

Issue 29a	Highland Perthshire Area - East Settlements with Proposals	
Development plan reference:	E11 - West of Ballinluig, page 171 H40 - Ballinluig North, page 171 6.16 – Inver, page 184-185 E14 – Inver, page 184 H44 - South of Station Road, Murthly, page 192 H45 - West of Bridge Road, Murthly, page 193	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Mary Dalziel (00389) Dr J B Howkins (00439) D Muir (00441) Mr & Mrs R Stewart (00442) Alexander Forbes (00521) Wayne Manion (00522) Elspeth Badger (00703) L Hutt (00723) C Meldrum (00728) Martin Bristow (00738)		Irene Jones (00746) Mr & Mrs Nigel Bryden (00759) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Murthly & Strathbraan Estates (08816) Forestry Commission Scotland (08988) Atholl Estates (09166) Network Rail (09414)
Provision of the development plan to which the issue relates:	Designated sites (East settlements) in Highland Perthshire Area.	
Planning authority's summary of the representation(s):		
<p><u>Ballinluig E11</u> Scottish Environment Protection Agency (03194/26/001): Indicative River and Coastal Flood Map shows the entire site boundary lies within the estimated 1 in 200 year functional flood plain (S4_Doc_765). Flood risk could be further exacerbated with a small watercourse flowing along the north western boundary. Due to extensive flooding experienced on the site flood risk cannot be mitigated without running the risk of flooding to neighbouring areas.</p> <p>Allocation contrary to SPP (Core_Doc_048) which states in paragraph 197 (S4_Doc_312) that '<i>development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted</i>'. Para 202 of SPP (S4_Doc_325) also states that '<i>Developers and planning authorities should take a precautionary approach in taking decisions when flood risk is an issue</i>'.</p> <p>TAYplan (Core_Doc_099) Policy 2: presumption against development in areas vulnerable to flood risk.</p> <p>NPF 2 (paragraph 55) (S4_Doc_766) states that '<i>development patterns must be robust in relation to long-term climate change, taking account, for example, of changing levels of flood risk and vulnerability to the predicted increase in the frequency of extreme weather</i>'.</p> <p>Duty under the Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) includes working towards reducing overall flood risk, act in the way best calculated to manage</p>		

flood risk in a sustainable way and promote sustainable flood management. Cornerstone of sustainable flood management is avoidance of development in areas at risk of flooding.

Scottish Natural Heritage (05211/25/035): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_767).

Scottish Natural Heritage (05211/24/015): To reduce landscape impacts of the development. This is the first proposed development on the side of the road for the settlement therefore should not obscure views from the A9 to the hills to north west (Loch Tummel National Scenic Area).

Atholl Estates (09166/2/001): Support E11 and provide supporting statement.

Ballinluig H40

Forestry Commission Scotland (08988/1/011): Extensive housing site, which would remove 50% of woodland cover which contravenes Scottish Government policy on woodland removal. Would consider supporting approximately 25% of the area proposed on the western part of the site.

Irene Jones (00746/1/001): Site not suitable for residential development due to traffic issues.

L Hutt (00723/1/001); C Meldrum (00728/1/001): Site not suitable for residential development due to traffic issues which would be increased and unsuitable roads. Would require tree felling which will damage trees and would displace wildlife. No houses to be built in the village until traffic problems have been addressed.

Alexander Forbes (00521/1/001): The wooded area on the south east corner of the site should remain as woodland. Domestic water tank comes across wooded area which would require a considerable re-route. Removal of trees would expose house to the elements and impact on wildlife and birds with endangered red squirrel in the woodland.

Wayne Manion (00522/1/001): The woodland should remain intact as there are Protect endangered species that habitat the woodland. Potential flooding of existing houses through removal of woodland. Extra sewerage to existing drainage and extra traffic. Lack of employment opportunities in the area.

Scottish Natural Heritage (05211/23/006): Site is substantially wooded and it is unlikely that the retention of the area of woodland as specified through the developer requirements will be able to be accommodated through the development proposed in the Plan. No justification is given in the Plan which demonstrates how this complies with the SPP paragraph 146 (S4_Doc_080), the Scottish Government Policy on the control of woodland removal (S4_Doc_187) or with Policy NE2: Forestry, Woodland and Trees (S4_Doc_415) in the Plan. Would seek the removal of the site or the provision of a justification

Scottish Natural Heritage (05211/25/033): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_768).

Atholl Estates (09166/2/002): Support for the Plan.

