

Issue 7		Retail and Commercial Centres	
Development plan reference:	3.4 - Retail and Commercial Development Policies Group, pages 29-30 Policy RC1 - Town and Neighbourhood Centres, page 29 Policy RC2 - Perth City Centre Secondary Uses Area, page 30 Policy RC3 - Commercial Centres, page 30 Policy RC4 - Retail and Commercial Leisure Facilities, page 30 5.2.4 – Perth Spatial Strategy - Retail, page 75	Reporter: David Buylla	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Sainsbury's Supermarkets Ltd (00754) St Catherine's Perth Ltd (00758) ABP Ltd (00761) Universities Superannuation Scheme Ltd (00844) Manse LLP (00850) McEwans of Perth (05155) Scottish Natural Heritage (05211) Kinnoull Properties Ltd (08669)		Theatres Trust (08819) Episo Boxes LP (09035) Joan McEwen (09098) Scone Palace & Estate (09163) TACTRAN (09203) Methven & District Community Council (09221) King Group (09313) Susan Morrison (09557)	
Provision of the development plan to which the issue relates:	Sets out the retail strategy for Perth & Kinross's towns and commercial centres.		
Planning authority's summary of the representation(s):			
<p><u>New Retail Policy</u> Universities Superannuation Scheme Ltd (00844/1/016): Recent modification of planning obligation at St Catherine's Retail Park, Perth to allow additional convenience food retailing will significantly alter the role and function of the commercial centre. No requirement for the public to be notified or any third party comments to be taken into consideration. An additional retail policy will give transparency to the process and the full impact of such modifications will be properly considered.</p> <p>McEwans of Perth (05155/1/001): The LDP should set clear policy to ensure all retail development is within Perth city centre. If reasons are given that shows this is not possible, then prospective retailers should utilise any empty units in the retail parks. Moving to the out of town parks should only be considered the last option.</p> <p><u>Town and Neighbourhood Centres (Policies RC1- RC2)</u> Universities Superannuation Scheme Ltd (00844/1/003 and 00844/1/005): Failure to protect and enhance the retail offer in Perth city centre will turn retailers and shoppers to alternative destinations in Perth. This will result in less investment in the city centre and start a downward spiral where shoppers look to Dundee, Stirling and Dunfermline as alternative destinations. An additional sentence should be added to Paragraph 3.4.2 to highlight the opportunity that the St John's Shopping Centre presents to remedy any retail</p>			

gaps and deficiencies within Perth city centre.

Universities Superannuation Scheme Ltd (00844/1/018): Proposals Map of Perth does not clearly define the town centre boundary. A clearly defined town centre is considered necessary for Policy RC4 to be properly applied. The boundary should include the A989 inner ring road and forms a logical town centre.

Theatres Trust (08819/1/003): Policy RC1 does not refer to the importance of other uses apart from retailing and its effect on the vitality of Perth city centre. Policy RC4 should be merged with Policy RC1 as they are very similar.

Sainsbury's Supermarkets Ltd (00754/1/001): It is not clear what type of retail development is acceptable within a designated retail site and what degree of protection is afforded to it. It is also not clear where such designated retail sites sit within the network of centres.

Manse LLP (00850/1/005): Not sure why neighbourhood centres are within Policy RC1 which mainly relates to town centres. Reference to larger retail does not sit well with the role and function of a neighbourhood centre.

Manse LLP (00850/1/006): Policy RC2 is not consistent with SPP (Core\_Doc\_048) because it seeks to distinguish between uses in the city centre. There is a role for the primary retail core but there is no separate policy for this area.

Joan McEwen (09098/2/001 & 09098/2/002); Universities Superannuation Scheme Ltd (00844/1/006 & 00844/1/007): Both support Policies RC1 and RC2 as written.

Scottish Natural Heritage (05211/25/004 & 05211/25/005): Amend policies RC1 and RC2 of the Plan to reflect the outcome of the Habitats Regulations and Appropriate Assessment processes (Core\_Doc\_096).

#### Commercial Centres (Policy RC3)

King Group (09313/6/001): The Highland Gateway Retail Park is a recent addition located just off the A9 at Inveralmond roundabout. Based on paragraphs 55 and 56 of SPP (S4\_Doc\_089), and references to existing commercial centres at paragraphs 3.4.3 and 5.2.4 of the Proposed Plan, specific reference should be made within the LDP of the existence of Highland Gateway as a commercial centre.

St Catherine's Perth Ltd (00758/1/001): St Catherine's Retail park should be able to sell Class 1 retail goods and act as an extension to Perth city centre.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): Policy RC3 is not compliant with SPP paragraphs 53, 54 (S4\_Doc\_093) and 55 (S4\_Doc\_096) in that it fails to set out an explanation of the role and function of each of the commercial centres. The proposed LDP would benefit from a paragraph in relation to each of the commercial centres. Manse LLP (00850/1/007) further comments that the commercial centre at Crieff Road has no potential to extend its offer. SPP (Core\_Doc\_048) encourages that the demand and need for new, in particular retail floor space is capable of being accommodated within such centres. In doing so the pressure to locate retail development in out of centre locations would be reduced.

ABP Ltd (00761/1/001): The allocated '*Commercial Centres*' should all be renamed '*Town and Neighbourhood Centres*' as it would be more appropriate and sustainable.

Methven & District Community Council (09221/1/002): Any supermarket proposals adjacent to the Crieff Road commercial centre, should only be approved where a clear need is demonstrated, and where impacts on residential and other land uses are compatible with other Plan policies such as Policy TA1 (S4\_Doc\_387).

#### Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 does not include the potential for developing mixed use commercial centres as part of masterplan proposals. Added clarification to Policy RC4 would cover facilities proposed as an integrated part of a mixed use development that would serve the proposed development site and the surrounding area. This clarification would also be consistent with Policy PM1C (S4\_Doc\_396) as it supports sustainable new neighbourhoods and local shopping facilities.

Sainsbury's Supermarkets Ltd (00754/3/002): Not clear where allocated 'retail sites' sit within the network of centres and which planning policy applies.

St Catherine's Perth Ltd (00758/1/004): Object to wording of Policy RC4. Request for a retail assessment for proposals over 1,500sqm is contrary to SPP paragraph 53, 55 and 56 (S4\_Doc\_095), (S4\_Doc\_096) and (S4\_Doc\_097), which outlines a higher threshold of 2,500sqm. No explanation for the departure from SPP has been provided.

Universities Superannuation Scheme Ltd (00844/1/009): Reference should be made to the sequential approach in Policy RC4 as stated in SPP paragraph 62 (S4\_Doc\_094). Without this, applicants could argue that there is no requirement to adopt a sequential approach when selecting a location for retail development. Dundee, Stirling and Dunfermline have strong retail policies that promote retail and leisure development in their town centres and have robustly controlled retail development outwith these locations with the result that there has been an increase in retail development in the centre of these destinations.

Universities Superannuation Scheme Ltd (00844/1/019): Policy RC4 does not highlight any restrictions that should be imposed on the amount of comparison floorspace that should be allowed within a convenience retail development. This approach is commonplace in other authorities and helps protect the vitality and viability of town centres. Policy RC4 should also impose restrictions on mezzanine floor developments within retail unit's outwith the city centre.

Universities Superannuation Scheme Ltd (00844/1/020): LDP should identify appropriate locations for new retail development and the Opportunity sites in Chapter 5 should be in place as appropriate locations. The current list does not link the opportunities and any deficiencies.

Manse LLP (00850/1/008): Policy RC4 should refer to the sequential approach as set out in SPP paragraphs 63 and 64 (S4\_Doc\_090). The second paragraph of Policy RC4 should be amended, at the first sentence, to reflect the sequential approach as set out at paragraph 62 of SPP (S4\_Doc\_094).

The reference to proposals on edge of centre or out of centre locations only being acceptable subject to a number of criteria being met (at Policy RC4) is also inconsistent with SPP, as edge of town centre locations are part of the sequential approach and are

distinct from out of centre locations. The criteria set out in this policy should make reference to the proposal being unable to be accommodated within a town centre, edge of town centre or other commercial centre locations.

Policy RC4 should be consistent with SPP paragraphs 63 and 64 (S4\_Doc\_090) to avoid unnecessary confusion and inconsistency.

Scone Palace & Estate (09163/4/005): Policy RC4 does not allow for niche retail opportunities which present no threat to existing centres because their offers are often specific to the tourism market and support existing or proposed rural or tourism business. SPP paragraph 62 (S4\_Doc\_094) requires the sequential approach to be adhered to when selecting sites for retail unless the Development Plan identifies an exception. The LDP should state the exception. Supporting documents from Scone Palace and Estate, submitted with representation (Core\_Doc\_107) and (Core\_Doc\_108).

TACTRAN (09203/7/001): Supports Policy RC4 as written, while Universities Superannuation Scheme Ltd (00844/1/017): supports the important role that retail and commercial development has on Perth and Kinross's economy.

Scottish Natural Heritage (05211/25/006): Amend Policy RC4 of the Plan to reflect the outcome of the Habitats Regulations Appraisal (S4\_Doc\_136).

#### Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): The commercial centre on the Dunkeld Road includes little other than an ASDA food store and therefore does not meet the criteria for designation set out in the SPP paragraph 54 (S4\_Doc\_093).

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): The former Auction Mart, garden centre, hotel and restaurant at West Huntingtower should be designated as part of the Crieff Road commercial centre rather than for employment uses. There is also no justification for the industrial units between Strathtay Road and Crieff Road (S4\_Doc\_445) as part of the commercial centre since the units are used for employment purposes. If the former Auction Mart site is not included as a commercial centre then it should be identified as an Opportunity site for retail development given urban brownfield status. TAYplan page 8 (S4\_Doc\_063), SPP paragraphs 48 (S4\_Doc\_098) and 80 (S4\_Doc\_099) all encourage the redevelopment of brownfield land. The identification could assist the delivery of the A9/A85 junction improvements and recognise the need for the release of some further retail development within the area.

St Catherine's Perth Ltd (00758/1/002): The future role of St Catherine's Retail Park should be defined within the text of the Plan because it can offer large accessible units for new retailers coming to Perth who cannot be accommodated within the city centre boundary.

Universities Superannuation Scheme Ltd (00844/1/010): The Plan should indicate that St John's Centre can meet the requirements for larger retail units and new retail floorspace. The Plan should also refer to the car parking regime which should be more flexible to improve the shopping and visitor experience in the city centre. The current pay and display limits shoppers dwell time. Free parking has been a great success.

Susan Morrison (09557/1/001): Large out of town retail developments on the edge of the city kill the city centre. Effort should go into filling the empty units in the city centre, St Catherine's Retail Park and Inveralmond Industrial Estate. While job creation is used as a

supportive argument these jobs could be filled by putting more people into existing supermarkets.

Episo Boxes LP (09035/7/001); St Catherine's Perth Limited (00758/2/001): Both support the allocation of St Catherine's Retail Park as a commercial centre.

