

Members and office bearers

Marion MacAllister, Chair (MMacA) Janice Paterson, Vice Chair, (JP)

Ann Finlayson, Secretary (AF) Keith Ratcliffe (KR)

Melissa Nelson, Treasurer (MN) Jennifer Macleod, Planning (JM)

Cathie Graham (CG) Douglas Campbell (DC)

Richard Blore (RB) Scott Farmer (SF) elected rep

Christine Simpson, elected rep (CS) Neil Benny (NB) elected rep

Pam Campbell, Stirling Council (PC) Pam King, police (PK)

Mark Hill, Headteacher (MH) Helen Bang, minute clerk (HB)

## 1. Introduction

1. No physical meeting was held in January 2021 owing to Covid 19.

Instead reports were submitted by office bearers and are included below along with updates from Community Councillors.

## 2. Minutes

1. The minutes of virtual meeting 130 compiled in November were approved via email. Proposed Janice Paterson: Seconded Ann Finlayson. ACTION HB to AF for Stirling Council.

### 2. Actions from previous meeting

2.1 Approved Minutes of October meeting to Stirling Council HB/AF Done

1. Matters arising from the minutes not covered elsewhere:  
None.

2. Reports

1. School Report - none received.

2. Greener Cambusbarron (MMacA)  
Carry forward to February meeting.

3. Treasurer's Report (MN)

1. Break down of December accounts are

The donation to Stirling Aid for £500 for Covid relief.  
Reimbursement for Admin items back to Marion McAllister  
£15.42.  
Payment to our auditor of £40.

October minutes Helen Bang £40.

Reimbursement to Douglas Campbell for the fabulous work  
on the Plaque that was  
damaged over the first lockdown period. £175.24 out of the  
S/C Covid fund.

£1,500 S/C Pride Grant, for the Touch & Kersebonny Seats.  
November minutes for Helen Bang £40.

All accounts held in sums in the trust are update and the  
funds available to C/C are

£2,945.81.

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Cambusbarron Community Council Main Account				Of this the sum
28/10/2020	Opening Balance		£16,683.65	Newsletter
29/10/2020	CHQ 010633	Donation to S/Ai	d -£500.00	WWW1 Exhib
29/10/2020	CHQ 010638	Reimburse M/M	-£15.42	Quarry/Fpatf
30/10/2020	CHQ 010636	Audit J/Mackinno	-£40.00	Greener Cambs
03/11/2020	CHQ 010637	Helen Bang Mins	-£40.00	Elephant I T Sky
10/11/2020	CHQ 010640	Reimburse D/C	-£175.24	Touch K/BSeats
13/11/2020	S/C Pride Grant	Touch/KB Seats	£1,500	Micro Grants
14/12/2020	CHQ 010641	Helen Bang Mins	-£40.00	Covid-19 S/C
				Covid-19 W/I
			£17,372.99	

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Funds Available to C/C	£2,945.81
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4. Murrayshall Quarry Update (DC)  
CAMBUSBARRON COMMUNITY COUNCIL  
MURRAYSHALL QUARRY  
REPORT FOR [VIRTUAL] MEETING 19th January 2021

PATERSONS QUARRIES PLANNING APPLICATION FOR NEW  
ACCESS [Second

Application 18/00735

At the November meeting I reported that a CC response to  
the Department Planning and  
Environmental Appeals [DPEA] on Paterson's Appeal was  
required by 27th November  
2020. The document [included as Appendix 1] was  
submitted on behalf of CCC on that  
date.

It is noted that a number of members of the community  
have also made valid  
representations

A Reporter Mr David Liddell has been appointed to decide  
the Appeal

The Reporter has requested further information from Patersons relating to a possible requirement that an Environmental Impact Assessment [EIA] may be required for this proposed development and requesting their comment.

There is no indication at this stage of the Reporter intends to hold a formal hearing.

TILlicoultry QUARRIES /PATERSON QUARRIES ROMP  
APPLICATION  
18/00137

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At the November meeting I reported that I was still awaiting a response C Cox Planning and Building Standards Manager on progress of the ROMP process.

The following response was received on 23rd Dec

Thanks for your email. I'm really sorry for the delay – a combination of a busy inbox and needing to take remaining leave for the year.

Progressing this is just a matter of split priorities for Jane who has a couple of other substantial developments to deal with first. I would expect that she might be able to take this forward to conclusion early Spring.

Hope that's helpful.

I am surprised at the delay in completion of the ROMP, but it is primarily for Patersons and Tillicoultry to complain at lack of progress.

Douglas Campbell  
14th January 2021

See Appendix I for further details.

