

Issue 20d		Effectiveness of Strategic Sites	
Development plan reference:		5.1.11 – Housing land supply table, page 69 Almond Valley (MIR Site) H7 – Berthapark, Perth, page 77 H70 - Perth West, page 78 H15 – Oudenarde, page 96 H29 - Scone North, page 142	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Scottish Government (00092) Stewart Milne Homes (00659) A Ritchie & Son/M & S M Bullough (08651) Zurich Assurance Ltd (08816) Springfield Properties Ltd (09017) JWK Properties (09055) The Pilkington Trust (09086) John Dewar Lamberkin Trust (09166) G S Brown Construction Ltd (09817)			
Provision of the development plan to which the issue relates:		Strategic Sites within Perth Core Area and their effectiveness	
Planning authority's summary of the representation(s):			
<u>Almond Valley</u> G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001): The omission of Almond Valley will make the delivery of Berthapark (H7) and the wider release of strategic development land impractical. Almond Valley should be reinstated because its removal denies the long term strategic site at Berthapark as the necessary access and A85/A9 improvements cannot be funded through the provision of employment land without the strategic housing release. Stewart Milne Homes (00659/1/002): The identification of Almond Valley will result in a Plan that is realistic and deliverable unlike the Proposed Plan which proposes a level of development which is not deliverable. Almond Valley can be delivered timeously and without relying on infrastructure improvements. <u>Site H7 Berthapark</u> Springfield Properties Ltd (09017/1/001): Work carried out indicates that 300 houses could be accessed in advance of the CTLR. A framework for integration is required to avoid competing commercial interests delaying development. Some of the land required to provide necessary infrastructure lies outside the control of the potential developers and may require to be purchased by the Council to enable development and to ensure that joint delivery takes place. Stewart Milne Homes (00659/1/001): The allocation of 3,000 houses and 25 hectares of employment land in addition to the allocation at Perth West exceeds the strategy set out in TAYplan (Core Doc 099) and is not deliverable within the timescales allowed. The site			

is dependant on the CTLR and there are doubts if it is deliverable at all. Almond Valley is a better location and Berthapark is an unnecessary allocation.

JWK Properties (09055/1/003): The site is not deliverable and contrary to the SPP paragraphs 165-170 (S4_Doc_299) and PAN 75 paragraphs 24 and 25 (S4_Doc_439). The infrastructure costs are at least £140 million which are only likely to rise.

The Pilkington Trust (09086/1/003): The development of Berthapark requires the infrastructure to be provided by the development of Almond Valley and it cannot be considered an effective site under the terms of SPP paragraphs 70-76 (S4_Doc_301) as Almond Valley does not form part of the Plan.

Zurich Assurance Ltd (08816/8/001): There are no objections to the identification of Berthapark as a long term strategic site but its reliance on the CTLR means that that it will not be able to deliver houses until 2022-2025 at best. The existing timescale is considered unrealistic as there is no funding in place; the final route of the CTLR has not been agreed; there are significant design issues particularly in relation to crossing the river and the railway, Compulsory Purchase Order (CPO) powers may be required to assemble land; Transport Scotland have raised concerns over the CTLR and a public inquiry may have to be held before the CTLR can be considered a committed project. The site also contains valuable minerals which have to be extracted before development can take place.

Site H70 Perth West

JWK Properties (09055/1/005): Perth West depends on infrastructure which is undeliverable without proper connections to the City severed by the A9.

The Pilkington Trust (09086/1/002): Perth West faces severe challenges in respect of deliverability. It requires two new junctions onto the trunk road network. Currently there is no known solution to the access from the A9 and the Council's own modelling indicates an adverse effect on the trunk road from any of the solutions tested. Perth West does not have good existing public transport, walking or pedestrian links with the city centre especially when compared to Almond Valley. The site is owned by several parties and current low land values will affect the likely ability of development being able to fund the necessary infrastructure improvements. The site is therefore unlikely to be able to provide housing development within the life of the plan and does not meet the tests set out in SPP (Core_Doc_048) in the provision of a 5 year land supply.

Zurich Assurance Ltd (08816/9/001): Reliance on the site delivering 550 houses by 2024 is premature until the solutions to the infrastructure issues are committed projects the site does not meet the tests set out in SPP (Core_Doc_048) on deliverability.

Scottish Government (00092/8/001): Transport Scotland has significant concerns over the access strategy for the Perth West development. A new access may be required from the A85 which would also have to facilitate public transport, walking and cycling. A new access from the A9 is likely to be problematic consequently the allocation cannot be supported. Transport Scotland will continue to work with Perth & Kinross Council and developers to resolve the issues.

