
Craigforth Campus, Stirling

Grounds of Review Statement





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1. Executive Summary

1.1. The Proposed Development involves a significant direct investment in Stirling of c. £18m and the creation of up to 50 jobs through the erection of distillery and visitor centre alongside ancillary buildings and associated landscaping and infrastructure on land at Craigforth Campus, Stirling. The proposals are considered acceptable for the following reasons:

1. The Proposed Development will deliver an exemplar distillery and visitor centre at Craigforth Campus with a number of ancillary and complimentary uses which will sustain and enhance Stirling's tourism offering.
2. The proposals will act as a major attraction bringing visitors to the distillery which is likely to result in spin off benefits for Stirling and its City Centre in the form of increased footfall and longer dwell times. This should be considered a positive for the wider City as the recovery from the Covid pandemic continues.
3. The Proposed Development would generate up to 50 full and part time jobs within the distillery, café, shop and restaurant. Recruitment would focus on locally based employees to fill the available positions.
4. The Proposed Development seeks to deliver additional employment opportunities whilst introducing a development which complements the primary employment function of Craigforth. The Proposals have the opportunity to make a valuable contribution towards sustainable economic growth and attract genuine investment into the Stirling economy.
5. No objections to the Proposed Development were received from external statutory consultees including Historic Environment Scotland, SEPA and NatureScot. As such, there are no technical issues preventing the delivery of the Proposed Development.
6. The Proposed Development seeks to implement low and zero carbon generating technologies and high standards of sustainable design and construction to ensure the proposal contributes towards sustainable development.

2. Introduction

- 2.1. This Grounds of Review Statement is written in support of an appeal to the Local Review Body against the decision of Stirling Council ('the Council') to refuse planning permission in respect of planning application Ref: 21/00552/FUL, for the eight reasons set out in the Decision Notice dated 9 March 2022.
- 2.2. A planning application (Planning Ref: 21/00552/FUL) was submitted to Stirling Council on 18 June 2021 for erection of distillery and visitor centre alongside ancillary buildings and associated landscaping and infrastructure ('the Proposed Development') on land at Craigforth Campus, Stirling (DOC 01).
- 2.3. The wider development vision currently being advanced seeks to deliver a viable and vibrant mixed use sustainable campus which creates a regional employment, leisure and residential destination at Craigforth. Craigforth Campus offers an exciting opportunity for expanding and enhancing upon the existing facilities to deliver a new active business campus with improved amenities, public realm and upgraded accessibility with additional employment opportunities for the wider community.
- 2.4. This component of the wider aspirations will comprise a new whisky distillery, with an associated visitor centre, enabling tours and presentations. The development will incorporate a public café/restaurant in addition to staff rooms, canteen etc.
- 2.5. The application seeks Detailed Planning Permission for:

"Erection of distillery and visitor centre for the production of whisky and other spirits, still house, workshop, enclosed yard, distillery shop, events space, cafe, restaurant, kitchen (licenced), service spaces, plant rooms, and associated visitor/staff car parking, coach parking, soft landscaping and infrastructure including new access road."
- 2.6. Regardless of the timescales for delivery of the wider masterplan (short, medium or long term), Wolfcraig Distillery Ltd are fully committed to the delivery of this proposal in the short term for the wider benefit of Stirling.

The Appellant

- 2.7. Wolfcraig has one vision. Bold innovation with heart. A premium brand that will be synonymous with excellence, expertise and innovation. A contemporary whisky and premium spirits range coupled with a rich heritage of traditional skills and passion. We will establish a 21st century distillery on the foundations of our 9th century forefathers, introducing both experts and novice whisky drinkers to this fine spirit.

Grounds of Review

- 2.8. This statement sets out the appellants case for the Local Review Body to reconsider the decision made under delegated powers by Council officers. The key points included in the reasons for refusal are detailed in Paragraph 3.26. Section 4 details the Appellants Grounds for Review and responses to the reasons for the refusal.