### **Modifications sought by those submitting representations:**

#### New Retail Policy

Universities Superannuation Scheme Ltd (00844/1/016): New retail policy entitled 'Modification of Retail Planning Restrictions' is suggested and should read as follows:

*'Proposals to modify planning obligations and other planning controls that control floorspace and the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment. Proposals will only be acceptable where:*

- (a) It has been demonstrated that there will be no significant impact (individual or cumulative) on any town centre.*
- (b) It can be demonstrated that a proposal helps meet quantitative and qualitative deficiencies in existing provision.*
- (c) It can be demonstrated that there will be no change to the role or function of the centre in the network of centres.*
- (d) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time.*
- (e) It is of an appropriate scale.*
- (f) Any detrimental impacts identified in the transport assessment are mitigated.*

*Any significant changes in the evolving role and function of a centre should be addressed through the next review of the Development Plan rather than changes being driven by individual applications.'*

McEwans of Perth (05155/1/001): Policy required stating that all retail projects should be located within Perth City Centre. Only if tangible reasons are given that shows that this is not possible, then prospective retailers should utilise one of the empty units in the retail parks. As a last resort, only moving to the out of town parks should be considered.

#### Town and Neighbourhood Centres (Policies RC1- RC2)

Universities Superannuation Scheme Ltd (00844/1/003 & 00844/1/005): An additional sentence should be added to Paragraph 3.4.2 to highlight the opportunity that the St John's Shopping Centre presents to remedy any retail gaps and deficiencies within Perth city centre. An additional sentence should also be added to the end of paragraph 3.4.5: *'and must not harm the vitality and viability of town centres. The city centre is the sequentially preferable location for retail development in Perth.'*

Universities Superannuation Scheme Ltd (00844/1/018): Proposals map of Perth to be redrawn to allow for clearer definition of city centre boundary.

Theatres Trust (08819/1/003): Policy RC4 should be merged with Policy RC1.

Sainsbury's Supermarkets Ltd (00754/1/001): Policy RC1 should state what type of retail development is acceptable within a designated retail site and what degree of protection is

afforded to it. It should also state where designated retail sites sit within the network of centres. The first sentence within Policy RC1 should read *'Within the areas identified as Town and Neighbourhood Centres and Retail Sites, the Council will encourage uses with Class 1 (retail).....'*

Manse LLP (00850/1/005): A separate policy should be provided for neighbourhood centres.

Manse LLP (00850/1/006): A policy should be provided for the primary retail core but there should be no further distinction in the remainder of the city centre.

Scottish Natural Heritage (05211/25/004) Add criterion (e) to the list in Policy RC1 and the additional text to follow to the end of the Policy on page 29:

*'(e) Ensure there are no adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.'*

*'Where development proposals will affect a watercourse in Perth City Centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven Special Protection Area), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.'*

*'Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*

Scottish Natural Heritage (05211/25/005): Policy RC2 should be amended to include the following additional text at the end of the policy:

*'Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation; where retail and commercial proposals will affect a watercourse within Perth City Centre, a Construction Method Statement should be provided for all aspects of the development in order to protect the watercourse from the impact of pollution and sediment.'*

#### Commercial Centres (Policy RC3)

King Group (09313/6/001): Highland Gateway Retail Park at Inveralmond Roundabout, Perth should be designated within the LDP as a Commercial Centre.

St Catherine's Perth Ltd (00758/1/001): The city centre boundary should be extended to include St Catherine's Retail Park.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): The role of each commercial centre should be defined and an additional sentence is also recommended for Policy RC3 stating *'Proposals which support the future role of the commercial centres as outlined in this Plan will be supported.'* If so, the second sentence of Policy RC3 could be deleted.

ABP Ltd (00761/1/001): *'Commercial Centres'* should be renamed *'Town and Neighbourhood Centres'*.

Methven & District Community Council (09221/1/002): Any supermarket proposals close to the Crieff Road commercial centre, should only be approved where a clear need can be demonstrated, and where impacts on residential and other land uses are compatible with other Plan Policies such as TA1.

Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 should include the potential for developing mixed use commercial centres as part of masterplan proposals.

Sainsbury's Supermarkets Ltd (00754/3/002): Clarification of where allocated retail sites sit within network of centres and which planning policies apply.

St Catherine's Perth Ltd (00758/1/004): Within Policy RC4, the retail assessment threshold figure of 1,500sqm should be replaced by 2,500sqm.

Universities Superannuation Scheme Ltd (00844/1/009): LDP should promote Perth city centre as the sequentially preferable location for retail/leisure development in Perth. Policy RC4 should be amended to state that Perth city centre is the sequentially preferable location for development in Perth.

Amend Policy RC4 as follows:

After '.....other commercial centres.' Add '*Within Perth the city centre is the sequentially preferable location for retail and leisure development.*'

Amend '*Proposals on edge of centre.*' to read:

*'Proposals in edge of centre, commercial centre or out-of-centre locations will only be acceptable where:'*

Amend criterion (b) to read:

*'b) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time. Applicants must adopt flexibility and realism when assessing alternative sites.'*

Add new criterion (c) to read:

*'c) The applicants have demonstrated that the form, design and scale of the development and the amount of car parking, could not be adapted to make it appropriate for a town centre site.'*

Renumber criteria (c)-(g) to be (d)-(h)

Add a further comment:

*'A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres. Mezzanine floors may be restricted in locations outwith the town centre.'*

Universities Superannuation Scheme Ltd (00844/1/019): Policy RC4 should highlight the level of restriction that should be imposed on comparison goods floorspace within convenience retail developments. Policy RC4 should also include details on mezzanine floorspace restrictions in new retail developments outwith the city centre.

