

Appeal Decision Notice

Decision by Lorna McCallum, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-390-2079
- Site address: Land some 500 Metres south west of Balhaldie Farm, Dunblane, FK15 0NB
- Appeal by GB Grove Ltd against the decision by Stirling Council
- Application for planning permission in principle 19/00243/PPP dated 3 April 2019 refused by notice dated 29 September 2021
- The development proposed: Proposed roadside services comprising petrol filling station (Sui Generis), truck stop, restaurants and drive-thru (Class 3/Sui Generis), amenity building (Class 1 & 3 and ancillary uses), landscaping, access and ancillary works
- Date of site visit by Reporter: 28 April 2022

Date of appeal decision: 13 May 2022

Decision

I dismiss the appeal and refuse planning permission in principle.

Preliminary

The council issued a screening direction in relation to this site on 1 October 2018 confirming that although the development falls within Schedule 2 of the Environmental Impact Assessment Regulations 2017 (specifically, category 10(p), being a motorway service area in excess of 0.5 hectares) it considered that a formal Environmental Impact Assessment was not required. Furthermore, in terms of cumulative effects with other developments, it was not considered that there are any other developments in the area, which would have an inter-related impact on the environment. I agree that the nature and scale of this appeal proposal are such that it falls within Schedule 2. I have considered the submitted environmental information and agree that the characteristics and location of the site and the nature of the proposal do not present any issues that are of sufficient complexity or significance in EIA terms to warrant a detailed study in an EIA Report. I agree with the council's finding that a formal Environmental Impact Assessment was not required.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:

- The acceptability in principle of the development at this location
- Road infrastructure, safety and access
- Effects on landscape and cultural heritage

Site and Proposal

2. The appeal site is located adjacent to the northbound carriageway of the A9, approximately 3 kilometres north-east of Dunblane and 1 kilometre east of the village of Kinbuck. The site comprises an area of former commercial forestry extending to approximately 17.1 hectares. The surrounding area is predominantly rural in character, however, approximately 500 metres to the north of the appeal site is a stand-alone Subway fast food unit serving northbound travellers. Directly opposite the Subway outlet is a petrol filling station and a recently opened Starbucks both serving southbound travellers, there is also a derelict “Little Chef” fast food restaurant at this location.

3. The indicative plans show a development comprising a petrol filling station, two café/ drive-thru units, a truck stop and an associated amenity building with ancillary retail and food and drink facilities. The proposal is intended as a rest point serving northbound traffic and would operate on a 24-hour basis. Electric vehicle charging points are proposed at each of the facilities within the site.

Development Plan

4. The development plan comprises the Stirling Local Development Plan (LDP) 2018 and its associated supplementary guidance. There are no policies or supplementary guidance specifically dealing with roadside services. I address the relevant local development plan considerations within each of my subject headings below.

The Principle of this Development at this Site

5. The appeal site lies is located within the Countryside policy boundary and in terms of the spatial strategy it is located within the Rural Villages Area. Primary Policy 1 “Placemaking” requires that developments are located to reduce the need to encroach upon greenfield sites and maximise sustainability benefits and should use vacant and underused land within settlements. The site is not located within a settlement and although it was previously used for commercial forestry I do not consider that the proposal would be consistent with the requirements of this policy.

6. Primary Policy 2 “Supporting the Vision and Spatial Strategy” indicates that new development proposals, including employment and retail, will be directed to sites identified for those purposes in Appendix A and in the Settlement Statements. The site is not such an identified site. Outwith allocated sites the Core Area is the preferred location for new development. In the Rural Villages Area and areas of Countryside new employment development and other developments that will provide significant economic and social support to the rural area will be encouraged in appropriate circumstances. That policy does not provide any details of what may be considered as appropriate circumstances, assessment is required against the more detailed policies.

7. Policy 2.6 “Supporting Town Centres” applies a sequential approach and directs retail developments to allocated and highly sustainable sites. Policy 2.7 “Retail and Footfall Generating Uses” indicates that on sites outwith Network Centres such developments must meet certain criteria including that it is demonstrated that there would be no unacceptable individual or cumulative impact on the vitality or viability of any Centre within the Network, that it would help meet deficiencies in provision and be of an appropriate scale, character, and design.