Structure of Submission

- 2.9. This Grounds of Review Statement is accompanied by the following submitted documents:

- DOC 01 – Location Plan
- DOC 02 – Decision Notice (21/00552/FUL)
- DOC 03 – Report of Handling (21/00552/FUL)
- DOC 04 – Application Forms
- DOC 05 – Planning Statement
- DOC 06 – Design Statement
- DOC 07 – Site Plan
- DOC 08 – Ground Floorplan as Proposed
- DOC 09 – First Floorplan as Proposed
- DOC 10 – Roof Plan as Proposed
- DOC 11 – Elevations as Proposed
- DOC 12 – Sections
- DOC 13 – Details SUDS and Hardstanding Sheet 1
- DOC 14 – Details SUDS and Hardstanding Sheet 2
- DOC 15 – Drainage Details
- DOC 16 – Road Details
- DOC 17 Visibility Splay
- DOC 18 – Vehicle Tracking Details
- DOC 19 – Landscape Plan
- DOC 20 – Flood Risk Assessment
- DOC 21 – Drainage Strategy
- DOC 22 – Energy Statement



- DOC 23 – Light Pollution Statement
- DOC 24 – Transportation Statement
- DOC 25 – Landscape and Visual Assessment
- DOC 26 – Cultural Heritage Setting Assessment
- DOC 27 – NatureScot Consultation Response
- DOC 28 – Historic Environment Scotland Consultation Response
- DOC 29 – Bridge, Flooding and Drainage Consultation Response
- DOC 30 – Roads Development Control Consultation Response
- DOC 31 – Environmental Health Consultation Response
- DOC 32 – Scottish Environment Protection Agency Consultation Response
- DOC 33 – Transport Scotland Consultation Response
- DOC 34 – Scottish Water Consultation Response
- DOC 35 – Sustainable Development Manager (Biodiversity Officer) Consultation Response
- DOC 36 – Response to Stirling Council (February 2022)
- DOC 37 – Response to concerns raised on LVIA

2.10. This statement is set out as follows:

Section 3	The Application
Section 4	Grounds for Review
Section 5	Conclusions

3. The Application

Proposed Development

- 3.1. The wider development vision currently being advanced seeks to deliver a viable and vibrant mixed use campus which creates a regional employment, leisure and residential destination at Craigforth. Craigforth Campus offers an exciting opportunity for expanding and enhancing upon the existing facilities to deliver a new active business campus with improved amenities, public realm and upgraded accessibility with additional employment opportunities for the wider community.
- 3.2. This component of the wider aspirations will comprise a new whisky distillery, with an associated visitor centre, enabling tours and presentations. The development will incorporate a public café/restaurant in addition to staff rooms, canteen etc.
- 3.3. The application seeks Detailed Planning Permission for:

“Erection of distillery and visitor centre for the production of whisky and other spirits, still house, workshop, enclosed yard, distillery shop, events space, cafe, restaurant, kitchen (licenced), service spaces, plant rooms, and associated visitor/staff car parking, coach parking, soft landscaping and infrastructure including new access road.”

The Proposal

- 3.4. The proposal involves the following components:
- Distillery – a modern distillery to produce premium Wolfcraig Highland Single Malt Whisky in addition to a range of other associated spirits.
 - Parking – a public car park will consist of 115 spaces, 10 disabled spaces, 2 bike stands and 2 coach spaces. There is also 12 staff spaces to the rear of the distillery building.
 - Main Entrance – principal entry point to main foyer with visitor drop-off for cars, taxis and coaches.
 - Entrance Foyer – a feature space for visitors giving access to all areas with centralised reception and sufficient capacity to accommodate general circulation, whisky tour gatherings and groups of visitors arriving by coach.
 - Events Space/Private Members Whisky Club – a flexible interactive visitor attraction/events space focused on whisky experiences accessed directly from the entrance foyer. Separate service access required.