A Ritchie & Son/M & S M Bullough (08651/3/001 & 08651/7/003): The Plan shows good linkages that the area has with Perth including core paths and cycle routes. The developer is prepared to make contributions to the deficit funding for the development. The costing methodology should be in the Plan. The site is deliverable and studies have

been commissioned to assess the current network and the opportunities for accessing the development.

Table at paragraph 5.1.11 should be increased by 500 homes to reflect an increased number of housing at Site H70 in the period to 2024, making it more effective.

John Dewar Lamberkin Trust (09166/4/003): Supports the site. Table at paragraph 5.1.11 should be amended to reflect an increased number of housing at Site H70 in the period to 2024, making it more effective.

Site H15 Oudenarde

JWK Properties (09055/1/004): Oudenarde depends on infrastructure that is undeliverable and unsustainable. It has not delivered over a number of years despite being granted planning permission. Key housing sites in the LDP should be revised.

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): No objection to H29 as a long term housing allocation but concerns about deliverability within timescales required.

SPP (Core_Doc_048) requirement is for a minimum 5 year effective land supply and PAN 2/2010 (Core_Doc_019) outlines the effectiveness criteria requiring sites to be free from constraints. The CTLR is unlikely to be in place before 2020 making Site H29 non-effective and unlikely to deliver housing until after 2020.

Modifications sought by those submitting representations:

Almondvalley

G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001): Almond Valley should be identified as a Strategic Development Area because it will help the delivery of Berthapark (H7) and make the wider release of strategic development land practical.

Stewart Milne Homes (00659/1/002): Almond Valley should be identified for housing as it can be delivered timeously and without relying on infrastructure improvements.

Site H7 Berthapark

Springfield Properties Ltd (09017/1/001): Site is capable of 300 homes in advance of the CTLR and A9/A85 link. Compulsory Purchase Orders should be promoted to allow the release of land for critical infrastructure.

Stewart Milne Homes (00659/1/001): Delete the site as not effective and transfer the allocation to Almond Valley.

JWK Properties (09055/1/003): Delete the site as not effective (in support of site at Craigend).

The Pilkington Trust (09086/1/003): The Plan should recognise that the delivery of Berthapark requires essential infrastructure improvements that can only be funded by the delivery of Almond Valley.

Zurich Assurance Ltd (08816/8/001): The numbers should be transferred to allow additional releases in Stanley because site will not be effective until 2024.

Site H70 Perth West

JWK Properties (09055/1/005); The Pilkington Trust (09086/1/002); Zurich Assurance Ltd (08816/9/001): Delete the site (assumed) as it is not deliverable in the short to medium term for housing.

Scottish Government (00092/8/001): The Plan should contain information to demonstrate how the site can become effective without causing detriment to the operation of the trunk roads network.

A Ritchie & Son & M & S M Bullough (08651/3/001 & 08651/7/003): The site should identify Huntingtower View as a first phase of the development for 500 houses and a mixed use employment/school site with a further 300 dwellings in a second phase.

Increase the allocation to 1,050 units for delivery in the short term.

John Dewar Lamberkin Trust (09166/4/003): Modify table in paragraph 5.1.11 to reflect an increased number of housing at H70 in the period to 2024.

Site H15 Oudenrade

JWK Properties (09055/1/004): Oudenarde should be removed from the Plan as it is not an effective site.

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): Housing numbers allocated to Site H29 in the first phase to 2024 (350) should be reallocated to other settlements such as Stanley because site is not effective.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Almond Valley

G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001); Stewart Milne Homes (00659/1/002): The Council acknowledges there was significant support for the removal of this site from the Plan through both the Main Issues Report stage and in response to the Proposed Plan. This is contrasted with the support for the sites inclusion by a number of house builders and land owners. The case for its inclusion is based on the fact that it is an effective site and the only one capable of immediate development to meet short term housing needs. The second reason for inclusion is that the required roads infrastructure improvements at the A9/A85 junction cannot be funded without the identification of this site for residential use. This site has an extensive history (S4_Doc_250) and was identified for residential use in the Perth Area Local Plan 1995 (S4_Doc_441). A planning application for the site was refused by the Council in December 2011 and a subsequent appeal of this decision dismissed. The applicants have sought a judicial review of the appeal decision and the timescale for the completion of this process is not yet set.

With regards to it being an effective site and the ability to deliver in the short term the Council has no grounds to disagree with the representations. The Council however argue that it is not the only effective site and it is not required during the lifetime of the Plan. Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background

Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

The Council disagrees that development at Almond Valley is required to fund the A9/A85 Junction upgrade. The Council have committed to funding this project (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)) and have commissioned consultants to look at extending this link through to Berthapark. This is being driven by the requirement to identify a site for a new school in Perth with H7 - Berthapark forming one of the preferred sites. The final decision on this will be made in February 2013 but if chosen the requirement for access into H7 – Berthapark will be accelerated making it effective to deliver housing in the short to medium term.

