



Local Development Plan Team
Perth and Kinross Council
35 Kinnoull Street
Perth
PH1 5GD

***Mansell Construction
Services Limited***

South Inch Business Centre
Shore Road
Perth
PH2 8BW



www.constructingcommunities.com

05-04-12-DEV-RH

10th April 2012

Dear Sir/Madam,

**Perth and Kinross Local Development Plan
Proposed Plan**

I refer to the ongoing preparation of the above development plan. Mansell Homes welcomes the opportunity to comment on the Proposed Plan and our submission augments the representations we made to the Main Issues Report in February 2011. Our company is a member of Homes for Scotland and supports the submission made by this body, which represents the wider views of the home building industry.

In terms of the spatial distribution of the additional allocations in Strathmore and the Glens, upon which the focus of our representations has been throughout, Mansell broadly agrees with the proportions of new development allocations given to each of the settlements in this area. Of the two options for development presented in the MIR, Option 1 was highlighted as our preference on the basis that it supported development in more sustainable locations, whilst corresponding with wider planning objectives.

Mansell Homes therefore supports the identification of land for a second phase to the north of housing development at Strathmore Terrace, Alyth. The site H59 - Glenree Alyth is effective and capable of delivery within the early plan period. We firmly believe the site can make a positive contribution to the town of Alyth and to meeting TAYPlan requirements. To reaffirm, using Scottish Government guidance on effectiveness criteria:

Ownership

The landowners of this site are supportive of development and have an agreement in place with Mansell allowing the promotion and sale of their land for housing.

Physical

It is understood that the site is free from constraints that would preclude its development. The site is situated immediately to the north of the development site at Strathmore Terrace, which is to be built by Mansell Homes. The site is bounded to the south by the proposed residential development site at Strathmore Terrace, to the east and north by the Old Drove Road, with boundary hedgerows, and to the west by a bank of mature trees with agricultural land beyond.



The site is not affected by flood risk and SEPA maps confirm this. Having also undertaken a site investigation report for the Strathmore Terrace site, we understand that the ground conditions are suitable for housing development and are thought to have sufficient bearing capacity for two storey properties.

There is no significant flora or fauna affecting the site and the land is not identified as prime agricultural.

Contamination

There is not expected to be any contamination on the site, as initial site investigations demonstrate that the site has a history of only farming uses and has not been previously developed. Any contamination associated with agricultural uses will be minor and remedial work can be absorbed in the development appraisal.

Deficit Funding

It is anticipated that there may be an element of affordable housing to be provided on the site. In the event that this is demonstrated, Mansell is prepared to discuss delivery with the Council and Housing Association, if relevant. Scottish Planning Policy allows for a range of tenures to be incorporated as affordable housing and we would anticipate that any agreement to provide affordable housing will be flexible enough to allow these different forms to be considered. On this basis, should obtaining deficit funding prove to be an issue for the delivery of, for example, social rented accommodation, then other tenure types (where public funding is not required) will be considered. There is not likely to be any further deficit funding required for the delivery of this development site.

Marketability

Mansell anticipates that it will commence development at the Strathmore Terrace site, which benefits from a detailed planning permission for 34 dwellings, in 2012. Our programme assumes at present that we will construct and sell in the region of 12 homes per annum from this location, with development likely to conclude in 2015. It is hoped that, in accordance with the timescales for the preparation of the Perth and Kinross Local Development Plan, a planning application can be submitted and determined in time to allow this site to provide a follow-on development, with similar timescales (i.e. three years) for completion.

Strathmore Terrace			Glenree		
2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
12	12	10	12	12	11

Infrastructure

Vehicular access to the site can be taken from Strathmore Terrace via the development roads to be constructed by Mansell. The site is located approximately 420 metres from the town centre and so would encourage short trips to be walked rather than driven. The surrounding roads are generally acceptable for residential development as improvements to the junction between Strathmore Terrace and Bamff Road, as well as new public transport facilities will be provided by Mansell as part of the existing planning permission. Access can be provided to the wider Core Path Network from the site to encourage recreation, with associated social and health benefits for new residents.



Mains water, sewerage, gas, electricity and media services are all available within the vicinity of the site and it is expected that these can be provided at reasonable cost to the development. Therefore, all infrastructure associated with the likely development of this land can be realistically provided to allow it to proceed.

Land Use

The site is currently outside the settlement boundary and is utilised principally as rough grazing ground for livestock. Historically, planning permission was achieved in outline for residential development. The permission (ref: 74/271) was granted subject to conditions in July 1974. This permission is now extant, but demonstrates the expectation that this site would always contribute towards the residential land supply and that there is a valid planning history.

It is anticipated that further technical work will be required to inform a planning application and this can be undertaken at the relevant stage. A sketch layout has been enclosed.

I look forward to hearing from you.

Yours sincerely



Richard Holland BSc (Hons) MRTPI
Development Manager

This representation was submitted with supporting documents, due to size these are unavailable on the website, but are available to view at Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

"BRAERIACH"
West Huntingtower,
By Perth,
PH1 3JS.

16TH February, 2012.

BRENDA MURRAY,
Local Dev. Plans Team Leader,
PERTH & KINROSS COUNCIL,
Pullar House,
35, Kinnoull Street,
PERTH.

RECEIVED

20 FEB 2012

Dear Madam,

Re:- PERTH DRAFT AREA LOCAL PLAN.

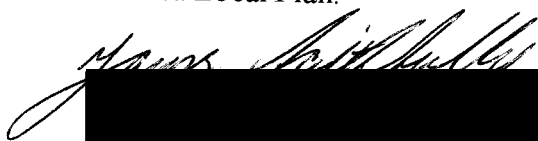
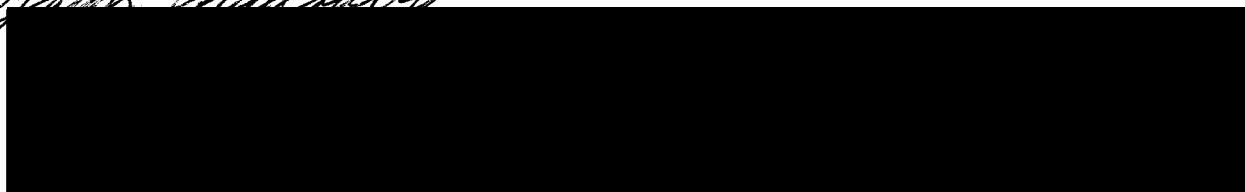
I REFER TO THE ABOVE DRAFT PLAN AND WRITE IN RELATION TO SITE H5 (Almond Valley) and would agree that this REMAIN out of the local plan in relation to major house building but, 25 hectares next to the existing industrial site be retained for employment use.

My reason for this are that Perth & Kinross Council saw fit to take this out at a full council meeting on the 10th January this year so that the existing settlements should remain with their character and surrounded by countryside//. It is a recognised flood plain and has flooded several times over the past years with surface run off, underground springs and normal rainfall// There are more viable sites with less constraints such as the Pylons, underground gas pipes, the Lade, underground springs etc//Having looked at the draft plan there are approx 7.700 possible house sites in the Perth Core area without Almond Valley plus Oudenarde of 1,600 which has planning// It is the local recreational area for Letham, Tulloch and the Western Edge// 99% of the population are against any major development on this site// It depends heavily on the Almondbank Flood Defences going ahead which will cost £20million and may not go ahead for years//It is a Historic site with the castle and ruins etc.//

In relation to Perth City West H70 I would like to see a Master Plan produced for this site showing the access to and from the site and not dependant on the A85 which is already overcrowded. I would also like to see the Settlement of West Huntingtower retained and tree planting or Bunding surrounding same.

In relation to Bertha Park H7 and any other major site within Perth & Kinross I think it is vital that before any planning permission is given that a Master Plan for the site is prepared in conjunction with the local residents and Community Council, as too many applications are put to the Council where no prior discussion has taken place with the local community (although in many cases the developers claims they have had discussion)

I shall be obliged if the above points are taking into consideration when finalising the Perth Area Local Plan.

From: Linda Al-Ibrahimi
Sent: 10 April 2012 19:54
To: Alasdair Finlayson
Subject: FW: Local Development Plan : 5.15 Damside/Saucher
Follow Up Flag: Follow up
Flag Status: Green

Another one

Linda Al-Ibrahimi
Support Assistant
Perth and Kinross Council
Planning and Regeneration
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Tel No: [REDACTED]

Email: [REDACTED]

From: [REDACTED]
Sent: 05 April 2012 21:40
To: Development Management - Generic Email Account
Subject: Local Development Plan : 5.15 Damside/Saucher

Dear Sir/Madam,

I cycle around the general area of Damside/Saucher from time to time and always appreciate the peace surrounding these small settlements. I was surprised therefore to learn of the plan to put a number of houses as infill development at Damside. These proposals seem disproportionate and will surely put undue pressure on access and local amenities.