5. Planning

1. The following application was approved:

<b>PROPOSAL:</b>	<b>Two storey extension to dwelling house at Norlea Firpark Terrace Cambusbarrow FK7 9ND</b>
UPRN:	000122011529
Ward:	Ward 5 Stirling West
Reference:	20/00764/FUL
Type:	Full
Date Valid:	12 November 2020
Officer:	Iain Jeffrey, Telephone: 01786 233676, Email: <a href="mailto:planning@stirling.gov.uk">planning@stirling.gov.uk</a>
Applicant/Agent:	Mr Olliver Briggs per Arka Architects The Loft The Tattie Kirk Cow Wynd Falkirk
<b>Decision:</b>	<b>Approve</b>

2. The following applications were received:

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21/00036/LBC 15 Jan 2021 Ward 5 Stirling West Councillor Expiry: 9 Feb 2021 277898 693082	<b>Alterations and extension to rear of dwellinghouse to replace existing flat-roof extension at St Thomas's Well House, St Thomas Well, Stirling, FK7 9PR, for Mr &amp; Mrs Alan Stewart per Architeco Ltd 43 Argyll Street Dunoon Argyll PA23 7HG</b> <b>Officer:</b> Ritchie Gillies, Tel: 01786 233675, Email: <a href="mailto:planning@stirling.gov.uk">planning@stirling.gov.uk</a> <a href="#">View Application</a>	Delegated LB Cat: B
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21/00037/FUL 15 Jan 2021 Ward 5 Stirling West Councillor Expiry: 9 Feb 2021 277898 693082	<b>Extension to rear of dwellinghouse at St Thomas's Well House, St Thomas Well, Stirling, FK7 9PR, for Mr &amp; Mrs Alan Stewart per Architeco Ltd 43 Argyll Street Dunoon Argyll PA23 7HG</b> <b>Officer:</b> Ritchie Gillies, Tel: 01786 233675, Email: <a href="mailto:planning@stirling.gov.uk">planning@stirling.gov.uk</a> <a href="#">View Application</a>	<b>Delegated</b> <b>LB Cat: B</b>
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### 6. Police report (PK)

Name of

Community  
Council

Our priorities in the Cambusbarron area continue to be Anti-Social Behaviour, Drug misuse/Drug dealing, Road Safety and Community Engagement and Reassurance.

19/01/2021 – Cambusbarron Community Council meeting

Crime Crime Reports for Cambusbarron area between  
reports 17/11/2020-18/01/2021

Detected cases: 0

Undetected: 1

06/12/2020 – Online fraud (enquiries on-going)

Total Crime Reports: 1

There were 74 calls made to Police for the Cambusbarron  
area

over the stated period. The calls relate to a number of  
incidents including anti-social behaviour, domestic  
matters,  
road traffic matters, vulnerable/missing persons and  
fraud.

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DRUGS

Efforts are always being made to obtain intelligence in

relation to substance misuse and drug dealing in the  
Cambusbarron area.

Any information regarding substance misuse and drug  
dealing is welcomed, and can be reported to Police Scotland  
via Tel: 101, to Crime stoppers, or directly to the Community  
Officers via:

[StirlingWestCPT@scotland.pnn.police.uk](mailto:StirlingWestCPT@scotland.pnn.police.uk)

Your information/name will never be disclosed.

We have been made aware of drug paraphernalia found  
within the community gardens at Cambusbarron Community  
Centre. We are aware of other previous anti-social behaviour  
within said area and we will continue to carry out high  
visibility patrols. If you see any suspicious persons within  
the area please tel 101 (non-emergency) and 999 (emergency  
eg crime in progress).

Other  
Incidents of  
note/relevant  
Community  
Council  
information

Please e-mail any feedback/questions to PCs King and Barclay:-

[StirlingWestCPT@scotland.pnn.police.uk](mailto:StirlingWestCPT@scotland.pnn.police.uk)

Feedback  
from  
meeting

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7. Councillor's report  
No report received this month.

3. Map Project (AF)  
1. Carry forward to February.

1. Footpath project (KR)  
1. Nothing new to report.

2. State of village Roads  
1. Nothing new to report.

1. Burnside/Step and Handrail / Community Orchard (DC)

1. Richard has yet to prepare the land we then have to purchase / obtain the trees we require. We are looking to see if trees can be obtained through Woodland Trust or some other organisation rather than purchasing them. Planting should be done around March.
  
2. CCC/CDT Relief Work
  1. Nothing new to report.
  
3. Seven Sisters / Barratt
  1. The Community Council have had two meetings with Barratt, they took on board comment at the first meeting and brought plans to the second meeting, reducing the number of houses, as well as changing the house types by including bungalows removing the one-bedroom flats.



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1. Quarry Road Erosion
  1. Ongoing. Planned meeting postponed. To be re-arranged.
  
