

Issue 31	Kinross-shire Area - Kinross/Milnathort Settlement	
Development plan reference:	Kinross/Milnathort, page 202-20	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Martin Pettinger (00246) Diana Corrieri (00296) Rosemary Tolson (00440) Euan MacLeod (00444) Joseph Giacopazzi (00461) Jane Smallwood (00702) Alan Tough (00712) Sainsbury's Supermarkets Ltd (00754) Councillor William B Robertson (00923) Councillor Michael Barnacle (02633) Graeme Stewart (02835)		Scottish Environment Protection Agency (03194) Ken Russell (09193) Stuart Tait (09605) George Shiels (09902) BP North Sea Infrastructure (09994) Mr & Mrs Stuart Middleton (09997) George Pease (10115) Eileen Thomas (10223) Ken Miles (10236)
Provision of the development plan to which the issue relates:	General modifications to the Plan in respect of Kinross and Milnathort.	
Planning authority's summary of the representation(s):		
<p><u>Services</u></p> <p>Diana Corrieri (00296/5/001): The NHS Primary Health Care Services in the Health Centre will have to be further developed to ensure the same level of service is maintained. The statutory minimum requirement should be met preferably prior to new development taking place, funded through NHS Scotland and Tayside. Kinross has an above average GP list size, 24% above national average and 29% above NHS Tayside average. Before any housing development is allowed this situation must be reviewed and funding secured.</p> <p><u>Transport</u></p> <p>Joseph Giacopazzi (00461/1/001): Lack of off-street parking in the old central part of Milnathort causing problems for users of the Town Hall and local shops. The Local Development Plan should identify an area for car parking. Vacant site to the rear of Milnathort Town Hall would be suitable (S4_Doc_030). It is in a flood plain which makes it unattractive for development.</p> <p>Euan MacLeod (00444/1/001): I should like to see more provision for car parking in Milnathort, particularly adjacent to the Town Hall building (S4_Doc_030) which is in regular use by the community but would benefit from better vehicular access and car parking.</p> <p>Councillor William B Robertson (00923/1/005): The former garage site in Westerloan, Milnathort (S4_Doc_030) (currently unable to be developed due to perceived flood risk) should be zoned for car parking. There is a great lack of parking in the village of Milnathort and this will only get worse when Milnathort Town hall is upgraded.</p>		

Rosemary Tolson (00440/2/001): Site at Westerloan (S4_Doc_030) should be used as public parking as it is unsuitable for building.

Alan Tough (00712/1/002): The Plan contains no clear strategy on traffic management, pedestrian safety and car parking. Lack of traffic management modelling for the town affects many of the designated sites in the Plan and should be put in place before the Local Development Plan is adopted.

Eileen Thomas (10223/1/001): The Plan should state an aim of restoring a railway line through Kinross-shire and a station in Kinross. The population has increased greatly since Kinross Railway station was closed in 1970. Most working people in Kinross-shire are commuters (to Edinburgh, Glasgow, Dunfermline, Perth, Dundee and other places) and this would be a more sustainable transport choice and would reduce carbon emissions.

Drainage

Diana Corrieri (00296/1/001): Loch Leven is important to the economy and environment. Domestic sewage contributes to Phosphorus discharge into the Loch. There is not enough capacity in the sewage works to accommodate all development shown in the Local Development Plan and the level of sewage capacity must be a factor in determining future development. Until sufficient capacity is available in the Waste Water Treatment Works no development should take place in Kinross.

Scottish Environment Protection Agency (03194/22/001): Kinross and Milnathort are located within the sensitive Loch Leven catchment. Policy EP7 (S4_Doc_491) aims to ensure that there is no increase in Phosphorus in the Loch Leven catchment arising from waste water associated with new development.

We are concerned that the number of sites allocated in Kinross and Milnathort is not consistent with Policy EP7 or the principles set out in the supplementary guidance. The level of development allocated in these settlements exceeds the current authorised drainage capacity available in the Kinross and Milnathort Waste Water Treatment Works. Upgrading the works may not be feasible due to the constraints on discharges to Loch Leven. This may therefore restrict the number of sites allocated in the Plan that will be able to be brought forward, thereby affecting the principle of development.

Graeme Stewart (02835/1/002): Any future work to upgrade the water treatment works at Kinross and Milnathort should include a requirement to incorporate appropriate environmental screening i.e. tree and shrub planting. The Milnathort waste treatment plant is particularly prominent and presents a very industrial site in a rural area.

Retail and Town Centre

George Shiels (09902/1/002): There is no basis for the statement in paragraph 7.2.2 *'there remains an identified need to improve the retail offer in Kinross through a large format supermarket close to the town centre.'* The existing town centre supports the community needs and a large supermarket would simply kill the town centre, lose jobs and lower average earnings.