Universities Superannuation Scheme Ltd (00844/1/020): LDP to identify the best uses for the Opportunity Sites contained within the Proposed Plan on pages 77-81 of the LDP (S4\_Doc\_398).

Manse LLP (00850/1/008): Policy RC4 should refer to the sequential approach as set out in SPP. The second paragraph of Policy RC4 should also be amended to state *'Proposals for any retail and leisure development of 1,500 sq m or more gross floor space out with a defined town centre boundary or any defined commercial centre within the Development Plan, and not otherwise in accordance with the Development Plan, will require a transport, retail or leisure impact assessment'* to ensure consistency with paragraphs 63 and 64 of SPP (S4\_Doc\_090).

Scone Palace & Estate (09163/4/005): Policy RC4 should be modified to read *'Proposals on edge of centre or out of centre locations will only be acceptable where they offer a type of niche, destination retail which supports the tourism/visitor offer of Perth and Kinross and an out of centre location is required because of its specific locational significance to the proposal or because is in connection with and existing or proposed rural or tourism business.'*

Scottish Natural Heritage (05211/25/006): Policy RC4 should be amended to include the following additional text at the end of the policy (page 30): *'Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.'*

*Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.*

*Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*

#### Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): Delete the Dunkeld Road commercial centre from the list of commercial centres because it only contains an Asda foodstore.

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): Revise boundary of Crieff Road Commercial Centre to include land west of the A9 including the former Auction Mart, Dobbies garden centre, hotel and restaurant. The industrial units between the Crieff Road and Strathtay Road east of Newhouse Road (S4\_Doc\_445) should be excluded. The former Auction Mart on Crieff Road should be identified as an Opportunity for retail and filling station with improvements to the Crieff Road and junction improvements to the A9/A85 as part of the developer requirements.

St Catherine's Perth Ltd (00758/1/002): Text should be added to highlight that St Catherine's Retail Park is in need of refurbishment.

Universities Superannuation Scheme Ltd (00844/1/010): Supporting text should indicate that the St John's Centre can meet the requirements for larger retail units and new retail floorspace. Text should also refer to the car parking regime which should be more flexible to improve the shopping and visitor experience in the city centre.



Susan Morrison (09557/1/001): No more development of large supermarkets on the fringe of the Perth City.

### Summary of responses (including reasons) by planning authority:

#### New Retail Policy

Universities Superannuation Scheme Ltd (00844/1/016): It is considered that new retail policy regarding '*Modification of Retail Planning Restrictions*' is not required within the LDP because this is an area of planning that is effectively controlled by the development management process. Planning conditions and legal agreements can effectively control floorspace and the range of goods that can be sold from retail units. Any planning applications to modify use or floorspace restrictions should not have to be assessed against a specific planning policy on modifications. Such applications should be assessed against the Development Plan policies of TAYplan (Core\_Doc\_099) and Perth & Kinross Council LDP (when adopted), which are considered to be robust and up to date to deal with such planning applications. An additional planning policy covering this issue is not considered necessary and could be unduly restrictive.

No modification is proposed to the Plan.

McEwans of Perth (05155/1/001): It is considered that the new policy being requested that all retail projects should be located within Perth city centre is the sequential approach. There is already significant policy guidance on the sequential approach contained within SPP paragraphs 62 - 64 (S4\_Doc\_297) and TAYplan Strategic Development Plan Policy 7 (Town Centres) (S4\_Doc\_068) and Policy RC4 of the Proposed Plan. All policy guidance supports retail development in town/city centres and only development outwith such centres will be supported if certain criteria are met. There is therefore no need to reproduce planning policy that is already in place at national, regional and local level.

No modification is proposed to the Plan.

#### Town and Neighbourhood Centres (Policies RC1- RC2)

Universities Superannuation Scheme Ltd (00844/1/003 & 00844/1/005): It is not the role of the Council to directly promote a retail venue or premises within the city centre. The sequential approach promoted by SPP paragraphs 62 - 64 (S4\_Doc\_297), TAYplan Policy 7 (S4\_Doc\_068) and the LDP Policy RC4 shows support for retail development within the city centre and this includes the St Johns Shopping Centre.

Policy RC4 indicates that Perth city centre is the sequentially preferable location for new development by stating that '*retail and commercial leisure facilities will be expected to locate in town and neighbourhood centres or other commercial centres*'. Paragraph 3.4.3 of the Proposed Plan also highlights that Perth and its city centre is top of the retail hierarchy within Perth and Kinross. In addition the sequential approach is promoted within SPP paragraphs 62 to 64 (S4\_Doc\_297) and TAYplan Strategic Development Plan (Policy 7) (S4\_Doc\_068). It is therefore not considered necessary to repeat policy guidance already mentioned at national and regional level.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/018): It is considered that the Proposals Map of Perth adequately shows the city centre boundary. The online map allows you to zoom in and out and the Council considers that this is acceptable.

However, if the Reporter considers there is a need for a more detailed map of the city centre, the Council would be comfortable with this modification because it would not have any implications on Policies RC1 to RC4.

No modification is proposed to the Plan.