- Distillery Shop – accessed directly off the main foyer for display, tasting and sale of Wolfcraig branded produce only.
- Whisky Tour – conducted tour of the distillery organised to include an audio-visual space, tour around the distillery and spirit stills house with views towards Stirling Castle and Wallace Monument.
- Tasting Rooms – private tasting rooms accessible from distillery tour or available to host VIP industry events.
- Catering – 180-seat bistro restaurant, bar, and café.
- Administration – centralised offices with staff entrance, lockers and toilets.
- The building is to be designed to maximise views towards Stirling Castle and the Wallace Monument to maximise exposure of the historical landmarks. Collaborative tours of the three sites are being discussed as a travel package deal.

Design

- 3.5. The design seeks to evoke traditional whisky distillery elements balanced with contemporary bespoke design. The whisky industry has recognised the importance of tourism not only for revenues but for the Scottish tourism economy and all new distilleries include key areas such as cafes, shops and offer tours.
- 3.6. The proposals create a series of interlocking spaces within the building. Each space serves a specific function and assists in creating a clear understanding of the building morphology. The key elemental functions are:
- Distillery and Stills House;
 - Workshop; and
 - Core building housing visitor attractions and administrative functions.
- 3.7. Full details are contained within the submitted Design Statement and associated drawing package.

Access

- 3.8. Vehicular access to the Proposed Development will be from an extension of the existing road network within Craigforth Campus. Access will be from the Craigforth roundabout at Junction 10 of the M9 located to the north of the Site. The existing track round the east of Craigforth Crag will be upgraded to serve as the main access into the Proposed Development.
- 3.9. From this upgraded road, there is two access points into the distillery. One for distillery vehicles to access directly into the distillery yard and the second for visitors and staff directly into the main car park. Dual access ensures all commercial operations can be kept away from the main public car park.

3.10. The vehicular access strategy for the Proposed Development utilises existing road infrastructure as far as possible as well as an upgraded road and access point to create a coherent means of accessing and servicing the Site.

3.11. Full details are shown within the submitted Drawing Package, Design Statement and Transportation Statement.

Employment

3.12. It is expected that the Proposed Development would generate up to 50 full-time and part-time jobs.

Consultation Responses

3.13. The consultation responses received from Council consultees during determination are summarised within the application Report of Handling (DOC 03).

3.14. NatureScot responded on 13 September 2021 (DOC 27) stating they had no comments to make.

3.15. Historic Environment Scotland responded on 7 October 2021 (DOC 28) raising **no objection** to the application. Their response stated *'there are important views looking towards and outwards from Stirling Castle – for example, from the Ladies' Lookout towards the upper Forth valley – and that the proposed development site would be visible in this key view in front of the Craig Forth volcanic outcrop.'*

3.16. Notwithstanding, Historic Environment Scotland *'concluded there would be no impact on the setting of Stirling Castle.'* They agreed with the conclusions reach in the submitted Landscape and Visual Assessment (DOC 25) that the potential adverse impact is likely to be low.

3.17. Bridges, Flooding and Drainage responded on 9 September 2021 (DOC 29) raising no objection from a flooding perspective.

3.18. Roads Development Control responded on 29 October 2021 (DOC 30) raising no objection to the application. They proposed a number of conditions which should be applied to any consent covering car parking, electric vehicle charging, cycle parking, travel plan, transport contribution and pedestrian connection.

3.19. Environmental Health responded on 17 December 2021 (DOC 31) raising no objection to the application.

- 3.20. Scottish Environment Protection Agency (SEPA) responded on 6 October 2021 (DOC 32) confirming they do not have any objections to the proposed development.
- 3.21. Transport Scotland responded on 7 October 2021 (DOC 33) confirming they do not raise any objection to the proposals. This is subject to a number of conditions being applied to any consent covering lighting, landscaping treatment, fencing/barrier details and drainage connections.
- 3.22. Scottish Water responded on 27 September 2021 (DOC 34) raising no objections to the proposed development.
- 3.23. Sustainable Development Manager (Biodiversity Officer) responded on 26 January 2022 (DOC 35) did not raise an objection to the proposal. They did raise an issue regarding potential impacts on the woodland. To satisfy these concerns an appropriate condition was proposed by the Biodiversity Officer to ensure an adequate buffer is created adjacent to the ancient woodland on the Crag.
- 3.24. Given the consultation responses received and that no objections have been raised from Council consultees, there are clearly no technical matters preventing the delivery of the proposed distillery at Craigforth Campus.