8. Policy 2.8 “Sites Suitable for a Mix of Uses” supports such developments on allocated sites, sites within the defined Network of Centres, sites close to and easily accessible by major public transport routes and nodes within the Core Area and which support the spatial strategy.

9. Policy 2.9 “Economic Development in the Countryside” supports such development in certain circumstances. Developments supporting rural economic activity in the Countryside will be encouraged to locate in and around Rural Activity Areas, close to villages or where redundant or under-utilised buildings can be used. Businesses based on recreational activities that have a specific need for a Countryside location are encouraged as are small scale developments at infill locations or existing Building Groups.

10. In terms of its location the proposal does not gain support from the spatial strategy or policies 2.6, 2.8 and 2.9. While it is intended to specifically serve travellers on the A9, facilities such as those proposed could be located at existing centres along that route. At Stirling and Perth the roadside facilities have been accommodated at major junctions on the edge of the urban area. The similar facilities on either side of the A9 to the north of the site are at the locations of long established roadside services. Being located adjacent to the trunk road does not meet the locational requirements of Policies 2.8 or 2.9 and in terms of the nature of the proposal it does not fit into any of the categories of development that are supported by Policy 2.9.

11. Policies 2.6, 2.7 and 2.9 require consideration of the economic effects of the proposed development. In terms of whether it would provide significant economic and social support to the rural area there is no assessment criteria set within Primary Policy 2 or Policy 2.9. The appellant’s Economic Impact Assessment estimates that the development would generate a total of 54 gross or 37 full time equivalent jobs at the site and would generate an annual GVA of £1.0 million. It is anticipated that for the construction and operational phases there would also be indirect benefits through the sourcing of goods and services and capital expenditure by those employed at the site.

12. The council accepts that the development would provide some economic benefit but it considers that facilities such as those proposed should instead be located within existing centres such as Dunblane, to encourage spend in the local area. A number of the objectors are concerned at the potential adverse impact upon existing shops and facilities, particularly within Dunblane. Some of the objectors also disagree with the appellant’s assessment of economic benefits, they believe that the number of jobs that would be created has been overestimated and would be outweighed by resultant job losses in existing businesses.

13. The assessment undertaken by the appellant acknowledges that it is not a full Economic Impact Assessment. It is based on the nature and scale of the development proposed in principle and it uses Scottish Enterprise Economic Impact Guidance as applicable to the indicative floor space of the buildings. While the figures applied are for the upper limit of the floor space densities (i.e. they will require fewer staff due to the nature of their service) it does not provide a detailed explanation as to why the petrol station is calculated as a food store and the drive-thru as a café and there appears to be no adjustments made to tailor the calculations to the actual uses proposed. The estimated number of jobs directly created by the proposal does seem to me to be overly generous for a development of the nature proposed. I do, however, accept that the development would create economic benefits in terms of additional employment and associated expenditure.

14. The assessment gives some consideration as to how the development might have wider economic impacts in terms of attracting travellers to stop at local attractions, supply chain benefits and additional expenditure by those employed at the site. However, such effects are not quantified in detail and it is unclear to what degree the proposal would support rural economic activity in the Countryside. It has not been shown that the proposal would have any significant links to existing businesses in the surrounding rural area and given its nature and location I consider that would be unlikely to be the case. Therefore, while it would provide additional employment, income and expenditure I do not consider that it would be to an extent that could be regarded as providing significant economic and social support to the rural area.

15. The assessment gives some consideration to displacement of such businesses from elsewhere in the Stirling Council area to this site and leakage of the benefits to outwith the area. It does not, however, make an assessment of any effects that there might be upon existing centres. I consider that it is reasonable to conclude that there is potential for the development to have some effect on existing centres, particularly Dunblane, due to it directly competing with existing businesses that facilitate those travelling on the A9. Any trade diverted from eating places (Class 3 uses) within existing centres may well also reduce associated expenditure in existing local shops and services. However, I have not been provided with any evidence of the extent to which any such adverse economic effects might occur. Nevertheless, it has not been demonstrated that there would be no unacceptable individual or cumulative impact on the vitality or viability of any Centre within the Network as required by Policy 2.6.

