

Issue 25c	Perth Area (within Core) South Settlements	
Development plan reference:	5.10 – Bridge of Earn and Oudenarde, page 95-97 H14 - Old Edinburgh Road/Dunbarney Avenue, Bridge of Earn, page 96 H15 – Oudenarde, page 96	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Mandy Law (00637) James & Allison Wilson (00671) BN Sloan & Co Ltd (00689) Councillor Alan Jack (03030) Scottish Environment Protection Agency (03194)		Kilgraston School (09289) Shell UK Ltd (09313/3) King Group (09313/4) G S Brown Construction Ltd (09817) Earn Community Council (09922) BP North Sea Infrastructure (09994)
Provision of the development plan to which the issue relates:	Designated (H14, H15) and new sites within Bridge of Earn and Oudenarde.	
Planning authority's summary of the representation(s):		
<p><u>Bridge of Earn and Oudenarde settlement</u> Scottish Government (00092/7/001): TAYplan (Core_Doc_099) includes proposal for a new railway station at Bridge of Earn/Oudenarde but this is omitted from the LDP although there is reference to a transport appraisal being undertaken in the draft action programme.</p> <p>Councillor Alan Jack (03030/1/001): Wish to have the white area at Clayton Road, Bridge of Earn (S4_Doc_006) removed as a possible housing site as planning and noise are a problem.</p> <p>G S Brown Construction Ltd (09817/12/003): Support for the Plan.</p> <p><u>H14: Old Edinburgh Road/Dunbarney Avenue</u> Mandy Law (00637/1/001): Object to proposed housing at Site H14: existing problem of traffic congestion which will be worsened by additional houses; there are enough new builds in Bridge of Earn which have resulted in loss of green spaces; there are already problems at the Oudenarde development - children bussed to school in Perth and no community spirit.</p> <p>James & Allison Wilson (00671/1/001): Bridge of Earn cannot cope with any more housing: additional houses will worsen the existing traffic problem; unfair that the site is to be accessed from the Meadows considering householders had to pay to have the road adopted; school is at capacity and question whether the doctors surgery would have capacity; Bridge of Earn is already over-developed and would spoil views of the countryside.</p> <p>G S Brown Construction Ltd (09817/12/004): Support for the Plan.</p>		

H15: Oudenarde

G S Brown Construction Ltd (09817/12/002): Illustration on inset map for site H15 contains landscaping which does not exist on the approved masterplan (Core_Doc_051). This could be a source of confusion and the illustration therefore needs to be modified.

BP North Sea Infrastructure (09994/3/001): South eastern edge of site H15 is coterminous with the route of the pipeline meaning it falls within all zones of the Planning Advice for Development near Hazardous Installations regulations which will have a major bearing on the development allowable on the site: no housing permitted within 110m of the pipeline and a restriction on the number and density of dwellings up to 380m from the pipeline. Presence of the pipeline should not prevent development but is a significant infrastructure constraint which should be mentioned in paragraph 5.10.3.

Shell UK Ltd (09313/3/006): Pipeline consultation zones must be shown clearly on all relevant settlement maps and proposals in close proximity to pipelines must be assessed by Health and Safety Executive. The proposals map for site H15 currently shows a blanket policy approach across the entire site and this is potentially confusing.

BN Sloan & Co Ltd (00689/1/001): Object to proposed increase in housing numbers at site H15 to 1600 as this will increase the potential number of users of the Core Path within the site. The Core Path (Core_Doc_023) is a working farm road used by heavy plant and machinery and additional users will increase disruption to the business and increase potential health and safety. The proposed increase in housing numbers does not comply with Policy TA1A being incompatible with adjoining land uses. Housing numbers should not be increased as there is already a deficiency in transport, accessibility, green space and community facilities at Oudenarde and the site is highly constrained on three sides by a railway line, motorway and river (Oudenarde Masterplan (Core_Doc_051)).

Earn Community Council (09922/1/002): Question delivery of site H15 within the Plan period, and the allocation of additional units at Oudenarde considering limited progress to date and the current market situation. Further thought should be given to scale and integration into the communities, especially in light of the age of the masterplan (Core_Doc_051) (over 10 years). Not against development but proposals must benefit both existing communities and incoming population. A condition of any planning approval must be to prohibit use of Back Street for construction traffic and ensure the railway bridge is built ahead of further development. Council must also ensure commitments are in place, backed by financial bonds, to provide the new school and health centre.