Determination

- 3.25. The application was determined under delegated powers by the appointed Case Officer on 9 March 2022. The decision taken by the Council was to refuse the planning application.
- 3.26. A Decision Notice (DOC 02) was issued by the Council on 9 March 2022 refusing planning permission stating eight reasons for refusal:
- 1. In the opinion of the Planning Authority, the proposed development is contrary to the Local Development Plan Vision as the proposals would have a negative impact on the historic landmarks eroding the unique sense of place to the detriment of the Stirling as a place to visit in Scotland. This in turn is contrary to Primary Policy 7, as it is a key component of this policy to preserve or enhance the Historic Environment.*
 - 2. In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.4; Policy 2.5; Policy 2.8 and site specific Policy B14 of the Adopted Stirling Council Local Development Plan Oct 2018, as it is not considered that the proposals, in respect of the range and proportion of uses proposed, meets with neither the Local Development Plan allocation for Craigforth (B14), nor the Local Development Plan policy provisions relative to business proposals outlined as part of Policy 2.4.*

3. *In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.6 of the Adopted Stirling Council Local Development Plan Oct 2018, as the mix of uses proposed could have a negative impact on the Stirling City Centre.*
4. *In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 7, Policy 7.1 and part (a) of Policy 7.2 of the Adopted Stirling Council Local Development Plan Oct 2018, as the application is considered to harm the setting of Stirling Castle and the Stirling Town & Royal Park Conservation Area. The application proposes a building of considerable scale and design sitting at the foot of the crag, facing directly towards Stirling city and the Castle. This is considered to have a negative impact on the wider setting of both. The views over a green and open landscape, largely free from built-up development are vital to this wider setting in terms of its sense of place, character and distinctiveness. Equally, views westward from the Castle are important relative to the historic settling and understanding of the Castle and the Conservation Area. The three outstanding historical landscape features of the Castle, Wallace Monument and the Crag are read visually together and the development would have a detrimental impact on the integrity of the historical landscape.*
5. *In the opinion of the Planning Authority, the proposed development is contrary to Policies PP1: Placemaking, Policy 1.1: Site Planning, and PP9: Managing Landscape Change of the Adopted Stirling Council Local Development Plan Oct 2018, including Policy 9.3, Supplementary Guidance 27 and Draft Supplementary Guidance April 2019: Biodiversity & Landscape, as it is considered that the proposals will have a continued negative effect on landscape character by virtue of its siting, size and design and the site boundaries do not allow for the necessary landscape mitigation. Furthermore, it is considered that the proposals will have an adverse visual impact due to its size and scale, and the intention to have a significant portion of it rendered a stark white. The landscape mitigation is largely inadequate and the site boundaries do not allow for the necessary landscape mitigation to be out in place.*
6. *In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 8 and Policy 8.1 of the Adopted Local Development Plan Oct 2018, as the applicant has not submitted the relevant surveys and supporting documents to clearly demonstrate the protection, conservation and enhancement of wildlife, its habits and other natural features in line with statutory requirements. Where adverse impacts on existing assets are unavoidable, the Development Plan will only support proposals where these impacts will be satisfactorily mitigated. Furthermore, the application has not demonstrated improvements to biodiversity in the form of any gain.*
7. *In the opinion of the Planning Authority, the proposed development is contrary to 10.1 of the Adopted Local Development Plan Oct 2018, as the applicant has not submitted a Tree Report to justify the removal of the trees. It is therefore considered that the proposed developments cannot be reasonably justified against the provisions of Policy 10.1.*
8. *In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 1, Policies 1.1 and 3.1 of the Adopted Local Development Plan Oct 2018 and Supplementary Guidance 01: Placemaking as the approach to active travel displayed within the application is not considered to meet with the connectivity criteria set out within these policies insofar as it fails to provide for active travel connectivity and does not provide any measure to improve travel connectivity. For the same reasons the proposals are contrary to Draft National Policy Framework 4, Policy 2: Climate emergency, as the development proposal fails to reduce the demand for (fossil fuel-based) energy by not promoting a modal shift away from the use of private motorised transport and towards walking*

and cycling in accordance with Scottish Planning Policy (Promoting Sustainable Transport and Active Travel).