16. In terms of whether the development would help meet deficiencies in provision, as required by Policy 2.6, the submissions provide details of facilities and services for travellers in the surrounding area and wider vicinity. As noted above there are facilities on either side of the A9 at Balhadie approximately 500 metres north of the site. The site is located approximately 13 miles from Stirling Motorway Services located at the Bannockburn interchange at the junction of the M9 and the M80. Similar facilities are also located adjacent to the Broxden Roundabout at Perth approximately 22 miles from the site. The facilities at Stirling and Perth serve travellers heading both north and south on the A9. A petrol filling station serving northbound travellers is located approximately 7.5 miles away just south of the Gleneagles junction. Although the level of facilities varies at each of the various locations alternative fuel stops, parking and eating facilities are available within easy reach of the A9 in either direction from the site.

17. I note that the site was considered for such development within the 2014 Local Development Plan process. The reporter, taking account of the existing services and that the local and regional transport strategies did not identify additional provision, concluded that the site should not be allocated. I have not been made aware of any change in circumstances of relevance to that conclusion. I acknowledge that the truck stop proposed would provide additional facilities for heavy goods vehicles and the Tayside and Central Scotland Regional Transport Strategy proposes that opportunities for improved lorry parking on the region's road network be explored. However, the regional transport strategy does not state that there is a shortfall in provision or identify any specific locations where additional facilities are required. Furthermore, it remains that the Stirling Local Transport Strategy, and the local development plan do not identify the need for any additional roadside facilities of the type proposed. I am satisfied that it has not been demonstrated that there is a deficiency in the provision of facilities of the type proposed.

18. Overall, I do not consider it has been shown that the development would provide significant economic and social support to the rural area or help meet deficiencies in

provision. In those respects, the development does not gain support from Primary Policy 2 or policies 2.6, 2.8 and 2.9.

19. Primary Policy 15 supports developments which increase the volume and value of tourism and recreation to the local economy and the duration of visitor stay. Policy 15.1 "Tourism Development including Facilities and Accommodation" supports such developments where they meet a number of criteria including that they complement existing tourist facilities and help facilitate the sustainable movement of tourists at or between major tourist destinations. The proposal is aimed at those already travelling on the A9 and in providing facilities for users of that route may marginally extend visitor stay but it is not a tourist facility or tourist destination in its own right. I shall address the contribution to sustainable travel later in my decision. Given my findings in relation to policies 2.6 and 2.9 above I do not consider that the proposal would increase the volume and value of tourism, therefore, it does not gain support from Policy 15.1.

Road Infrastructure, Safety and Access

20. Whilst the proposals are in principle it is indicated that access to the site would be taken directly from the A9 trunk road and the development is aimed at serving only northbound traffic travelling on that road.

21. Primary Policy 1 "Site Planning" requires that developments are located to maximise sustainability benefits. Policy 3.1 "Addressing the Travel Demands of New Development" requires that new development is located where safely and conveniently accessible by walking, cycling and public transport as well as by car and wherever possible should connect to existing or provide new links to sustainable transport. Primary Policy 4 "Greenhouse Gas Reduction" requires that all new development should be in sustainable locations and optimise accessibility to active travel opportunities and public transport.

22. The representations raise a number of concerns regarding the impact of the proposal on the safety of the A9. Concerns are specifically raised in relation to the incidence of accidents at this stretch of the road, the prospect of drivers performing U-turn manoeuvres, the provision of a crossing on the trunk road and that the site access would not meet the required design and safety standards as set out in the Design Manual for Roads and Bridges (DMRB). Concerns are also raised regarding the potential for increased traffic on the local minor road network.

23. Transport Scotland has not objected to the proposal. The council's transport officer has indicated that vehicular access, and its effect on the operation of the A9 trunk road network, along with pedestrian and public transport requirements and mitigation are matters to be commented on by Transport Scotland as Roads Authority for the trunk road network. The council has therefore restricted its comments to the matters within its own remit. The conditions recommended by the council and Transport Scotland include the requirement for road safety audits, traffic movement surveys at central reservation gaps and the provision of bus stops, a footpath connection and a pedestrian crossing.