Martin Pettinger (00246/3/001): No evidence provided to support the statement in paragraph 7.2.2 *'there remains an identified need to improve the retail offer in Kinross through a large format supermarket close to the town centre.'* The existing retail provision is more than adequate.

Graeme Stewart (02835/1/001): When the Council itself owns the old school site and wishes to dispose of it, to then state that there is a requirement for a new supermarket is both disingenuous and smacks of a conflict of interests. No data has been provided to back up this statement and until such time as it is made public and debated the statement in paragraph 7.2.2 should be rescinded from the Plan.

Ken Miles (10236/1/007): No evidence provided to support the statement in paragraph 7.2.2 *'there remains an identified need to improve the retail offer in Kinross through a large format supermarket close to the town centre.'* The term *'close to the town centre'* is not specific enough and could be interpreted to sanction an out-of town location, west of the M90 boundary for instance.

Sainsbury's Supermarkets Ltd (00754/2/002): The existing Sainsbury's supermarket site (S4_Doc_030) has not been identified for any particular use within the Proposed Plan. The supermarket provides a significant provision to retail provision in the area and co-exists successfully alongside Kinross town centre and other retail centres. Given the Kinross context and the role, location and function of the existing supermarket it makes a contribution to retail provision in the area that deserves planning policy protection. It should be designated as a *'Town and Neighbourhood Centre'* providing the supermarket with some degree of status as a retail location and some policy protection against new retail development.

General

Martin Pettinger (00246/1/001): Paragraph 7.2.1 states *'Each of these historic towns has their own distinct character.'* Milnathort is not a *'town'* it is a *'village'* and I would request that the final document is corrected.

Martin Pettinger (00246/2/002): Paragraph 7.2.2 states *'The improved visual separation between Kinross and Milnathort will be encouraged through the development of a strong landscape framework, with the creation of river bank woodland, which will be implemented in association with the first phases of development at Lathro Farm.'* The words *'will be encouraged'* suggests this development is already a done deal with Perth & Kinross Council and as such suggest the wording is changed to *'could possibly be encouraged'*.

Graeme Stewart (02835/1/003): I welcome the support for improved settlement boundaries between Milnathort and Kinross. However the line in paragraph 7.2.2 *'The improved visual separation between Kinross and Milnathort will be encouraged'* should be changed to *'The improved visual separation between Kinross and Milnathort will be enforced'*. The development of the landscape framework to do this should be made a compulsory part of the planning consent for any development at H47 Lathro Farm.

George Pease (10115/1/007): No mention of the need to maintain the spatial separation of Kinross and Milnathort. The limited space between the settlements has been eroded by the Community Campus and possibly by Op15. The separation should be maintained.

BP North Sea Infrastructure (09994/5/001): Propose the insertion of the following text into paragraph 7.2.3 Infrastructure Considerations *'The north western periphery of the town lies within the HSE pipeline consultation zone.'*

Ken Miles (10236/1/008): Object to the inclusion of Turfhill in the Kinross/Milnathort settlement boundary. Kinross Local Plan inquiry 2003 Conclusions 35.1 (S4_Doc_561) established that *'the M90 provides an effective and defensible barrier to development*

sprawl.' There has been no significant development at Turfhill since which would justify a revision to include land west of the M90. The redevelopment of the Turfhill Services site is replacing and augmenting an established and legitimate facility. The planning approval (S4_Doc_556) at this site conforms to Perth & Kinross Council policy to restrict on-site uses to those in accordance with its function to serve the wider travelling public.

Stuart Tait (09605/1/001): The building on good productive farmland should be resisted and development only on existing developing sites, poor arable land or only on Brownfield sites. The state of the U.K. Economy as a whole and its need to import a large proportion of its food further emphasises this point. In addition, land which may also be of agricultural or animal pasture should not be granted planning permission for prospective Golf Courses.

George Shiels (09902/1/001): Support the strategy to focus development in Kinross and Milnathort along the eastern side of the M90. The loss of amenity value to existing residents is reduced by avoiding development on prime agricultural land and leaving Burleigh Castle and views of Loch Leven from the M90 and A91 safe.

Ken Russell (09193/3/001): The inclusion of '*opportunity sites*' and '*mixed use development*' is supported.

Mr & Mrs Stuart Middleton (09997/1/001): If there is a requirement for new housing in the Kinross area, then the Proposed Plan would seem to be the best use of space.