- 3.27. It is clear in the Decision Notice (DOC 02) and the Report of Handling (DOC 03) that there are no technical matters which have led to the recommendation of refusal. The Council's reasons for refusal relate specifically to the opinion of the Planning Authority in respect of the landscape and visual, cultural heritage, and a narrow appreciation of outdated planning policies related to acceptable employment uses at Craigforth rather than 'employment generating uses'.
- 3.28. The Council's findings are set against the professional judgement of Historic Environment Scotland and the Applicant's expert landscape and heritage consultants who respectively have over 40 years and 20 years' experience of these matters.
- 3.29. The appellants contest the Council's decision to refuse planning permission and request the Local Review Body to reconsider this case and overturn the decision. The grounds for review are set out in Section 4.

4. Grounds for Review

- 4.1. The Appellant does not agree with the reasons for refusal set out in the Decision Notice (DOC 02) and seek the Local Review Body to reconsider the application on the grounds set out below. This evidence presents a straightforward assessment of the case.

First Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to the Local Development Plan Vision as the proposals would have a negative impact on the historic landmarks eroding the unique sense of place to the detriment of the Stirling as a place to visit in Scotland. This in turn is contrary to Primary Policy 7, as it is a key component of this policy to preserve or enhance the Historic Environment.

- 4.2. No objection to the proposals was raised by Historic Environment Scotland (DOC 28) demonstrating no significant concerns existed in respect of the proposals having a negative impact on historic landmarks. This was further confirmed in the submitted Cultural Heritage Setting Assessment (DOC 26) and the Response to Stirling Council in February 2022 (DOC 36). The conclusions of which were broadly agreed with by the Council. The Council's Archaeologist will have had a remit in relation to Stirling Castle (as a Scheduled Monument), and they have found agreement with the Cultural Heritage Setting Impact Assessment. It is therefore contradictory that that there can be an objection from elsewhere in the Council Planning Department in respect of impacts upon Stirling Castle and other heritage assets.
- 4.3. Clearly, there is a variance of opinion between the Council and the statutory regulator, Historic Environment Scotland and that of their own Archaeologist. It is questioned why the Council have failed to give full weight to Historic Environment Scotland's opinion when coming to their conclusions regarding the acceptability of the proposals in respect of Planning Policy 7 'Historic Environment', Planning Policy 7.1 'Archaeology and Historic Building Recording' and Planning Policy 7.2 'Development within and outwith Conservation Areas'.
- 4.4. The proposals will act at as a major attraction bringing visitors to the distillery which is likely to result in spin off benefits for Stirling and its City Centre in the form of increased footfall and longer dwell times. This should be considered a positive for the wider City.

Second Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.4; Policy 2.5; Policy 2.8 and site specific Policy B14 of the Adopted Stirling Council Local Development Plan Oct 2018, as it is not considered that the proposals, in respect of the range and proportion of uses proposed, meets with neither the Local Development Plan allocation for Craigforth (B14), nor the Local Development Plan policy provisions relative to business proposals outlined as part of Policy 2.4.