24. In its consultation response Transport Scotland acknowledged that new junctions on the trunk road network are not normally acceptable, the proposed new access onto the A9 would need to comply with design standards and further work is required to demonstrate that an access can be provided safely and in line with current standards including consideration that all vehicle types can leave and re-join the carriageway safely. However, it considers that the development could only safely be accessed by northbound traffic and

the existing gap in the central reserve at this location would need to be closed, which may require a permanent Traffic Regulation Order. Road safety audits are necessary to ensure that the development can mitigate any impact it may have on the operational efficiency or safety of the trunk road network as part of any future detailed planning applications or applications for approval of matters specified in conditions.

25. In terms of impacts on the road network the A9 is the only local road considered within the Transport Statement, effects on the minor road network are not assessed. However, the traffic generation predictions within the appellant's Transport Statement show that there would be a very low level of traffic generation associated with the proposed development. It concludes that the development would have negligible impact as the total new trip generation would be low in comparison with the volume of traffic already using the road network.

26. I do not have any substantive evidence which casts doubt upon the findings of the Transport Statement in relation to the predicted levels of traffic generation. Transport Scotland does not anticipate that southbound traffic would be encouraged to make undesirable U-turns or manoeuvres that would involve significant detours via local roads as alternative facilities are available for southbound traffic. While Transport Scotland could choose to promote a Traffic Regulation Order to close any gaps in the central reservation the representations indicate that there would be objections to the closure of gaps used by existing premises, the outcome of that process therefore cannot be guaranteed. Nevertheless, I agree that there are ample facilities to serve southbound travellers with similar facilities available close by at Balhadie as well as services and truck stop facilities a short distance away at Stirling. Furthermore, having observed the speed and volume of the traffic on the A9, I consider that the road conditions would be likely to act as a deterrent to vehicles seeking to cross to the carriageway to specifically access the development.

27. As already noted, the proposed development is intended as a facility for existing travellers on the A9 and not a destination in its own right. It might attract some custom from local residents but I believe that it would not present a greater attraction than the existing petrol filling station and food outlets on either side of the A9 at Balhadie. Given the nature and location of the proposal I am satisfied that it would not result in any substantial net increase in traffic to the road network.

28. Irrespective of the amount of traffic that is predicted I must give consideration to whether the development may be safely and sustainably accessed. I shall firstly address access by vehicular means. The Transport Statement indicates that the site access onto the A9 Road would be designed as a left-in/left-out priority junction with appropriate diverge and merge lanes for the design speed of the road. In terms of the acceptability of the proposed site access the Transport Statement gives consideration to accidents at this location and the presence of other junctions and accesses nearby.

29. I understand that the Transport Scotland approval process requires road safety audits at various stages to allow assessment of the detailed proposals and allow consideration of the effects on the trunk road. Nevertheless, for the sake of clarity at this point in time I issued a request for further written submissions to Transport Scotland and the council. I asked Transport Scotland whether it is possible at this stage, irrespective of any future road safety audits, to confirm that in principle the development would have no adverse impacts on the operational efficiency and safety of the trunk road network. In its response Transport Scotland was unable to confirm that there would be no resultant adverse effects on the trunk road or whether an access can safely and in accordance with DMRB standards be achieved at this site.

30. The Scottish Government's Planning Advice Note (PAN) 66 "Best Practice in Handling Planning Applications Affecting Trunk Roads" acknowledges that when an application in principle is made it is not always possible to determine the traffic impact at that stage. Nevertheless, PAN 66 Annex A: "Advice on Major Developments Affecting Trunk Roads" includes a presumption against the creation of new accesses onto high-speed trunk roads and advises that there should be sufficient information to make a judgement of the impacts of developments on trunk roads.

31. While I appreciate that this is an in principle proposal it is presently not possible, without further design work and road safety audits, to conclude that the principle of an access to the proposed development is acceptable on safety grounds and this matter has not been shown to be one simply of design detail and control over the land required. Consequently, I am not satisfied that I have sufficient information with regards to impacts on the safety of the trunk road. The A9 at this location is a dual carriageway where the national speed limit applies and is a busy route for both general traffic and tourists. In these circumstances I consider that there needs to be greater certainty over whether a safe access to and from the trunk road could be achieved and that it would be inappropriate to address this by means of a negatively worded, suspensive condition.

32. I turn now to address whether the development would be safely and conveniently accessible by sustainable means. The Transport Statement indicates that as most of the users would be from existing passing traffic already on the A9 it is intended that the focus of promoting sustainable travel would be aimed at journeys made by employees.