Jane Smallwood (00702/1/001): Milnathort is a large village and this should be maintained. The roads cannot support larger population increase, compounded by new road restrictions. The Proposed Plan does minimise residential development in Milnathort therefore is supported.

Jane Smallwood (00702/2/001): The focal viewpoints of the hills, surrounding area, Loch Leven and historic sites such as Burleigh Castle are particularly important to retain the attraction of this area and must be preserved. This Plan does seem to allow this to remain unchanged and should therefore be supported.

Rosemary Tolson (00440/2/002): Support for Milnathort strategy.

Modifications sought by those submitting representations:

Services

Diana Corrieri (00296/5/001): Plan to identify a requirement to provide additional health care capacity prior to further housing development.

Transport

Joseph Giacomazzi (00461/1/001), Euan MacLeod (00444/1/001), Councillor William B Robertson (00923/1/005), Rosemary Tolson (00440/2/001): The Plan should identify the former garage site (S4_Doc_030) to the rear of the Town Hall in Milnathort for parking.

Alan Tough (00712/1/002): The Plan should contain a strategy on traffic management, pedestrian safety and car parking.

Eileen Thomas (10223/1/001): The Plan should state an aim of restoring the railway line through Kinross-shire and a station at Kinross.

Drainage

Diana Corrieri (00296/1/001): Modify the Plan to identify a limitation on further development in Kinross until Scottish Water upgrade the Waste Water Treatment Works to accommodate all identified development in the Plan.

Scottish Environment Protection Agency (03194/22/001): Modify the first section in paragraph 7.2.3 to reflect the fact that more development has been allocated than there is currently drainage capacity for and that upgrading the Kinross and Milnathort Waste Water Treatment Works may not be feasible due to the constraints on discharges to Loch Leven.

Graeme Stewart (02835/1/002): Modify the Plan to identify that any upgrade to Kinross and Milnathort Waste Water Treatment Works should incorporate appropriate environmental screening.

Retail and Town Centre

George Shiels (09902/1/002); Martin Pettinger (00246/3/001); Graeme Stewart (02835/1/001): Delete. *'The Sainsbury's store in Kinross has improved this situation but there remains an identified need to improve the retail offer in Kinross, through the provision of a larger format supermarket with a wider product range, close to the town centre.'*

Ken Miles (10236/1/007): Change paragraph 7.2.2 *'close to town centre'* to read *'within the town centre'*.

Plan should state source of evidence for requirement of new supermarket.

Sainsbury's Supermarkets Ltd (00754/2/002): Modify Kinross/Milnathort Proposals Map to allocate the Sainsbury's store on Station Road as a *'Town and Neighbourhood Centre'* (S4_Doc_030).

General

Martin Pettinger (00246/1/001): Modify paragraph 7.2.1 to identify Milnathort as a *'village'*.

Martin Pettinger (00246/2/002): Modify paragraph 7.2.2 by changing *'will be encouraged'* to read *'could possibly be encouraged'* in the final paragraph.

Graeme Stewart (02835/1/003): Modify paragraph 7.2.2 by changing *'The improved visual separation between Kinross and Milnathort will be encouraged'* to *'The improved visual separation between Kinross and Milnathort will be enforced'*.

George Pease (10115/1/007): Modify Paragraph 7.2.2 to identify the need to maintain the separation of Kinross and Milnathort.

BP North Sea Infrastructure (09994/5/001): Modify 7.2.3 to include *'The north western periphery of the town lies within the HSE pipeline consultation zone.'*

Ken Miles (10236/1/008): Exclude Turfhill from the Kinross/Milnathort Settlement Boundary.

Stuart Tait (09605/1/001): The Plan should identify that the development on productive farmland should be resisted.

Summary of responses (including reasons) by planning authority:

Services

Diana Corrieri (00296/5/001): The Health Board has been consulted on the Proposed Plan and have raised no issues or objections. A new health centre was opened in Kinross adjacent to the Loch Leven Community Campus in 2009 which will support the current and future needs of the local community.

No modification is proposed to the Plan.

Transport

Joseph Giacobazzi (00461/1/001); Euan MacLeod (00444/1/001); Councillor William B Robertson (00923/1/005); Rosemary Tolson (00440/2/001): No justification has been presented which identifies that this site is the only solution to identified parking issues. Planning permission was granted under 07/01037/FUL (S4_Doc_557) for a retail unit and two flats on this site and a current planning application under 12/01869/FLL (S4_Doc_558) for two residential units is being determined. The site is viable for alternative uses and without a commitment from the Council to create a car park the propose modification would not be appropriate.

No modification is proposed to the Plan.