No modification is proposed to the Plan.

Site H7 Berthapark

Springfield Properties Ltd (09017/1/001); Stewart Milne Homes (00659/1/001); JWK Properties (09055/1/003); The Pilkington Trust (09086/1/003); Zurich Assurance Ltd (08816/8/001): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

With regards to Springfield Properties Ltd (09017/1/001), Transport Scotland's Strategic Transport Projects Review paragraph 6.2.4 (S4_Doc_382) recognises that '*Congestion at the A9/A912 Inveralmond roundabout is significant, and arises out of conflict between local access needs and long-distance travel demands between the central belt and the north of Scotland.*'

It is considered that access from Inveralmond roundabout will exacerbate this issue and have a negative impact on the wider strategic and local road networks. This issue is dealt with in more detail by Schedule 4 Issue 21 Perth Strategic Development Area.

With regards to both Springfield Properties Ltd (09017/1/001) and Pilkington Trust (09086/1/003), the Council disagrees that development at Almond Valley is required to fund the A9/A85 Junction upgrade and fund the development of Berthapark. Planning permission 11/01579/FLL (Core_Doc_177) has been granted for upgrades to the A9/A85 junction and the Council have committed to funding this project (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)). The Council's Delivering Infrastructure Background Paper (S4_Doc_440) outlines the key infrastructure requirements and proposed timescales to deliver the A9/A85 upgrade. The Council have also commissioned consultants to look at extending the link road across the River Almond into Berthapark. This is being driven by the requirement to identify a site for a new primary and secondary school in Perth with H7 - Berthapark forming one of the preferred sites. The requirement is for this new school to be operational by 2018 and as a result it is expected that this site will be effective before this date. The final decision on this will be made in February 2013 but if chosen the requirement for access into the site will be accelerated and will support the early release of development land and support the delivery of the new school.

With the requirement to develop a masterplan for the entire site no development is likely to take place on this site within the next two years. This will provide an opportunity for the creation of a new access negating the suggested modification.

Zurich Assurance's Ltd (08816/8/001): request for Compulsory Purchase Order (CPO) procedures to be used to deliver the site is not considered to be an LDP issue and is more relevant to the Action Programme.

No modification is proposed to the Plan.

Site H70 Perth West

JWK Properties (09055/1/005); The Pilkington Trust (09086/1/002); Zurich Assurance Ltd (08816/9/001); The Scottish Government (00092/8/001): Regarding the land supply issues raised, Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Table 5 of the Housing Background Paper has identified that part of the site is as effective as numerous sites included in the Plan for the period 2016-2024 for up to 500 dwellings. This release of land will come from the development of the approved A9/A85 junction improvements.

Regarding the transport issues raised, Transport Scotland is undertaking a review of the A9 between Kier Roundabout and Luncarty. The initial findings of this study will be published in June 2013 and may have a bearing on the extent of the developable area of the site and how it is accessed. The site will be developed through a masterplan which will define the extent of the remaining developable area.

No modification is proposed to the Plan.

A Ritchie & Son/M & S M Bullough (08651/3/001 & 08651/7/003); John Dewar Lamberkin Trust (09166/4/003): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Table 5 of the Housing Background Paper has identified that part of the site is now effective in the period 2016-2024 for up to 500 dwellings. It is considered that during the plan period the site is not capable of providing any additional dwellings in the short term to meet the modifications proposed and in particular the numbers proposed by A Ritchie & Son and M&S M Bullough (08651/3/001 and 08651/7/003).

A Strategic development appraisal was recently submitted by Ristol Ltd (S4_Doc_807) on behalf of John Dewar Lamberkin Trust (09166/4/003) and it outlines the infrastructure costs for Perth West. The figures quoted are considered inaccurate in particular for the primary school. The costs are considered to be grossly underestimated especially because the entire development is likely to require two primary schools. Only when a detailed masterplan (including phasing) has been produced that a more accurate picture of the development of the entire Perth West site will become clear.

No modification is proposed to the Plan.

Site H15 Oudenarde

JWK Properties (09055/1/004): Over the past 10-15 years a considerable amount of time, effort and investment has gone into Site H15 to ensure it is an effective and developable site.