33. The Transport Statement concluded that in order to encourage journeys by public transport it would be necessary to provide a safe form of crossing to allow access to and from the southbound side of the A9. It considered three options all of which involve pedestrians taking access at road level (at-grade) across the carriageway. Option 3 is regarded as the most suitable and would take the form of a stagger type crossing within the central reservation directly adjacent to the site. However, no decision has yet been reached on what form any pedestrian crossing would need to take and it is proposed that a full road safety audit would be undertaken at the detailed design stage. The Transport Statement recommends that the need for a more permanent form of crossing, such as an overbridge, be reviewed a year after the development is operational.

34. In its consultation response Transport Scotland notes that bus stops are currently in excess of the 400 metres walking distance recommended within Planning Advice Note (PAN) 75 but advises that use of bus services cannot be ruled out. It considers that enhancement of access to bus services is necessary to enable safe access. It considered the provision of a pedestrian crossing to be acceptable in principle subject to the requirement for any crossing to be deemed safe and convenient by a full road safety audit.

35. As noted above, the development is proposed to operate on a 24-hour basis and the Transport Statement indicates that the majority of employment trips are expected to occur outwith peak hours. The Transport Statement acknowledges that public transport provision is limited and irregular. Buses pass the site but services are limited, none operate earlier than 8 am or later than 8 pm and only one operates after 5:30 pm. Buses are not available on a 24-hour basis. I, therefore, consider that the site is not conveniently served by public transport links.

36. The nearest bus stop on the northbound side of the A9 is just south of the Subway outlet and the closest on the southbound side is at the Balhadie Filling Station. The distances from the proposed development to these bus stops would exceed the recommended walking distances of 400 metres and access to both is from a narrow, unlit path that runs directly along-side the northbound side of the trunk road with vehicles passing at high speed from behind. I acknowledge that the path could be increased in width but that would offer limited improvement to the safety of this pedestrian route and access to the southbound bus stop can only be obtained by pedestrians making their way across the dual carriageway.

37. I sought confirmation from Transport Scotland on whether a pedestrian crossing would be necessary to make the development acceptable and whether a crossing would have any adverse impacts on the operational efficiency and safety of the trunk road network. In its response Transport Scotland refrained from confirming whether or not a pedestrian crossing is necessary. It advised that it is the responsibility of the developer to consider what mitigating infrastructure is necessary to support the proposed development and to ensure that any mitigation proposals meet the required standards and do not have adverse effects upon the trunk road. It noted that any risk that the design proposals may not be accepted lies with the developer.

38. Irrespective of the position taken by Transport Scotland I consider that in order to permit and encourage travel by sustainable means pedestrian access to and from the southbound carriageway would be required. The three options proposed in the Transport Assessment were all "at grade" crossings which would involve pedestrians taking access at road level across the A9. Irrespective of the in principle position adopted by Transport Scotland I consider that on account of the nature of the road, the high traffic speeds and volumes, it is highly undesirable for an at-grade crossing to be formed to serve this development and that it would be inappropriate for pedestrians to be encouraged to cross the carriageway. Without a crossing facility I consider that any pedestrian access to and from the bus stop on the southbound side of the A9 would be extremely dangerous both for pedestrians and users of the trunk road.

39. I acknowledge that the Transport Statement does not anticipate significant public transport demand. The nature and location of the proposed development are such that I agree that it would be very unlikely to attract customers on foot or by public transport. The level of employment anticipated at the site is relatively low, consequently employment trips would also be low but may occur on a daily basis. I consider that even a low amount of employees attempting to cross the carriageway would present a significant safety risk and should not be encouraged.

40. At this stage it is not possible for me to conclude that a crossing would be acceptable in terms of the potential impacts on safety and the operation of the trunk road as this has yet to be demonstrated. Taking account of the potential safety implications for both pedestrians and users of the trunk road I consider it inappropriate to simply address this matter by a negative suspensive planning condition. The parties do not propose an alternative to an at-grade crossing and the recommendation within the Transport Assessment that a more permanent form of crossing be reviewed a year after the development is operational may not reasonably be imposed as a planning condition. Therefore, I cannot conclude that there would be safe means of pedestrian access to the site. Without a safe and suitable crossing facility to the southbound side of the A9 I consider that the requirement that new development is located where it is safely and conveniently accessible by public transport and optimises accessibility to active travel opportunities and public transport would not be met.