2. King George V Park Renovations
  1. January 15 meeting postponed. Further meeting to be arranged.
  
3. Adoption Permissions
  1. Ongoing. Residents have expressed dissatisfaction.
  
4. Cambusbarron Community Development Fund (AF)
  1. Inclusion in February's agenda to form group/trustees to take this forward.
  
5. Persimmons
  1. On hold due to a lack of response from either Persimmons or Stirling Council.
  
6. Douglas Terrace
  1. Ongoing, under review.
  
7. Blister Packs / Litter / Dog fouling in the village
  1. Ongoing problem. this is not improving. As well as the increased problem of  
  
blister packs throughout the village, there has been a huge amount

of litter and dog fouling in many areas. These problems continue to get worse and any ideas as to how they could be tackled are welcome. For inclusion in February's agenda.

8. Community Welcome Signs
  1. On hold for the time being.
  
9. The Touch Road Benches
  1. Richard is making the benches and they will be put in place ASAP.
  
10. Shelloch Wind Farm
  1. Shelloch windfarm reply to planning that we have no objection to this development.
  
11. Nursery plans and CC support (AF)

Emails have been exchanged between Jane Bain from the nursery, MMacA, CC Chair and Foundation Scotland. Matter ongoing.

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This appraisal is commissioned to establish the basis of construction practicality and budget costs to relocate the activities of CVN to a totally

new building on a selected site within the woodland of Gillies Hill.

Cambusbarron Village Nursery  
Woodland Project Development Appraisal



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Cambusbarron Village Nursery

Study into the Feasibility of Cambusbarron  
Village Nursery Constructing a Bespoke  
Building in Gillies Hill Community Woodland

Cambusbarron Village Nursery CIC

December 2020

12. Microgrant.
  1. No new information on this. To be followed up.

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### 13. Zoom Meeting

1. Further interest has been voiced about having future meetings on this platform.

ACTION AF will investigate and inform. Carry forward.

### 14. Elephant in the Sky

1. No further sales of either Elephant in the Sky or Tapestry since November meeting.

### 15. Correspondence and AOCB

1. Nothing not covered elsewhere.

### 16. Date of next meeting

1. Scheduled for Tuesday 16 February.

### 17. ACTIONS

#### 2.1 Approved Minutes of November meeting to AF for Stirling Council HB

1. Zoom meeting investigation AF

## Appendix I Murrayshall Quarry

CAMBUSBARRON COMMUNITY COUNCIL  
SUBMISSION TO APPEAL PPP-390-2068

CREATION OF A NEW ACCESS TRACK FROM POLMAISE ROAD TO THE SOUTH EASTERN CORNER OF MURRAYSHALL QUARRY, SETTLEMENT PONDS ALONG THE LINE OF THE NEW ACCESS TRACK, SOIL BUNDS, A PUBLIC CAR PARK AND A SEGREGATED WOODLAND FOOTPATH RUNNING PARALLEL TO POLMAISE ROAD, AT MURRAYSHALL QUARRY, POLMAISE ROAD TO CARRON RESERVOIR, STIRLING -  
PATERSONS QUARRIES LIMITED – REFERENCE 18/00735/FUL

This document will specifically address issues raised in the Appellant's Appeal Statement and Grounds for Appeal [AS/GA] and outline Cambusbarron Community Council's [CCC] support for the Refusal of Planning Permission Notice 18/00735/FUL dated 31st July 2020

Decision Notice contained three reasons for refusal:

1. Noise from the development would increase and air quality would deteriorate from existing. Together these would have a significant adverse impact on residential amenity in neighbouring properties and on the amenity of the rural area which was frequently visited by residents and users of the existing paths.
2. The volume of general traffic would increase as a result of this development and for the roads to the south of Polmaise Road this would present road safety concerns by virtue of the characteristic of the road. In particular there were road safety concerns at the access road

junction with  
Polmaise Road that could not be suitably mitigated.

3. The extent of tree loss would be significant in the context of the need to preserve the ancient woodland and this was contrary to Policy 10.1 of the Local Development Plan.

These three general issues will be addressed

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## 1. **NOISE AND AIR QUALITY**

CCC agrees with the Council objection insofar as there will be potentially adverse impacts on the “amenity of the rural area which was frequently visited by residents and users of the existing paths”.

The current proposal would take HGV traffic through the woods, where people go for quiet enjoyment.

Even if statutory noise levels are not exceeded or no ‘statutory nuisance’ it is nevertheless our judgement is that there will be an impact on amenity.

## 2. **TRAFFIC SAFETY**

CCC accept that this planning application is not concerned with the extant permission for the winning and working of aggregates from Murrayshall Quarry per se. However, CCC argue that this

NEW application for an access to part of this quarry must be considered for the cumulative impacts of its use with the extant permission.

CCC agree with Stirling Council's broad reason for refusal #2 which highlights general concerns with traffic on Polmaise Road and also with issues connected with the proposed junction.