In October 2002 the Council were minded to grant the outline permission to planning application 02/01482/OUT (S4_Doc_443) for a new village at Oudenarde subject to conditions and a Section 75 to secure the main Heads of Terms. The application was accompanied by a Masterplan relating to the entire site which was approved by the Council in August 2001. The application referred to an expansive site extending to 92 hectares for the development of 1200 houses and associated commercial and industrial development, community provision, open space and landscaping.

Since 2002 there have been detailed planning consents issued with respect to infrastructure, including the railway bridge, the primary school and for 150 affordable housing units. Approximately 100 affordable houses and associated infrastructure have been completed by Hillcrest Housing Association Ltd. With the onset of the economic recession the Oudenarde development has not progressed as envisaged previously in a more buoyant housing market. This has had consequences for the provision of infrastructure and facilities which were to be secured through the original Heads of Terms of the Section 75 Agreement.

The Council have recently committed to funding the new primary school in Oudenarde which will also be funded by the developer of H15 (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)). A draft Section 75 legal agreement has been agreed in principle requiring the developer to assist with its funding.

The Scottish Environment Protection Agency requires a flood risk assessment to be completed and this issue is dealt with in Schedule 4 Issue 25c. There is an acknowledged constraint associated with the pipeline consultation zone and will have been taken into account with the masterplan. Despite these constraints the site will be able to accommodate the proposed increase in the capacity of the site by 400 units and meet the objectives set out in SPP paragraphs 77 and 78 (S4_Doc_302). The site is sufficiently large to accommodate a variety of house types and tenures in line with Councils policies on place making. The development will benefit the existing community infrastructure through the provision of additional facilities.

No modification is proposed to the Plan

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Appendix 1 of the Housing Background Paper (S4_Doc_444) has identified that part of the site is effective within the Plan period 2016-2024 for up to 340 dwellings.

The site has been investigated as a possible development site since 2006 when it was considered for inclusion in the Draft Perth Area Local Plan though this was never published.

Significant parts of the site are prime quality land however SPP paragraph 97 (S4_Doc_108) states that development can be permitted on such land if it is an essential component of the settlement strategy. The site is such an area and therefore is considered to comply with SPP.

There have been flood issues associated with part of the site (due to a barrel drain which takes water from the direction of the site) and these issues will require investigation as part of the required risk assessment. The Scottish Environment Protection Agency raised no objection to this approach and it is intended that the development of the site will result in improvements of the existing situation.

There is no evidence that the site has ever had any historical or archaeological significance and Historic Scotland have not raised any issues during the stakeholder engagement for the Plan or in any representations. The site consists of land which is mainly in agricultural use and which has no statutory natural heritage designations.

The site is considered to be accessible by a choice of transport options which is one of the criteria to be met in paragraph 80 of SPP (S4_Doc_099). Full details of its accessibility can be dealt with through the masterplanning of the site.

Plantation woodland that lies within the western site boundary and provides an important backdrop to the site is identified as ancient woodland. The required masterplan will resolve much of the detail with regard to the landscape framework, biodiversity and woodland protection.

The Schedule 4 Issue 25c – Perth Area (within Core) East Settlements also deals with the land use issues of Site H29 while the Schedule 4 Issue 24 - Perth Area Transport Infrastructure deals with the proposed CTRLR and development embargos along the A93 and A94. Within Issue 24, the Council proposes a modification to paragraph 5.1.17 that states '*Site H29 is capable providing a maximum of 100 dwellings prior to completion of the CTRLR.*'

No modification is proposed to the Plan.

Reporter's conclusions:

1. Reference should be made to Issue 21, which examines the sites within the Perth Strategic Development Area in more detail and Issue 24, which examines transport infrastructure issues in the Perth area. Both have considerable influence on the conclusions set out below. This issue only examines the effectiveness of the strategic sites.

2. In order to obtain further information on a number of matters, the council, together with parties who made representations about the effectiveness of strategic sites, were asked to respond to a series of questions. Some were also invited to participate in a hearing session, which considered issues relating to Site H70. The council was also asked to confirm whether the proposed school on Site H7 had been factored into the traffic modelling. All of the additional evidence has been taken into account in examining this issue and making recommendations.

Almond Valley Village

3. It has been concluded under Issue 21 that Almond Valley Village should be allocated for a housing-led development scheme of approximately 1500 homes, 700 of which would be delivered within the plan period. The basis for this recommended modification is the conclusion that the majority of site H70 (Perth West) is unsuitable for allocation in the Proposed Plan due to concern over the implications of providing an access from the A9 to the west of the site and the absence of any proper consideration of how this might

be achieved. A further important consideration, which supports the allocation of Almond Valley Village, is the conclusion reached in Issue 24 that the proposed Cross Tay Link Road (CTLR) is unlikely to be delivered within the Plan period. This undermines the effectiveness of sites such as H29 Scone (discussed below) which are affected by the proposed embargo on larger-scale greenfield housing development to the east / north east of Perth.

