

<b>Issue 15d</b>	<b>Managing Future Landscape Change</b>	
<b>Development plan reference:</b>	ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes, page 49	<b>Reporter:</b> Douglas Hope
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Lynne Palmer (00239) Force 9 Energy (00369) Mountaineering Council of Scotland (00587) Scottish Renewables Forum (00760) Fossway & District Community Council (00830) Alexander Harley Seeds Ltd (00885) The Greenspan Agency (00886)		Councillor Michael Barnacle (02633) SportScotland (03185) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) The Gleneagles Hotel (09004) Jim Pritchard (09104) Kevin Borthwick (09777) Friends of the Ochils (10221)
<b>Provision of the development plan to which the issue relates:</b>	Policy sets the criteria against which development proposals will be assessed to ensure that development and land use change is compatible with the distinctive characteristics and features of the area's landscapes.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Changes to Policy Wording/Emphasis</u>  Force 9 Energy (00369/5/001): Whilst the aspiration to conserve and enhance landscapes is worthy, national policy is not so narrow in setting the policy context as Policy ER6 (first paragraph specifically). Refers to paragraph 127 of SPP (S4_Doc_126) which sets out the obligation to facilitate change i.e. development where this does not prejudice the maintenance and enhancement of the character but does not obligate that change to deliver the enhancements.</p> <p>Many windfarm developments will require Environmental Impact Assessment (EIA). EIA is required where there is potential for significant impact (Regulation 2) (Core_Doc_150). Consideration is therefore limited to the identification of significant effects (Schedule 4) (S4_Doc_276). Key for the decision-making process is to weigh up the significant adverse impacts against any positive impacts. EIA process also considers the means to mitigate any significant impacts. How the significance of impacts is assessed distils down to an assessment of the sensitivity of the receptor and magnitude of impact arising. In considering the effects of a development the task is to balance various factors and offer a reasonable and justified conclusion. Position presented by Policy ER6 is exact and inherently limiting to every development proposal in that they will be generally incapable of demonstrating the maintenance and enhancement of landscape character. This combined with criteria (c) and (d) of Policy ER6 makes the whole policy very negative and restrictive and is therefore contrary to SPP. Revised policy wording therefore suggested such that the key policy test is to have no significant adverse impact on the landscape qualities of Perth and Kinross.</p> <p>Scottish Natural Heritage (05211/13/001): As worded Policy ER6 (a) assumes all landscape experience is positive but this is sometimes not the case. Amended policy wording suggested.</p>		

The Greenspan Agency (00886/1/002): Recognises that the landscapes of Perth and Kinross are amongst its greatest assets and should be protected from inappropriate development, but any development will introduce changes into the landscape. Policy ER6 places too much emphasis on an aversion to change. SPP paragraph 127 (S4\_Doc\_126) aims to facilitate positive change. Criterion (d) could instead read: *'any change to the area's relatively wild landscapes should be of an acceptable magnitude given the type of development proposed'* which would place landscape effects in context with the overall benefits of a proposal. Some local authorities are inclined to apply landscape policies in isolation which can mean the environmental and economic benefits of renewable energy proposals are not given fair consideration. Many members of the public regard the appearance of renewable energy developments as a welcome sign of a move away from finite energy resources.

Alexander Harley Seeds Ltd (00885/1/004): Development of any kind will introduce a change into a landscape. Policy ER6 places too much emphasis on an aversion to change. SPP paragraph 127 (S4\_Doc\_126) aims to facilitate positive change. Criterion (d) could instead read: *'any change to the area's relatively wild landscapes should be of an acceptable magnitude given the type of development proposed'* which would place landscape effects in context with the overall benefits of a proposal. The Council appears inclined to apply landscape policies in isolation which can mean that the benefits of renewable energy proposals are not given fair consideration. Many members of the public regard the appearance of renewable energy developments as a welcome sign of a move away from finite energy resources.

#### Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): Need for a policy on local landscape areas as advised on by SPP paragraph 140 (S4\_Doc\_127); crucial to protecting outdoor sport.