#### 1. ACCESS ROAD INCLUDING JUNCTION WITH POLMAISE ROAD

The junction is sub-standard for visibility as indicated in the Appellant's supporting statement "Using TD42/95 'Geometric Design of Major/Minor Priority Junctions' the visibility splays required at this location are 4.5m by 215m for the current speed limit, however due to land constraints and the existing topography it is proposed that visibility splays of 4.5m by 165m to the north and 146m to the south would be achievable".

Speed mitigation indicates that 160m minimum is required but not achieved to the south. This is not acceptable, as opinions that reduced demand from south is sufficient mitigation are not justified by any further information.

Without further information it is our view that "Land constraints and existing topography" are not sufficient reasons for departure from standard.

The judgement that warning signage is sufficient mitigation for this departure from standard is not accepted.

There is an inbuilt assumption in down rating south bound traffic from the junction that the two-ownership model would continue. Risk assessments should have considered the feasible situation

where Murrayshall Quarry came under single ownership and the consequential potentially greater use by south bound 'internal' traffic

It is accepted that the junction has been improved in line with the swept path analysis however, the Stage1 and 2 Audits recommends, in connection with conspicuity of the junction that

The existing carriageway is retrieved from below the encroaching verge

Warning lines are provided on Polmaise Road across the new junction.

CCC objects that the Appellant is not willing to implement both recommendations, choosing not to install the second item -warning lines.

Reporter to Appellant's 2014 planning application states in 2017 Appeal Decision Notice [ADN} #202 "However, the new access would effectively lead to a shared access arrangement for the quarry and The".

The current Proposal is essentially the same as the 2014 proposal.

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CCC agree with the conclusions of the Reporter

## 2. POLMAISE ROAD WEST FROM PROPOSED JUNCTION NORTHWARDS

## 1. General

CCC argue that this NEW application for an access to part of this quarry must be considered for the cumulative impacts of its use with the extant permission. A major element of the cumulative impact is the potential adverse impacts of HGV traffic generated by the quarry under the extant permission using the NEW access and entering the public road system.

CCC considers that phrasing of Stirling Council's Reason for Refusal #2 could have been clearer, but maintains that the intention of the objection is clear. The traffic issues relating to the route for HGVs -primarily, but not exclusively, the section from the point where the proposed access meets Polmaise Rd to the bridge over the M9 Motorway - have been well documented in previous objections by CCC, referred to by the Reporter to the 2015 Appeal and are the subject of a report commissioned by the Appellant by Systra. The locus of the Council objection is therefore unambiguous.

In addition, the issues identified historically with this section of road are connected to high volumes of HGV traffic rather than 'general traffic', and this is well understood by all parties.

In the Appellant's 2014 planning application Ref 14/00742/FUL the route from Murrayshall Quarry to the motorway network was defined, and the Reporter's conclusion in Appeal Decision Notice [ADN] PPA-390-2047 was that [for the levels of traffic associated with the extant permission] the "route, in total, would not be suitable for use of heavy goods vehicles ...."

The current proposal -in line with the extant permission - has

no such defined route and HGVs distributing product from the quarry using the proposed access can select any of three main routes to the major road network. After the common route from where the proposed access meets Polmaise Rd to the bridge over the M9 Motorway these are: -

1. Left to M9 Junction 10 via Kings Park
2. Right to M9 Junction 9 via Weavers Row
3. To Torbrex bridge junction: St Ninians Rd through Cambusbarron Village

All of these routes have major adverse traffic impacts including proximity to schools, pedestrian routes to schools, congested narrow carriageways.

CCC have assumed that consideration of these alternative routes should have been done under the framework of the ROMP with the agreement of a Traffic Management Plan. On the basis that the current ROMP process has not concluded then these route possibilities must be considered for this appeal before a fair appraisal of the safety of the Proposal can be determined.

However, for the purposes of this submission, CCC will directly focus its attention under 'traffic' to the adverse impacts of HGV traffic on the section of Polmaise Rd from the proposed access location to the bridge over the M9 motorway, referred to as 'Polmaise Rd West'. The potential adverse traffic impacts on all of the routes beyond Torbrex bridge documented in CCC-1 and CCC-2

should not be ignored.

## 1. **Previous CCC comments**

The Appellant concludes in AS/GA #3.19 that the

Application addresses both concerns raised by the local community, and paraphrases these concerns: -

Polmaise Road west of the M9 footbridge needs to be widened to accommodate the needs of vehicular traffic and a footway and cycle path provided for local residents, pedestrians, cyclists and equestrians

Failing the above, the MINIMUM requirement would be for resurfacing of this part of the proposed haul route and extensive cutting back of roadside

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shrubbery and verges

Consideration of a 15mph speed limit on this section of the proposed route

The creation of pedestrian crossings on Polmaise Road at Kenningknowes and Springwood Avenue

No HGV movement on Polmaise Road west of overbridge prior to 8am

Cambusbarron Community Council [CCC] /Save Gillies Hill statement in their joint Objection Report March 2015, under the heading 'mitigation for traffic' [CCC-1] it was stated:

It has to be emphasised from the outset that the views of the residents represented in this Objection document are that this development should not be approved for all the reasons articulated.