41. In reaching my conclusions on road infrastructure, safety and access I have taken into account that Transport Scotland has not objected to the proposal. However, in making my assessment I have taken into consideration all of the submissions, including the matters raised in representations and I acknowledge that the local residents and community council who raised concerns on traffic grounds will be familiar with this section of the A9. I have also had regard to my observations on site. Although the risk of accidents cannot be quantified it is clear that safety is an important consideration in this case. On balance, I find that the evidence submitted does not allow me to conclude that safe access can be obtained for vehicles and pedestrians.

42. Taking all of the above into account I consider that this proposal would not be located to maximise sustainability benefits or where it is safely and conveniently accessible by walking, cycling and public transport as well as by car and would not optimise accessibility to active travel opportunities and public transport. Consequently, it would fail to comply with Primary Policies 1 and 4 and Policy 3.1

Landscape and Visual Effects and Cultural Heritage

43. The site lies within the Inventory boundaries of the Battle of Sheriffmuir (1715) (Historic Battlefield designation BTL 17). The appeal site lies on the periphery of the designation, the core area of the battlefield where the main events took place, encompassing the Gathering Stone and Clan MacRae Monument, is located 2.4 kilometres to the south.

44. Primary Policy 9 “Managing Landscape Change” requires that the integrity, character and special qualities of key areas of nationally and locally valued landscapes are protected. Outwith designated landscapes it must be demonstrated that the local landscape has the capacity to accommodate the proposal. In addition, adverse cumulative effects on landscape character and visual amenity should be avoided. Policy 7.8 “Development Affecting Battlefields, Gardens and Designed Landscapes” does not support development which would have a significant adverse effect upon the archaeology, landscape features, character and setting of sites listed in the Inventory of Historic Battlefields unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised.

45. The council had no objections to the proposal on landscape grounds, however, it recommends a condition requiring on-site planting to screen the development from wider views and limit views into and out of the site. I note that representations raised concerns regarding landscape impact particularly in relation to the effects upon the battlefield.

46. The site is not located within any landscape designation. The appellant’s Landscape and Visual Impact Assessment (LVIA) indicates that the surrounding landform and tree cover would result in the partial screening of the proposed development across much of the surrounding area. Consequently, landscape effects would primarily be focused within a 200-300 metres radius of the proposal and there would be no significant effects on the wider landscape character or any landscape designation. The assessment predicts that the effects on views from any settlement would be negligible due to distance and limited visibility of the site. There would be significant visual effects on travellers on the A9, however, these would be localised to an approximately 1.2 kilometres section of the road where traffic is passing at high speed. There would be no significant effects on views from any other routes or recreational attractions. Notable visual effects upon a small number of isolated residential properties would diminish as the proposed planting matures.

Cumulative effects would be limited to the short (approximately 1.5 kilometres) stretch of the A9 that has views of the existing services at Balhadie and at Glenbank Cottage, which is located approximately 810 metres to the north-east of the site. It concludes that the development could be accommodated at the site with limited and relatively localised effects on landscape character and visual amenity.

47. The site was previously used as a commercial forestry plantation. There are some established trees and shrubs around parts of the site boundaries and a block of forestry planting lies adjacent to the north-eastern corner of the site. The surrounding landscape comprises rolling farmland with parcels of woodland and forestry. Taking account of the scale and nature of the surrounding landscape I agree that any effects on landscape character would be highly localised. From my inspection of the site and surrounding area I agree that visibility of the proposed development would be limited in extent by landform, vegetation and existing buildings. There would be visibility of the site from the cluster of houses at viewpoint 3 Cambushinnie. The visual effects from this location would marginally be lessened by existing vegetation but the proposed landscape planting would take some time to become mature and offer effective screening. I consider that the effects at this location have been underestimated. I agree that the proposal would be viewed at close proximity from the A9 which is a busy route used by tourists. However, I have taken account of the context within which the site is located, the traffic speeds and the distances across which there would be significant effects. Overall, I am satisfied that any significant landscape, visual and cumulative effects would be localised and acceptable. I am content that it has been demonstrated that the local landscape has the capacity to accommodate the proposal and it therefore meets the requirements of Primary Policy 9.