Scottish Renewables Forum (00760/1/002): SPP paragraph 189 (S4\_Doc\_112) requires development plans to set out a spatial framework for onshore windfarms over 20MW. Therefore it is disappointing that the LDP does not do this other than to make reference to supplementary guidance in Policies ER1 and ER6. The purpose of a spatial framework is to guide developments to appropriate locations, to maximise renewable energy potential and minimise wasted effort in inappropriately located proposals. Clearer guidance should therefore be set for the development of onshore wind taking account of Scottish Government guidance which requires timetables for the preparation of spatial frameworks to be prepared as a matter of priority.

#### Regional Park Designation for the Ochils

Kinross-shire Civic Trust (06950/1/008): Policy ER6 should allow the extension of existing established regional parks on the outside of Bishophill, Benarty and the Ochil Hills down to the edge of Loch Leven. Consideration could be given to making the Cleish Hills a regional park.

Refer to the Lomonds Living Landscape (S4\_Doc\_470) project. Policy ER6 should extend the existing regional park to cover the study area (Lomonds to Loch Leven).

Friends of the Ochils (10221/1/006): The longer term aim should be to achieve a high level designation such as a regional park for the entire Ochils.

Councillor Michael Barnacle (02633/1/017): Hopefully the landscape protection that replaces the existing Areas of Great Landscape Value (S4\_Doc\_176) and (S4\_Doc\_177) will include a regional park for the Ochil Hills.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Friends of the Ochils (10221/1/006): The Ochils are a vital recreational and landscape resource yet they are not mentioned in the LDP or supplementary guidance. The limiting safeguards in Policy ER6 will expose the Ochils to many risks and allow serious damage to occur. The Ochils warrant significant protection and the wording of Policy ER6 and related note should be amended to provide that protection. This must be done in conjunction with Clackmannanshire and Stirling Councils whose boundaries also include a part of the Ochils. There should also be consistency within Perth and Kinross i.e. under the existing local plans the Ochils in Kinross-shire are protected but the parts in Strathearn area are not.

Kinross-shire Civic Trust (06950/1/007): The existing Areas of Great Landscape Value (AGLVs) (S4\_Doc\_176) and (S4\_Doc\_177) are a vital element in the conservation of the landscape of Kinross-shire and a properly identified landscape policy for Kinross-shire is a major omission from the LDP. It is a major factor which will affect all future proposals for development in the countryside and as such must be incorporated properly into the LDP. As a minimum the current Areas of Great Landscape Value should be retained under the new proposed landscape protection.

If no new landscape policy is established by the time the LDP is presented for consideration the current AGLV policy (S4\_Doc\_176) and the areas it refers to in Kinross-shire need to be continued into the new LDP.

Councillor Michael Barnacle (02633/1/017): Policy ER6 only mentions National Scenic Areas for safeguarding against development. Dismayed that Areas of Great Landscape Value (AGLVs) (S4\_Doc\_176) and (S4\_Doc\_177) are lost from the LDP with no discussion on what can replace them and with guidance to be published later. LDP should state AGLVs continue until landscape protection that replaces them has been finalised which hopefully will include a regional park for the Ochil Hills.

Fossoway & District Community Council (00830/1/013): Concerned there are no proposals for a policy to replace existing Areas of Great Landscape Value policy (S4\_Doc\_176) and (S4\_Doc\_177). Seek reassurance the current policy will remain until a new policy is in place, that the new policy will be consulted on and will be as effective as the existing policy.

Jim Pritchard (09104/1/010): Concerned at loss of Areas of Great Landscape Value (S4\_Doc\_176) and (S4\_Doc\_177). Equivalent measures should be taken to afford the same level of protection to the landscape value of Perth and Kinross. The natural landscape is one of our most precious resources and must be stringently protected.

Kevin Borthwick (09777/1/009): Areas of Great Landscape Value (S4\_Doc\_176) and (S4\_Doc\_177) should be kept until there is an alternative proposal for their replacement.

Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): Impact on the scenery is crucial to people's enjoyment of the outdoors, recreation can also be affected by impacts on the physical qualities of the landscape e.g. gradients, vegetation, cover, and rock formations. Should be increased emphasis in Policy ER6 (f) on the physical qualities of landscape and the need to protect them.