Inver

Scottish Natural Heritage (05211/24/004): 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) in line with SPP 2010 (Core_Doc_048).

Mr & Mrs Nigel Bryden (00759/2/001): '*Taminree*' field (S4_Doc_770) should be included in the settlement boundary to cater for camping for special events. Existing campsite is already at full capacity.

Mr & Mrs Nigel Bryden (00759/2/002): Request that the '*island*' field (S4_Doc_770) is included in the settlement boundary for future expansion of tourism facilities. To include the growing demand for chalets and touring caravan pitches.

Inver E14

Scottish Natural Heritage (05211/24/016): 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) in line with SPP 2010 (Core_Doc_048).

Scottish Natural Heritage (05211/25/034): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_769).

Murthly H44

Mary Dalziel (00389/1/001): Object to identification of H44 for housing development. No demand for housing in Murthly. Site is currently good productive farm land. Housing development will substantially alter the character of the village. Murthly Primary School is at capacity. No opportunities for employment in the village or locally. Insufficient capacity in both the drainage and water facilities to serve development within the village. Northern section of site H44 is prone to extensive flooding. Further housing development will exacerbate existing traffic problems with increased number of vehicles and problems with access from proposed development onto public roads.

Elsbeth Badger (00703/1/001); Martin Bristow (00738/1/001): Plan should not allow housing development on site H44. Existing school would not be able to cope with significantly increased roll. Limited capacity for existing waste and water facilities to cope with extra development. Issues need to be investigated further and clear solutions presented before any decisions are made on their allocation.

Mr & Mrs R Stewart (00442/1/001): Existing piece of land on Station Road owned by the Council which is supposed to be for housing which is not mentioned in the Plan. Village school is already at capacity. Traffic issues as more houses are built. Need to consider existing infrastructure. Impact on tourism due to villages being destroyed by development.

Network Rail (09414/1/001): Object to housing site H44 due to safety impact on level crossing. Impact of development can result in significant increases in vehicular and/or pedestrian traffic utilising a crossing which can have impacts on safety and service provision as a result of increased patronage Network Rail could be forced to reduce train line speed in correlation to the increase in vehicular and pedestrian traffic using a crossing. Severe consequences for timetabling and frustrate future train service improvements. Direct conflict with government aims and objectives of this Local Development Plan for improving rail service. Objected to 80 proposed houses in Main

Issues Report (S4_Doc_771) and recognises the reduction to 30 houses, however, it will increase traffic over the crossing. Network Rail would welcome discussions regarding closing the crossing or as a last resort financial contribution for qualitative improvements to the crossing to mitigate increased safety impact.

Scottish Environment Protection Agency (03194/39/001): Indicative River and Coastal Flood Map (Scotland) (S4_Doc_350) shows site lies outwith the flood risk envelope however subsequent information supplied by the Council shows flooding in January 2011 from surface run off on frozen ground. In line with SPP paragraph 202 (S4_Doc_325), TAYplan Policy 2 (S4_Doc_066), National Planning Framework 2 paragraph 55 (S4_Doc_766) and the Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) Local Authorities have a duty to work towards reducing overall flood risk. A cornerstone of sustainable flood management is avoidance of development in areas at risk of flooding. Allocation of this site is contrary to the statutory and policy framework for flood risk management and climate change. National Flood Risk Assessment identifies that the site lies within an area potentially vulnerable to flood risk therefore any development at this location would increase number of properties at risk. Notes that there is a proposal to mitigate flood risk on the adjacent site therefore allocation of H44 is dependent on the mitigation works being undertaken and alleviation of flood risk issues in the general area. If work undertaken and flood risk issues resolved then development of the site may be possible subject to an appropriate flood risk assessment with results demonstrating that development of the site would not exacerbate flood risk.

D Muir (00441/1/001): The burn running to the south of the gardens and small field at Station Buildings is an important breeding habitat for newts and frogs in the area and this must be included in the protection/enhancement of habitats. Amphibian friendly drainage (Sustainable Urban Drainage Systems rather than gullypots and if using gullypots then wildlife kerbs must be used) and amphibian friendly habitats on the development edge will be essential to maintain these populations.

Dr J B Howkins (00439/1/001): Site susceptible to flooding as a result of melt - water and heavy rainfall. Approval given for restaurant adjacent to the site however no attempt has been made to remove flood water - water currently diverted into a swale that discharges in to site H44. Problem of flooding should be addressed before giving consideration to the plans. Mention made of need to resolve inadequate waste water treatment works and limited water storage facilities which should be resolved before consideration is given to the proposed development. Concern at the proposal to build up to 20 homes on only 1.15 hectares of land at Site H44. Such crowded development is not in keeping with the character of the village.