I hope the Council will re-consider the wisdom of these plans for Damside and either reduce the number of houses, or drop the plan to build the houses altogether.

Thank you,

yours faithfully,
David Cox.

From: Lynne e Graham [REDACTED]
Sent: 10 April 2012 17:00
To: TES Development Plan - Generic Email Account
Subject: FW: H27 Luncarty Housing Site (pages 145 - 147) / Proposed Green belt Boundary / CTLR Representation
Follow Up Flag: Follow up
Flag Status: Completed

Apologies I did not attach my details:

Lynne Graham
43 Marshall Way
Luncarty
Perth
PH1 3UX

From: Lynne Graham
Sent: 10 April 2012 14:21
To: 'DevelopmentPlan@pkc.gov.uk'
Subject: FW: H27 Luncarty Housing Site (pages 145 - 147) / Proposed Green belt Boundary / CTLR Representation

I have made a couple of amends to the representation I sent this morning see below.

Thanks

Lynne Graham

Dear Sir / Madam,

Having attended the recent Planning exhibition in Luncarty Memorial Hall on the 7th March which was most informative and I would like to make a representation:

H27 Luncarty Housing Site (pages 145 – 147) & the Proposed Green Belt Boundary

The Proposed Green Belt Boundary:

In the adopted Perth Local Plan from 1995 it shows that all of the land to the South of Luncarty is currently located within the existing Area of Great Landscape Value. It was also proposed to be within green belt in the draft local plan in 2004.

I have also seen that previous proposals for housing and a karting track in the 1990's were rejected primarily due the negative impact on the landscape. This land is prime agricultural land.

As nothing has changed in terms of the landscape i.e. an area of great landscape value since the previous enquiry I'm not sure why this planning application is being progressed? There has also been no specific green belt study to help the council define where boundaries should now lie? I am unclear as to why this landscape is not now currently viewed to be of great value and what rules have been relaxed to change the thinking on this?

The proposed green belt boundary on page 45 shows an extension to the land north of Redgorton which includes Battleby House which supports the Designed Landscape Designation and which I view as very positive indeed.

On a less positive note the only area where there has been a deletion of the green belt land is the land to the South of Luncarty. This has been done without any up to date green belt boundary study to support this change. Given this land was proposed to be included in the green belt in December 2004 this is a huge change to the council's thinking and would ask what has prompted this change, I find this very concerning.

I also have major concerns that the proposed development area H27 has an area beyond the pylons which is being proposed as white land outside of the green belt. This looks as though it could be used to extend this proposed development even further in the future.

H27 Luncarty Housing Site (pages 145 – 147)

There was a plan in the 1990's as I previously mentioned to develop residential properties and a karting track which was rejected.

I have major concerns over the number of houses that site H27 will accommodate, I asked the question of the planning officers on the 7th and was told that this site could accommodate significantly more houses than 200. I think this is extremely unclear in the proposed plan and is trying to pull the wool over the residents of Luncarty. The council should state very clearly exactly how many houses they are proposing for site H27.

- The proposed plan states Luncarty South would provide 20 houses each year from 2015 up to 2024 = 200. Post 2024 it states 300

additional houses.

- I am extremely unhappy about this and feel it is excessive for the size of Luncarty, it would increase the size of the village by 80 – 100%.

There is a statement on page 145 that Luncarty has a range of community facilities, (I'm not quite sure what these are with the exception of a small shop, hairdresser and a pub?) hardly a range. The proximity and ease of access to Perth means that the city provides many of the settlements needs, why should we have to travel to Perth for community facilities? There would need to be significantly enhanced infrastructure and community facilities in addition to a bigger school, with more open spaces and services to accommodate such a large influx of population.

I also have major concerns that 5 hectares of general employment uses i.e. an Industrial Estate has been identified within the site. Whilst I have no issues with small scale business development within Luncarty this proposed 5 hectares would be the largest employment designation outside Perth City. Given how close this would be to both Inveralmond and North Muirton Industrial Estates which both have substantial amounts of land still to be developed I object to such a large Industrial Estate on the edge of our village, I do not see how this is necessary.

I have another major concern regarding the 'design of a new A9 junction and river crossing which will have to be approved to allow access and site layout to be designed and a maximum of 75 houses will be permitted to be occupied prior to the site connecting to the new A9 junction.

I was completely unaware of any other proposals other than the Luncarty North junction, I have asked my neighbours and other residents in Luncarty if they are aware of this new junction, no-one has heard anything about this. Route C for the CTLR which the council are promoting and is to be located some distance to the South of Luncarty which I welcome. However no new A9 junction is shown within the proposed plan, clearly a concern.

There is a complete lack of clarity in this and I have a concern that there is another agenda for site H27. If this site is being considered for some other form of development then it very unclear if access will be from a Main Road junction next to the railway bridge or a lengthy new road link from the CTLR to the south.

Finally to re-iterate a very major concern is the huge visual impact on the landscape that a development this size would have when viewed from the A9 and also the direct impacts on the River Tay.

I feel very strongly about this development and hope that my views will be considered carefully.

Yours sincerely

Lynne Graham

Lynne Graham
National Accounts Manager
Stonehouse Farm • Ashby Road • Woodville
Swordlincote • Derbyshire • DE11 7BP
W: www.cellartrends.co.uk



for the facts drinkaware.co.uk
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Your Details

An asterisk (*) indicates a required field.

Your Name: *	<input type="text" value="John Williams"/>
Organisation Name:	<input type="text"/>
Agent Name:	<input type="text"/>
Address 1: *	<input type="text" value="Hollybank House"/>
Address 2	<input type="text"/>
Address 3	<input type="text"/>
Postcode: *	<input type="text" value="KY13 9HY"/>
Phone Number:	<input type="text"/>
Email Address: *	<input type="text" value="REDACTED"/>
Site Name:	<input type="text"/>
Contact Person:	<input checked="" type="checkbox"/> Me <input type="checkbox"/> My Agent

Your comments will be applied to the following items:

3 Policies - 3.11 Environmental Protection and Public Safety - Paragraph 3.11.15

I support the airfield safeguarding policies. The Scottish Gliding Centre at Portmoak is well known as a premier gliding site within Europe and attracts many visitors to silently soar over a unique landscape. Despite its being established for more than 50 years there is a risk that inappropriate development around the airfield could threaten its ongoing operation. No potentially threatening development should be approved without a proper impact assessment.

7 Kinross-shire Area Spatial Strategy

The additional protection afforded to Kilmagadwood by showing its boundaries separate from Scotlandwell is welcomed. The land west of Kilmagadwood Cottage was improperly added to the settlement boundary in the previous plan. Successive reporters have confirmed this fact. This plan should simply remedy the mistake and restore the original pre 2004 KALP boundary.

Perth and Kinross Council
Affordable Housing Supplementary Guidance (Dec 2011)
Representations on behalf of Homes for Scotland

Contact details: Nicola Barclay

Tel: [REDACTED]

Email: [REDACTED]

INTRODUCTION

Homes for Scotland were consulted on the draft Affordable Housing Guide, published in October 2010. The guidance currently being consulted on (December 2011) is broadly similar to this previous version, with some amendments to reflect the consultation process. We acknowledge that many of our comments have been incorporated into the revised guidance and welcome these amendments, specifically relating to the use of unsubsidised low cost housing for sale as an affordable housing delivery mechanism.

However, the guidance still contains a number of details that we would like to see changed, and this representation focuses on these.

Firstly, as a matter of housekeeping, we would recommend that the title of this document be amended from 'Affordable Housing Guide' to 'Affordable Housing Supplementary Guidance', for clarity.

Also, in the introduction section, the Affordable Housing Policy of the new Local Development Plan is quoted, however the quote does not reflect what is written in Policy RD4 of the Proposed Plan.