In a situation where the authorities were minded to approve the Application against the expressed wishes of constituents then Cambusbarron Community Council/Save Gillies Hill Group would ask for the following mitigation measures to be considered in an effort to minimize the impact of such a development on the community.

Negotiations should commence with the Scottish Government for the construction of a new on and off slipway on the M9 motorway south of the M9 overbridge at Torbrex which would be restricted for use to quarry traffic

Failing the above, Polmaise Road west of the M9 footbridge needs to be widened to accommodate the needs of vehicular traffic and a footway and cycle path provided for local residents, pedestrians, cyclists and equestrians

Failing the above, the MINIMUM requirement would be for resurfacing of this part of the proposed haul route and extensive cutting back of roadside shrubbery and verges

Consideration of a 15mph speed limit on this section of the proposed route

The creation of a roundabout at the junction of Polmaise Road (west) and the M9 motorway

The creation of pedestrian crossings on Polmaise Road at Kenningknowes and Springwood avenue

20mph speed restrictions applied at peak crossing times for schoolchildren

No HGV movement on Polmaise Road west of overbridge prior to 8am

Appellant's AS/GA #3.20 states that the "proposals in the Application" addresses both the". However, none of the issues raised by CCC have been addressed in the Proposal. The provision of a remote footpath does not address CCC comments in bullet 2 above as the comment clearly referred to new footways integral with the roadway and in association with road widening.

The Appellant's assertion that the proposals addresses the concerns of the community is therefore not accepted

**2. Previously identified Adverse impacts from HGV traffic on Polmaise Road West and wider road**

## **network**

The adverse impacts identified in the 2017 ADN were

**#205 On the basis of the foregoing I conclude the route, in total, would not be suitable for**

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vehicles with a weight of over 7.5 tonnes, the impact on other road-users and residential amenity. In respect of residential amenity, I also believe there would be an unacceptable impact on The Kennels.

**#207 The proposal is unacceptable in its own right in terms of the following impacts:**

noise, insofar as traffic noise would have a major impact on properties at Bearside, Polmaise Road;

road traffic, insofar as Polmaise Road from the Torbrex over-bridge to the proposed site access is of a standard unsuited to the type and level of traffic generated by the development; this would have a further unacceptable impact on the residential amenity of properties at Bearside and,

additionally, insofar as the site access road is concerned, would have an unacceptable impact on the residential amenity of The Kennels.

Further

The width and alignment of Polmaise Rd West leads in part to the above conclusion on unsuitability of the road. It is noted that the applicant commissioned a report from Systra which recommended mitigations which we will comment on in the following section. It is also noted that these recommendations have not been implemented in this proposal.

Polmaise Road West has a weight restriction of 7.5T [except for access] While this would not legally preclude the use of the road by quarry generated HGV it is a clear indication of the Local Authority's assessment of the route.

Extracts from CCC submission to planning application 14/00742/FUL [Document CCC-1 with associated appendix] together with extract from a supplementary report in connection with the same planning application [Document CCC-2 with associated appendices] outlines CCC's previous objections on traffic issues on the HGV routes out of Murrayshall Quarry and we submit that they are relevant to this appeal.

### 3. **Appellant's mitigation for traffic issues**

Appellant's AS/GA #3.21 outlines three matters recommended from Systra report.

The provision of a formal footway on the east side of Polmaise Road to accommodate pedestrians.

The implementation of a one way road system with passing places to appropriately manage the movement of HGV's and provide some facilities for pedestrians.

Local widening of Polmaise Road plus a remote footpath through the land under the ownership of DI to provide an appropriate alternative for pedestrians and cyclists, from the south of the residential properties to the new Quarry access junction with Polmaise Road.

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Appellant's AS/GA #3.22 asserts that "all of these mitigation measures have been incorporated into". However, only the remote footpath is incorporated into the proposal within the scope of the proposed development outlined in #3.10 to #3.14.

No condition implementing the remaining recommendations of the Systra report have been included in the Proposal

Appellant's AS/GA #3.22 classifies the 'remote footpath' as 'mitigation' and it is therefore not provided solely as a recreational benefit as could be implied from #3.24. Therefore, there is acceptance by the appellant that -in this case - mitigation for a previously identified adverse traffic impacts [pedestrian anxiety] out-with the plan boundary of the proposal is necessary and consequently has been provided.