Scottish Environment Protection Agency (03194/33/001): Site H15 is in or adjacent to the functional flood plain or an area of known flood risk and has a history of flooding. Part of the site may not therefore be suitable for development. Requirement for a flood risk assessment as a Specific Developer Requirement will ensure developers are fully informed of the flood risk issues and are aware the developable area of the site may be constrained. Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) places duties on local authorities and the LDP should take a precautionary approach to managing flood risk. Cornerstone of sustainable flood management is the avoidance of development in flood risk areas. National Planning Framework also requires development plans to recognise the role of sustainable flood risk management as a climate change adaptation measure. Additional Developer Requirements suggested will help promote a sustainable approach to managing flood risk in accordance with the Council's duties to the Act.

The mitigation measures in Appendix C (Core_Doc_012) of SEA Addendum No, 2 (Core_Doc_089) refer to the need for a Flood Risk Assessment to be undertaken to inform the development of this site.

G S Brown Construction Ltd (09817/12/001): Support for the Plan.

Bridge of Earn and Oudenarde new sites

King Group (09313/4/001): Support inclusion of Kintillo Road site (S4_Doc_006) within the new settlement boundary. Site was allocated for housing in the draft Perth Area Local Plan (S4_Doc_661). Site is in the ownership of an experienced housing developer and access, services, drainage and utility connections are available via the adjacent site which is under construction by the same developer. This is a natural infill site and a logical extension to the adjacent site under construction. Site is flat and vacant and visually appears as part of the built up area rather than open countryside. It is within walking distance of services and facilities in Bridge of Earn and is close to bus routes. There are unlikely to be any flooding, contamination, drainage or ecology issues but these would be further investigated. There are no landscape or heritage issues. It is unconstrained, deliverable within the Plan period and fully effective under PAN 2/2010 criteria (Core_Doc_019). Site was considered at pre-MIR stage and the Council confirmed that development of the site could enhance the area and it met the preferred spatial strategy. It would therefore be considered for inclusion in the LDP. At MIR stage it was requested the site be allocated in preference to the proposed increase in housing numbers at Oudenarde (which is considered an unrealistic approach given the limited progress to date) and the proposed site at Forgandenny Road. The distribution of the housing land requirement in the Perth area should be reconsidered with more directed to Bridge of Earn which has capacity for further development. The Kintillo Road site has more locational advantages and it would help sustain local services and facilities. Allocation of the site for housing would accord with SPP (Core_Doc_048) in terms of helping maintain an effective land supply, integration with public transport and active travel networks, and directing development to sites within settlements particularly brownfield and infill sites. It would also meet the objectives of TAYplan (Core_Doc_099).

Kilgraston School (09289/13/001): MIR Sites 218 (S4_Doc_239) and 219 (S4_Doc_240) in Bridge of Earn are surplus to the requirements of Kilgraston School and are proposed for limited scale residential development. Assessed at MIR stage as incompatible with the preferred spatial strategy but it is considered that this should not preclude development of additional sites which promote and enable sustainable community growth and avoid degradation of community facilities: releasing these sites for development would raise capital to ensure continued sustainability of the school. MIR assessment recognised that if other site options cannot be brought forward these sites could be further assessed to establish whether with mitigation they could contribute to the spatial strategy. Unlike many of the other sites in Bridge of Earn which are longer term (S4_Doc_006), these sites are immediately deliverable. They would be compatible with surrounding land uses and offer a different character of residential site whilst causing little or no detrimental impact to the landscape or wider community. Access could be provided via the school driveway and/or public roads. Development design would take account of nearby listed buildings, existing trees and hedges would be retained and supplemented.

Modifications sought by those submitting representations:

Bridge of Earn and Oudenarde settlement

Scottish Government (00092/7/001): Proposed railway station at Bridge of Earn/Oudenarde should be included in the LDP.

Councillor Alan Jack (03030/1/001): White area at Clayton Road, Bridge of Earn (S4_Doc_006) should be removed as a possible housing site. Not stated but assumed that the settlement boundary should be altered to remove this site.

H14:Oudendarde

Mandy Law (00637/1/001): Mr & Mrs James Wilson (00671/1/001): Site H14 should be deleted from the Plan.