COMMUTED SUMS

Funding an Officer Post

The paragraph immediately after the bullet points discusses how commuted sums might be used. It states that commuted sums will be paid into a fund to be administered by the Council. One of the options proposed is to use the fund to provide *'funding for a post for an Officer to help the delivery of affordable housing and negotiate the affordable contribution between developers and RSLs.'*

Homes for Scotland does not agree that funding an Officer comes under the remit of developer contributions. Commuted sums are usually paid over via a planning agreement (normally a Section 75 agreement), therefore it is relevant to consider the tests set out in Planning Circular 1/10: Planning Agreements, and whether the funding of an Officer post complies with Scottish Government policy.

- Paragraph 11 lists the policy tests, including *'necessary to make the proposed development acceptable in planning terms'*
- Paragraph 15 of the Circular states *'Planning authorities should satisfy themselves that a Section 75 agreement serves a planning purpose related to the use and development of land.'*
- Paragraph 16 states *'Planning agreements must relate to the development being proposed.'* It goes on: *'There should be a link between the development and any mitigation offered as part of the developer's contribution.'*

- Paragraph 17 is clear: *'Planning agreements should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development.'*
- Paragraph 18 considers that *'Attempts to extract excessive contributions from developers towards the costs of infrastructure or to obtain extraneous benefits are unacceptable.'*
- And finally paragraph 19 explains that *'Planning agreements should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development.'*

It is clear from our reading of the Circular that the funding of an Officer's post would be considered unnecessary to grant a planning consent; does not relate directly to an individual development; there is no direct link between any development and this mitigation; the benefits extracted would be unconnected to the development; and the requirement for this contribution is to resolve existing deficiencies in the Council's revenue budget – not something that planning agreements are intended to resolve.

Perth and Kinross Council have a legal obligation to discharge their statutory functions. These will not be funded by private developers. If PKC continues to request commuted sums to help fund an Officer post, it is conceivable that the Council will be challenged, and the integrity and impartiality of staff could be called into question, given that they would be negotiating contributions that contribute to their salary. **We strongly urge the Council to remove this element of the paragraph.**

Ring Fenced

Our previous comments to the draft guidance still stand:

'Where a commuted sum has been made developers will be able to reclaim any money not invested in assisting in providing affordable housing after 5 years but before 6 years from the date the commuted sum was paid.'

This suggests that developers have a 12 month window to reclaim monies not spent, 5 years after they were paid. This is unacceptable. If commuted sums have not been spent by the local authority after a period of 5 years, they should be legally obliged to return them immediately. It is not the purpose of the Council to make the development industry incur additional legal and administrative costs by chasing unspent commuted sums. Contractually the Authority should ensure that they do not deliberately and knowingly retain unspent monies. For clarity this should be written into any Section 75 Agreement or planning condition.

Calculation of Commuted Sums

Homes for Scotland continues to dispute the methodology used by PKC to calculate the value of affordable housing land. The Council is waiting for guidance from the RICS, and in the meantime continues with flawed methodology. This is untenable.

If an approved and adopted affordable housing policy applies to some or all land allocations within a development plan, then it follows that a commuted sum so arising can be used to purchase alternative land also with an affordable housing policy restriction acting on its value. PKC are arguing that an RSL would have to compete on the open market for land if on-site provision was foregone on a particular site. This is clearly untrue if the approved and adopted development plan conforms to

Government policy, since there would be no need to go to the open market to secure land to deliver affordable housing when adequate sites for that purpose had already been identified and allocated.

A commuted sum based on the value of the land which would otherwise have been transferred can be used to buy a similar area of land within the same market area or sub-area with the same use restriction. If the planning authority chooses to do something else with the money, then that is its choice, but it cannot argue for a sum based on purchasing land on the open market because there is no legitimate base to do so.

There is no need or justification for the commuted sum to be the difference between open market and affordable land values. In our view this is inequitable and unjustified, and would in effect be yet another tax on development.

A standard sum would be a clear and simple approach if applied to the valuation of affordable housing land, and is one that already operates by agreement with the development industry in other parts of the country.

Homes for Scotland considers it essential that the valuation issue be resolved and clearly reflected in policy. Any policy needs to be capable of implementation. What is delaying affordable housing in many cases is not a lack of acceptance of the principle of affordable housing contributions, but agreement on the basis for calculating legitimate values or costs.

Homes for Scotland continues to be willing to work with PKC to resolve this fundamental issue and assist it to deliver its affordable housing policy.

Perth and Kinross Council
Developer Contributions Supplementary Guidance (Dec 2011)
Representations on behalf of Homes for Scotland

Contact details: Nicola Barclay

Tel: [REDACTED]

Email: [REDACTED]

1. INTRODUCTION

This SG links to Policy PM3: Infrastructure Contributions.

In our reps to the Proposed Plan we have stated that the policy should contain further information listing the Supplementary Guidance to be read in conjunction with this policy. It is extremely disappointing that guidance relating to Transport, Infrastructure and Community Facilities and Green Infrastructure has not been developed in time to consult along with the Proposed Plan. It is therefore impossible for the house building industry to accurately calculate the contributions required without this information. They will therefore be unable to determine if allocated sites are effective without this level of information.

This SG should contain all the relevant information for developers to make informed decisions regarding the viability of sites. Appendix 1 of the SG: Summary of Examples of Contributions demonstrates on a matrix what may be required. However, no further information is provided on a number of these requirements. Perth and Kinross Council should recognise that the cumulative impact of these obligations may hamper the delivery of their Plan.

The principle that developers should expect to remediate the impacts of their developments in order to make them acceptable in planning terms is recognised and supported across the development industry. What is not accepted is the extent to which the use of Planning Agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been extended beyond the scope of the tests of planning purpose, relationship to the development, scale and kind and reasonableness set out in Circular 1/2010.

Homes for Scotland agrees that the provision of physical and community infrastructure remains critically important to the success of housing projects. However the contributions required from new developments must be fair and accurately assessed. The Council must be able to prove that a detriment is being created. PAN1/2010, paragraph 19 clearly states:

'Planning agreements should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development.'

In paragraph 1.4 PKC appears to be suggesting a form of roof tax *'sharing the cost with all development which places demand on infrastructure capacity, rather than placing an unacceptable burden on a limited number of developers in later years.'* This statement does not recognise the continuing and increasing impact existing communities can have on infrastructure. The Council will continue to be liable for the increasing infrastructure capacity not created by new developments. It is for this reason that any requirements for developer contributions must relate in scale and kind and must be accurately and transparently assessed. Homes for Scotland has always maintained that the methodology to calculate the impact of new development on infrastructure and services should have regard to the net new impact, not simply total impact.

2. LEGAL AND POLICY BACKGROUND

Paragraph 2.6 relating to affordable housing states that *'it will not be possible to apply developer contributions to affordable housing sites developed by RSLs'*. Whilst we can understand the logic that existing residents of PKC moving into affordable homes may not impact on the schools (although it could be argued that the pupils may move from one school to another); they should absolutely be required to contribute to transport infrastructure resulting from traffic generated by the new development, and other similar contributions. If PKC intends to absorb these costs themselves, clear parameters must be set out to ensure that the private developers are not cross subsidising RSL-created detriment. Further information is required to reassure private developers that they will only contribute an equitable proportion of costs.

3. IMPLEMENTATION

Paragraph 3.14 is not acceptable to the industry and should be deleted in its entirety. *'There are times where it may be appropriate to require additional revenue costs from developers.'* Examples given include providing a community shop at a subsidised rent, paying for a subsidised bus service or part funding of a community development worker. None of this is acceptable in planning terms. They do not relate to a detriment being created by a new development and the house building industry is not in a position to subsidise private enterprise.

In relation to public transport, for example, house builders cannot be expected to subsidise private companies' delivery of new routes and services. If there is sufficient demand generated by a development then the operators should take some risk and invest themselves. If a route cannot be provided by a commercially run bus operator, it is for the Local Authority to decide whether the allocation for development is in the right location. It is their responsibility to consult with the commercial bus operators to ensure that new allocations can and will be served by new or altered bus routes. As a point of principle, private house builders should not be expected to subsidise private bus operators' interests, at a time when the profits of the latter are far more buoyant and robust than the profits of the former.

Paragraph 3.17 covers the commercial viability of projects, as a result of cumulative impacts. We would suggest that this paragraph replicates (where appropriate) the text in Affordable Housing Supplementary Guidance, paragraph 5.15 Development Viability Statements. This deals with the sensitive nature of financial information; who within PKC should have access to the information; and how FOI requests will be dealt with.

4. PRIMARY EDUCATION AND NEW HOUSING DEVELOPMENT

Paragraph 4.3 states that *'much of the existing primary school estate [is] currently working at or near capacity...need to replace or expand over 65 primary schools'*

Appendix 2 lists the likelihood of developer contributions requirements.