Murthly & Strathbraan Estates (08816/6/001): Welcomes allocation but objects to the boundary of the site. The site meets the effectiveness test of PAN 2/2010 (Core_Doc_019). Site in hands of owner therefore site can be released and developed within the Plan period. Site free from constraints such as aspect, topography, flooding, ground stability and access, and free from contaminants. No public funding required to open the site for development and any infrastructure can be reasonably provided.

Welcomes the logical extension to the village but the southern boundary follows an arbitrary line that does not relate to any existing landscape features and does not make efficient use of developable land. Proposed that boundary should be extended (S4_Doc_179) to the existing ridge as natural edge to the settlement with the implementation of a landscape scheme to provide an enhanced boundary. The proposed change ensures the allocation of 20 houses can be delivered in a manner that respects

surrounding built form and density and provides an opportunity for an enhanced landscaped southern edge to the village.

Murthly H45

Mary Dalziel (00389/1/002): Object to identification of H44 for housing development. No demand for housing in Murthly. Site is currently good, productive farm land. Housing development will substantially alter the character of the village. Murthly Primary School is at capacity. No opportunities for employment in the village or locally. Insufficient capacity in both the drainage and water facilities to serve development within the village. Further housing development will exacerbate existing traffic problems with increased number of vehicles and problems with access from proposed development onto public roads.

Elsbeth Badger (00703/1/002); Martin Bristow (00738/1/002): Plan should not allow housing development on site H45. Existing school would not be able to cope with significantly increased roll. Limited capacity for existing waste and water facilities to cope with extra development. Issues need to be investigated and clear solutions found before any decisions are made on their allocation. Issues with drainage, during periods of heavy rain or snow, large amounts of water runs off existing field onto the road causing flooding in some areas including under the railway bridge. Would increase existing road safety issues. Increased traffic and subsequent issues including issue of blind corner at railway bridge. Visual impact on existing property in terms of views and privacy. Impact on long term proposals for existing property which may require front facing dormers.

Mr & Mrs R Stewart (00442/1/002): Existing piece of land on Station Road owned by the Council which is supposed to be for housing which is not mentioned in the Plan. Village school is already at capacity. Traffic issues as more houses are built. Need to consider existing infrastructure. Impact on tourism due to villages being destroyed by development.

Network Rail (09414/1/002): Object to housing site H45 due to safety impact on level crossing. Impact of development can result in significant increases in vehicular and/or pedestrian traffic utilising a crossing which can have impacts on safety and service provision as a result of increased patronage Network Rail could be forced to reduce train line speed in correlation to the increase in vehicular and pedestrian traffic using a crossing. Severe consequences for timetabling and frustrate future train service improvements. Direct conflict with government aims and objectives of this LDP for improving rail service. Objected to 80 proposed houses in MIR (S4_Doc_771) and recognises the reduction to 30 houses, however, it will increase traffic over the crossing. Network Rail would welcome discussions regarding closing the crossing or as a last resort financial contribution for qualitative improvements to the crossing to mitigate increased safety impact.

Dr J B Howkins (00439/1/002): Site susceptible to flooding as a result of melt - water and heavy rainfall. Flood water from site H45 runs off onto route B9099 and accumulates under the Railway Bridge to the north of the proposed development. Problem of flooding should be addressed before giving consideration to the plans. Need to resolve inadequate waste water treatment works and limited water storage facilities which should be resolved before consideration is given to the proposed development.

Murthly & Strathbraan Estates (08816/6/002): Welcomes allocation but objects to the boundary of the site (S4_Doc_179). The site meets the effectiveness test of PAN 2/2010 (Core_Doc_019). Site in hands of owner therefore site can be released and developed within the Plan period. Site free from constraints such as aspect, topography, flooding,

ground stability and access, and free from contaminants. No public funding required to open the site for development and any infrastructure can be reasonably provided.

The village hall lies to the east and proposed new pub/restaurant to the south east which would provide an opportunity to use the southern part of the site to provide a new village green and enhance the environment of the village centre. This would greatly enhance the environmental quality of the area and create better sense of place and provide opportunity to reduce speed limit and dominance of traffic on B9099 which is an issue for residents. Longer term housing needs, site offers potential for expansion.