- 4.5. The Council contend that the ancillary event space/private members whisky club, shop and restaurant do not satisfy the 'ancillary' requirement within Policy 2.4 'Safeguarding Employment Land and Property'. The Council contend this is due to the combined floorspace of these ancillary uses being c. 50% of the overall development. Notwithstanding, the Appellant considers the core elements of the distillery to constitute 71% of the floorspace coverage. The ancillary events/private members whisky club, café and restaurant only extend to 29% of the floorspace coverage.
- 4.6. It is considered unreasonable and disingenuous to view these uses as not being 'ancillary' when their primary function is to complement the primary use of the site as a distillery ('complementary' being a key component of Policy 2.4). The principal function of the site is for a distillery which is an employment generating use which will provide additional jobs for the surrounding area on land safeguarded for employment uses. None of these ancillary activities would take place without it. It is therefore considered these are ancillary and complimentary to the primary use.
- 4.7. The Council outline that the scale and nature of the restaurant/café and shop will erode the overall employment use and detract from the offerings available within Stirling City Centre. It is important to make clear that the restaurant/café and shop will service a distinctive visitor market. This is linked directly to the operation of the distillery, and it is not considered unreasonable to infer this would have a detrimental impact on the wider retail hierarchy and occupancy or attractiveness of retailing in Stirling City Centre. Particularly given the interlinked nature of these ancillary uses. The shop will sell Wolfcraig branded products only which will not be available for sale elsewhere, particularly on the high street. As such, it is difficult to comprehend how the shop linked to the distillery will adversely impact Stirling City Centre.
- 4.8. The distillery and the associated ancillary complimentary uses will be a significant tourism draw for Stirling which will attract increased footfall to the City and its City Centre. This will facilitate spin off trade benefits for existing occupiers. In essence, the proposals will have a net benefit on retailing within Stirling Centre rather

than the negative impact detailed by the Council. This sentiment is echoed through a number of discussions the Applicant has held with landlords and occupiers based in Stirling City Centre. A number of their views were included in DOC 36 which outlines that they are supportive of the proposed distillery and its ancillary elements. It is clear to see, on the ground, the concerns raised by the Council are unfounded and do not in themselves warrant sufficient reasons for refusal here.

- 4.9. The Council note that the proposed event space/private members whisky club does not fall within Class 4, 5 or 6. This floorspace is ancillary to the primary function of the distillery and enables a private members whisky club space which will focus on whisky orientated events, common in distilleries across Scotland. It is considered that this space will not take business away from existing premises in Stirling City Centre. The inclusion of these ancillary and complimentary spaces enables the wider employment generating benefits of the development to be further strengthened providing a wider range of roles available for the local area.
- 4.10. In summary, the primary function of the distillery is being misinterpreted. The ancillary elements of the proposal are included to complement the principal function and would not, in isolation, be reasonably put forward in this location.
- 4.11. The proposals will act at as a major attraction bringing visitors to the distillery which is likely to result in spin off benefits for Stirling City Centre in the form of increased footfall and longer dwell times. This should be considered a positive for the City.
- 4.12. Notwithstanding, the Council's second reason for refusal is undermined by their support for the proposed development elsewhere on the Craigforth Campus. As such, this support contradicts the concerns they have raised on the impacts the ancillary shop would have on Stirling City Centre.

Third Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.6 of the Adopted Stirling Council Local Development Plan Oct 2018, as the mix of uses proposed could have a negative impact on the Stirling City Centre.

- 4.13. See commentary in relation to Second Reason for Refusal above.

Fourth Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 7, Policy 7.1 and part (a) of Policy 7.2 of the Adopted Stirling Council Local Development Plan Oct 2018, as the application is considered to harm the setting of Stirling Castle and the Stirling Town & Royal Park Conservation Area. The application proposes a building of considerable scale and design sitting at the foot of the crag, facing directly towards Stirling city and the Castle. This is considered to have a negative impact on the wider setting of both. The views over a green and open landscape, largely free from built-up development are vital to this wider setting in terms of its sense of place, character and distinctiveness. Equally, views westward from the Castle are important relative to the historic setting and understanding of the Castle and the Conservation Area. The three outstanding historical landscape features of the Castle, Wallace Monument and the Crag are read visually together and the development would have a detrimental impact on the integrity of the historical landscape.