48. In terms of effects upon the battlefield viewpoint 5 within the LVIA is located in the vicinity of the core area of the battlefield and represents the effects as experienced by recreational visitors. This viewpoint is located 3.27 km to the south-east of the site. The LVIA predicts that the development would be a distant feature set within a discrete landscape context and the buildings would be back clothed by a rising landform and not breach the skyline. It concludes that visual effects at this location would be minor and negligible. No cumulative impacts are predicted.

49. Historic Environment Scotland (HES) advises that the site is located within the northern part of the battlefield inventory boundary. Although the proposal is not located in the key area of the battlefield, which is the main area of interest to recreational visitors', it is within in an area of interest. The south bank of the Allan Water, to the north of the site, appears to be an important part of the battlefield landscape as a probable site of the Jacobite camp and an area of troop movement and activity. It advises that at present the land adjacent to the river is relatively open, and the line of the river and its role in the battle can be appreciated. The landscape in the wider vicinity of the river comprises rolling hills giving some long-distance views to the south-east and across the A9, otherwise views are restricted by topography. Taking account of the landscape context and the relatively small area affected by the proposal HES does not object to the proposed development.

50. Being included within the Inventory of Historic Battlefields this battlefield is of national importance. The Inventory indicates that although the landscape of the moor has been altered through the planting of areas of commercial woodland, enclosure and drainage of marshland, key landscape features and views are largely intact and the overall character of the battlefield survives.

51. The proposal is located well beyond and would not directly affect the raised, undulating moorland upon which the battle was fought. Similarly, the location of the clan

MacRae monument and the Gathering Stone both lie some distance to the south west of the site. Clear views across the battlefield are obtained from the lay-by at the location of viewpoint 5. At the time of my site inspection this lay-by and the minor road at which it is located was noticeably well used. From the viewpoint the appeal site is visible in the distance as is the A9 while the existing roadside facilities nearby are screened by commercial forestry. From this location I found that the line of the river is not apparent and the role of that feature and the surrounding land in the battle cannot easily be appreciated. From this location the proposal would not adversely affect the contribution of the landscape to the understanding and appreciation of or the overall experience of the battlefield. There is less visibility of the battlefield and the appeal site from other lay-bys and other locations on the surrounding road network, views are often obscured by topography and vegetation. I am satisfied that the development would not adversely affect key views of the battlefield.

52. The appeal site is a location where archaeological remains might be expected. However, this land has previously been disturbed by the commercial forestry and I agree with the council's archaeologist that this matter could be addressed by conditions.

53. Overall, I am content that the proposal would not have an unacceptable effect upon the significant landscape characteristics and special qualities identified in the Inventory or would significantly detract from the importance or overall integrity of the battlefield. The proposal therefore is in accordance with Policy 7.8.

Other Development Plan Policy Considerations

54. There are other relevant policies relating to matters such as flood risk management, drainage, biodiversity, landscape and planting, forestry and amenity considerations. On the basis of the evidence before me I am satisfied that none of the other policy requirements raise issues that could not be addressed by conditions.

Conclusions on Compliance with the Development Plan

55. The local development plan supports sustainable economic growth and the spatial strategy, which identifies the Core Area as the preferred location for new development, directs new development to sustainable locations. Being located within the Countryside outwith walking distance of any settlements and with limited access to public transport the site is not in a sustainable location. I cannot conclude that the development would be safely and conveniently accessible by walking, cycling and public transport as well as by car. I am not satisfied that it has been shown this development within the Rural Villages Area and Countryside would provide significant economic and social support to the rural area. In that case I find that it lacks a justification for departing from the spatial strategy.

56. For the reasons set out above I consider that the proposal is contrary to Primary Policies 1, 2 and 4 and Policies 2.6, 2.8 and 2.9 of the Local Development Plan. I am content that it complies with policies relating to landscape character and cultural heritage. Other policy requirements, in particular noise and archaeology, could be addressed by means of conditions. However, overall I find that the proposal is contrary to the relevant provisions of the development plan.

Other Material Considerations

Scottish Planning Policy

57. The appellant makes reference to support within Scottish Planning Policy (SPP) for sustainable development, supporting climate change mitigation and adaptation. SPP contains a presumption in favour of development that contributes to sustainable development with paragraph 29 setting out the guiding principles. It also requires consideration be given to how proposed developments will contribute to fulfilling the objectives of “Switched On Scotland - A Roadmap to Widespread Adoption of Plug-in Vehicles”. There is no specific requirement for charging points to be located only within local communities. Paragraph 282 of SPP indicates that where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic.