Friends of the Ochils (10221/1/006): Geodiversity is an important feature of the landscape and warrants protection but there is little reference to it in the LDP.

No Changes to the Plan

Lynne Palmer (00239/10/006): Support Policy ER6

The Gleneagles Hotel (09004/5/001): Support Policy ER6 because non-designated landscapes also carry value which must be managed and if necessary protected from inappropriate development.

Mountaineering Council of Scotland (00587/1/004): Support Policy ER6 particularly the requirement to safeguard tranquil qualities and relative wildness.

**Modifications sought by those submitting representations:**Changes to Policy Wording/Emphasis

Force 9 Energy (00369/5/001): Policy ER6 first paragraph should be revised as follows: *'...Accordingly, the development proposals will be required to demonstrate they have no significant adverse impacts on the landscape qualities of Perth and Kinross....'*

Scottish Natural Heritage (05211/13/001): Policy ER6 (a) should be amended as follows: *'...Scenic qualities of the landscape, or the positive qualities of landscape experience'*.

The Greenspan Agency (00886/1/002); Alexander Harley Seeds Ltd (00885/1/004): No explicit change sought other than Policy ER6 should be less averse to change. Suggestion that criterion (d) could instead read: *'any change to the area's relatively wild landscapes should be of an acceptable magnitude given the type of development proposed'*

Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): Need for a policy on local landscape areas

Scottish Renewables Forum (00760/1/002): No explicit modification sought other than a request for clearer guidance on the development of onshore wind.

Regional Park Designation the Ochils

Kinross-shire Civic Trust (06950/1/008): Extend the established regional parks on the outside of Bishophill, Benarty and the Ochil Hills down to the edge of Loch Leven and consider making the Cleish Hills a regional park also.

Friends of the Ochils (10221/1/006): The longer term aim should be to achieve a high level designation such as a regional park for the entire Ochils.

Councillor Michael Barnacle (02633/1/017): LDP should state that the existing AGLVs (S4\_Doc\_176) and (S4\_Doc\_177) continue until landscape protection that replaces them has been finalised.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Friends of the Ochils (10221/1/006): Policy ER6 should be amended to provide significant protection to the Ochil Hills. This must be done in conjunction with Clackmannanshire and Stirling Councils whose boundaries also include a part of the Ochils.

Kinross-shire Civic Trust (06950/1/007): LDP must incorporate a landscape policy for Kinross-shire. As a minimum the current Areas of Great Landscape Value (AGLVs) (S4\_Doc\_176) and (S4\_Doc\_177) should be retained under the new proposed landscape protection. If no new landscape policy is established by the time the LDP is presented for

consideration the current AGLV policy and the areas it refers to in Kinross-shire need to be continued into the new LDP.

Councillor Michael Barnacle (02633/1/017): LDP should state Areas of Great Landscape Value (S4\_Doc\_176) and (S4\_Doc\_177) continue until landscape protection that replaces them has been finalised.

Fossway and District Community Council (00830/1/013): LDP should contain a new policy to replace the existing policy on Areas of Great Landscape Value.

Jim Pritchard (09104/1/010): No explicit change sought other than to afford the same protection to those areas currently identified as AGLVs (S4\_Doc\_176) and (S4\_Doc\_177).

Kevin Borthwick (09777/1/009): Areas of Great Landscape Value (S4\_Doc\_176) and (S4\_Doc\_177) should be kept until there is an alternative proposal for their replacement.

#### Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): Policy ER6 (f) should have more emphasis on the physical qualities of landscape and the need to protect them.

Friends of the Ochils (10221/1/006): A specific review should be carried out to ensure geodiversity is adequately addressed in the LDP.

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

##### Changes to Policy Wording/Emphasis

Force 9 Energy (00369/5/001): The respondents' comment that the policy is '*very negative and restrictive*' and as such '*contrary to SPP*' is not accepted, as it is considered that it is implicit within the policy that change can happen, but Policy ER6 seeks to ensure that any development and land use change is compatible with the distinctive characteristics and features of the area's landscapes.