Modifications sought by those submitting representations:

Ballinluig E11

Scottish Environment Protection Agency (03194/26/001), Scottish Natural Heritage (05211/25/035): Delete E11 from the Plan.

Scottish Natural Heritage (05211/24/015): Amend Developer Requirements in relation to landscape impacts if site proceeds:

'the built form should be single storey only and layout should respond appropriately to the landscape'.

Ballinluig H40

Forestry Commission Scotland (08988/1/011): Reduce size of site to only the western part of the site.

Irene Jones (00746/1/001); L Hutt (00723/1/001); C Meldrum (00728/1/001): Amend site to exclude development behind Braeside Road.

Alexander Forbes (00521/1/001): Retention of woodland on south east of the site and be designated as 'Open Woodland Area'.

Wayne Manion (00522/1/001): Retain woodland on the site.

Scottish Natural Heritage (05211/23/006): Removal of H40 or justification for allocation given in the Plan that relates to the criteria set out in Scottish Government Policy on control of woodland removal.

Scottish Natural Heritage (05211/25/033): The site specific developer requirements should reflect the outcome of the HRA process. Add the following criteria to the Site Specific Developer Requirements on page 171:

'In order to ensure no adverse effects on the River Tay Special Area of Conservation:

- *Drainage from all development should ensure no reduction in water quality.*
- *Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.*
- *Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.'*

Inver

Scottish Natural Heritage (05211/24/004): Insert under 6.4.1: spatial strategy considerations:

'Inver is a small settlement located to the south-west of Dunkeld within the River Tay (Dunkeld) National Scenic Area'.

Mr & Mrs Nigel Bryden (00759/2/001): Extension to settlement boundary.

Mr & Mrs Nigel Bryden (00759/2/002): Extend settlement boundary; and allocate for tourism uses (assumed).

Inver E14

Scottish Natural Heritage (05211/24/016) E14: insert under Developer Requirements:

'Built form, layout and landscape framework to respond appropriately to its sensitive location and ensure development is in keeping with local landscape character'.

Scottish Natural Heritage (05211/25/034): The Site Specific Developer Requirements should reflect the outcome of the HRA process. Add the following criteria to the Site Specific Developer Requirements section on page 184:

- *'Drainage from all development should ensure no reduction in water quality so as to prevent any adverse effects on the River Tay Special Area of Conservation'.*

Murthly H44

Mary Dalziel (00389/1/001); Elspeth Badger (00703/1/001); Martin Bristow (00738/1/001); Mr & Mrs R Stewart (00442/1/001), Network Rail (09414/1/001): Delete the site.

Scottish Environment Protection Agency (03194/39/001): Delete the site, until surface water flooding issues at the site are investigated and resolved.

D Muir (00441/1/001): Identify the area to the south of the gardens and small field at Station Buildings for protection/enhancement of habitats. Sustainable Urban Drainage Systems to be used.

Dr J B Howkins (00439/1/001): Site Specific Developer Requirements to be amended:

- *'Flooding issues to be addressed prior to development*
- *Inadequate waste water treatment works and limited water storage facilities to be resolved prior to development'.*

Murthly & Strathbraan Estates (08816/6/001): Extend site boundary to the south (S4_Doc_179).

Murthly H45

Mary Dalziel (00389/1/002); Elspeth Badger (00703/1/002); Martin Bristow (00738/1/002); Mr & Mrs R Stewart (00442/1/002); Network Rail (09414/1/002): Delete the site.

Dr J B Howkins (00439/1/002): Site Specific Developer Requirements to be amended:

- *'Flooding issues to be addressed prior to development.*
- *Inadequate waste water treatment works and limited Water Storage facilities to be resolved prior to development.'*

Murthly & Strathbraan Estates (08816/6/002): Extend site boundary to the west (S4_Doc_179).

Summary of responses (including reasons) by planning authority:Ballinluig E11

Scottish Environment Protection Agency (03194/26/001); Scottish Natural Heritage (05211/25/035 & 05211/24/015): The two major constraints associated with identifying sufficient development land in Highland Perthshire are topography and flooding. With regard to topography, identifying suitable employment land sites, which tend to have less tolerance for severely sloping sites, is particularly challenging. In association with local landowners, the Council sought to identify opportunities in a variety of locations with good access.

