

<b>Issue 28b</b>	<b>Highland Perthshire Area – Birnam and Dunkeld</b>	
<b>Development plan reference:</b>	Birnam and Dunkeld, page 161-163 E12 - Tullymilly South, page 162 E13 - Tullymilly North, page 162	<b>Reporter:</b> Douglas Hope
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Henry Quinn (00264) Christine Quinn (00267) A & J Stephen Ltd (00860) Scottish Environment Protection Agency (03194)	Scottish Natural Heritage (05211) Forestry Commission Scotland (08988) Atholl Estates (09166) Andy Gillies (09610)	
<b>Provision of the development plan to which the issue relates:</b>	Development sites in Birnam and Dunkeld.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Birnam and Dunkeld E12 (Tullymilly South)</u> Henry Quinn (00264/1/001): The existing access is on a bad bend. There is a need to consider health and safety through the provision of a pedestrian walkway, change of entrance or both.</p> <p>Christine Quinn (00267/1/001): The entrance road to the site should be moved. There are issues with noise and danger to nearby houses and pedestrians. Lorries already have difficulty getting up entrance slope when wet.</p> <p><u>E12 Tullymilly South and E13 Tullymilly North</u> Forestry Commission Scotland (08988/1/018 &amp; 08988/1/019): No problem with the site designation for employable activities but would like to see how woodland could be incorporated into the site design to provide screening and also habitat links for wildlife.</p> <p>Scottish Natural Heritage (05211/24/001 &amp; 05211/24/002): Development that affects a National Scenic Area should only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated (unless outweighed by benefits of national importance). Refers SPP 2010 (Core_Doc_048).</p> <p>Scottish Environment Protection Agency (03194/27/001): The site is located in or adjacent to the functional flood plain or an area of known flood risk. Part of the site may not be suitable for development. Historical records indicate that pluvial flooding in the vicinity of the site (particularly in the southern part) may be a constraint. Need to ensure that flood risk is an issue that needs to be taken into consideration prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.</p> <p>Scottish Environment Protection Agency (03194/28/001): The site is located in or adjacent to a functional flood plain or an area of known flood risk. Part of the site may not be suitable for development. Historical records indicate pluvial flooding in the vicinity of the site (particularly the southern part) may be a constraint. Site Specific Developer Requirements should make it clear that flood risk is an issue which needs to be taken into</p>		

consideration and that a flood risk assessment will be required to inform the scale, layout and form of development. Need to ensure developers are fully informed and that flooding issues are taken into account.

There is a strong possibility that a culverted watercourse runs through the development site. There is an opportunity to restore the water environment to its natural state by removing the culvert. Recommend a feasibility study to assess the potential for channel restoration as a site requirement in keeping with the Council's duties as a responsible authority under The Water Environment and Water Services (Scotland) Act 2003 (Core\_Doc\_102).

Atholl Estates (09166/1/001): Support the allocation of E12 as it assists with local employment opportunities.

Atholl Estates (09166/1/002): Support the allocation of E13.

#### Birnam and Dunkeld New Sites

Gillespies (00860/1/001): Object to the exclusion of a site to the south east of Birnam in the Proposed Plan (S4\_Doc\_021). The site should be included in the Plan and the Strategy and Development Concept demonstrates the suitability of the site which is fully supported by the landowners. The site forms a logical extension to the settlement and is the only site which can accommodate meaningful development addressing local housing needs. It has ready access to the A9 and close to the railway station. Issues relating to infrastructure, flooding, existing gas pipeline can be addressed through appropriate design while improving open space provision and biodiversity. The supplied Landscape and Visual Appraisal (S4\_Doc\_645) demonstrates how the site can satisfactorily relate to its environment.

Atholl Estates (09166/12/001): Objection to the proposed settlement boundary and exclusion of the site at the A923/Blairgowrie Road junction (S4\_Doc\_021). The allocation of site would offer an effective development site in close proximity to the established infrastructure and services available in Birnam/Dunkeld. The site is not subject to the significant constraints referenced in the Proposed Plan. A Draft Development Framework (S4\_Doc\_646) has been submitted with the representation which seeks to demonstrate a residential development of 15-20 houses could be accommodated on the site without detriment to the immediate area and the wider heritage resource.

Andy Gillies (09610/1/001): Extend settlement boundary to allow additional infill housing adjacent to existing residential road and current development boundary (S4\_Doc\_021)

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

##### Birnam and Dunkeld E12 (Tullymilly South)

Henry Quinn (00264/1/001): Modify the Site Specific Developer Requirements to include the provision of a pedestrian walkway and change of existing access.

Christine Quinn (00267/1/001): Modify the Site Specific Developer Requirements to include the change of existing access.