Theatres Trust (08819/1/003): It is considered that there is no merit or need for Policy RC1 to be merged with Policy RC4 as they are in fact not similar to each other. Policy RC1 is focussed on the different Use Classes that would be suitable in town and neighbourhood centres. Policy RC4 is mainly concerned with the Retail Impact Assessment thresholds for edge/out of centre retail proposals and the sequential approach. Both policies have very different impacts and merging them could lead to greater ambiguity and confusion.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/1/001): Policy RC1 covers town and neighbourhood centres and Policy RC3 covers commercial centres and what type of retail development is acceptable within commercial centres. Both policies mention that each have or require a certain level of protection afforded to it. Most of the designated retail sites (Pitlochry, Crieff, and Scone) are such because they have planning permission for retail use, which is a stand alone decision on the future use of the site. The site at Newton Farm, Perth (S4\_Doc\_445) is potentially allocated for retail use subject to capacity being proven and this is because it is adjacent to Crieff Road commercial centre. None of the designated retail sites are located with a town centre, commercial centre or edge of centre and therefore it would not be appropriate to place them within the retail hierarchy supported by SPP paragraphs 62 - 64 (S4\_Doc\_297) and TAYplan (Policy 7) (S4\_Doc\_068).

No modification is proposed to the Plan.

Manse LLP (00850/1/005): It is considered that there is no requirement to split Policy RC1 into two separate policies. The retail planning requirements within town and neighbourhood centres are almost identical to each other with just the scale of proposals in each generally being different. The policy as is allows for greater flexibility and creating two separate policies would lead to repetition of policy.

No modification is proposed to the Plan.

Manse LLP (00850/1/006): A policy for the primary retail core with no further distinction in the remainder of the city centre is not considered to be very practical. Perth is well known for its independent retail outlets with many of these located inside and outside the primary core area. It is important that such businesses are protected from inappropriate uses as they provide a significant role in Perth's attractiveness as a retail destination.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/004 & 05211/25/005): It is considered that amending Policies RC1 and RC2 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4\_Doc\_134) and (S4\_Doc\_135) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4\_Doc\_389) will apply for proposals arising under these policies,

and would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policies RC1 and RC2 as detailed in the 'Modifications Sought' section.

#### Commercial Centres (Policy RC3)

King Group (09313/6/001): Highland Gateway Retail Park, Inveralmond Roundabout, Perth has had a variety of planning consents within the past few years that now allows for it to be more than just '*tourism retail*'. During the LDP process consent has been granted for a foodstore and this with the existing uses now allow multiple forms of retail, commercial and employment uses. The character and function of the retail park as a result has changed.

If the Reporter is so minded to recommend that Highland Gateway is classified as a commercial centre within the LDP, the Council would be comfortable with this modification because it would not have any implications on Policy RC3 or the other retail policies.

St Catherine's Perth Ltd (00758/1/001): The city centre boundary should not be extended to include St Catherine's Retail Park because it very much provides a complimentary role to the city centre. There is an element of separation from the primary core area of the city centre and whilst the linkages are good it is still considered to be an edge of centre location. If the retail park had unlimited Class 1 use it would have a serious impact on the vitality and viability of Perth city centre and the role and function of the retail park would be altered.

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): The point raised is noted and accepted. Both SPP paragraph 53 (S4\_Doc\_095) and TAYplan Strategic Development Plan Policy 7 (S4\_Doc\_068) stipulate that the Development Plan should identify the roles of commercial centres within the Plan.

If the Reporter is so minded to recommend that the role of the identified commercial centres is added to Policy RC3, the Council would be comfortable with this modification because it would not have any implications on Policy RC3 or the other retail policies. The Council has produced a core document containing a description and role for each of the commercial centres identified in the LDP (S4\_Doc\_805).

ABP Ltd (00761/1/001): '*Commercial Centres*' should not be redesignated '*Town and Neighbourhood Centres*' as they provide a completely different role and function from town and neighbourhood centres. Commercial centres tend to provide more bulky goods and large floorspace retail units which are unlikely to be suitable or accommodated within most town or neighbourhood centres. Neighbourhood centres in particular tend to be smaller in scale and provide for the local area. Renaming them would lead to confusion as they do not provide the same level or type of services that commercial centres are supposed to.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/002): Site Op7 at Newton Farm (S4\_Doc\_399) is located immediately adjacent to the Crieff Road commercial centre and

it allows for the site to be potentially used for retail. It does stipulate that that any retail use of the site is subject to capacity being available. Therefore the proposed modification is already in place with the allocation of Site Op7.

In addition any development proposal has to take into consideration the impact on residential amenity.

No modification is proposed to the Plan.

#### Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 does not prevent the potential for developing mixed use commercial centres as part of masterplan proposals of strategic development areas. The Draft Action Programme (Core\_Doc\_172) stipulates that all the larger allocated sites will require a masterplan and most will require a commercial or neighbourhood centre to enhance their sustainability and reduce the need for travel.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/3/002): Most of the allocated retail sites (Pitlochry, Crieff, Scone) have the benefit of planning permission for retail use, which is a stand alone decision on the future use of the site. The site at Newton Farm, Perth (S4\_Doc\_399) is potentially allocated for retail use subject to capacity being proven. None of the sites are located with a town centre, commercial centre or edge of centre and therefore it would be too difficult to place them within the hierarchy supported by SPP paragraphs 62 to 64 (S4\_Doc\_297) and TAYplan (Policy 7) (S4\_Doc\_069).