This apparent inconsistency with a failure of the proposal to mitigate for other adverse traffic issues out with the plan boundary of the Proposal will be discussed later.

Appellant's AS/GA #3.23 raises the issue of the positive impact of the removal of the Appellants share of future HGV traffic from the section of Polmaise Rd from the existing quarry entrance to the proposed new access. This comment again departs from the apparent principle that only traffic issues within the plan boundary of the proposal are relevant to the appeal.

CCC will argue later that this principle is not acceptable, but even in the event that it was, the inclusion of a comment on a positive impact of the proposal on the road network without the balancing inclusion of comments on the known adverse impacts is not acceptable.

#### **4. Required mitigation for traffic issues**

Apart from inconsistency in the appellant's documentation, referred to above, and the inclusion of some, but not all, mitigation for identified adverse impacts, we consider there are sound reasons for considering the adverse effects of HGV traffic on Polmaise Rd West in this appeal

The Appellant states in AS/GA #3.3 "planning permission is in place and quarrying can re-, and argues therefore that the existing road network has full approval for quarry generated traffic. CCC do not accept this for the reasons given below.

The first review under the ROMP system took place in 2002 and the '2017 review' has still to be concluded. It is anticipated that this review will consider traffic issues on Polmaise road, probably through a Traffic Management Plan. Until this is completed and agreed between the various parties then quarrying at Murrayshall cannot legally recommence.

Both Patersons and Tillicoultry Quarries have made submissions to Stirling Council for the new conditions under which the quarry will operate for the next 15 years, and Patersons proposed condition 35 states

Unless otherwise agreed, no mineral extraction shall take place until the completion of infrastructure improvements along Polmaise Road, generally in accordance with

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the scheme of measures prepared by SYSTRA and detailed within its report

Reference AG-105885 – Version 4 dated 4 May 2018 [\*]

The Reporter to the 2014 Planning Application Appeal addressed traffic issues on Polmaise Road West and the wider road network, and identified adverse impacts in relation to HGV traffic volumes in line with the 1982 planning permission. The recommendations in the Systra report purport to address these issues. The reference to - but not a proposal for implementation - the Systra report could reasonably be taken to indicate that the Appellant accepts that the current road system cannot meet current safety requirements.

Traffic issues on Polmaise Road in particular, must at some point form part of the current general approval process for Murrayshall Quarry. It is already

part of the current ROMP process, but arguably must be considered as part of this planning application in the absence of a conclusion from the ROMP process.

The mitigation proposal to ease pedestrian HGV anxiety on Polmaise Rd is the construction of a remote footpath; however, in our judgement, pedestrians could have more concerns for their personal safety using this unlit path especially during the hours of darkness when quarry HGV traffic is still running. The proposed path is 3m wide, certainly wide enough for illegal use by small cars or motor cycles.

CCC objects that there is no reference to these potential hazards in the safety audit, despite CCC concerns on this matter being raised, and therefore without it the proposal cannot be accepted.

## **5. Planning panel decision**

Information on the adverse traffic impacts on Polmaise Rd was not included in the Council's Report to Planning Panel, but CCC were given an opportunity of highlighting these issues at the Planning Panel Hearing and therefore Councillors were aware, if not from their own research, of potential adverse traffic issues from the proposal.

CCC comment on the failure to include this in Council Report will be included later [2.2 [h]]. CCC had argued in correspondence with Stirling Council that decisions on the ROMP process, particularly in relation to traffic 'conditions', should have

been taken before the determination of the planning application for the access route.

The Appellant argues in AS/GA #4.13 compliance with the requirements of LDP Policy 1.1 Site Planning. i.e. that “the Proposed Development” ...can be safely accessed... “

CCC argue that this assertion is wrong and that the proposal does not comply with this aspect of LDP Policy 1.1, as there are indisputably, unmitigated adverse traffic impacts outlined in 2.2 [c]

The circumstances surrounding this planning application, particularly in relation to road safety on Polmaise Road West are unusual if not unique. Councillors were required to determine the application’s compliance with LDP Policy 1.1. In most circumstances where a development leads to traffic onto the public road network this requirement can be met simply by a ‘deemed to satisfy’ of safe dispersal of traffic onto the local or national road network.

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In this case the simple conclusion of a ‘deemed to satisfy’ could not be reached as adverse impacts due to levels of HGV traffic had historically been recorded by a previous Reporter, and the Appellant did not include full mitigation measures for these in the Proposal.

A second method to determining compliance with Policy LDP Policy 1.1 open to Stirling Council would be if the ROMP review had been completed and concluded prior to the determination of the planning application for the access. With suitable mitigation in place Polmaise Road local road network could be considered safe. This method was not open to councillors as for whatever reason the planning application was determined prior to the conclusion of the ROMP.