- 4.14. The conclusions of the Cultural Heritage Setting Impact Assessment (DOC 26) are broadly agreed with by the Council. The Council's Archaeologist will have had a remit in relation to Stirling Castle and the Wallace Monument (as Scheduled Monument's), and they have found agreement with the Cultural Heritage Setting Impact Assessment. A further response covering cultural heritage matters was included within and the Response to Stirling Council in February 2022 (DOC 36). It is therefore contradictory that there can be an objection from elsewhere in the Council Planning Department in respect of impacts upon Stirling Castle and other heritage assets.
- 4.15. It is important to state Historic Environment Scotland did not consider the impacts from the proposed development significant enough to object in their consultation response (dated 7 October 2021). They outline *"taking all of this into consideration, we have concluded that there would be an impact on the setting of Stirling Castle. However, given the distance towards the development and because the buildings would not be higher than Craig Forth, we are therefore content that the level of impact would not be at such a level to object to the proposal."*
- 4.16. Clearly, there is a variance of opinion between the Council and the statutory regulator, Historic Environment Scotland and that of their own Archaeologist. It is questioned why the Council have failed to give full weight to Historic Environment Scotland's opinion when coming to their conclusions regarding the acceptability of the proposals in respect of Planning Policy 7 'Historic Environment', Planning Policy 7.1 ' Archaeology and Historic Building Recording' and Planning Policy 7.2 'Development within and outwith Conservation Areas'.

Fifth Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Policies PP1: Placemaking, Policy 1.1: Site Planning, and PP9: Managing Landscape Change of the Adopted Stirling Council Local Development Plan Oct 2018, including Policy 9.3, Supplementary Guidance 27 and Draft Supplementary Guidance April 2019: Biodiversity & Landscape, as it is considered that the proposals will have a continued negative effect on landscape character by virtue of its siting, size and design and the site boundaries do not allow for the necessary landscape mitigation. Furthermore, it is considered that the proposals will have an adverse visual impact due to its size and scale, and the intention to have a significant portion of it rendered a stark white. The landscape mitigation is largely inadequate and the site boundaries do not allow for the necessary landscape mitigation to be out in place.

- 4.17. The Council did not raise concerns in respect of external materials or colouring of the distillery during pre-application discussions. A key requirement of the distillery, particularly in this location adjacent to the M9 motorway, is for it to be visible to passing traffic. It is crucial for distilleries to be visible and deemed iconic to attract associated visitor levels and interest.
- 4.18. Significant levels of landscaping to screen the proposals would be counter-productive to this essential requirement. As such, it is not considered suitable for significant landscape planting to be included and the nature of the proposal results in the requirement for it to be visible.
- 4.19. The proposals include trees on the west edge of the building which will soften the western edge profile after 10 years; and views of car parking, on the opposite side of the M9 will be filtered by the proposed hedge planting.
- 4.20. An LVIA response was prepared by the Applicant's experienced landscape consultant and submitted in February 2022 (DOC 37).

Sixth Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 8 and Policy 8.1 of the Adopted Local Development Plan Oct 2018, as the applicant has not submitted the relevant surveys and supporting documents to clearly demonstrate the protection, conservation and enhancement of wildlife, its habits and other natural features in line with statutory requirements. Where adverse impacts on existing assets are unavoidable, the Development Plan will only support proposals where these impacts will be satisfactorily mitigated. Furthermore, the application has not demonstrated improvements to biodiversity in the form of any gain.

- 4.21. The Council acknowledges the site currently has little biodiversity value. In respect of the adjacent woodland, it is considered suitable conditions can be imposed upon any Decision Notice to ensure suitable mitigation measures are undertaken to avoid any negative impacts. For example, the following condition could be applied:

A 30m buffer between the development and the woodland should be established where possible, where the development boundary touches on the woodland and the waterway to the south of the distillery measures to mitigate any impacts shall be submitted to the Council and agreed in writing prior to the commencement of the development.

- 4.22. In terms of bats, survey work was undertaken as part of the PPIP masterplan application (Ref: 20/00426/PPP). Craigforth House was identified as a primary location for potential of bat roosts. The proposed development is located far from buildings considered to have potential for bat roosts and key areas of woodland with potential. It is therefore considered the proposed development will not have any adverse impacts upon bats.