Site E11 at Ballinluig was identified as an area with excellent accessibility. However, from the outset there was a potential flood risk problem which would have limited the area that could be developed and the types of uses that would be appropriate. Scottish Planning Policy (Core_Doc_048) and Proposed Plan Policy EP2: New Development and Flooding (S4_Doc_407) acknowledge that in certain circumstances certain types of non-residential development may be acceptable in areas of flood risk where flood resistant materials and construction methods are used. As a consequence a flood risk assessment was a requirement to identify appropriate uses and the area of the site capable of development without being affected by flooding or leading to increased flood risk elsewhere.

However, following further discussion with the Scottish Environment Protection Agency, improved flood maps and in light of the outcome of the Habitats Regulations Appraisal there is now significant doubt as to whether an acceptable use could be found for this site, which would not be adversely affected by flooding, increase flood risk elsewhere or impact on the qualifying interests of the Special Area of Conservation. Whilst the Council's view is that the policy framework of the Plan would be sufficient to prevent any adverse effects from development of this site, the issues now identified lead to an extremely high possibility that the site would be non-effective due to what are likely to be onerous mitigation measures.

Accordingly the Council would not object if the Reporter was minded to delete this site from the Plan.

Ballinluig H40

Forestry Commission Scotland (08988/1/011); Irene Jones (00746/1/001); L Hutt (00723/1/001); C Meldrum (00728/1/001); Alexander Forbes (00521/1/001); Wayne Manion (00522/1/001); Scottish Natural Heritage (05211/23/006): In response to the issues raised to the retention of the woodland the Council would respond as follows. The proposals map for Ballinluig shown on Page 152 of the Plan shows a strip of woodland to be retained within the site as part of the proposed development. This green wedge is indicative of the desire to retain an area of green space within the site. The extent of the woodland would be the outcome of the tree survey which is required under the Site Specific Developer Requirements. This tree survey is required to assess the existing woodland and to ensure its retention and enhancement as well as the enhancement and protection of the biodiversity and habitats within the site. Provisions under the LDP Policy NE2(A): Forestry, Woodland and Trees (S4_Doc_500), seeks to protect existing woodland, especially woods with high natural, historic and cultural value which would be applicable as this site contains woodland which is within the Ancient Woodland Inventory (S4_Doc_772). The policy also seeks to expand woodland cover near to existing woodland. This policy would be applied to proposals which would be submitted in response to its designation for housing development. It is recognised that the woodland on this site provides an important backdrop to the site and is of amenity value to the

village. In order to meet the requirements of the Scottish Government Policy on the Control of Woodland Removal (S4_Doc_187) it is imperative that woodland should be retained and enhanced. The Representation could be addressed by clarifying the intentions of the Developer Requirements.

If the Reporter was so minded the Council would not object to amendments to the Developer Requirements including the following wording '*In order to retain and enhance the woodland within the site, development on the site should be primarily concentrated on the western section of the site. Development on the eastern side of the site would be subject to an appropriate tree survey and management plan including any necessary mitigation measures to ensure the woodland and biodiversity on the site is protected and enhanced*'.

The representations also raise issues in terms of current traffic issues within the village as well as issues which may arise from the development of this site. The Site Specific Developer Requirements include the need for a Transport Assessment and also seek to improve access to the site from St. Cedds's Road and near Braeside Road. These provisions are accepted as suitable requirements to address these concerns.

No modifications are proposed to the Plan.

Scottish Natural Heritage (05211/25/033): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_768) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) apply to this site.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements and the Council would be comfortable with this amendment which has no implications for other aspects of the Plan.

Inver

Scottish Natural Heritage (05211/24/004): The Council acknowledges the additional wording proposed and has no objection to the proposed form of words.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements, the Council would be comfortable with this amendment which has no implications for other aspects of the Plan.

Mr & Mrs Nigel Bryden (00759/2/001 & 00759/2/002): Policy ED3: Rural Business and Diversification (S4_Doc_395) and Policy ED4: Caravan Sites, Chalets and Timeshare Developments (S4_Doc_390) define the criteria to be considered through a planning application for the creation of tourism facilities as proposed. The proposed uses are generally compatible with the countryside and do not require to be within a settlement boundary. The Plan does not seek to identify new specific proposals and these should be brought forward through a planning application.

No modification is proposed to the Plan.

E14 Inver

Scottish Natural Heritage (05211/24/016) The Council acknowledges the additional

wording proposed and has no objection to the proposed form of words.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements, the Council would be comfortable with this amendment which has no implications for other aspects of the Plan.

Scottish Natural Heritage (05211/25/034): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_769) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) apply to this site.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements, the Council would be comfortable with this amendment as it would not have implications on other aspects of the Plan.