58. I acknowledge that the proposal could support these aims in terms of the proposed inclusion of a number of electric vehicle charging points at each of the facilities within the site and the provision of lorry parking and associated facilities. However, in terms of supporting the transition to a low carbon economy SPP paragraph 154 requires that the planning system should guide development to appropriate locations. In this case the development is not sustainably located as it is only easily accessible by private car and not by walking or public transport.

59. SPP requires that I give due weight to net economic benefit. It also gives support to the protection of existing town and local centres. As set out above I acknowledge that the development would make a positive contribution to the local economy in terms of employment and incomes. While there is some potential for adverse economic effects on existing centres the extent to which this might occur has not been demonstrated.

60. Paragraph 278 of SPP indicates that while new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB standards and where there would be no adverse impact on road safety or operational performance. Paragraph 271 requires that development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

61. I consider that there would be economic benefits but for the reasons set above I do not find that it has been demonstrated that the development would result in significant economic growth or regeneration. Also, in my consideration of road infrastructure, safety and access it has not been demonstrated that the proposal would not have an adverse impact on the safety and operational performance of the A9 trunk road.

62. I am satisfied that the proposal would satisfy the requirements of SPP in relation to effects on local landscape character and the requirement to protect the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

63. Taking all of the above into account, while the proposal would make some contribution to sustainable development I do not consider that the appeal site is sustainably located and I cannot conclude that it would not have an adverse impact on the trunk road. Overall, I consider that the proposal does not gain support from SPP. I take my findings in relation to the economic effects into account in my overall conclusions.

Representations

64. The Report of Handling notes that representations from 100 separate parties were submitted to the council in response to the planning application, only one of which was in support of the development. At the appeal stage a total of 25 parties submitted representations. Those objecting to the proposal include Dunblane Community Council and the Scottish Battlefields Trust. I have mostly addressed the matters raised under the various headings above. There are no other material considerations raised in the representations which would alter my conclusions.

Draft National Planning Framework 4

65. Draft NPF 4 sets out the Scottish Government's approach to how planning will help achieve net zero targets. It seeks to reduce the need to travel unsustainably, promotes active travel and the continued expansion of electric vehicle charging networks and the need to adapt key routes due to the impacts of climate change. It also requires that development proposals prioritise sustainable travel, facilitate access by public transport and seeks to avoid adverse impacts on the safety of the strategic transport network. I do not consider that the draft NPF 4 alters my reasoning or conclusions in relation to this case.

Other Matters

66. The objectives and key strategic themes within the regional transport strategy include improving transport related safety and promotion of active travel. The local transport strategy aims to make roads safer, reduce accidents, discourage unsafe behaviour and seeks to ensure that developments can be safely and realistically accessed by a choice of modes and are accessible by all. Given my findings above I cannot conclude that the proposal would be consistent with the aims and objectives of the regional and local transport strategies.

67. The appellant has drawn my attention to the permission given for the Starbucks drive-thru unit adjacent to Balhadie Filling Station on the south side of the A9 and to the planning permission granted in 2018 for roadside services and associated development at Raploch, Stirling. The Starbucks drive-thru at Balhadie has been constructed at a location that has been used for roadside services for many years and utilises an existing access. Although the Raploch site is within the Countryside it is located adjacent to Junction 10 of the M9 and at the access to Kildean Business Park and is at the edge of the urban area. Neither of those approvals are consistent with the circumstances of the current appeal and they do not alter my conclusions.

Overall Conclusions

68. Drawing together all of the above, I find that although the proposal would comply with some policies of the development plan it would not be consistent with the spatial strategy and would be contrary to Primary Policies 1, 2 and 4 and Policies 2.6, 2.8 and 2.9. I cannot conclude that the development would provide significant economic and social support to the rural area, may be safely accessed from the trunk road or be safely and conveniently accessed by sustainable means of transport. The expected net economic and social benefits would not be sufficient to overcome my fundamental concerns. It is my conclusion that it would not be the right development in the right place.

69. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Lorna McCallum

Reporter