4. No party has challenged the site owner's claim that Almond Valley Village is effective and it is significant that the required off-site road improvements have the benefit of planning permission and a forward-funding resolution from the council. The site should therefore be regarded as effective.

Site H7 Bertha Park

5. The effectiveness of this site is severely affected by the conclusion which has been reached under Issue 24, that the CTLR is unlikely to be delivered within the Plan period. However, following the submission of further information from the council and representors, there is a solution to achieving the delivery of an initial phase of 750 houses and a secondary school, which would involve the construction of a first phase of the CTLR from the proposed A9/A85 junction. The council has resolved to forward-fund the upgrading of that junction and the new road link into the Bertha Park site. Developer contributions would repay some of that initial investment. The inclusion of Almond Valley Village (through which the road would pass) as an allocated site might simplify the delivery of this road, as it might avoid the need for compulsory purchase. However, even if that were not the case, it is considered reasonable to assume that 750 houses could be delivered on Site H7 by 2024.

6. The landowner's suggestion that 300 houses could be built using the existing site access was explored with the parties through a request for further information. The council does not accept that the existing access (which is via the Inveralmond Industrial Estate) would be suitable, and no convincing evidence has been put forward to the contrary. There are no grounds therefore to permit any development in advance of the first phase of the CTLR, as discussed above. However, this does not affect the conclusion set out above, as to the effectiveness of the first phase, as it is reasonable to assume that the required new site access will be put in place within the short to medium term. A significant influence on these conclusions is the fact that the council has received funding for a new secondary school, for which the preferred site is Site H7. This must be constructed by 2018 and this is likely to provide added impetus to the early provision of the road infrastructure on which the first phase of housing will also rely

7. Site H7 is thought to contain viable mineral reserves, which the Proposed Plan requires to be extracted before development can take place. However, there is no evidence that this would prevent the initial phase of development taking place by 2024.

8. In conclusion, the first phase of this site, for 750 houses, is considered to be effective within the plan period.

Site H70 Perth West

9. It has been concluded under Issue 21 that, with the exception of a phase at the northern end of the site, which could be accessed from the A85, Site H70 is incapable of being developed without the provision of a new grade-separated junction onto the A9 to the west of the proposed allocation. This raises issues that are more significant than

questions of effectiveness. The implications of this access in landscape, visual, ecological and archaeological terms are simply not known. From the very limited information that is available at this stage it is concluded that it could cause unacceptable landscape harm due to its location away from Broxden roundabout and the immediate urban fringe of Perth, within a landscape that is more rural in character. The fact that there has been no consideration of, or publicity for the required access as part of the Proposed Plan, including in the plan's strategic environmental assessment and habitats regulations appraisal, provides a further reason why it would be unsafe and inappropriate to allocate the majority of Site H70 for development.

10. As has been concluded under Issue 21, the possibility that planning permission might be granted for the required access at some point within the plan period cannot be ruled out. Indeed, a proposal of application notice has now been submitted to the council. And as the proposed green belt boundary would not include Site H70, this might then permit development to take place on the land within the plan period via the submission of a planning application. However, in the absence of either an allocation in the Proposed Plan (which would be inappropriate for the reasons stated above and in Issue 21) or an extant planning permission, it would be inappropriate to regard Site H70 (with the aforementioned exception at its northern end) as being effective.

11. With regard to the northern phase of this site, because the traffic implications of development have been found to be acceptable through traffic modelling (the accuracy and appropriateness of which have not been challenged), and because no party has challenged the site owner's statements that the site is capable of development within the short to medium term, it is appropriate to regard that initial phase as effective.

Site H15 Oudenarde

12. In the table which follows paragraph 5.1.11 in the Proposed Plan, the Oudenarde site has not been included in the housing numbers that will be delivered within the plan period. Therefore, even if there were convincing evidence that this site would be ineffective until after 2024, that would not affect the housing numbers or require any modification to the Proposed Plan.

Site H29 Scone North

13. Under Issue 25b it has been concluded that an initial phase of 100 units should be permitted in advance of the CTRL becoming a committed project. This initial phase should be regarded as effective because it satisfies the tests that are set out in PAN 2/2010, being owned by a willing party and being free from insurmountable constraints or any funding or marketability problems. The remainder of the site, being affected by the embargo, must be regarded as ineffective due to the conclusions which have been reached under Issue 24 over the likelihood of the CTRL becoming a committed project within the lifetime of the Proposed Plan.

Reporter's recommendations:

No modifications.