##### E12 Tullymilly South and E13 Tullymilly North

Forestry Commission Scotland (08988/1/018 & 08988/1/019): Modify the Site Specific Developer Requirements at both site (E12 & E13) to include:

*'Woodland to be incorporated into the site design to provide screening.'*

*'Habitat links for wildlife'*

*'Landscape improvements to the site should use tree species traditionally used in the area and support the designed landscape of Dunkeld House.'*

Scottish Natural Heritage (05211/24/001 & 05211/24/002): Modify the Site Specific Developer Requirements to include:

*'Built form and layout should respond appropriately to its sensitive location. Production of a design statement informed by a Landscape and Visual Impact Assessment (LVIA) to ensure development at both sites (E12 & E13) are in keeping with the local landscape and protect the integrity of the adjacent designated Dunkeld House Garden and Designed Landscape.'*

Scottish Environment Protection Agency (03194/27/001): Modify the Site Specific Developer Requirements for E12 to include:

*'Flood Risk Assessment which is required to inform the scale, layout and form of development. No built development should take place on the functional flood plain or within an area of known risk.'*

Scottish Environment Protection Agency (03194/28/001): Modify the Site Specific Developer Requirements for E13 to include:

*'Flood Risk Assessment which is required to inform the scale, layout and form of development. No built development should take place on the functional flood plain or within an area of known risk.'*

*'Undertake a feasibility study to assess the potential for channel restoration by removing the culvert.'*

#### Birnam and Dunkeld New Sites

Gillespies (00860/1/001): Modify the Plan to include the land to the south east of Birnam for approximately 40 houses (S4\_Doc\_021).

Atholl Estates (09166/12/001): Modify the Plan to include the land at A923/Blairstown junction for 15 – 20 houses (S4\_Doc\_021).

Andy Gillies (09610/1/001): Extend Dunkeld settlement boundary at Spoutwells to accommodate a single dwelling (S4\_Doc\_021).

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

##### Birnam and Dunkeld E12 (Tullymilly South)

Henry Quinn (00264/1/001); Christine Quinn (00267/1/001): The Site Specific Developer Requirements indicate that road and access improvements should be carried out as part of the proposal. The details of the entrance to the site would be considered at the planning application stage and would assess issues such as location, sight lines and appropriate upgrade to ensure adequate access in relation to the type and size of any proposals.

No modification is proposed to the Plan.

##### E12 Tullymilly South and E13 Tullymilly North

Forestry Commission Scotland (08988/1/018 & 08988/1/019): The Site Specific

Developer Requirements indicate a requirement for a '*Landscaping framework*' (to consider woodland and landscape improvements) and the '*Enhancement of biodiversity and protection of habitats*' (habitat links). These are considered adequate requirements in relation to these issues at this stage, with the details of the proposal considered with the submission of a planning application.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/24/001 & 05211/24/001): It is considered that the Site Specific Developer Requirements adequately cover the issues indicated within this Representation in terms of built form and layout and the protection of its sensitive location. Further details on the proposal will be considered with the submission of a planning application and any issues could be resolved at that stage.

In order to provide greater clarity and transparency for applicants if the Reporter was so minded the Council would not object to the proposed modification.

Scottish Environment Protection Agency (03194/27/001 & 03194/28/002): This site is not within the identified flood risk area but due to possible risk from existing watercourses the proposed modification is considered acceptable. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so minded the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment or the investigation of the removal of the culvert and restoration of the channel.

#### Birnam and Dunkeld New Sites

Gillespies (00860/1/001): The SEA process for the Plan (SEA Environmental Report Addendum No.2, Appendix C, pages 68-69) (S4\_Doc\_647) and the statutory consultees responses on the MIR (S4\_Doc\_648) identified a number of potential constraints associated with the development of MIR Site B; these were in relation to:

- Flood risk (part of the site is within SEPAs 1:200 year indicative flood risk area; there is historic record of flooding to the south east of the site (1993), and the potential exists for development to increase the probability of flooding elsewhere);
- The water environment (the River Tay is classified as 'moderate' status with morphological alterations and point source pollution pressures noted, and there is an identified capacity issue with the Birnam and Dunkeld Waste Water Treatment Works);
- The sites location within the Murthly Castle Garden and Designed Landscape;
- The sites location adjacent to the River Tay National Scenic Area, and
- The land to the south west is within a pipeline consultation zone.

In light of the identified flood risk constraint, health and safety issues relating to the gas pipeline and the potential impact the development of the site would have on the Garden and Designed Landscape and National Scenic Area it is considered unlikely that it could be supported by the Plan's Policies HE4: Gardens and Designed Landscapes (S4\_Doc\_512); NE1B: National Designations (S4\_Doc\_389), EP2: New Development and Flooding (S4\_Doc\_407), and EP3: Water Environment and Drainage (S4\_Doc\_428), and as such the Council does not consider the site suitable for inclusion in the Plan.

Furthermore, given its proximity to the River Tay Special Conservation Area and the potential for likely significant effects on the qualifying interests of the Natura 2000 site as a result of development, a Habitats Regulation Appraisal, and most likely an Appropriate

Assessment, would need to be undertaken for it.

No modification is proposed to the Plan.