What is missing from the policy, the guidance and the appendix is evidence: the facts and figures. In order to assess these assertions regarding capacity, Homes for Scotland would expect the table in the appendix to show the following information for each school: Total capacity; 80% figure; current roll; previous 5 years rolls (to show upwards or downward trends); projected future rolls for timescale of LDP (taking into account LDP sites and programming as set out in the Housing Land Audits)

Only once this information is available can we scrutinise the proposed requirement for a contribution, and be satisfied that all the tests set out in the Circular have been met.

Paragraph 4.6 defines a capacity constraint as *'where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.'*

We would argue that this approach is flawed, given that 80% capacity still provides sufficient scope for increased pupil product; some extant planning permissions will not be developed at all; and there is no detail provided of the programming of all sites coming forward and projections of school rolls.

Two recent appeal decisions are relevant in testing the Council's developer contributions policy:

1. Ref: P/PPA/340/789 dated 24 September 2009. The Reporters assessment was:

'The Council indicates that a contribution is required towards education provision due to the 80% capacity triggered at the local school being breached. Whilst the development would generate additional children, there is no suggestion that it would exceed the total capacity at the relevant primary school. The Council do not provide any evidence of the significance of the 80% trigger being breached or to the deficiency in local schools. Whilst circular 12/1996 enables Councils to secure financial contributions towards education provision it should be related in scale and in kind to the development proposal as well as being reasonable. On the evidence before me, I do not see how a financial contribution towards education provision is reasonable.'

2. Ref: P/PPA/340/2050 dated 21 April 2011. The Reporters assessment was:

'Planning officers recommended a developer contribution in respect of primary education – pursuant to a policy adopted in 2009. It has been proposed to use a Section 75 Agreement. I have seen insufficient justification, other than the need to comply with a two-year policy. The capacity of Newhill Primary School is said to be 432. Its highest projected 7 year roll is put at 320 – presently leaving 112 spare places. In addition 66 pupils are said to be “potential” additions “from this and previously approved/yet to be determined applications”. This language suggests that every one of these cases could together potentially take the school to 91% of its capacity. This figure clearly assumes pupils from developments which may not be built inside 7 years. The Council's response to the appeal uses language which implies that the school is already at over 80% capacity. This is not the case. I would need a better justification before finding that all tests in Circular 1/2010: Planning Agreements have been met'.

It is clear that the reporters in both cases did not agree with the method currently used by PKC, and we would recommend that this SG be amended. A capacity of 90% is more reasonable to use to trigger the requirement for developer contributions; Housing Land Audits should be used to project future school rolls, and details of the projections should be provided within the SG so that the figures can be scrutinised during subsequent consultation processes.

Paragraph 4.6 continues: *'Where primary school capacity has been increased to meet the needs of new development resulting in it operating at below 80% of total capacity, contributions may be required from future development until a proportionate cost of the school improvements is received.'*

This is unacceptable, and does not meet the tests of the Circular. If there is no detriment being created by a development, then there can be no requirement to mitigate against it. If a school has sufficient capacity due to works completed (and paid for by a previous development) the Council cannot expect subsequent developers to also contribute. The only situation where this would be the

case is where the Council has borrowed money to front fund the works, and plans to recoup the costs from a group of developers. If this is the intention, then this paragraph should be reworded to clearly explain this specific scenario.

The position should be reviewed (para 4.6) every 3 years, not every 10 years, in line with the timescales for reviewing all planning guidance notes (para 3.10)

Paragraph 4.8 explains that all developer contributions will be paid into a fund to facilitate the education provision needs in Perth and Kinross. *'Where it is not possible to invest in the same area [as the relevant primary school's catchment area] the Council reserves the right to invest in contributions received within the corresponding secondary school catchment areas to help alleviate the capacity issue.'*

This model of collecting contributions on the basis of an identified need in a local area, then spending it elsewhere extends beyond the scope of the tests of planning purpose, relationship to the development, scale and kind and reasonableness set out in Circular 1/2010. If there is no requirement for investment of the school within whose catchment the development will take place, then there can be no requirement for a contribution.

Individual contributions paid by developers should be audited in line with the details in paragraph 3.18. Money not required to alleviate a capacity issue should be returned to the developer within 5 years. The 10 years proposed is too long, and does not relate in any way to school rolls or forecasts. If the monies are not required within 5 years, then there can be no justification for retaining them.

No justification is given for returning money at 0.25% below Bank of Scotland base rates. This is not acceptable. If money is held in an interest bearing account, then the money, plus interest should be returned to the developer. The mechanisms for returning monies, plus interest, should be set out with Section 75 Agreements.

4.16 'Appendix A' should read Appendix 2.

4.19 'From April 2010 the Developer Contributions Rate per Dwelling will be set at £6395'. This is now two years out of date, and should be updated in order that SG published with the LDP is up to date.

APPENDIX 1 – SUMMARY OF EXAMPLES OF CONTRIBUTIONS

The matrix in Appendix 1 suggests that contributions will be requested from housing developments for the following areas: Recreation and public open space; community facilities; education; transportation; health; waste management; library services; and arts and cultural development.

Before any further work is carried out by PKC on a number of these items, they should consider whether the cumulative impact of this wish list will sterilise land and prevent development from commencing.

Homes for Scotland is clear that the whole issue of developer contributions to enable development has to be tackled as a matter of urgency. The house building industry has been one of the hardest hit by the recent economic downturn and continues to operate under significant pressures, which is being further exacerbated by increasing planning and infrastructure requirements. In addition, financial institutions - relied upon to finance development projects - are increasingly unwilling to provide funding to meet the costs of significant infrastructure.

In any event, developers will not contribute towards the cost of meeting health care infrastructure improvements required as a consequence of new development. This is not a matter for developers, but a function of the NHS and the Scottish Government. Any contribution must be linked to a proven detriment caused by the new development. This is not possible in the case of the NHS. Also, there is no specific Supplementary Guidance related to health care infrastructure, and nothing within Policy PM3: Infrastructure Contributions to justify the requirement.

Perth and Kinross Council should consider their existing community facilities estate in the current financial climate. We would require evidence that any existing provision would not be able to cope with increased demand created by the development of more housing. Before any member of Homes for Scotland agreed to any justifiable contribution, they would require evidence that they are *'not be(ing) used to resolve existing deficiencies in infrastructure provision'*. Given recent public sector funding cuts, it may be the case that existing facilities require additional funding to stay open, and the creation of new community centres is not a cost effective way of ensuring this. This argument holds true for library facilities as well.

Perth and Kinross Proposed LDP

Representations on behalf of Homes for Scotland

Contact details: Nicola Barclay

Tel: [REDACTED]

Email: [REDACTED]

Overall Format of Plan

Proposed Change required: Chapters 4 -9 could be reduced in size by avoiding repetition of requirements for each area, as found in each chapter's introduction. For example, all the housing numbers and the education infrastructure requirements should be combined and included in Chapter 4.

Justification: Scottish Ministers expect LDPs to be concise, map based documents. The Proposed Plan is not concise, currently running to 320 pages, and contains a lot of repetition. We would also argue that it is not particularly user friendly as the layout is fragmented.

The Vision and Objectives

Proposed Change required: The statement in para 2.2.1 (last sentence) '*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth*' should be typed to stand out from the rest of the text, so that the reader can see the vision statement easily.

A timescale should also be included within the vision, in line with TAYplan.

Justification: SPP informs us that outside SDP areas LDPs must also contain a vision statement. As PKC is within the TAYplan area, it does not require a separate vision statement. The TAYplan statement is relevant for PKC. However, if PKC wants their own, it should be clearly set out on the page. It is currently lost within paragraph 2.2.1.

The vision statement has not changed from the Main Issues Report version, despite representations made. Our main concerns remain:

- No timescale has been put on the vision and the implementation of it, unlike the TAYplan one that states 'By 2032 the TAYplan region will be...'
- It is apparent that PKC are trying hard to balance the significant pressures of population growth, with a protection of its environment. We do not believe that this plan achieves the right balance. By relying on 10% of housing to come from windfall sites, and 15% of housing from small sites in the Highland area, for example, the Council is missing opportunities to allocate sufficient effective housing sites in the right places, which will allow the communities of PKC to remain viable and prosperous, whilst protecting the environment.

Strategy

Support the plan: HFS agrees with the overarching principles of the strategy: sustainable economic growth.