Seventh Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to 10.1 of the Adopted Local Development Plan Oct 2018, as the applicant has not submitted a Tree Report to justify the removal of the trees. It is therefore considered that the proposed developments cannot be reasonably justified against the provisions of Policy 10.1.

- 4.23. The majority of trees which require removal are Category B and C ranging from poor condition to good condition. The species include scots pine, penduculate oak, silver birch and weeping willow. A number of the trees are suffering from dieback. There is a small number of Category A trees proposed for removal.
- 4.24. Notwithstanding, it is considered an appropriately worded condition can be included requiring a detailed tree survey to be carried out in advance of any works commencing on site.

Eighth Reason for Refusal

In the opinion of the Planning Authority, the proposed development is contrary to Primary Policy 1, Policies 1.1 and 3.1 of the Adopted Local Development Plan Oct 2018 and Supplementary Guidance 01: Placemaking as the approach to active travel displayed within the application is not considered to meet with the connectivity criteria set out within these policies insofar as it fails to provide for active travel connectivity and does not provide any measure to improve travel connectivity. For the same reasons the proposals are

contrary to Draft National Policy Framework 4, Policy 2: Climate emergency, as the development proposal fails to reduce the demand for (fossil fuel-based) energy by not promoting a modal shift away from the use of private motorised transport and towards walking and cycling in accordance with Scottish Planning Policy (Promoting Sustainable Transport and Active Travel).

- 4.25. The wider masterplan proposals being advanced at Craigforth Campus incorporate significant active travel improvements to the wider site. For instance, this includes walking and cycling paths past the proposed distillery site.
- 4.26. The Appellants are also investigating the feasibility of running electric minibuses to and from Stirling Train Station and Stirling Castle. Discussions have been held between the Appellant and Evelyn Tweed MP on trying to facilitate this sustainable approach going forward. It is considered the Appellant has made meaningful steps to improve active travel connections.
- 4.27. Draft National Planning Framework 4 is not a material consideration currently and carries no weight in the determination of applications at the current time. As such, this text in the eighth reason for refusal should be disregarded.

The Planning Balance

- 4.28. It is clear there are strong material considerations which warrant the approval of this application.
- 4.29. The Appellant requests that when the Local Review Body assesses the policy in the development plan and associated supplementary guidance relevant to this application, that true weight is given to the material considerations in respect of sizeable economic investment in Stirling which will create employment opportunities and enhance the city's tourist offering, in order that the economic and social benefits of the proposals can be realised to the benefit of Stirling.
- 4.30. Having considered the consultation responses received during the determination, there is no technical reason and no identified negative impact which outweighs the substantial economic and social benefits which would arise from the Proposed Development. As such, planning permission is therefore considered appropriate in this instance.

5. Conclusions

- 5.1. This Grounds for Review Statement demonstrates the failure of the Council to properly consider the wider context of the distillery proposals as a c. £18m investment in Stirling which would create up to 50 jobs on an allocated Employment Safeguarding Area and its associated benefits in its consideration of the application.
- 5.2. It has been shown that the Council's Planning Officers have not properly taken the wider material considerations into account in the determination of this application. In particular, their delegated decision focuses on a subjective interpretation of heritage and landscape impact which were not considered significant by both the national statutory body, Historic Environment Scotland, or by the Applicants' experienced cultural heritage and landscape advisors. There are therefore no insurmountable practical issues to hinder development of the site to enable a distillery operation and the wide ranging benefits it would bring to Stirling.
- 5.3. For these reasons an assessment of the proposals, taking into due consideration all the material considerations, should lead to a balanced planning judgement towards facilitating the positive delivery of a distillery at Craigforth Campus to be operated by Wolfcraig Distillery Ltd.
- 5.4. Given the foregoing, it is respectfully requested that Stirling Council Local Review Body proceed to grant planning permission for the Proposed Development.

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