Oudendarde H15

G S Brown Construction Ltd (09817/12/002): Illustration on inset map for site H15 should exclude landscaping not in the approved masterplan.

BP North Sea Infrastructure (09994/3/001): Paragraph 5.10.3 under 'Infrastructure Considerations' insert reference to the presence of the pipeline corridor to the south west which encroaches onto site H15.

Shell UK Ltd (09313/3/006): Proposals map for site H15 on page 97 should be amended to reflect paragraph 5.10.2 that there will be no increased house numbers within the pipeline consultation zone covering the eastern part of the site.

BN Sloan & Co Ltd (00689/1/001): Number of houses at site H15 should be reduced to 1200.

Earn Community Council (09922/1/002): Scale of development at site H15 should be reconsidered. Not stated but assumed that the masterplan should be updated.

Council must ensure commitments are in place, backed by financial bonds, to provide the new school and health centre.

Scottish Environment Protection Agency (03194/33/001): Site Specific Developer Requirements for site H15 should include a requirement for a Flood Risk Assessment specifying that no built development should take place on the functional flood plain or within an area of known flood risk.

Bridge of Earn and Oudendarde new sites

King Group (09313/4/001): Kintillo Road site (S4_Doc_006) in Bridge of Earn should be specifically allocated as a new housing site in the LDP as shown on submitted plans with capacity for 70 units. This should be included in the table on page 96 and the Bridge of Earn proposals map altered accordingly.

Kilgraston School (09289/13/001): Bridge of Earn settlement boundary should be amended to include MIR sites 218 and 219 (S4_Doc_006) as shown on submitted plans.

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.

Bridge of Earn and Oudendarde settlement

Scottish Government (00092/7/001): Proposals map 1 of TAYplan (S4_Doc_662) indicates that there will be a proposed new rail station next to Oudendarde but that this will be subject to a Scottish Transport Appraisal Guidance (STAG appraisal). A footnote to

the Plan indicates that Transport Scotland has no commitment towards funding the delivery of any station. The reference to the STAG appraisal and the footnote were added to the approved version of the TAYplan reflecting a less certain position than with the proposed version. The approved masterplan for Oudenarde (Core_Doc_051) already identifies land to be reserved for a station and Park and Ride. The final details and location of any rail station is something best dealt with through the planning application process.

No modification is proposed to the Plan however, if the Reporter is so minded a footnote could be added to Paragraph 5.10 3 to explain the above, and the Council would be comfortable with this suggestion.

Councillor Alan Jack (03030/1/001): The area was shown as part of ALT 12 in the Adopted Perth Area Local Plan (S4_Doc_663) and an area of landscaping was shown on the eastern boundary of the site. However detailed flood investigations revealed that only part of the site was suitable for development and this has been constructed (Clayton Park). The development of the remainder of the area has been the subject of two planning applications and an appeal. However the Council has now granted planning permission for the erection of 10 houses on the site recognising the potential that there is for development (decision notice 12/00552/FLL (S4_Doc_333)). The area may have potential for further development which could usefully contribute to the effective housing land supply.

No modification is proposed to the Plan

H14: Wicks o Baigle Road Dunbarney Avenue

Mandy Law (00637/1/001); James & Allison Wilson (00671/1/001): Bridge of Earn is identified as a Tier 1 principal settlement in the Perth Core Area in which it is TAYplan's strategy to direct additional development Tayplan (Core_Doc_099). The site is an area of agricultural land on the edge of Bridge of Earn and the locality was identified as site B in the MIR (S4_Doc_225) which indicated that only site B or C could be supported given the scale of development in the area. H14 was identified as the best location as it created an opportunity to create a robust settlement boundary linking the ribbon of housing at the Meadows with the Wicks o Baigle Road. The settlement boundary will be able to make use of an existing ridge on the south of the village and create a significantly more attractive village edge than currently exists in line with the place making policies set out in the Plan and the guidance in SPP paragraph 78 (S4_Doc_106). There is sufficient traffic capacity on the local road network to accommodate the development of the site and the requirement to provide through links will increase connectivity between the Meadows and Bridge of Earn. A new school is planned as part of the Oudenarde development and this, together with Dunbarney Primary, will ensure that there is sufficient school capacity to accommodate all the development proposed for Bridge of Earn during the Plan period. The level of expansion proposed by the Plan will require improved community facilities. NHS Tayside were consulted and raised no objections to the expansion. The site will make an important contribution to the housing land supply.

