to the £3.4 billion consequentials previously noted. HM Treasury has confirmed that funding will be provided at the UK Main Estimate in Spring 2025.
- 2.6. It has been widely recognised that the public sector in Scotland is larger than UK as a whole and is relatively better paid and, as a result, there is risk that funding provided through Barnett consequentials may not be sufficient to fully cover this cost in Scotland.

Financial Outlook 2025/26 to 2027/28 Update

- 2.7. In line with the framework outlined in the Revenue Budget Strategy, the Council's Medium Term Financial Plan (MTFP), approved by Policy and Strategy Committee on 5 June 2024, identified an envisaged three-year budget gap of £61.976 million, with an estimated shortfall of £21.561 million in 2025/26.
- 2.8. Appendix 1 highlights the main movements across financial years 2025/26 to 2027/28 since the MTFP was approved in June 2024.

Net Budget Impact

- 2.9. The overall net financial impact of changes are as follows:

Employee costs

- 2.9.1. The 2024/25 pay award for teachers and single status employees which is currently being implemented is estimated to cost an additional £8.400 million in 2025/26 (exc. adult health and social care [AHSC]), with an additional cost of £0.300 million anticipated to 2027/28 as a result of the higher baseline position. Additional Scottish Government funding of £7.240 million (exc. AHSC) has been agreed to partially offset the increased cost, resulting in a net increased cost of £1.160 million in 2025/26 and £1.460 million over the three year period.
- 2.9.2. Following changes to employer National Insurance Contributions (eNIC) announced as part of the UK Government's Budget on 30 October and highlighted above, it is estimated that this will cost the general revenue budget an additional £11.000 million. The current planning assumption is that Local Government in Scotland will be fully compensated for this change, representing a net nil impact. COSLA has advised that HM Treasury have confirmed that the additional funding announced in the budget for Scotland of £3.4 billion does not include the funding to compensate public sector for such increases and it is understood that the UK Government are working through the impact, with additional support expected in the spring supplementary estimates in February 2025. However, Scottish Parliament Information Centre (SPICe) notes that due to the relatively larger size of the public sector in Scotland, a Barnett related

share of funding is insufficient to fully cover this extra cost. Future updates will report on any additional impact as the position becomes clearer.

- 2.9.3. Similarly, the financial forecast still assumes that the increased cost of employer contributions to teacher pensions, estimated at £6.000 million, will be fully funded, representing a net nil impact. Therefore, any shortfall in this funding will have a financial impact. Clarity on this position is awaited.

Contract Inflation

- 2.9.4. The Office for Budget Responsibility (OBR) published its latest Economic and Fiscal Outlook alongside the UK Government's budget, which indicates that CPI/ RPI inflation is anticipated to remain higher for longer than previously expected. Therefore, it is deemed prudent to update the forecast to reflect the impact on contract inflationary pressures. This change is estimated to cost an additional of £1.400 million in 2025/26, and a further £0.820 million to 20207/28. However, given the volatility in forecasts it is proposed that this remains under review, with a further update provided in a future financial outlook.

Current Service Provision & Other Cost Pressures

- 2.9.5. There is currently a budget burden in 2024/25 in relation to the Council's insurance premiums, which is being managed through one-off use of reserves. Following recent contract renewals it has now been confirmed that a recurring shortfall in budget of £0.873 million needs to be managed.
- 2.9.6. Following the Scottish Local Authority Remuneration Committee's recommendations on councillor remuneration from July 2024, an additional cost pressure of £0.310 million has been provided for in this update. Also, the Council's external audit fee has been increasing over the years, which is now causing a recurring budget burden to be managed of £0.115 million.
- 2.9.7. In addition, the Council's liability for non-domestic rates (NDR) has increased materially in 2024/25 mainly as a result of a revaluation of all NDR properties by the Assessors, and the impact of tapering transitional reliefs introduced to reduce the impact for businesses. This has resulted in a recurring budget shortfall to be managed of £1.380 million, after accounting for increased inflationary pressures.
- 2.9.8. Other less material updates include a requirement to manage a £0.204 million recurring reduction in the 2024/25 general revenue grant in respect of final adjustments to the settlement, which were confirmed after the 2024/25 budget had been approved. Also, increased internal recharges to the capital programme for of £0.197 million in respect of work for City Deal has had a positive impact on the position.

Approved/ Proposed/ Potential Action

- 2.9.9. There is a trend in recent years of increased recovery of overpayments on rent rebates and allowances, which is currently unbudgeted. Therefore, it is deemed prudent to create a £0.200 million recurring income budget to recognise this.
- 2.9.10. The Environment and Climate Change Committee on 30 October 2024 approved the proposal to introduce a charge of £40 per annum for the uplift of garden waste, which is estimated to generate net income of £1.504 million.

2.9.11. The MTFP in June 2024 reflects previous indications of a flat cash settlement for Local Government in 2025/26. However, it should be acknowledged that the UK Government Budget on 30 October 2024 confirmed an additional £3.400 billion in consequentials for Scotland over 2024/25 and 2025/26. COSLA has advised that just under £1.400 billion is in respect of revenue resources for 2025/26. Part of the consequentials are driven by a material increase in funding for Local Government in England, therefore it does not seem unreasonable that there may be a more positive settlement for Local Government in Scotland than had been previously anticipated. This of course is very much dependent on the Scottish Government's priorities and how they choose to allocate the funding. Therefore, whilst not currently reflected in this update it should be noted that a 1% increase general revenue grant equates to more than £8.000 million. The Council will only have more certainty on this position following the provisional Local Government Finance Settlement to be issued in December 2024.