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/004): SPP paragraph 65 (S4\_Doc\_298) says that an impact analysis may be required for proposals less than 2,500sqm if it is considered they could have an impact on vitality and viability. It is considered that the smaller threshold for a Retail Impact Assessment set within Policy RC4 is appropriate because a retail floorspace proposal between 1,500sqm and 2,500sqm could have a potentially greater adverse impact on Perth city centre because it is a smaller city centre in comparison to many other Scottish cities and is renowned for its many small independent retail outlets.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/009); Manse LLP (00850/1/008): The first sentence of Policy RC4 indicates that Perth city centre is the sequentially preferable location for new development by stating that '*retail and commercial leisure facilities will be expected to locate in town and neighbourhood centres or other commercial centres*'. Paragraph 3.4.3 of the Proposed Plan also highlights that Perth and its city centre is top of the retail hierarchy within Perth and Kinross. In addition the sequential approach is promoted within SPP paragraphs 62 to 64 (S4\_Doc\_297) and TAYplan Strategic Development Plan (Policy 7) (S4\_Doc\_068). It is therefore not considered necessary to repeat policy guidance already mentioned at national and regional level.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/019): It is considered that a restriction on the amount of comparison goods floorspace within convenience shopping developments or mezzanine floors outside the city centre or other town centres is not appropriate as this could be too prescriptive and can be adequately controlled by the

development management process. Any planning applications for retail floorspace will have to be assessed against Policies RC1 to RC4 and they are considered acceptable and robust enough to deal with such applications.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/020): The LDP identifies the most appropriate uses for the Opportunity Sites Op1 to Op9 on pages 80-81 (S4\_Doc\_400) of the LDP. The uses stated offer a range and level of flexibility to the development industry in the current economic climate.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/005): There is no requirement to modify Policy RC4. It is considered that Policy ED3 Rural Business and Diversification (S4\_Doc\_395) provides acceptable policy support for existing rural businesses and tourism destinations to expand and diversify their offer for its visitors. This does not preclude the development of niche destination type retail e.g. a farm shop or small retail unit that supports the tourist attraction. Any stand alone rural retail proposals will have to be assessed against Policy RC4 and meet all its criteria as well as other LDP policies, and TAYplan (Core\_Doc\_099) and SPP (Core\_Doc\_048).

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/006): It is considered that amending Policy RC4 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4\_Doc\_136) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's policy NE1: International Nature Conservation Sites (S4\_Doc\_389) will apply for proposals arising under these policies. It would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy RC4 as detailed in the 'Modifications Sought' section.

#### Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): Dunkeld Road commercial centre contains more than just an Asda foodstore. There are 2 bakeries, 2 newsagents, a post office, a betting shop and a fast food takeaway fronting onto Dunkeld Road and there is a McDonald's fast food restaurant accessed off the same entrance to the Asda foodstore.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): The former Auction Mart, Dobbies garden centre, hotel and restaurant are all west of the A9 which results in a lack of connectivity with the Crieff Road commercial centre and is therefore poorly related to it. The employment/retail units between the Crieff Road and Strathtay Road east of Newhouse Road are included as they are well related to the rest of the commercial centre and they provide employment and retail which meets the expected uses of a commercial centre.

The former Auction Mart should not be identified as an Opportunity site for retail use. It

already has the benefit of planning permission for such a use and therefore there is no need to allocate it for such permitted use.

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/002): It is agreed that St Catherine's Retail Park is in need of refurbishment and it does benefit from several planning permissions over the past few years to upgrade the site. Some of this has already taken place with the upgrading of the car park. Therefore it is not considered necessary to make the modification suggested.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/010): It is not the role of the Council to directly promote a retail venue or premises within the city centre. The sequential approach promoted by SPP paragraphs 62 to 64 (S4\_Doc\_297), TAYplan Policy 7 (S4\_Doc\_068) and the LDP shows support for retail development within the city centre and this includes the St Johns Shopping Centre.

No modification is proposed to the Plan.

Susan Morrison (09557/1/001): SPP paragraphs 62 to 64 (S4\_Doc\_297) and TAYplan Policy 7 (S4\_Doc\_068) support that future retail development should be concentrated within city or commercial centres and out of centre retail development should not be supported. Policies RC1 to RC4 support both SPP and TAYplan with the emphasis on protecting town and commercial centres.

No modification is proposed to the Plan.

### **Reporter's conclusions:**

#### New Retail Policy

1. Proposals to modify existing retail planning permissions can potentially alter quite significantly the scale and/or nature of retailing at a particular location. Such proposals can therefore have potentially significant implications for the vitality and viability of town centres and the role of individual retail centres. Policies RC1 to RC4 do not deal with such proposals and it would be clearer to have a separate policy than to attempt to modify existing policies. The wording suggested by Universities Superannuation Scheme Ltd, with very minor adjustment, sets out an appropriate series of assessment criteria and should be included as a new Policy RC5.

2. The additional policy that is requested by McEwans of Perth is a restatement of the sequential approach to retail site selection, which is a requirement of Scottish Planning Policy (SPP) and TAYplan. Proposed Policy RC4 deals with this issue. However, a number of modifications to this policy are recommended below in order to clarify the status of town centres and other centres within the retail centre hierarchy and thereby ensure that the sequential approach operates correctly.

#### Town and Neighbourhood Centres (Policies RC1- RC2)

3. The plan should highlight the importance of directing retail development to Perth town centre but it would be inappropriate for it to favour any specific retail location within that

centre over any other, as all town centre sites occupy the same position in the retail centres hierarchy.

4. The proposals map identifies clearly the Prime Retail Core and Secondary Uses areas of Perth's town centre, which together form the town centre. However, it would be helpful if the plan contained a larger scale map of the designated town centre so as to avoid any doubt as to its extent and location. It would be inappropriate for the town centre boundary to follow the A989 inner ring road, as that includes quite extensive residential areas, which form no part of the functional town centre.