No modification is proposed to the Plan

H15: Oudenarde

G S Brown Construction Ltd (09817/12/002): The areas on the boundaries of H15 identify areas of indicative landscaping and the concept has been developed through the masterplan further details will be submitted at the reserved matters stage of the application process. However it is important that the Plan emphasises that landscaping

will be important on the site boundaries as shown on the Plan.

No modification is proposed to the Plan

BP North Sea Infrastructure (09994/3/001); Shell UK Ltd (09313/3/006): The constraint associated with the pipeline consultation zone is accepted and has been taken account of in the masterplan. It is also accepted that the consultation zone should be shown with greater clarity (a stronger hatch overlying the relevant part of the site may be appropriate) this could be achieved through a non material technical modification to the Plan.

BN Sloan & Co Ltd (00689/1/001): The increase in the capacity of the site by 400 units increases the average density from 9 houses per hectare to 13 per hectare which takes the site into the medium density range set out on page 65 of the Plan. The site will be able to accommodate this increase and still be able to meet the objectives set on in SPP Paragraph 77 and 78 (S4_Doc_106). The site is sufficiently large to accommodate a variety of house types and tenures in line with Councils policies on place making. The site is a comprehensive development which will provide a range of community facilities which will be constructed as the site is developed. Users of core paths have responsibilities to ensure that the paths are used in a responsible way however, these issues are not planning matters.

No modification is proposed to the Plan

Earn Community Council (09922/1/002): The Community Council's lack of opposition to the development is noted and the details will come forward through subsequent planning applications. The development will benefit the existing community through the provision of additional facilities. Details of traffic management for construction traffic will be developed through a traffic management plan for the site again through the planning application process or as part of roads approval.

No modification is proposed to the Plan

Scottish Environment Protection Agency (03194/33/001): Flood risk assessment work was carried out for the planning applications which apply to the site and the Plan seeks to increase the numbers of houses not to extend the site boundaries.

If the Reporter is so minded to recommend that the requirement for a flood risk assessment is added to the Developer Requirements, the Council would be comfortable with this modification because it would not have any implications for the site or other policies within the LDP.

Bridge of Earn and Oudenarde new sites

King Group (09313/4/001): The general terms of the Representation are accepted and the site is identified as lying within the settlement boundary and represents an area which would be appropriate for infill development to extend the redeveloped former chicken sheds site. The development of the site (S4_Doc_006) will help to further consolidate the southern boundary of the village together with the development of H14. At the MIR stage there was concern over ownership issues but these appear to have been resolved. However it is felt that the Plan contains sufficient flexibility to allow the site to be developed during the life of the Plan as a windfall site.

No modification is proposed to the Plan

Kilgraston School (09289/13/001): The western village boundary is the east side of the Forgandenny Road. Development at Oudenarde or to the south of the village meet the requirements set out in TAYplan (Core_Doc_099). The sites (S4_Doc_006) put forward in the Representation would extend the village into the school grounds but with no suitable physical feature which could provide a western village boundary. The school buildings are category A listed buildings and the entrance gate and associated structure are B listed. High walls protect the school on the north and south sides of the entrance gate running along this length of Forgandenny Road. Overall the combination of walls, gateway and grounds create an impressive entrance to the school and it is clear that it is not part of the surrounding village. To introduce village housing into this area would detract significantly from the general area and also from the setting of the listed buildings and gateway. The site was not identified in the MIR and it is not considered to be a suitable area for expansion. The identification of the area would not follow the policy set out in SPP paragraph 112 (S4_Doc_306) in relation to the protection of the historic environment.

No modification is proposed to the Plan.

Reporter's conclusions:

Bridge of Earn and Oudenarde settlement

1. As there is at present no funding or government commitment to a new railway station at Oudenarde, it would be inappropriate for the Proposed Plan to require this. However, to be consistent with TAYplan and to improve the clarity of the Proposed Plan, it would be helpful to include reference to this aspiration, with a caveat to reflect the lack of certainty.
2. It is logical in landscape terms to align the eastern settlement boundary for Bridge of Earn with the M90. There is no reason why land at Clayton Road, which is not proposed as a housing allocation but is included within the proposed settlement boundary, would be unsuitable in principle for residential development. Issues such as noise and flood risk do not appear to be incapable of resolution, but if they were, such considerations would be a reason not to grant planning permission, regardless of whether the site was within or outside the settlement boundary.