Budget Gap

2.10. As indicated in the updated Financial Outlook provided in Appendix 1, the changes outlined above are estimated to increase the 2025/26 budget gap by £3.541 million and £4.661 million over the three-year planning period. This results in a forecast gap of £25.102 million in 2025/26 and a gap of £66.637 million over the three years.

Addressing the Budget Gap

2.11. A Council Tax Strategy report will be presented to Policy and Strategy Committee on 5 December 2024, which will present options for members consideration. In line with the approach taken last year the Section 95 Officer will outline the income generation potential from Council Tax increases, and the impact on the revenue budget gap or other potential opportunities linked to the Community Investment Fund Programme and the Council's Programme of Work.

2.12. Finally, Members may have to consider approving savings. Therefore, a refreshed Savings Options pack will be distributed to senior politicians of all political groups on 28 November 2024 to inform budget deliberations.

2.13. Council officers will work with Elected Members to ensure a number of potential solutions are presented to enable the Council to address the budget gap in each financial year and to meet its legal obligation to set a balanced budget. Solutions around income generation from potential Council Tax increases, savings and prudent use of balances in line with the Council's Reserves Policy will be considered.

2.14. In line with the approach taken for the 2024/25 budget, the Section 95 Officer will consider recommending a strategy to members to ensure a robust, deliverable and sustainable budget is set.

Areas of Risk and Uncertainty

2.15. In preparing the Updated Financial Outlook, a number of volatile assumptions have been made. Therefore, it should be noted that estimates including those for pay, non-pay inflation, energy, and future local government finance settlements, present significant risk and uncertainty to the position reported. Thus, the position remains under continuous review and any material changes will be reported in future outlooks.

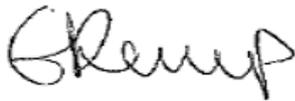
- 2.16. It is envisaged that any manageable unbudgeted pressures arising after the budget is set in February 2025, will be managed on a one-off basis from reserves set aside to support future budget challenges, with any recurring impact addressed in future Medium Term Financial Plan, when there is greater certainty of impact.
- 2.17. In addition, the grant settlement received by the Council may be subject to change as the Finance Budget Bill progresses through Parliament. Therefore, the current planning assumption is that should further undirected funds be received on a recurring basis as a result of this process, they will be held in reserves on a one-off basis to mitigate against budget risks and challenges and to mitigate future budget gaps. This is in line with previous years' practices.

3. Measures of success

- 3.1. Ensuring that the Council sets a balanced budget for 2025/26.

4. Supporting documentation

Appendix 1 Updated Financial Outlook



Elaine Kemp
Chief Officer (Finance)

5. Impacts

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? The financial impacts are detailed in the report.</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.6 Technology / Digital impact Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>

<p>Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.7 Environmental / Carbon impact</p> <p>Does the report / project / practice contain information that has an impact on any environmental or carbon matters?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<p>5.8 Communications impact</p> <p>Does the report contain any information that has an impact on the council's communications activities?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p>
<p>5.9 Risk impact</p> <p>Is there a risk impact?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?</p> <p>The production of the annual budget report, annual updates to the Medium Term Financial Plan and regular updates to the Council's Financial Outlook presented to Elected Members all support the Council in managing the risk of ongoing financial sustainability which is a key corporate risk. The delivery of recurring savings and sustainable use of reserves mitigate against risks to the Council's financial sustainability.</p>
<p>5.10 Armed Forces Covenant Duty</p> <p>Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.</p>
<p>5.11 Children's rights and wellbeing impact</p> <p>Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).</p> <p>If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Updated Financial Outlook

	2025/26	2026/27	2027/28	Total
	£000	£000	£000	£000
Gap per approved MTFP June 2024	21,561	21,320	19,095	61,976
Updated assumptions Nov 2024				
24/25 Pay Award - increased cost (exc IJB)	6,700	100	200	7,000
25/26 Pay Award - rebaseline & increased teachers impact	1,700			1,700
24/25 Pay Award increased SG Funding (net of IJB)	(7,240)			(7,240)
Change to Employers National Insurance Contributions (eNIC)	11,000			11,000
Assumed Funding for increased eNIC	(11,000)			(11,000)
Increased Teacher Pension Costs	6,000			6,000
Estimated Funding for Increased Teacher Pension Costs	(6,000)			(6,000)
Contract Inflation	1,400	680	140	2,220
CSPs; Audit Fee, Insurance Premiums, Cllr Salaries	1,298			1,298
Other Net Cost Pressures; NDR, GRG, City Deal	1,387			1,387
Net impact of changes	5,245	780	340	6,365
Revised Gap Nov 2024	26,806	22,100	19,435	68,341
Approved/ Proposed Action				
<i>Base Budget Adjustments;</i>				0
Introduction of charges for green waste	(1,504)			(1,504)
Trend in recovery of rent allowance/ rebates	(200)			(200)
Revised MTFP Gap	25,102	22,100	19,435	66,637
Movement	3,541	780	340	4,661