5. SPP and TAYplan acknowledge that the defining characteristics of town centres include the diverse range of activities that they contain and their role as a focus for civic activities. SPP confirms that town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities. Against that background, Policy RC1 should encourage not only retail uses but also other uses that assist in maintaining vitality and viability.

6. Policy RC1 deals with both Town and Neighbourhood Centres. Their respective roles are very different, but this is not sufficient reason to have different policies for each, as that would lead to significant repetition. However, reference to larger retail floorplates is not appropriate to neighbourhood centres and the unqualified support for the creation of additional retail floorspace in Neighbourhood Centres is inconsistent with the role of such centres in the retail hierarchy. Minor modifications to the policy's first sentence would address this.

7. The purpose of Policy RC1, which is to define appropriate town and neighbourhood centre uses, is very different to that of Policy RC4, which sets out the assessment criteria that will be applied to the consideration of all retail proposals. Therefore, it would be inappropriate for these policies to be merged. However, Policy RC4 requires some modification so that it clearly reflects the sequential approach that is set out in SPP and TAYplan, as considered below.

8. Individual retail sites, which are outwith a designated centre, occupy the lowest position in SPP's retail centres hierarchy. There would be no benefit in identifying these locations in the plan, as they have no higher status as locations for future retail development than any other out of centre location.

9. It is appropriate for the plan to distinguish between Perth's Prime Retail Core and its Secondary Uses Area. Although both occupy the same position within the retail centres hierarchy, being within the defined Town Centre, this is not undermined by the plan adopting a slightly different policy position in respect of the range of uses that will be encouraged in the Secondary Uses Area.

10. In order to reflect the outcome of the Habitats Regulations Appraisal, it is appropriate for Policies RC1 and RC2 to be modified in the manner that is proposed by Scottish Natural Heritage.

#### Commercial Centres (Policy RC3)

11. St Catherine's Retail Park has an entirely different character to Perth's town centre, performs a different but complementary role and is separated from the town centre to some extent by busy local roads. It would therefore be inappropriate to include it within the town centre boundary. And due to the different roles of commercial, town and

neighbourhood centres, it would also be inappropriate to re-designate all “Commercial Centres” as “Town and Neighbourhood Centres”.

12. The proposed plan is not fully compliant with SPP paragraphs 53, 54 and 55 in that it fails to explain the role and function of each of the commercial centres. The authority acknowledges this weakness and has provided additional text for inclusion in the plan (Schedule 4 document 805) which should be included as a modification. Changes that have taken place at the Highland Gateway Retail Park at Inveralmond roundabout justify its inclusion within the Proposed Plan as a commercial centre and the Plan should also make reference to this within the role and function test.

13. As there is no evidence of unmet retail capacity within the Perth area, that could not be met within or on the edge of the town centre, there is no need for the proposed plan to provide the commercial centre at Crieff Road with the potential to extend its retail offer. Representations relating to proposed site Op7 are considered under Issue 23a.

#### Retail Proposals (Policy RC4)

14. At present, the hierarchy of retail centres is insufficiently clear. The first sentence of Policy RC4 gives the impression that town, neighbourhood and commercial centres have equal status as locations for new retail and commercial leisure proposals. And the subsequent series of requirements ((a) to (g)) including the requirement to undertake a sequential assessment, does not apply to development proposals in commercial centres. This is inconsistent with the hierarchy of retail centres that is identified in paragraph 3.4.3 of the Plan and is contrary to the requirement in TAYplan to follow the sequential approach in SPP. Modifications to the policy wording are recommended that identify the hierarchy of retail centres and thereby clarify how the sequential approach to site selection should be applied. However, the requested addition of more detailed requirements relating to the sequential approach is unnecessary, as these are set out clearly in SPP.

15. Policy RC4 deals with the existing retail centres hierarchy and it would be inappropriate for it to deal with the potential for developing new mixed-use commercial centres as part of masterplan proposals. The inclusion of retail development within mixed-use schemes might be appropriate where this could be demonstrated to meet a specific local need and would reduce the need to travel. But such an assessment should be undertaken on a case by case basis at the development management stage.

16. SPP permits authorities to require retail impact assessments for proposals of below 2,500 square metres where it is considered they could have an impact on vitality and viability. The small scale of retail centres in Perth justifies this more onerous requirement.

17. It is standard practice in the consideration of a retail planning application to consider the need for restrictions to be imposed on the amount of comparison floorspace that should be allowed within a convenience retail development and to impose restrictions on mezzanine floor developments. However, it would provide better guidance for prospective developers if these issues were identified in the plan and a minor addition to Policy RC4 would address this.

18. The merits of permitting, as an exception to normal retail policy, niche retail opportunities which are genuinely specific to the tourism market and would support existing or proposed rural or tourism business, are best considered on a case by case



basis. It would be inappropriate for the plan to give such proposals a general exemption from the sequential site selection approach because the appropriateness of this approach depends on the specific details of each individual proposal.

19. In order to reflect the outcome of the Habitats Regulations Appraisal, it is appropriate for Policy RC4 to be modified in the manner which is proposed by Scottish Natural Heritage.

#### Perth Spatial Strategy - Retail (Paragraph 5.2.4)

20. The commercial centre on Dunkeld Road includes several small retail units in addition to the ASDA food store and is conveniently located within an extensive residential area. It meets the criteria for designation as a commercial centre as set out in SPP paragraph 54.