Murthly H44

Mary Dalziel (00389/1/001); Elspeth Badger (00703/1/001); Martin Bristow (00738/1/001); Mr & Mrs R Stewart (00442/1/001); Scottish Environment Protection Agency (03194/39/001); D Muir (00441/1/001); Dr J B Howkins (00439/1/001): The allocation of the site is a contribution to the housing supply for Highland Perthshire in accordance with the TAYplan as well as settlements which provide opportunities for development in terms of accessibility to goods and services and community facilities such as schools. The local primary school is currently projected at around 80% capacity but the school roll fluctuates year on year due to a wide range of factors including house completions. Paragraph 6.21.2 identifies this constraint and indicates that '*residential development will be subject to capacity within the local primary school*'. The Council monitors the school roll and the level of built development within primary school catchments and through the Service Asset Management Plan (Core_Doc_185) defines where improvements to the school estate are required to meet future needs. Only the existing employment land has been identified within the settlement strategy as important to the future viability of the settlement. In addition employment use will be encouraged within the settlement. Scottish Water's general policy is making provision within the network to meet demand for new developments. In some instances this may require some undertaking by the developer to contribute to the upgrade of the current network, if this is not feasible Suds may be appropriate but this will be determined through the planning application process. The Site Specific Developer Requirements seeks the 'Enhancement of biodiversity and protection of habitats' and through a planning application an area of land could be identified for this use but it is not considered appropriate to identify this in the Plan. The Council accepts the recommendation from the Scottish Environment Protection Agency to require the developer to carry out a flood risk assessment to resolve any flood risk issues.

If the Reporter is so minded the Council would not object to the Site Specific Developer Requirements be amended to include a requirement for a flood risk assessment as this would have no implications for other aspects of the Plan.

Network Rail (09414/1/001): The Council notes the concerns issued by Network Rail, however, although the settlement has a some community facilities and local shops there is a presumption that the majority of traffic would travel southwards on the Caputh Road towards Perth for amenity needs thus having no need to cross the rail line.

No modifications are proposed to the Plan.

Murthly & Strathbraan Estates (08816/6/001): The site boundaries proposed seek to round off the settlement to the south with infill development on and to the rear of Station Road. The recent development of the hospital site to the northeast of Murthly has seen considerable increase in housing within the settlement. Further development beyond the scale proposed in the Plan is considered excessive for a village the scale of Murthly and liable to place unnecessary strain on the primary school capacity which Paragraph 6.21.2 identifies as a constraint and indicates that '*residential development will be subject to capacity within the local primary school*'. There is no need to allocate additional land during this Plan period but this position can be re-examined through the next Local Development Plan review.

No modifications are proposed to the Plan.

Murthly H45

Mary Dalziel (00389/1/002); Elspeth Badger (00703/1/002); Martin Bristow (00738/1/002); Mr & Mrs R Stewart (00442/1/002); Dr J B Howkins (00439/1/002): The allocation of the site is a contribution to the housing supply for Highland Perthshire which has primarily identified within the Tier 3 settlements in accordance with the TAYplan (Core_Doc_099) as well as settlements which provide opportunities for development in terms of accessibility to goods and services and community facilities such as schools. The local primary school is currently projected at around 80% capacity but the school roll fluctuates year on year due to a wide range of factors including house completions. Paragraph 6.21.2 identifies this constraint and indicates that '*residential development will be subject to capacity within the local primary school*'. The Council monitors the school roll and the level of built development within primary school catchments and through the Service Asset Management Plan (Core_Doc_185) defines where improvements to the school estate are required to meet future needs. Only the existing employment land has been identified within the settlement strategy as important to the future viability of the settlement. In addition employment use will be encouraged within the settlement. Scottish Water's general policy is making provision within the network to meet demand for new developments. In some instances this may require some undertaking by the developer to contribute to the upgrade of the current network. While the site is not within the 1:200 indicative flood area (S4_Doc_350) due to the topography may be subject to surface water flooding and the requirement for a flood risk assessment to be completed ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter is so minded the Council would not object to the Developer Requirements being amended to include a requirement for a flood risk assessment as this would have no implications for other aspects of the Plan.

Network Rail (09414/1/002): The Council notes the concerns issued by Network Rail, however, although the settlement has a some community facilities and local shops there is a presumption that the majority of traffic would travel southwards on the Caputh Road towards Perth for amenity needs thus having no need to cross the rail line.