Reason: We are aware of the challenges of balancing growth with the protection of the environment, and believe that PKC must work with HFS and our member companies to turn these challenges into opportunities. If the plan is really intended to 'help to build a growing economy', then it must demonstrate support for the accommodation of population growth, which is inextricably linked to economic prosperity.

Demographic Change para 2.4.5

Proposed Change required: Homes for Scotland has consistently requested that the GROS 2008 projections be used.

Justification: We note that PKC are still using GROS 2006 based projections. This is extremely disappointing, especially so when the DPEA have recently asked TAYplan to consider the implications of using 2008 projections rather than the 2006 figures, during their examination of the TAYplan Proposed Plan. Below is an extract from our comments to the TAYplan Proposed Plan, in relation to the use of GROS 2006 figures instead of 2008 ones:

'It is essential that the TAYplan is based on the most up to date information available and therefore the GROS 2008 Population and Household Projections should form the baseline forecast assumptions in the preparation of the Plan. Homes for Scotland members have concerns that the Proposed TAYplan does not go far enough and does not meet the ambition of Firm Foundations (to provide 35,000 homes per annum) or National Planning Framework 2.'

At the heart of the Scottish Government's Firm Foundations Report is the belief that the Government must and can improve the supply of all types of new housing. There should be an increase in the rate of new housing supply in Scotland and to meet this, there should be at least 35,000 new houses built per year in the medium term. Further to this, one of the aims of NPF 2 is to increase sustainable economic growth and home building is central to achieving this. The aspirations for this imply a higher overall household growth than projections currently indicate within the Proposed TAYplan.'

We responded to the Perth and Kinross Main Issues Report, as follows:

'Homes for Scotland notes that PKC have chosen to use the GROS 2006 figures to formulate their population projections. Given that one of the purposes of the Main Issues Report is to provide options for discussion, it is disappointing that PKC haven't taken this opportunity to use the GROS 2008 figures as an alternative growth scenario.'

There is frustration amongst our members that PKC does not comply with the requirements set out in Planning Circular 1/09: Development Planning, para 46:

'Publication (of the MIR) should come before the planning authority has reached a firm view as to the strategy that should be followed, and the authority's approach should not be one of 'defending' their proposals but one of genuine openness to different ideas.'

It is also noted in para 3.2.10 that PKC is assuming that in-migration will be severely curtailed due to the lack of mortgage funding. However, it also states that one of the greatest groups of people moving into the area is older age groups looking to retire. This group tends to have greater levels of equity, and fewer barriers to funding a house move, in contrast to first time buyers. An option should be included within the growth forecasts showing that this sector of the house buying population will continue to migrate into the area, and plan for this'.

We have tabulated the effect of using GROS 2008 projections on the housing allocations required figures, in the Spatial Strategy section.

What is the impact of the economic downturn?

Proposed Change page 20: Paragraph 2.4.8 of the Proposed Plan should be replaced by paragraph 3.2.12 of the Main Issues Report. It stated: *'The land use planning system has to be prepared to respond to any economic upturn and ensure that the lack of effective housing land does not become a constraint on general economic recovery. Should the planning system be unable to respond to economic recovery through a lack of identified effective housing land supply, there would be pressure*

to release housing land through ad-hoc decisions. This presents the possibility that the decision making process would respond primarily to the housing land shortage at the expense of longer term sustainability issues. This would also defeat one of the primary aims of the new planning system to be plan-led.'

Justification: We are disappointed that this paragraph has not been replicated into the Proposed Plan and would ask that it be re-inserted, as it underpins the whole argument for planning effectively for growth. Using up to date projections is crucial. Homes for Scotland recognises that planning for growth does not automatically mean that it will happen. However, a clear message can be sent to the industry that PKC is 'open for business' and initiatives aimed at stimulating the housing sector can be targeted with the support of the Local Plan team. NHT, MI New Home, The Innovation and Investment Fund etc are just some of the government backed initiatives that provide the foundations from which to build a strong local economy. PKC can actively encourage innovation and growth by planning for it, as other planning authorities have done.

Infrastructure Needs and Constraints, page 21

Support the plan: HFS agrees with the substance of **paragraphs 2.4.13 and 2.4.14.**

Reason/caveat: We will continue to work with PKC to develop funding models that can unlock development. HFS is however, deeply concerned that the Proposed Plan relies heavily on housing land releases, especially in the Perth core area that are embargoed until such time as major infrastructure works are 'committed projects'. This issue is discussed further elsewhere in this response.

POLICIES

PM1: Placemaking

PM1A:

Conditionally support the plan: We agree with the ethos of this policy. However, we are concerned whether it can be implemented.

Reason: The practical issues of land ownership and access rights over third parties land can make it difficult to improve links beyond site boundaries. Also, the costs of incorporating new landscape and planting must be commensurate with the scale of development to ensure viability is not threatened.

PM1C:

Proposed Change required: We would suggest that the Placemaking Guide has now been superseded by the Designing Streets policy produced by Scottish Government.

Justification: PKC must ensure that they don't contradict Scottish Government policy within their own guidance.

PM3: Infrastructure Contributions

Proposed Change required: The two instances listed a) and b) where contributions will be sought should be reworded to illustrate clearly that contributions should fairly and reasonably relate in scale and kind.

Justification: These two items are not clearly worded to reflect the policy tests set out in Circular 1/2012: Planning Agreements. The contributions must only be asked for when they are required to mitigate a detriment created by the development, and an evidence base will be required.

PM3: Infrastructure Contributions

Proposed Change required: The policy states that *'requirements of this policy may be secured through legal agreements'*. This should be amended to state *'requirements of this policy will preferably be secured through planning conditions, and in certain circumstances through legal agreements.'*

Justification: The wording is not currently in line with Circular 1/2010 paragraph 13. *'Planning authorities should firstly consider whether the restriction or regulation can be achieved by the use of a planning condition. Planning conditions are preferable to a planning or other legal agreement, as they are simpler and can potentially save time and money.'* The viabilities of sites are under extreme pressure in the current market and any attempts to reduce costs to developers would be welcomed. The costs of preparing Section 75 agreements, which in PKC are prepared by external solicitors, can be significant, and can cause significant delays to the receipt of planning consent.

PM3: Infrastructure Contributions

Proposed Change required: This policy should contain further information listing the Supplementary Guidance to be read in conjunction with this policy. The Supplementary Guidance relating to this policy should be available.

Justification: Any supplementary guidance currently available or in the process of being created, which relates to infrastructure contributions should be listed here. It is not possible for developers or land owners to accurately calculate the contributions that are required without this information. We cannot tell if allocated sites will be effective and currently have no way of determining this. It is extremely disappointing that the Transport, Infrastructure and Community Facilities and Green Infrastructure guidance have not been developed in time to consult along with the Proposed Plan. The Transport contributions alone could fundamentally impact on the delivery of a large proportion of the Plan, yet information is not yet available. This is an undesirable position to be in.

ED1: Employment and Mixed Use Areas**ED1B:**

Conditionally support: Whilst we support the integration of some employment-generating opportunities with housing, we would need to see the practical details within Supplementary Guidance, when available.

Reason: Issues can arise with the amenity of residential uses conflicting with commercial uses. Different land owners and companies have different business models and the delivery of mixed use sites is not easy to administer. Another challenge for house builder led mixed use development is finding suitable commercial operators, with the associated risks of empty commercial properties adjacent to new residential communities.

RD4: Affordable Housing

Proposed change required: HFS welcomes the flexibility within the policy and the acceptance that different tenures can deliver affordable housing. We would like a sentence to be inserted that signposts the section of the SG that deals with cumulative impact of numerous developer contributions on the viability of a site. (Found in the SG under the heading 'Development Viability Statements')

Justification: Given the importance of delivery of affordable housing, it is crucial that the input from the private house building industry is recognized. The current pressures on viabilities from competing departments of the Council can lead to the non-delivery of sites. It is important that the

flexibility that PKC has specified in the SG is recognized at policy level, so that it is transparent and endorsed by the wider users of the plan.

Transport and Accessibility

Paragraph 3.6.3

Proposed Change required: Where it states that a *‘very limited investment in the road network has led to significant congestion problems’*. PKC should bear in mind that Circular 1/10, paragraph 19 explains *‘Planning agreements should not be used to resolve existing deficiencies in infrastructure provision’*. The plan should make it clear that developers are not being asked to resolve these existing deficiencies.