21. The former auction mart, garden centre, hotel and restaurant at West Huntingtower is separated from the Crieff Road commercial centre by the A9 and would not operate as part of the commercial centre, even after the proposed A9/A85 junction improvements. It should not therefore be included within the commercial centre. The recently approved planning permission for a supermarket on this site does not require to be recorded in the proposals map, as other out of centre retail sites are not represented in this way. There would also be no benefit in designating the land as an opportunity site, given that planning permission has already been granted.

22. The units between Strathtay Road and Crieff Road have some retail function and relate well in physical terms to the remainder of the Crieff Road commercial centre. It is logical therefore for these units to be included within the commercial centre.

23. The availability and cost of car parking in Perth town centre may have an influence on its attractiveness to shoppers. However, this issue falls outwith the control of the land use planning system and is not therefore a matter for inclusion in the Proposed Plan.

#### **Reporter's recommendations:**

##### New Retail Policy

1. Add a new Policy RC5, worded as follows:

*“Proposals to modify planning obligations and other planning controls that control floorspace and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment. Proposals will only be acceptable where:*

*(a) It can be demonstrated that there will be no significant impact (individual or cumulative) on any town centre.*

*(b) It can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision.*

*(c) It can be demonstrated that there will be no change to the role or function of the centre in the network of centres.*

*(d) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time.*

*(e) It is of an appropriate scale.*

*(f) Any detrimental impacts identified in the transport assessment are mitigated.*

*Any significant changes in the evolving role and function of a centre should be addressed through the next review of the Local Development Plan rather than changes being driven by individual applications.”*

#### Town and Neighbourhood Centres (Policies RC1- RC2)

2. Include within the Plan a larger scale map showing the Perth town centre boundary.

3. Modify the first sentence of Policy RC1 to read as follows:

*“Within the areas identified as Town and Neighbourhood Centres, the Council will encourage uses within Class 1 (retail) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Within defined Town Centres the Council will support development where larger retail floorplates are created and/or which creates additional retail floorspace. Within the areas identified as Neighbourhood Centres, the Council will support development which creates additional retail floorspace of a scale which is commensurate with the role of the centre within the established retail hierarchy.”*

4. Modify the second sentence of Policy RC1 to read as follows:

*“The Council will also encourage ground floor uses within Classes 2 and 3 (building societies, estate agents, restaurants and cafes etc) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and leisure, entertainment, recreation, cultural and community facilities, provided that they contribute to the character, vitality and viability of the retail area and satisfy all of the following criteria:”*

5. Modify Policy RC1 by adding the following after criterion (d):

*“(e) Ensure there are no adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.*

*Where development proposals will affect a watercourse in Perth City Centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven Special Protection Area), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.”*

6. Modify Policy RC2 by adding the following at the end:

*“Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation; where retail and commercial proposals will affect a watercourse within Perth City Centre, a Construction Method Statement should be provided for all aspects of the development in order to protect the watercourse from the impact of pollution and sediment.”*

7. Modify Policy RC4 by adding the following at the end:

*“Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area (SPA).*

*Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort*

*town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.*

*Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation."*

8. Add a new paragraph 3.4.6 containing the commercial centres role and function text that is set out in Schedule 4 document 805. Re-number the existing paragraph 3.4.6 as 3.4.7.

9. Add to the new paragraph 3.4.6, the Highland Gateway as an additional commercial centre with appropriate text to describe its role and function.

10. Modify the first paragraph of Policy RC4 to read as follows:

*"The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in the following order:*

- town centre,*
- edge of town centre,*
- other commercial centres identified in the development plan,*
- out of centre locations that are or can be made easily accessible by a choice of transport modes.*

11. Modify the fourth paragraph of Policy RC4 to read as follows:

*"Proposals in edge of town centre, other commercial centre or out of centre locations will only be acceptable where:"*

12. Modify Policy RC4 by adding, after the requirements (a) to (g), the following:

*"For all proposals outwith town centres the Council will consider the need for restrictions to be imposed on the installation of mezzanine floors and, in the case of convenience shopping developments, on the amount of comparison goods floorspace allowed."*

13. For clarity, the full modified text of Policy RC4 is set out below:

*"The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in the following order:*

- town centre,*
- edge of town centre,*
- other commercial centres identified in the development plan,*
- out of centre locations that are or can be made easily accessible by a choice of transport modes.*

*Proposals for any retail or commercial leisure development of 1,500 square metres or more gross floorspace outwith a defined town centre boundary, and not in accordance with the development plan, will require a transport, retail or leisure impact assessment. Any detrimental effects identified in such an assessment will require mitigation.*

*For smaller developments, the requirement for an impact assessment will be at the discretion of the Council.*

*Proposals in edge of town centre, other commercial centre or out of centre locations will only be acceptable where:*

- (a) It can be demonstrated that a proposal helps meet quantitative and qualitative deficiencies in existing provision.*
- (b) It is supported by a favourable sequential assessment.*
- (c) It is of an appropriate scale.*
- (d) It provides improved distribution and accessibility of shopping provision.*
- (e) It provides for accessibility to public transport and non car modes of transport.*
- (f) Any detrimental effects identified in the transport assessment are mitigated.*
- (g) It has been demonstrated that there will be no significant impact (individual or cumulative) on any of the centres within the network of centres).*

*For all proposals outwith town centres the Council will consider the need for restrictions to be imposed on the installation of mezzanine floors and, in the case of convenience shopping developments, on the amount of comparison goods floorspace allowed.*

*Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.*

*Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.*

*Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.”*