Even this second method of discharging Councillor's responsibilities under LDP Policy 1.1 is subject to, possibly unacceptable, less democratic scrutiny as our understanding is that the ROMP process is officer led and therefore elected members have limited, or no influence in the conclusions reached. The planning application determination process was the only opportunity of formally discharging this responsibility to ensure compliance with traffic safety under LDP Policy 1.1

## **6. ROMP appraisal of traffic issues**

A question may arise - on the basis that the Appellant wishes to continue his campaign to reactivate Murrayshall Quarry – as to whether the Appellant had a choice on timing when making this planning application.

One choice would have been to wait until the planning condition [confirmed in the 2002 ROMP] that only one access to the quarry was permitted was or

was not, removed in the current ROMP process. In this Review the environmental impacts of HGV traffic on Polmaise Road West [and other locations] will be considered formally for the first time [the 2002 ROMP failed to include an EIA].

If the Appellant had been successful in changing the access condition in the ROMP process, then the planning application for the access would have been relatively straightforward and importantly Councillors would have been able to rely on the conclusions of the ROMP in relation to safe access to the development and conclude that the safety issues embedded in Policy 1.1 had been met.

In the event this route was not chosen with the consequence that Councillors were legally obliged to consider the implications of the Proposal's compliance with LDP Policy 1.1 at the Planning Panel Hearing and returned the only possible determination possible in the circumstances.

## **7. Council Report on traffic issues**

In paragraphs AS/CA 7.5 and 7.6 the Appellant highlights agreement with the Council's Planning Department Committee Report paragraphs 2.10, and 2.63. Our view is that the weight attached to the appellants endorsement of these paragraphs should be considered in the light of our criticism of the substance of the paragraphs outlined below.

## Council Committee Report Parag 2.10

This paragraph makes three assertions.

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Firstly, that “traffic movements are currently controlled under the extant permission”

Importantly, the report fails to mention that no traffic movements can occur under the extant permission unless they conform to conditions still to be agreed under the current ROMP.

Secondly, that the Proposal would not change the number of HGV using Polmaise Rd. This

has never been disputed. What is disputed is the subsequent implied assumption that

because the numbers of HGV will be consistent with the extant permission that the environmental impacts need not be considered further.

Thirdly, the report gives an unbalanced view as it only emphasises the positive impact from

the use the proposed access [due to reduced traffic on the section of the existing route from

existing to proposed access] while neglecting to consider the possible adverse impacts of

HGV on the remaining sections of the public road. The inclusion of this positive comment

on the impact of the development on road safety on the public road gives an unbalanced

view which inconsistent with the Council position which seems to be that only traffic issues

within the proposal plan boundary need be considered.

## Council Committee Report Parag 2.63

This paragraph states “the proposed development does not generate HGV movements nor”

And further "it is therefore not appropriate to seek to control via this application the arrival"

This stance must be questioned. An access is an integral part of any quarry its main function being the discharge of quarry products, so while this particular planning application does not relate to the operation of the quarry in terms of winning and working rock aggregate, [it is accepted that that function is covered in the extant permission] it does relate to the equally important "quarry operation" of safely discharging quarry products to the market.

The appellant has submitted a NEW application for an access, and this must lead to a new examination of this important element of this 'quarry operation', namely the environmental impacts of the discharge of materials onto the public road system.

Hypothetically, had a new planning application for an access involved the dispersal of HGV traffic onto a section of public unused under the extant permission then it is inconceivable that the planning authority would not consider the environmental impacts -including any adverse traffic impacts- of the use of the new route.

The argument forwarded by the appellant [and erroneously endorsed in the Council Report] is that for the current planning application a new examination of environmental impacts need not be considered, because the numbers of HGVs on any particular section of road do not exceed the numbers envisioned in the 1982 extant permission, and therefore traffic adverse impacts need not be considered.

There are material considerations that should be considered in support of the argument that

the use of the access is a relevant consideration for this appeal.

It is generally accepted that the 2002 ROMP, erroneously, did not include an environmental impact assessment, and consequently any adverse traffic impacts connected to the discharge of quarry products onto the public road were not, and have not subsequently been formally examined.

The Reporters 2017 ADN to the 2014 planning application [see comments in section in 2.2 [c]]

The Appellant commissioned the Systra report, which purports to address the issues outlined above raised by the 2014 Reporter and by doing so, tacitly accepts there are issues that have to be addressed in connection with traffic matters.

The Appellant has considered the movement of HGV in the vicinity of the proposed access junction e.g. position of HGVs relative to lane width on Polmaise Rd when approaching the junction, but technically outwith the plan area of the proposal. This indicates that for this particular situation the principle of having to consider of the use of Polmaise Rd has been adopted.

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These material considerations indicate that, at least, the assumption that the existing road network can be 'deemed to satisfy' traffic safety issues because volumes of traffic are unchanged from the date of the extant permission is

questionable.