SPP (paragraph 37) (S4\_Doc\_128) describes the important role the planning system has in supporting the realising of sustainable development through its influence on '*the location, layout and design of new development*', and it requires decision-making to not only '*contribute to reducing energy consumption and to the development of renewable energy generation opportunities*', but also to '*protect and enhance the natural environment, including ... landscape*'. It is acknowledged as per the respondents' representation that the first sentence of paragraph 127 of SPP (S4\_Doc\_126) identifies the aim as being '*to facilitate positive change whilst maintaining and enhancing distinctive character*.' However, the final sentence of the same paragraph goes on to state that '*different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character*.' It is therefore deemed that SPP (Core\_Doc\_048) supports the approach followed in Policy ER6 in this respect.

It is important to achieve a balanced decision through weighing up all of the key considerations for proposals, and the list of criteria in Policy ER6 are there to protect and enhance the landscapes of Perth and Kinross and will set the tests against which the decision-maker will decide whether, on balance, that the change being proposed is acceptable in terms of those tests. In addition there are other elements of the Plan which are supportive of renewable energy generating developments i.e. paragraph 2.4.10 of the

Strategy (S4\_Doc\_412), and Policies ER1: Renewable and Low Carbon Energy Generation (S4\_Doc\_392), EP1: Climate Change, Carbon Reduction and Sustainable Construction (S4\_Doc\_413), and EP9B: New Waste Management Infrastructure (S4\_Doc\_388).

It is not considered that the modification proposed by the respondent is required. However, if the Reporter is so minded to recommend a change to the policy, in the interests of providing greater clarity, the Council would be comfortable with the removal of the following text from the second and third sentences: *'...will be required to conserve and enhance the landscape qualities of Perth and Kinross. They...'*

Scottish Natural Heritage (05211/13/001): It is considered that the inclusion of the suggested amendment to criterion (a) of the policy is not necessary as paragraph 37 of SPP (S4\_Doc\_128) identifies that *'the planning system has an important role to play in supporting the achievement of sustainable development through its influence on the location, layout and design of new development'*, and it requires decision-making to *'protect and enhance the natural environment'*; and paragraph 127 (S4\_Doc\_126) recognises that *'opportunities for enhancement or restoration of degraded landscapes ... should be promoted through the development plan where relevant.'* Policy ER6 is considered to be in line with SPP (Core\_Doc\_048) as criterion (a) requires applicants to demonstrate that their proposal will not erode the quality of landscape experience in Perth and Kinross, and criterion (e) requires developers to include landscape enhancement and mitigation schemes; thereby seeking to address negative landscape experiences in association with development.

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/002); Alexander Harley Seeds Ltd (00885/1/004): It is not considered that Policy ER6 does place too much emphasis on an aversion to change; it is implicit in the policy that change can happen but it seeks to ensure that any development and land use change is compatible with the distinctive characteristics and features of the area's landscapes. This approach is considered to be in line with SPP (paragraph 127) (S4\_Doc\_126) which states that *'the aim is to facilitate positive change whilst maintaining and enhancing distinctive character'*. Criterion (d) closely reflects paragraph 128 (S4\_Doc\_129) of SPP which states that *'...planning authorities should safeguard the character of... areas [of wild land] in the development plan'* due to the sensitivity of these areas to any form of development or intrusive human activity. The Plan contains a suite of policies against which proposals will be assessed through the development management process, and decisions will be taken in line with the development plan, and taking into account any other material considerations, including the capacity of the landscape to accept the proposed development. It will therefore be for the decision-maker to determine whether the proposed change is acceptable in light of the facts before them.

The Council will also be producing and consulting on supplementary guidance on landscape and a spatial framework for wind energy developments in 2013 (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458) which will allow the acceptability of development proposals to be assessed in landscape terms and will provide further detail in terms of the locational, technological, environmental and design requirements for applicants.

No modification is proposed to the Plan.

Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): It is acknowledged that SPP (paragraph 139) (S4\_Doc\_085) highlights that local landscape designations should be identified and protected through the development plan and the reasons for their designation clearly explained, alongside the factors which will be taken into account in development management decision-making, and also that the designating of these areas should be to safeguard and promote important settings for outdoor recreation and tourism locally. However, it was considered by the Council that given the likely scope, scale and detail involved in identifying such areas, and also to ensure their protection and enhancement through the development management processes, that the issue would be best dealt with through supplementary guidance to the Plan. Unfortunately, there were insufficient resources available to produce the guidance and the necessary environmental assessments and other studies required to inform and accompany the document in advance of the publication of the Proposed Plan. It is however a priority for the Council during 2013 to produce and consult on supplementary guidance linked to Policy ER6 of the Plan (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458). The guidance will be developed in line with Scottish Government policy and guidance, and once adopted by the Council it will form part of the Development Plan and will be used to assess the acceptability of development proposals.

Notwithstanding the above, the Plan does recognise the importance of protecting outdoor sport through its policies on Open Space Retention and Provision (CF1) (S4\_Doc\_414); Residential Areas (RD1) (S4\_Doc\_405), which states that *'small areas of private and public open space will be retained when they are of recreational or amenity value. Changes away from ancillary uses such as...community facilities will be resisted...'*, and also the policy on Green Infrastructure (NE4) (S4\_Doc\_415), which seeks to ensure that development contributes to the *'creation, protection, enhancement and management of green infrastructure.'*

No modification is proposed to the Plan.

Scottish Renewables Forum (00760/1/002): As per the note section at the end of Policy ER1 (page 47 of the Proposed Plan) (S4\_Doc\_392), it is the intention of the Council as a priority during 2013 to produce and consult on supplementary guidance which will provide a spatial framework for wind energy developments and further explain the locational, technological, environmental and design requirements for developers to consider in making their applications (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458). This approach is considered to be in line with the advice at paragraph 96 of Circular 1/09: Development Planning (S4\_Doc\_467) which states that *'Scottish Ministers' intention is that much detailed material can be contained in supplementary guidance, allowing the plans themselves to focus on vision, the spatial strategy, overarching and other key policies, and proposals.'* As with the supplementary guidance on landscape, due to the likely scope, scale and detail of such guidance and the necessary associated environmental assessments and other studies which would be required to inform and accompany it, there were insufficient resources available to produce it in advance of the publication of the Proposed Plan. In developing this supplementary guidance the Council will take into account the relevant Scottish Government policies and guidance and the document will also be informed by the landscape capacity for wind energy study (Core\_Doc\_199) and other studies undertaken to produce the supplementary guidance for landscape linked to Policy ER6 of the Plan. Once it has been adopted by the Council the guidance will form part of the Development Plan (paragraph 93, Circular 1/09: Development Planning) (S4\_Doc\_471) and will be used to assess the acceptability of development proposals, including those for onshore

windfarms.

No modification is proposed to the Plan.

#### Regional Park Designation for the Ochils

Kinross-shire Civic Trust (06950/1/008); Friends of the Ochils (10221/1/006); Councillor Michael Barnacle (02633/1/017): A regional park is an extensive area of land, part of which is devoted to the recreational needs of the public (Section 48A(1) of the Countryside (Scotland) Act 1967 as amended by Section 8 of the Countryside (Scotland) Act 1981) (S4\_Doc\_291). They have been created in order to provide the coordinated management of recreation alongside other land uses such as farming and forestry, and due to their nature often include landscapes which are considered to be of regional importance. They are formally designated by local authorities, with support from Scottish Natural Heritage (SNH).

Although it is not explicitly stated within the representations, reading between the lines it appears that the respondents want the Ochil Hills protected for landscape reasons rather than for recreational purposes. However, it is considered that a regional park designation is not the right means of achieving this. As highlighted above, the designating of a regional park is most appropriate where the recreational pressures in an area require proactive management, and also where a leisure needs analysis justifies its requirement. At present there is insufficient evidence to justify it. However, as previously highlighted in this Schedule 4, it is the intention of the Council to identify local landscape areas, which may include the Ochil Hills, through supplementary guidance to the Plan. Unfortunately, there were insufficient resources available to produce the guidance and the necessary associated environmental assessments and other studies which would be required to inform and accompany it in advance of the publication of the Proposed Plan; however, it is a priority for the Council during 2013 to produce and consult on supplementary guidance linked to Policy ER6. (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458))