No modifications are proposed to the Plan.

Murthly & Strathbraan Estates (08816/6/002): The site boundaries proposed seek to round off the settlement to the south with infill development on and to the rear of Station Road. The recent development of the hospital site to the northeast of Murthly has seen considerable increase in housing within the settlement. Further development beyond the scale proposed in the Plan is considered excessive for a village the scale of Murthly and liable to place unnecessary strain on the primary school capacity which Paragraph 6.21.2

identifies as a constraint and indicates that '*residential development will be subject to capacity within the local primary school*'. There is no need to allocate additional land during this Plan period but this position can be re-examined through the next Local Development Plan review.

No modifications are proposed to the Plan.

Reporter's conclusions:

Ballinluig – E11

1. As indicated by the council, site E11 is identified as an employment site because of its excellent accessibility. However, from the outset, the council recognised that there was a potential flood risk problem. Following discussions with the Scottish Environment Protection Agency (SEPA), the availability of improved flood maps and in light of the outcome of the Habitats Regulations Appraisal, there is now significant doubt as to whether the development of the site is possible. Consequently, the council is content to see the site deleted from the Proposed Plan.

Ballinluig – H40

2. Site H40 is substantially wooded. The woodland forms part of a much larger wooded area identified in the Ancient Woodland Inventory (see Schedule 4 document 772). The Settlement Map for Ballinluig shows a strip of woodland through the middle of the site retained. However, Forestry Commission Scotland suggests that the removal of 50% of the woodland cover contravenes Scottish Government policy on woodland removal. Scottish Natural Heritage (SNH) considers that no justification has been made for departing from Scottish Government policy on woodland removal, Scottish Government policy in Scottish Planning Policy (SPP) (paragraph 146), which states that Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, and Policy NE2 of the Proposed Plan.

3. The council recognises that the woodland on the site provides an important backdrop to the village and is of amenity value and considers that the representations could be addressed by clarifying the intentions of the site-specific developer requirements to primarily concentrate development on the western section of the site and require a tree survey and management plan, including necessary mitigation measures, prior to any development on the wooded eastern section. However, this suggestion by the council provides little clarity as to the scale of housing development, if any, which might be possible on the eastern section of site H40.

4. The eastern section of the site is clearly identified as being part of a designated Ancient Woodland protected by Scottish Government policy. The more appropriate way forward, therefore, would be to carry out a detailed tree survey of this woodland in order to assess its potential for development prior to inclusion in any housing designation. Accordingly, it is not considered that it would be appropriate to include the eastern section of the site within the housing designation in the Proposed Plan. At a medium density range of 20 units per hectare, the reduced site should be able to accommodate the 45 housing units proposed for the site during the lifetime of the Proposed Plan.

5. In relation to the traffic issues raised, the site-specific developer requirements include the need for a transport assessment and improvements to the access to the site from St. Cedd's Road. The council accepts that the site-specific developer requirements should

be modified to reflect the outcomes of the Habitats Regulations Appraisal.

Inver

6. SNH draws attention to the fact that Inver is located within the River Tay (Dunkeld) National Scenic Area (NSA), in which development should only be permitted where it will not adversely affect the integrity of the area. The council acknowledges the importance of stressing the village's location in the River Tay (Dunkeld) NSA in the description. It would be appropriate to make reference to this fact in the first sentence of the description of the settlement.

7. In relation to the request that two fields, 'Taminree' and 'Island' fields, should be included in the settlement boundary to cater for camping and for the future expansion of tourism facilities, respectively, the two fields are divorced from the existing settlement. 'Taminree' field is located within the Hermitage Forest above the path to Ossian's Hall, totally screened from view and unrelated to the settlement of Inver. 'Island' field is on the opposite side of the River Braan from the village. There is no justification for including these areas of land within the settlement boundary. Any future recreation and tourism development on either of these fields would require to be considered against policies ED3 and ED4 of the Proposed Plan.

8. In relation to employment site E14, in view of the site's location within the River Tay (Dunkeld) NSA and proximity to the River Tay SAC, it would be appropriate to add the site-specific developer requirements referred to by SNH.