AS/GA #3.26 notes that Roads Development Control has no objection to the Proposal. As described fully above, CCC's position is that the fundamental advice/brief of planning officers to consultees must have been based on their [flawed] opinion that the scope of their consultees investigations should preclude any considerations of adverse impacts from the use of Polmaise Rd West, and therefore, unsurprisingly, no comment on this was received. CCC therefore argue that the any weight attached to Stirling Council's endorsement of the appellants position, either in the Planning Report or in advice from Road Development Control requires to be reduced.

### 3. **TREE LOSS**

CCC agrees that Council decision that the Proposal is in conflict with LDP Policy 10.1

CCC also argues that Proposal is in conflict with LDP Policy 10 :-

i. Promote Tree Preservation Orders (TPOs) to protect trees and groups of trees important for amenity, or because of their cultural or historic interest, or on account of their contribution to the character and appearance of Conservation Areas.

1. Protect existing woodland, especially woods with high natural, recreational and cultural heritage value. The criteria set out in the Scottish Government's policy on Control of Woodland Removal will be used to determine the acceptability of woodland removal.
2. Seek to expand woodland cover and, where practicable, secure establishment of new

woodland in advance of development, particularly in association with:

Larger scale development proposals and / or developments on the edges of

settlements as set out in the Key Site Requirements.

Existing woodland or Green Corridors (see Policy 1.3).

In areas of degraded landscape.

There is a strong presumption in favour of protecting Scotland's woodland resources and woodland removal should be allowed only where it would achieve significant and clearly defined public benefits, which might include social, economic and environmental benefits.

CCC accepts that in appropriate cases a proposal for compensatory planting may form part of this balance, but notes that by definition complementary planting is of young trees which will take decades to reach the stature of the trees displaced. In the meantime, the public are disadvantaged by a loss of amenity.

In the current case the Officers were of the opinion that the loss of trees of plantation origin would be more than compensated for by the planting of a greater number of native trees, and that this was a 'public benefit' sufficient to allow the woodland removal.

CCC agree with the Committee decision to set aside this opinion, and confirm its view that this

Proposal leads to an unacceptable loss of amenity.

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Summary of CCC position

Noise and Air quality

in the vicinity of the access there will be potentially adverse impacts on the "amenity of the rural area which was frequently visited by residents and users of the existing paths

Junction and traffic

Considering the detailed design of the access junction, it is noted that it is sub-standard for visibility and that the judgement that warning signage is sufficient mitigation for a departure from standard is not accepted

Considering conspicuity of the junction, we note that the full recommendations of the Stage 1 &2 safety audits are not being implemented

Considering the effect on the Kennels we agree with the Reporter to previous 2014 planning

application Appeal that there would be unacceptable reduction in the level of residential amenity.

This NEW application for an access to east half of Murrayshall Quarry must be considered for the cumulative impacts of its use with the quarry extant permission. A major element of the cumulative impact is the potential adverse impacts of HGV traffic generated by the quarry under the extant permission using the NEW access and entering the public road system

The use of Polmaise Road West by HGV traffic is a relevant issue to be considered for this appeal

The Appellant's mitigation proposals do not, as suggested, meet the historic concerns of CCC

Any weight attached to Stirling Council's endorsement of the appellants position, either in the Planning Report or in advice from Road Development Control requires to be reduced

The Reporter to 2014 planning application appeal identified adverse impacts in relation to the use of Polmaise Road by HGV at traffic volumes consistent with the extant permission. The Appellant has acknowledged these but included only part mitigation for them in his proposal.

Because of this failure to mitigate these adverse impacts the proposal does not comply with LDP, specifically along Polmaise Rd West.

It was reasonable therefore for a consideration of the adverse impacts of traffic to lead to a refusal of the planning application and we argue that this appeal should be rejected.

tree loss,

the public are disadvantaged by a loss of amenity despite complementary

planting.

## Document List

CCC-1 Extract from CCC submission Section C.5.5 to planning application  
14/00742/FUL  
Appendix C5.5 Transportation Review by Sam Shortt Consulting

CCC-2 Extract from CCC supplementary submission Section 4.7 to planning  
application  
14/00742/FUL

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## Appendices

4.7-A CCC Internal traffic paper

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4.7-B S Shortt report

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4.7-C Swept path analysis report

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4.7-D HGV conflict probability calculations  
(spreadsheet)

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4.7-E (1) HGV conflict probability calculations (1) (pdf)

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4.7-E (2) HGV conflict probability calculations (2) (pdf)

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4.7-F Road safety auditor opinion

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4.7-G (1) Polmaise Rd and Kings Park - Forestry  
commission map

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4.7-G (2) Polmaise Rd and Kings Park - Forestry  
commission paper

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4.7-H Cala Homes planning application decision 1996

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