Justification: Any developer contributions relating to transport MUST be to mitigate a detriment created by the development, not to resolve existing problems created by others. The absence of Supplementary Guidance frustrates this process and does not allow the industry to respond to this issue in the round.

TA1: Transport Standards and Accessibility Requirements

TA1B:

Proposed Change required: The policy should clearly acknowledge that a large part of the local plan area is rural and not well served by public transport. Within rural residential developments, adequate parking spaces must be provided to cater for two car households. Access to local bus routes with an appropriate frequency of service is wholly reliant on third party private bus operators.

Justification: Reducing travel demand by car is difficult to achieve in rural Perthshire. The population of these more remote locations relies on private cars and will continue to do so unless the bus operators can be persuaded to improve the availability of their services. It must be recognised by PKC that it is outwith the control of housebuilders to ensure that public bus services are available.

TA1B:

Proposed Change required: This policy should include references to Scottish Government’s ‘Designing Streets’ policy.

Justification: Parking standards and road layouts are now determined by Designing Streets policy. Unless this policy is written into the LDP, with full endorsement from all departments, there is a risk that development proposals will stall once they get to Roads Construction Consent stage. At this difficult time, developers need assurances that any sites that are taken forward, will progress quickly through the planning system and allow them to commence development within realistic timescales.

CF1: Open Space Retention and Provision

CF1B:

Support: HFS applauds the pragmatic approach to improving existing areas of open space rather than supplementing it, where an adequate supply exists.

Reason: This is logical and a welcome approach. Detailed SG is required now to see what levels of financial contributions will be required, to ensure that they relate in scale and kind.

HE2: Listed Buildings

Proposed Change required: We would welcome some text here regarding enabling development of new build properties that ensures the retention and protection of listed buildings, or those on the ‘at risk’ register.

Justification: The policy is currently silent on this point, and does not reflect the positive benefits new build developments can have on endangered listed buildings.

NE5: Green Belt

Proposed Change required: The text within this policy should be amended to clarify the purpose of greenbelts, as set out in Scottish Planning Policy.

Justification: SPP, paragraph 159 states that the green belt boundary should *‘direct planned growth to the most appropriate locations and support regeneration.’* It goes on to say that it *‘should be used to direct development to suitable locations, not to prevent development from happening.’*

This is not addressed in the policy as currently written, which should be amended to reflect this requirement.

NE5: Green Belt

Proposed Change required: There are a number of locations around the edge of Perth where the boundary is drawn tightly against the urban edge; and there are a number of smaller settlements within the area that are encircled by greenbelt, with no room for expansion whatsoever. These boundaries do not conform to the requirements of SPP or TAYplan, and should be reviewed and amended accordingly.

Justification: Guidance is provided within SPP on the location of the boundaries (Para 159). They should *‘reflect the long term settlement strategy and ensure that settlements are able to accommodate planned growth. Inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and greenbelt boundary. Boundaries should also take into account the need for development in smaller settlements within the green belt, and where appropriate leave room for expansion’.*

The Proposed TAYplan Strategic Development Plan provides further guidance to PKC with its Policy 3: Managing TAYplan’s Assets. It identifies that the Perth Greenbelt should *‘sustain the identity of Scone, and provide sufficient land for planned development around key villages and settlements.’*

NE5: Green Belt

Proposed Change required: The boundaries do not always appear to use robust features to determine the edge of the green belt. In some instances they appear to cut across fields. For example, on the Perth Settlement Map, the boundary to the east of Housing Site H3 runs diagonally across fields, taking no obvious account of physical features, such as the watercourse to the south. An immediate review of the greenbelt is required to ensure that the location of boundaries complies with SPP.

Justification: SPP paragraph 159 is clear. The boundaries should *‘be clearly identifiable on the ground, using strong visual or physical landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary’.* This is not currently the case and the greenbelt therefore does not comply with SPP.

NE5: Green Belt

Proposed Change required: The use of block colours to highlight different types of land uses, such as Gardens and Designed Landscapes should be replaced with another form of annotation, such as stripes, so that other land use designations, ie green belts can still be clearly seen.

Justification: There are three main types of maps within the Proposed Plan that can be used to identify the green belt. The first is on page 45, entitled 'Green Belt'. This gives an overview of the location and serves this purpose well, however is not of sufficient scale to test all the requirements of SPP. The second plan is the Perth Area map on page 73. On paper the printing process has faded out the green shading of the greenbelt, and it is difficult to make out the boundaries. The online version is not much clearer. The third level of maps is the Settlement Plans, which are of sufficient scale to identify the boundaries. However, in some instances (ie Scone) the greenbelt is overlain by other designations and it is therefore unclear where the boundaries actually are.

NE5: Green Belt

Proposed Change required: The greenbelt plans, as listed above, should take full account of the proposed Cross Tay Link Road – a significant piece of infrastructure that will cut right through existing greenbelt land to the north of the city.

Justification: TAYplan directs PKC that the greenbelt should fulfill various roles including '*to manage long term planned growth including infrastructure.*' We would therefore expect the policy to make clear the ramifications for the future of the existing greenbelt land both north and south of the CTLR line. A full review of the green belt at this time would allow this to be considered fully.

A greenbelt review is required urgently, taking into account the points raised above.

EP1: Climate Change, Carbon Reduction and Sustainable Construction

Conditional Support: We welcome the link to the Sustainability Labelling Scheme.

Reason: PKC must ensure that the dates relate to the Building Standards requirements. Developers will find it challenging to meet the Building Standards dates as it is, so planning authorities should not exert undue pressure on providing any changes earlier than currently required.

EP1: Climate Change, Carbon Reduction and Sustainable Construction

Proposed Change required: Communal recycling and waste collection facilities are required for major developments 'where appropriate'. The policy wording should be amended to determine when it will be appropriate.

Justification: The policy as worded does not provide sufficient information for developers to design their sites. SG is also required to provide information on specifications etc.

EP1: Climate Change, Carbon Reduction and Sustainable Construction

Proposed Change required: The following sentence on page 51 should be moved to Policy ED2: Communications Infrastructure. '*New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband.*'

Justification: This does not relate to Policy EP1.

EP2: New Development and Flooding

Proposed Change required: The flood diagram and subsequent text on page 52 requires clarification.

1. The diagram indicates that flood risk assessments will be needed for Category ii low to medium flood risk (1:1000 – 1:200). This contradicts the text in the middle column below, which is silent on the requirement for assessments.
2. The text in the second column '*They are not appropriate locations for essential civil infrastructure*' contradicts the text within Policy EP2 (ii).

For the record, HFS would argue that any development taking place on land with anything greater longer than a 1:200 year flood risk, should NOT require a flood risk assessment.

Justification: Contradictions between text and diagram are confusing and should be amended for clarity.

EP7: Drainage within the Loch Leven Catchment Area

Proposed Change required: HFS recognises that there are severe issues with the quality of the water in Loch Leven, and short term solutions are currently being used to try to improve the situation. However, we also believe that PKC and TAYplan should consider the long term solutions as well.

Justification: The Kinross HMA has continuing issues with Loch Leven and the level of phosphates historically discharged into the water. This has resulted in a restriction on housing numbers and the requirement of Perth and Kinross Council to allocate 10% of the housing numbers to a neighbouring HMA. This however, does not resolve the underlying problems. Measures are required to mitigate the environmental issues and involve significant drainage infrastructure to divert waste water away from the Loch. This problem will not go away, and the Key Agencies (SEPA and Scottish Water) must work with TAYplan and PKC to resolve this issue. An entire settlement cannot be significantly constrained indefinitely without any planned strategic solution. If larger allocations of housing were allocated in this HMA then developers may be able to afford to contribute to a solution. This settlement could then make a major contribution to the regional economy and accommodate its proportionate share of development, without adding more pressure to the Perth HMA. This would also enable developers to provide a full range and choice of locations for home owners.

EP7C:

Proposed Change required: 100% mitigation measures should be required, not 125%.

Justification: 125% mitigation measures does not equate to removing the detriment created by development. Circular 1/10 paragraph 19 states that '*Planning agreements should not be used to resolve existing deficiencies in infrastructure provision.*' It is clear that developers cannot be expected to resolve existing deficiencies in the system.

EP12: Contaminated Land

Proposed Change required: This policy is currently silent with regards sites in the established supply that are on contaminated land.

Justification: Any sites that are currently constrained due to the excessive costs of clean up should be identified. Action plans to encourage and support remediation are required. This might include flexibility of level of developer contributions and affordable housing provision, or other incentives to remove blight.