The guidance will be informed by the Tayside Landscape Character Assessment (LCA) (Core\_Doc\_035), the review of Landscape Character Areas currently being undertaken by SNH, existing and new landscape capacity studies, including those for Kinross-shire (Core\_Doc\_053) and Perth (Core\_Doc\_162), and various community engagement and consultation exercises/events, in order to help identify the most locally important landscapes within Perth and Kinross which will then be designated by the Council as Local Landscape Areas. Once the necessary studies have been undertaken and local designations identified, and if it is considered appropriate in the future using the outcome of that work, the Council could consult SNH as to the appropriateness of, and necessity for, designating a regional park(s) in this area. However, given the current financial climate, it is thought to be highly unlikely that the possibility of a regional park(s) for the area will be investigated within the lifetime of this LDP. Therefore, it is considered that if it were to be included as a proposal within the Plan, the Council would not meet the test set under Regulation 10(1)(a) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (S4\_Doc\_247), which requires planning authorities in preparing a LDP *'to have regard to – the resources available or likely to be available for the carrying out of the policies and proposals set out in the local development plan'*, or the Council's obligation under Regulation 26(c) (S4\_Doc\_472) to set out the timescale for the conclusion of the list of actions required to deliver each of the policies and proposals contained within the Plan.

No modification is proposed to the Plan.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Kinross-shire Civic Trust (06950/1/008); Friends of the Ochils (10221/1/006); Councillor Michael Barnacle (02633/1/017); Fossoway & District Community Council (00830/1/013); Jim Pritchard (09104/1/010); Kevin Borthwick (09777/1/009): Once adopted, the Local Development Plan and any supplementary guidance will replace the existing six local plans covering the Council area (Core\_Docs\_003 - 008) which will provide greater consistency across Perth and Kinross. However, when the current Local Plans are superseded the existing Area of Great Landscape Value (AGLV) designations (S4\_Doc\_176) and (S4\_Doc\_177), such as the one covering the Ochils in the 2004 Kinross Area Local Plan (KALP) (Core\_Doc\_008) will no longer exist. It is therefore the intention of the Council to designate 'Local Landscape Areas' in line with SPP (paragraphs 139 and 140) (S4\_Doc\_085) and (S4\_Doc\_127) through supplementary guidance to the Plan on landscape, in order to protect the most important landscapes in Perth and Kinross.

Due to the volume of work involved in identifying such areas, it was considered by the Council that the issue would be best dealt with through supplementary guidance. This guidance is programmed for production and consultation (including with neighbouring authorities where appropriate) during 2013 as a priority (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458), and will be informed by the Tayside Landscape Character Assessment (Core\_Doc\_035), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), existing and new landscape capacity studies, including those for Kinross-shire (Core\_Doc\_053) and Perth (Core\_Doc\_162), and various community engagement and consultation exercises in order to help identify the most locally important landscapes within Perth and Kinross, which will then be designated by the Council as Local Landscape Areas.

In the interim, as outlined in Policy ER6, development proposals will be required to satisfy criteria (a) to (g), which require applicants to demonstrate to the satisfaction of the Council as planning authority that their proposal(s) will not individually, and/or cumulatively with other existing or proposed developments, detrimentally impact upon the area's landscapes. This protection will be further strengthened in future through the detailed landscape supplementary guidance. Outwith National Scenic Areas the Tayside Landscape Character Assessment (Core\_Doc\_035) will be used for assessing development proposals, along with other material considerations, including the studies mentioned in the previous paragraph. The landscape capacity studies, (Core\_Doc\_053) and (Core\_Doc\_162), will provide guidance on what is and is not acceptable, and the Kinross-shire study was used to inform the extent of the AGLV boundary designated in the 2004 KALP.

In response to comment reference (02633/1/017) regarding the lack of discussion on what will replace AGLVs, the Main Issues Report (MIR) highlighted the need to identify new local landscape designations (MIR Key Issue 16, (S4\_Doc\_211) and a workshop was held at Perth Concert Hall on Saturday 22 January 2011 on landscape issues, at which attendees were given the opportunity to help inform what approach the Council would take on the matter.