Atholl Estates (09166/12/001): The site is adjacent to Dunkeld House Designed Garden and Landscape designation as well as the Dunkeld Conservation Area. The proposed development would have significant visual impacts on these designations in terms of views into the site within these areas as well as the town as a whole in particular from the access to the town from the west. The severe topography of the site makes the marketability of this site questionable and it is unlikely to contribute towards the effective housing land supply.

If the Reporter was so minded to support the Representation the settlement boundary should be modified to include the land but no housing site designation should be identified.

Andy Gillies (09610/1/001): The proposed modification would create a development site which is divorced for the existing settlement. The settlement boundary provides scope for small scale infill development and any proposal for residential development in this location should be considered through a planning application in line with Policy RD3: Housing in the Countryside (S4\_Doc\_418).

No modification is proposed to the Plan.

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

#### Site E12 – Tullymilly South

1. In relation to the concerns regarding access provision, the site-specific developer requirements require road and access improvements. The details of these improvements, including the need for any pedestrian walkway, would be a matter for consideration at the planning application stage.

#### Sites E12 / E13 - Tullymilly

2. In relation to the request that specific reference should be made in the site-specific developer requirements to the provision of woodland screening and landscape improvements, there are developer requirements for a landscape framework and for the enhancement of biodiversity and the protection of habitats linked to the development of this site. It is considered that these requirements are adequate to ensure appropriate woodland planting, landscape improvements and habitat protection.

3. In relation to the effect on the National Scenic Area of any built development on sites E12/E13, the site-specific developer requirements include a requirement that built form and layout should respond appropriately to the local landscape and protect the integrity of the adjacent Dunkeld House Garden and Designed Landscape. Scottish Natural Heritage (SNH) requests that a specific reference be made to the requirement for a design statement to be prepared, informed by a landscape and visual impact assessment, to ensure that development on both sites is in keeping with the local landscape. The council considers that the site-specific developer requirements adequately covers the issue but does not object to the proposed modification in the interests of clarity and transparency. It is considered, in view of the site's location in a National Scenic Area that the proposed modification is appropriate.

4. In relation to the possible risk from pluvial flooding and the possibility that a culverted watercourse runs through the site, the council would have no objection to the addition of an appropriately worded site-specific developer requirement. It is considered that such a modification would be appropriate.

New site - South-east of Birnam

5. In relation to the site east and north of Torlee Road, identified as site B in the Main Issue Report (MIR), the Strategic Environmental Assessment (SEA) process for the Proposed Plan and the consultation responses to the MIR identified a number of major constraints relating to flood risk, the water environment, the location within the Murthly Castle Garden and Designed Landscape, the site's location adjacent to the River Tay National Scenic Area and a gas pipeline to the south west. Also, given its proximity to the River Tay Special Area of Conservation (SAC) and the potential effects on the qualifying interest of the Natura 2000 site, it is considered that it would not be appropriate to consider the designation of this site for housing development.

6. It is acknowledged that this site may be the only site in Birnam / Dunkeld capable of accommodating development and that the spatial strategy of TAYplan requires housing development to be concentrated within principal settlements, of which Birnam / Dunkeld is one of three in Highland Perthshire. However, there are severe doubts over the feasibility of a housing development on this site and the TAYplan strategy, as it relates to housing in Highland Perthshire, can be achieved without the inclusion of this site in the Proposed Plan.

New site – A923/Blairgowrie Road junction

7. This undulating and prominent site lies adjacent to Dunkeld House Garden and Designed Landscape and close to Dunkeld Conservation Area. A draft development framework shows how a development of 15-20 houses might be accommodated on the site. However, it is clear from the draft framework that any proposed development is likely to have a significant visual impact on the surrounding area, including these designated areas, to the detriment of the character of this entrance to Dunkeld from the north. It is considered that a housing development on this site would not be appropriate.

8. The council has intimated that, although it does not support a designation for housing, it would not be averse to the settlement boundary being modified to include the site within the settlement. However, the inclusion of the site within the settlement boundary would allow the potential for small-scale housing development in accordance with policy RD1. Any such development would run counter to the decision not to designate the site for housing.

Settlement boundary - Budds Barn

9. The existing settlement boundary is drawn tightly round the existing houses at Spoutwell. The settlement boundary excludes an area of woodland to the north, most of which is attached to the property "Glasalt". The respondent seeks the inclusion of the north-eastern part of this wooded area, which is in separate ownership, within the settlement boundary for the purpose of building a single house. The plot of land referred to is divorced from the area delineated by the settlement boundary and no request has been made to incorporate the area between the property 'Glasalt' and this plot in the settlement boundary. Consequently, it is considered that it would not be appropriate to include this isolated piece of ground within the settlement boundary.

**Reporter's recommendations:**Sites E12/E13 - Tullymilly

1. Modify the fourth site-specific developer requirement to read: *"Built form and layout should respond appropriately to its sensitive location. Production of Design Statement to ensure that development is in keeping with the local landscape and to protect the integrity of the adjacent designated Dunkeld House Garden and Designed Landscape"*.
2. Add the following requirements to the list of site-specific developer requirements:
  - "Flood Risk Assessment"*;
  - "Feasibility study to assess the restoration of the existing culvert"*