Chapter 4. Perth and Kinross Spatial Strategy

Housing Land Strategy

Proposed Change required: A table similar to the one provided for employment land at paragraph 4.3.4 should be included for housing land to show the additional land requirement.

Justification: The spatial strategy is currently spread out over chapters 4 – 9. This format creates a disjointed plan, with housing numbers split out into the individual housing market areas, with the only overview appearing to be the geographical image of Annual LDP build rates, duplicated from

TAYplan on page 63 and the TAYplan 2010-2024 requirement Effective Housing Land Supply Shortfall table in paragraph 4.3.8. The absence of this overall figure makes it difficult to compare the LDP figures to the Strategic Development Plan requirement.

Using the figures provided by the Proposed Plan, across the subsequent chapters, Homes for Scotland have calculated the totals as follows:

	Housing Market Area	Housing Land Req'ment 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Small sites	Additional GROS 2008	Additional Allocations Required
LDP figures	Perthshire LDP area	12740	430	5490	1270	170		5550

This falls substantially short of the Figure required by TAYplan (**7,250**). We have calculated that this is primarily due to deduction of windfall and small sites from the overall requirement. Homes for Scotland disagrees with the approach taken by PKC, as discussed below.

Paragraph 4.3.10

Proposed Change required: We disagree that 10% of the overall housing land requirement should be assumed to be met by windfall sites, and request that this figure be removed from the calculations.

Justification: PAN 2/2010 para 62 states that windfall sites '*are not counted towards meeting the housing land requirement*' They should be seen as a bonus, over and above the allocated sites, and will contribute to the 'generous' supply required by Scottish Government. In paragraph 4.3.12, PKC states that '*the availability of brownfield sites in Perth and Kinross is extremely limited*'. Given that the vast majority of windfall sites are on brownfield land, allowing 10% of the entire land requirement seems excessive. If the LDP allocates sufficient sites in the right places, there is less likelihood of developers seeking out windfall opportunities. This will also ensure that a 'generous' supply of sites are allocated, and plan-led.

Paragraph 4.3.11

Proposed Change required: We do not agree with the assumption that 15% of the overall housing requirement within Highland Perthshire should come from small sites.

Justification: Historically, allocated sites have not been able to deliver the necessary housing due to infrastructure constraints. This has led to a reliance on smaller sites and conversions delivering a large proportion of the units in the Highland HMA. However, many of the infrastructure barriers have now been removed and the technical constraints to main stream housing have been lifted. The reporter's report for the last Highland Local Plan highlighted the lack of housing being delivered and required an early review to identify more housing land. It is our understanding that this has not been carried out. By relying on 15% of the overall requirement coming from sites of less than 5 units, Perth and Kinross Council will exacerbate the existing problem of a lack of main stream family housing for local residents. Only by allocating more sites in the Highland HMA will the current undersupply be readdressed.

Housing Land Allocations

Proposed changes required: By excluding windfall and small sites from the calculation and by including the GROS 2008 figures (as discussed in the Demographic Change section, previously), the following figures can be determined:

	Housing Market Area	Housing Land Req'ment 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Small sites	Additional GROS 2008	Additional Allocations Required
LDP figures	Perthshire LDP area	12740	430	5490	1270	170		5550
Proposed		12740	430	5490	0	0	130 ¹	7120 ²
Difference								1570³

1. Additional figure used by TAYplan in their Table 1 in response to Reporter's queries (total of 130 units for Perthshire). This is attached in Appendix 1, for reference.
2. Total number of units to be allocated. Closer to the TAYplan 2010-2024 requirement as tabulated on page 64 of Proposed LDP. (Total required is 7250)
3. This is the total number of units that should be allocated, in addition to those planned for in the LDP. This assumes windfalls are over and above allocated sites; no small sites are assumed for Highland Perthshire; and GROS 2008 figures are used.

These figures can then be broken down into the Housing Market Areas, as shown below:

Perth:

	Housing Market Area	Housing Land Requirement 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Additional GROS 2008	Additional Allocations Required
LDP figures ¹	Perth	7240	190	2990	720		3340
Proposed		7240	190	2990	0 ²	80 ³	4140 ⁴
Difference							800⁵

1. Figures taken from table in para 5.1.10, page 69 of Proposed LDP
2. Windfall sites should be excluded from calculation (PAN 2/2010 para 62. Windfall sites '*are not counted towards meeting the housing land requirement*')
3. Additional figure used by TAYplan in their Table 2 in response to Reporter's queries (total of 130 units for Perthshire, divided between HMAs). This is attached in Appendix 1, for reference.
4. Calculated by adding windfall sites and additional GROS 2008 figures to LDP additional allocations required figure.
5. Additional units required over and above those allocated by PKC. (Proposed allocations required minus LDP allocations required)

Highland Perthshire:

	Housing Market Area	Housing Land Req'ment 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Small Sites	Additional GROS 2008	Additional Allocations Required
LDP figures ¹	Highland Perthshire	1120	100	190	110	170		550
Proposed		1120	100	190	0 ²	0 ³	10 ⁴	840 ⁵
Difference								290⁶

1. Figures taken from table in para 6.1.10, page 152 of Proposed LDP
2. Windfall sites should be excluded from calculation (PAN 2/2010 para 62. Windfall sites '*are not counted towards meeting the housing land requirement*')
3. Do not agree with the assumption that 15% of the overall housing requirement should come from small sites. See commentary for reasons.
4. Additional figure used by TAYplan in their Table 2 in response to Reporter's queries (total of 130 units for Perthshire, divided between HMAs). This is attached in Appendix 1, for reference.

5. Calculated by adding windfall sites, small sites and additional GROS 2008 figures to LDP additional allocations required figure.
6. Additional units required over and above those allocated by PKC. (Proposed allocations required minus LDP allocations required)

Kinross:

	Housing Market Area	Housing Land Requirement 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Additional GROS 2008	Additional Allocations Required
LDP figures ¹	Kinross	880	30	400	90		360
Proposed		880	30	400	0 ²	10 ³	460 ⁴
Difference							100⁵

1. Figures taken from table in para 7.1.9, page 198 of Proposed LDP
2. Windfall sites should be excluded from calculation (PAN 2/2010 para 62. Windfall sites '*are not counted towards meeting the housing land requirement*')
3. Additional figure used by TAYplan in their Table 2 in response to Reporter's queries (total of 130 units for Perthshire, divided between HMAs). This is attached in Appendix 1, for reference.
4. Calculated by adding windfall sites and additional GROS 2008 figures to LDP additional allocations required figure.
5. Additional units required over and above those allocated by PKC. (Proposed allocations required minus LDP allocations required)

Strathearn:

	Housing Market Area	Housing Land Requirement 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Additional GROS 2008	Additional Allocations Required
LDP figures ¹	Strathearn	1820	90	1285	180		265
Proposed		1820	90	1285	0 ²	10 ³	455 ⁴
Difference							190⁵

1. Figures taken from table in para 8.1.10, page 240 of Proposed LDP
2. Windfall sites should be excluded from calculation (PAN 2/2010 para 62. Windfall sites '*are not counted towards meeting the housing land requirement*')
3. Additional figure used by TAYplan in their Table 2 in response to Reporter's queries (total of 130 units for Perthshire, divided between HMAs). This is attached in Appendix 1, for reference.
4. Calculated by adding windfall sites and additional GROS 2008 figures to LDP additional allocations required figure.
5. Additional units required over and above those allocated by PKC. (Proposed allocations required minus LDP allocations required)

Strathmore and the Glens:

	Housing Market Area	Housing Land Requirement 2010 - 24	Completions 2010-2011	Effective Supply 2011	Windfall Sites	Additional GROS 2008	Additional Allocations Required
LDP figures ¹	Strathmore and Glens	1680	20	625	170		865
Proposed		1680	20	625	0 ²	20 ³	1055 ⁴
Difference							190⁵

1. Figures taken from table in para 8.1.10, page 240 of Proposed LDP
2. Windfall sites should be excluded from calculation (PAN 2/2010 para 62. Windfall sites '*are not counted towards meeting the housing land requirement*')

3. Additional figure used by TAYplan in their Table 2 in response to Reporter's queries (total of 130 units for Perthshire, divided between HMAs. Strathmore and Glens referred to as Eastern Perthshire). This is attached in Appendix 1, for reference.
4. Calculated by adding windfall sites and additional GROS 2008 figures to LDP additional allocations required figure.
5. Additional units required over and above those allocated by PKC. (Proposed allocations required minus LDP allocations required)

Justification: It is essential that the Proposed Plan is based on the most up to date information available and therefore the GROS 2008 Population and Household Projections should form the baseline forecast assumptions in the preparation of the Plan, as discussed in comments on 'Demographic Change para 2.4.5'. Windfall sites should be excluded to comply with PAN 2/2010, and the small sites allowance for Highland Perthshire is no longer required as the technical constraints to mainstream building have been lifted.