H14: Old Edinburgh Road/Dunbarney Avenue

3. Site H14 represents a logical rounding off of the settlement and, subject to the indicated extensive landscape buffer to the south, should improve the appearance of Bridge of Earn when seen from this direction. Bridge of Earn (independently of Oudenarde) is a Tier 1 settlement in TAYplan. Such settlements are expected by TAYplan to be the focus for the majority of development. The Proposed Plan must be consistent with this. No objections have been received from those with responsibility for the local roads network or from local healthcare providers. One of the site-specific developer requirements for this site is a financial contribution towards education improvements and it is also a requirement that development is phased to reflect the construction of the new school on site H15. These measures should ensure that the development of this site does not adversely affect local education provision.

H15: Oudenarde

4. The landscaping areas shown on the inset map for this site are indicative. This is confirmed in the key, which may be found on the main proposals map. There is benefit in

the Proposed Plan setting out, in broad terms, where structural landscaping is required and no risk of confusion between what is set out in the plan and what has already been agreed in the site masterplan.

5. The council's agreement to improve the clarity with which the pipeline consultation zone is shown on the inset map, is noted. This can be addressed in a minor technical change without the need for a formal recommended modification.

6. TAYplan identifies the Oudenarde Strategic Development Area as suitable for 1200+ homes and 34 hectares of employment land. It was therefore contemplated that the site could accommodate in excess of 1200 houses. These figures, which are set out in Policy 4 of TAYplan are, in any event, only indicative and are matters for the Proposed Plan to determine. A development of 1600 houses would still represent a development density of only approximately 13 dwellings per hectare, which is not excessive for a site of this nature. This increase might add to use of the local core path network but there is no reason to regard this as incompatible with adjacent agricultural uses or the associated traffic which also uses that network.

7. The approved masterplan for this site means there is already significant commitment from the council to the future form of development on this site. It would however be worth setting out in the Proposed Plan that a flood risk assessment will be required, as this was an assumption which informed its Strategic Environmental Assessment. Matters such as the control of construction traffic could be controlled in any future applications for planning permission or other approvals.

Bridge of Earn and Oudenarde new sites

8. The proposed inclusion of the site at Kintillo Road within the settlement boundary would provide support for it to be developed for housing. However, given the additional evidence that the site owner has provided of its intentions to develop the site within the plan period, which the council has not refuted, it would be appropriate to identify the site as a housing allocation rather than to allow it to come forward as a windfall site. The estimated output from this site of 70 units seems reasonable and should be included within the Proposed Plan. Site-specific developer requirements concerning education issues should follow those of the nearby site H14, and a similar approach to landscaping of the southern boundary would also be appropriate.

9. Kilgraston School is not visually part of the settlement. It stands alone within its parkland setting. Forgandenny Road together with the school's listed entrance gates and walls create a clear delineation between the school and its grounds on the one hand and the settlement on the other. The proposed expansion of the settlement beyond this logical line would leave the settlement edge much less well defined and would inevitably detract from the setting of the Category A listed school and, especially from its Category B listed entrance gate and lodge.

Reporter's recommendations:

Bridge of Earn and Oudenarde settlement

1. Add an additional sentence under 5.10.3 to read as follows:

"The development will be required to provide a new rail station, subject to this receiving funding and support from Transport Scotland."

H15: Oudenarde

2. Add an additional site-specific developer requirement as follows:

“A Flood Risk Assessment will be required. No built development shall take place on the functional flood plain or within an area of known flood risk.”

Bridge of Earn and Oudenarde new sites

3. Modify the Bridge of Earn and Oudenarde inset map by adding a new housing site, H72 at Kintillo Road, the borders of which should follow those in representation 09313/4/001 on Schedule 4 document 006. An indicative landscaping area should be shown at the southern boundary.

4. Add a new residential site under site H14 on page 96 of the Proposed Plan, describing site H72, stipulating a development of 70 units and the following site-specific developer requirements:

“Financial contribution to education provision in line with the Supplementary Guidance.”

“Site will be phased to reflect the construction of the new school at Oudenarde.”

“Landscaping to be provided along the southern site boundary to create an appropriate village edge, enhance biodiversity and create new habitats.”

5. Make consequential modifications to the table under paragraph 5.1.1.