Murthly - H44

9. There are a number of issues with the designation for housing of site H44 relating to surface water flooding, insufficient capacity within the existing water and drainage system, traffic generation and the capacity of the local primary school. Development of the site is subject to a number of site-specific developer requirements, including road and access improvements and protection of habitats, and the council does not object to the addition of a requirement for a flood risk assessment prior to any development being considered. Paragraph 6.21.2 of the Proposed Plan indicates that the release of site H44 (and H45) would be subject to the availability of capacity within the local primary school. In relation to water and drainage provision, this may require a contribution from the developer to upgrade the current network or the provision of a sustainable urban drainage system (SUDS). In relation to the concerns expressed regarding increased use of the railway crossing, the council points out that the majority of traffic generated by this site (and H45) would travel southwards on the B9099 towards Perth with no need to cross the railway line.

10. In order to comply with the spatial strategy in TAYplan, the Proposed Plan identifies a requirement for 550 housing units in Highland Perthshire. In accordance with the TAYplan hierarchical settlement approach, some 460 of these units are located in the three principal settlements. The scope for additional sites in the smaller settlements is extremely limited and the designation of this site in Murthly would assist in meeting the Proposed Plan's housing requirement. However, it is considered that whilst some of the identified constraints, which are of concern to a number of respondents, could be overcome and the rate of development could be tied to the capacity of the local primary school and the provision of adequate drainage services, the flooding issue is such as to warrant removal of the site from the Proposed Plan.

11. Based on the advice of SEPA, the proposed designation is contrary to the statutory and policy framework for flood risk management and climate change embodied in the Flood Risk Management (Scotland) Act 2006 and in SPP. Any development on site H44 would be dependent on mitigation works being undertaken on the adjacent site and the alleviation of flood risk issues in the general area. There is no guarantee that the agreed flood mitigation measures will be implemented or any certainty as to the timescale for any such mitigation works. SPP states that “*Developers and planning authorities should take a precautionary approach in taking decisions when flood risk is an issue*”. Accordingly, it would be premature to consider the inclusion of site H44 in the Proposed Plan.

Murthly - H45

12. Site H45 comprises a strip of undulating agricultural land on the western side of the B9099. Similar issues to those raised in connection with site H44 have been repeated in relation to site H45 but SEPA has not objected to the designation of site H45.

Nevertheless, the council suggests that a requirement for a flood risk assessment should be added to the site-specific developer requirements in view of the concerns expressed by respondents. The proposed development of 10 housing units would amount to a ribbon of development along the B9099, which would mirror the form of development on the eastern side of the road. Any larger housing development on this site would constitute a significant intrusion into open countryside and would substantially alter the character of the village.

13. As indicated in paragraph 10 above, in order to comply with the spatial strategy in TAYplan, the Proposed Plan identifies a requirement for 550 housing units in Highland Perthshire. In accordance with the TAYplan hierarchical settlement approach, some 460 of these units are located in the three principal settlements. The scope for additional sites in the smaller settlements is extremely limited and the designation of this site in Murthly would assist in meeting the Proposed Plan’s housing requirement. In this case, all of the identified constraints, which are of concern to a number of respondents, could be overcome and the rate of development could be tied to the capacity of the local primary school and the provision of adequate drainage services. In relation to the concerns expressed regarding increased use of the railway crossing, the planning authority points out that the majority of traffic generated by this site would travel southwards on the B9099 towards Perth with no need to cross the railway line. It is considered that site H45 would make a useful contribution to the Proposed Plan’s housing requirement for Highland Perthshire in a settlement that is accessible to services and facilities.

Reporter’s recommendations:

Ballinluig – E11

1. Delete reference to employment site E11 and make appropriate changes to paragraph 6.6.2. Remove designation E11 from Settlement Plan and make appropriate changes to settlement boundary. Make appropriate changes to table in paragraph 6.1.6 on page 151.

Ballinluig – H40

2. Modify the boundary of site H40 on the Settlement Plan to exclude the area east of the fence line that runs across the site. Make appropriate adjustments to the size and description on page 171. The maximum capacity to be maintained at 45 housing units.

Inver

3. Amend the first sentence of paragraph 6.16.1 to read: *“Inver is a small settlement located to the south-west of Dunkeld within the River Tay (Dunkeld) National Scenic Area”*.

Inver – E14

4. Add the following requirements to the list of site-specific developer requirements:

“Built form, layout and landscape framework to respond appropriately to its sensitive location and ensure development is in keeping with local landscape character”;

“Drainage from all development should ensure no reduction in water quality so as to prevent any adverse effects on the River Tay Special Area of Conversation.”

Murthly – H44

5. Delete reference to housing site H44 and make appropriate changes to paragraph 6.21.2. Remove designation H44 from the Settlement Plan and make appropriate changes to the settlement boundary.