Our housing numbers are realistic, do not look for excessive growth, and should be considered as the foundations from which to create a prosperous, sustainable Plan.

Greenfield Land and Housing Density

Paragraph 4.3.13

Proposed Change required: We would argue that density should be determined on a site by site basis with no need to be prescriptive.

Justification: Whilst various density ranges are tabulated within this section, there is no further obvious link to development sites. Within the individual settlements, no reference is made to the required densities, although total units are specified. The Scottish Government's Designing Streets policy will dictate density, along with good design and this section is therefore not required.

Taking a long term view

Paragraph 4.3.14

Proposed Change required: A table is required within this chapter to demonstrate how the annual numbers will maintain a 5 year effective land supply at all times. This should be broken down into private and affordable housing, with annual figures for both, demonstrating that their allocations deliver what is required by Scottish Government.

Justification: We agree that the strategic sites will take time to deliver, and welcome the fact that PKC recognise this. However, what is not clear is the short term plan to maintain a 5 year effective land supply at all times. Further information must be provided within the Plan on this crucial element of housing delivery.

Reducing the Need to Travel

Paragraph 4.3.17

Proposed Change required: A review of the greenbelt is required to ensure that the policies do not conflict with this need to reduce travel.

Justification: Whilst the Plan seeks to reduce the need to travel, it currently conflicts with the Green Belt policy which pushes development out beyond the urban area, exacerbating the requirement to travel greater distances. The Plan '*seeks to reduce the need to travel through the spatial strategy by ensuring most growth takes place in or close to existing settlements*', however there are a number of locations around the edge of Perth where the greenbelt boundary is drawn tightly against the urban edge; and there are a number of smaller settlements the area that are encircled by greenbelt, with

no room for expansion whatsoever, thus conflicting with the spatial strategy to endure most growth is in or close to existing settlements.

Chapter 5: Perth Area Spatial Strategy

Proposed Change required: The diagram on **page 67** should be removed.

Justification: It does not clearly indicate anything. There is no reference to it in the text and it serves no purpose. Alternatively, PKC should insert a plan that is OS based and shows clearly what the Perth Area Spatial Strategy is.

Paragraph 5.1.5

Proposed Change required: The last sentence of the paragraph requires rewording. 'Areas such as those to the east of lie outside...'

Justification: Assumed typo to be corrected.

Housing

Paragraph 5.1.11

Proposed Change required: The Housing Numbers to 2024 within the table should be broken down to demonstrate that a 5 year land supply will be maintained at all times.

Justification: It is not currently possible to examine whether or not the first half of the plan can deliver. This current format hides any potential short term problems. Given the reliance on strategic sites, this must be demonstrated here.

Transport Infrastructure

Paragraph 5.1.15

Proposed Change required: Much more detail is required to demonstrate how and when the package of measures will be implemented. Policy TA1B currently does not spell this out, and this should be expanded to do so. SG is also required immediately to show how this will be delivered.

Justification: The list of measures to provide solutions to Perth's congestion and poor air quality includes the A9/A85 Crieff Road junction and CTRLR. Both are significant infrastructure projects yet there is no clarity provided here of how or when they will be delivered and who will pay for them. These significant issues should be addressed in a Transport Policy.

Paragraph 5.1.16

Proposed Change required: Homes for Scotland has major concerns about the implementation of a Plan, which requires major infrastructure to be committed before a substantial number of housing sites can be developed. PKC have not provided sufficient information to give the industry the assurances it needs to commit to developments, and to demonstrate deliverability of the Plan.

Justification: The paragraph states that developer contributions will be required to go towards transport infrastructure, and details will be published in 2012. £140 million worth of infrastructure cannot be funded from developer contributions for 7240 houses. It is not clear whether commercial developers will also have to contribute, and whether significant capital funding will be available from Scottish Government. The works are not currently in Transport Scotland's budget. There is no level of information to determine how detriment will be calculated on a housing unit basis when the problems already exist.

Paragraph 5.1.17

Proposed Change required: Remove the embargo on housing sites affected by the CTLR and A9/A85 junction

Justification: This proposal constrains a significant proportion of housing sites within the Perth area.

(1) Sites on A93/A94 corridors are embargoed until the Cross Tay Link Road is a committed project. No indications of timescales are provided within the LDP, and there is no definition of what action will determine that this is a 'committed project'. The only indication of timescale that can be found is in the Draft Action Programme. 2020 is the date listed under the heading 'Timescale', but with no further explanation of what will happen then. This may be the start or completion of the project. It is not clear.

(2) There is an embargo outwith Perth on the A85 corridor until the A9/A85 junction has commenced. Again, no further information is available to provide comfort on the timescales for project commencement. Developers with projects in this corridor are unable to deliver their own business plans without this information. Yet again, the only indicators are found in the Draft Action Programme: 2014, but with no explanation of the significance of this date.

In the short term, over 700 houses allocated in the Perth Core area cannot be developed.

Education Infrastructure

Proposed Change required: Homes for Scotland would expect the Plan to contain details on total capacity across the schools estate; current rolls; previous 5 years rolls (to show upwards or downward trends); and projected future rolls for the timescale of the LDP (taking into account LDP sites and programming as set out in the Housing Land Audits).

Justification: Paragraph 5.1.18 provides no detail of the evidence base for the statement '*Perth in general has limited capacity to immediately support further growth*'. In order to assess these assertions regarding capacity, we require evidence. Only once this information is available will we be satisfied that contributions are required.

Education Infrastructure

Proposed Change required: This paragraph should also clarify the reasons why PKC currently assumes that 80% capacity as their trigger for requesting contributions.

Justification: The methodology should be tested by examination, as recent appeal decisions have rejected the Council's rationale. Within the draft Supplementary Guidance on Developer Contributions it defines a capacity constraint as '*where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.*'

We would argue that this approach is flawed, given that some extant planning permissions will not be developed at all; 80% capacity still provides sufficient scope for increased pupil product; and there is no detail of the timings of all sites coming forward and projections of school rolls.

Two recent appeal decisions are relevant in testing the Council's 80% capacity rationale:

1. Ref: P/PPA/340/789 dated 24 September 2009. The Reporters assessment was:

'The Council indicates that a contribution is required towards education provision due to the 80% capacity triggered at the local school being breached. Whilst the development would generate

additional children, there is no suggestion that it would exceed the total capacity at the relevant primary school. The Council do not provide any evidence of the significance of the 80% trigger being breached or to the deficiency in local schools. Whilst circular 12/1996 enables Councils to secure financial contributions towards education provision it should be related in scale and in kind to the development proposal as well as being reasonable. On the evidence before me, I do not see how a financial contribution towards education provision is reasonable.'

2. Ref: P/PPA/340/2050 dated 21 April 2011. The Reporters assessment was:

'Planning officers recommended a developer contribution in respect of primary education – pursuant to a policy adopted in 2009. It has been proposed to use a Section 75 Agreement. I have seen insufficient justification, other than the need to comply with a two-year policy. The capacity of Newhill Primary School is said to be 432. Its highest projected 7 year roll is put at 320 – presently leaving 112 spare places. In addition 66 pupils are said to be “potential” additions “from this and previously approved/yet to be determined applications”. This language suggests that every one of these cases could together potentially take the school to 91% of its capacity. This figure clearly assumes pupils from developments which may not be built inside 7 years. The Council’s response to the appeal uses language which implies that the school is already at over 80% capacity. This is not the case. I would need a better justification before finding that all tests in Circular 1/2010: Planning Agreements have been met’.

It is clear that the reporters in both cases did not agree with the method currently used by PKC, and we would recommend that this methodology be amended. A capacity of 90% is more reasonable to use to trigger the requirement for developer contributions; Housing Land Audits should be used to project future school rolls, and details of the projections should be provided within the SG, linked clearly to the policy within the Plan. This way, the figures can be scrutinised during the consultation and examination processes.

This representation was submitted with supporting documents, due to size these are unavailable on the website, but are available to view at Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.