It is considered that no modification is required to the Plan; however, if the Reporter is so minded, an option would be to retain the existing AGLVs (S4\_Doc\_176) and (S4\_Doc\_177) in the short interim period until the new local landscape areas have been designated. This could be done through an amendment to the 'Note' section at the end of the Policy which could state that the existing AGLVs remain as a material consideration until they are replaced by the new local landscape area designations. The

Council would be comfortable with this approach, as it is believed that SPP (paragraph 139) (S4\_Doc\_085) provides a degree of flexibility to planning authorities to designate other types of local landscape and nature conservation designations through the statement that they are *'encouraged to limit non-statutory designations to two types – local landscape areas and local nature conservation sites.'*

#### Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): It is considered that the reference in the policy to protecting and enhancing *'geological'* and *'geomorphological'* elements of the landscape under criterion (f) covers the issue of *'physical qualities of landscape and the need to protect them'* which was raised through the representation. In addition, this topic will be further expanded upon in the supplementary guidance to accompany Policy ER6.

No modification is proposed to the Plan.

Friends of the Ochils (10221/1/006): The statutory conservation of geological and geomorphological features is part of the remit of National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSIs). There are a number of National Nature Reserves and geological SSSIs across Perth and Kinross, and these sites formed part of the environmental baseline for the Strategic Environmental Assessment (SEA) of the LDP (Appendix B of the Environmental Report) (Core\_Doc\_087) and were taken into account through that assessment process. Proposed Plan Policy NE1B: National Designations (S4\_Doc\_389) seeks to ensure that development will not adversely affect the integrity of NNRs, SSSIs and National Scenic Areas or the qualities for which they have been designated. In addition, criterion (f) of Policy ER6 requires applicants to incorporate measures for the protection and enhancement of a number of elements of the landscape, including *'geological'* and *'geomorphological'* ones. This approach is considered to be in line with SPP (paragraph 137) (S4\_Doc\_130).

It is acknowledged that it is important to recognise the value of geodiversity as a resource to be conserved (SPP paragraph 141 (S4\_Doc\_292), so that people can enjoy and find out more about it. Locations can contribute to the quality of local environments and provide opportunities for recreation and informal education. Geodiversity helps maintain natural processes, supports ecosystems as well as the link with the areas distinctive cultural landscapes. It will also assist in ensuring we adapt to climate change and sea level rise. Given the importance of geodiversity to the area's landscapes, the potential for protecting and maintaining geodiversity through the designation of regionally important sites will be considered as part of the supplementary guidance on landscape programmed for 2013. (Draft LDP Action Programme 2012-2024, page 14 (S4\_Doc\_458) This may be done through the involvement of the Tayside RIGS (Regionally Important Geological and Geomorphological Sites) Group which the Council is a member of.

No modification is proposed to the Plan.

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

##### Changes to wording of policy ER6

1. Paragraph 126 of SPP indicates that planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species. SPP recognises that landscape in both the countryside and urban areas is constantly changing and the aim should be to facilitate positive change while maintaining and enhancing distinctive character. The introductory paragraph of policy

ER6 is intended to reflect this approach. The respondent's comment that, when combined with criteria (c) and (d), the policy as a whole is very negative and restrictive and, as such, wholly contrary to Scottish Government policy, is considered to be a gross over-statement. The respondent's suggested revision certainly changes the emphasis of the first paragraph but it is debatable as to whether the revised paragraph better reflects Scottish Government policy. The planning authority has suggested a further revision, in order to provide greater clarity on the intentions of policy ER6.

2. The main issue here is similar to policy ER1 (see Issue 15a), in that there is no national policy context for the approach to managing landscape change adopted in the LDP. The planning authority's suggested revision removes any reference to the need to ensure that the qualities of the landscape are conserved and enhanced, a key element of national policy. It is considered that this would be a retrograde step. In the absence of any background policy context, it is considered that the first paragraph of policy ER6 should more accurately reflect the policy set out in paragraphs 125-127 of SPP by making specific reference to the need to adopt a positive approach to facilitating change whilst maintaining and enhancing the distinctive landscape characteristics and features of Perth and Kinross.

3. In relation to the request to amend the wording of criterion (a), it is not considered that the replacement of the words 'quality of landscape experience' with the words 'positive qualities of landscape experience' adds anything to this policy. Clearly, the intention of criterion (a) is to ensure that proposed developments do not erode the quality of landscape experience; the word 'quality' equating to the nature, character or attributes of the landscape experience. Perhaps in drafting the proposed supplementary guidance '*Landscape Guidance*', the meaning of 'quality' could be clarified.

4. In relation to the requests to amend the wording of criterion (d), paragraph 128 of SPP indicates that planning authorities should safeguard areas of wild land character that are sensitive to development or intrusive human activity. It is considered that criterion (d) is in entire accord with this Scottish Government guidance.

5. In relation to the request for more emphasis in criterion (f) on the physical qualities of the landscape and the need to protect them, the planning authority's position is that these qualities are covered by the terms 'geological' and 'geomorphological'. This position is accepted.

#### Designation of Local Landscape Areas

6. Paragraph 139 of SPP supports local designations, which protect, enhance and encourage the enjoyment and understanding of locally important landscapes and natural heritage. Such designations should be clearly identified and protected through the development plan. The planning authority has not included local landscape designations in the Proposed Plan but intends to pursue this issue through supplementary guidance. When adopted by the planning authority, it will form part of the development plan.

#### Greater protection for the Ochils and other designated Areas of Great Landscape Value

7. In relation to the concerns that when the current local plans are superseded by the Proposed Plan, the existing AGLVs will no longer offer protection for the Ochils and the hills around Loch Leven, the planning authority acknowledges that this issue has not been dealt with in the Proposed Plan but has been left for the production of supplementary guidance on landscape, which it intends to prepare as a matter of priority.

This guidance will be informed by a number of studies and involve community engagement and consultation exercises in order to help identify the most locally important landscapes. Until such time as the supplementary guidance is prepared and adopted, when it will become part of the development plan, development proposals within previously designated AGLVs will be required to satisfy the criteria in policy ER6.

8. It is unfortunate that more detailed guidance on managing landscape change is not yet available but policy ER6 clearly identifies a number of important factors designed to safeguard the landscape from inappropriate developments. In accordance with Government policy in SPP, policy ER6 requires development proposals to be compatible with the aim of maintaining and enhancing the distinctive characteristics of the area's landscape. Criterion (a) of policy ER6 requires applicants to demonstrate that proposals do not erode the local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, criterion (b) safeguards views and landmarks from inappropriate development. The Tayside Landscape Character Assessment will be used to assist in the assessment of proposals outwith National Scenic Areas. It is considered that criteria (a) to (g) provide sufficient protection for the areas previously designated as AGLVs in the Kinross Area Local Plan 2004.

9. In relation to the planning authority's suggestion that the note at the end of policy ER6 could include a reference to the superseded AGLVs remaining as a material consideration, it is difficult to see what weight could be attached to a local plan designation that no longer exists. Indeed, it is considered that policy ER6 provides a far better framework for managing the landscape in the superseded AGLVs than policy 54 in the Kinross Area Local Plan 2004 and nothing would be served by incorporating a reference to the superseded AGLVs in the note.

10. In relation to the request that consideration should be given to designating the Cleish Hills a Regional Park and that a longer term goal should be to achieving Regional Park status for the entire Ochils, the planning authority indicates that, given the current financial climate, it is highly unlikely that the possibility of a Regional Park or Parks will be investigated during the lifetime of the Proposed Plan. In these circumstances, it would not be appropriate to include a reference to the possible designation of Regional Park(s) in this local development plan.

#### Geodiversity and Physical Qualities of the Landscape

11. In relation to the request for a specific review of geodiversity, the planning authority acknowledges the importance of geodiversity to the area's landscapes and points out that policy NE1B provides safeguards for national designations in accordance with paragraph 137 of SPP. Criterion (f) of policy ER6 ensures that development proposals incorporate measures for protecting and enhancing the geological and geomorphological elements of the landscape. The planning authority indicates that the potential for protecting and maintaining geodiversity through the designation of regionally important sites will be considered within the proposed supplementary guidance on landscape. It is considered that this is an appropriate approach to take.

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

##### Policy ER6

1. Replace the second sentence of the introductory paragraph with the words: 'Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.'