Alan Tough (00712/1/002): Modelling work has been carried out when developing the Kinross Link Road which opened in 2012. With the opening of this road the monitoring of the road network is on going. Where planning applications are submitted they will be required to carry out a transport assessment which will identify issues and appropriate mitigation measures to the satisfaction of the Council as roads authority.

No modification is proposed to the Plan.

Eileen Thomas (10223/1/001): The restoration of the former railway line through Kinross is not identified as a funding priority by TACTRAN in the Regional Transport Strategy Delivery Plan (Core_Doc_022). It is not identified in TAYplan (Core_Doc_099) and as such is unlikely to come forward within the lifetime of the Local Development Plan.

No modification is proposed to the Plan.

Drainage

Diana Corrieri (00296/1/001): To set a limitation on further development in Kinross until the Waste Water Treatment Works are upgraded is considered unnecessary. At the MIR stage Scottish Water advised that currently there is capacity at Milnathort Waste Water Treatment Works and very limited capacity at the Kinross works, but that a growth project had already been instigated at Kinross (S4_Doc_348). They also state in their representation that they are '*...committed to working with developers and local authorities to enable development and do not see capacity issues as a constraint to development.*'

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/22/001): All new development within the Loch Leven Catchment Area will be considered in line with Policies EP3 and EP7

(S4_Doc_428) and (S4_Doc_491). The regulating of activities which could have a potential impact on the water environment is controlled by SEPA through the licensing process under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (Core_Doc_168). The Council is committed to working in collaboration with Scottish Water, SEPA and developers to facilitate development, which could potentially include a new waste water treatment solution for the catchment area. It is considered that it is not necessary to amend Section 7.2.3 of the Plan. Reference to schedule 4 no 17c Lunan Valley and Loch Leven Catchments is highlighted for further information on this issue.

No modification is proposed to the Plan.

Graeme Stewart (02835/1/002): All proposals to upgrade Waste Water Treatment Works will be assessed through the planning system in line with the policies within the Local Development Plan. Policy NE4 Green Infrastructure (S4_Doc_415) defines how new development should contribute to the creation, protection, enhancement and management of green infrastructure. The proposed modification is considered unnecessary.

No modification is proposed to the Plan.

Retail and Town Centre

George Shiels (09902/1/002); Martin Pettinger (00246/3/001); Graeme Stewart (02835/1/001): The Perth and Kinross Retail Review 2011 table 5.1 and paragraph 5.2.2 (S4_Doc_559) identifies that a small amount of spare capacity exists in Kinross which *'would support store extensions or a discounter, for example, or possibly relocation'*. Paragraph 7.2.2 in the Plan seeks to express the results of this study and identify that expansion of existing facilities or a relocation of a supermarket would improve the retail offer further. Since the publication of the Proposed Plan the Sainsbury's supermarket has been improved taking up some of this spare capacity but there still exists an opportunity for this to be further expanded and the statement is still considered relevant.

No modification is proposed to the Plan.

Ken Miles (10236/1/007): The position of any new retail development will be determined through a sequential test. The proposed modification could restrict the scope of this test as suitable sites may not exist within the town centre. No requirement for a new supermarket is identified in the Plan. Through the Perth and Kinross Retail Review 2011 (S4_Doc_559) it is identified that Kinross has spare retail capacity which is reflected in the Plan.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/2/002): The Sainsbury's store on Station Road is a stand alone retail unit and it is not considered that it meets the definition of a Town and Neighbourhood Centre.

No modification is proposed to the Plan.

General

Martin Pettinger (00246/1/001): TAYplan Policy 1: Location Priorities (S4_Doc_067) identifies Milnathort as Tier 2 settlement and one of the regions principle settlements. Milnathort has a range of shops and community facilities including a *'Town Hall'*. It is generally accepted that Milnathort is a town and the proposed modification is not

accepted.

No modification is proposed to the Plan.

Martin Pettinger (00246/2/002): To retain and improve the visual separation between Kinross and Milnathort the Council is encouraging improvements to the landscape prior to development at H47 Lathro Farm taking place. Paragraph 7.2.2 reflects this position and the proposed modification is at odds with the requirements of H47.

No modification is proposed to the Plan.

Graeme Stewart (02835/1/003): Site H47 Lathro Farm states that *'development will only be acceptable where improvements to landscape, green networks and riparian habitat have been implemented.'* The Council as a planning authority will only grant planning permission for new development which is considered to satisfactorily meet the relevant policy criteria. Improvements to the separation of Kinross and Milnathort are only likely to come forward through new development but paragraph 7.2.2 is stating that the Council would encourage this in any case. The proposed modification does not provide any additional clarity and or help meet the Council aspirations.

No modification is proposed to the Plan.

George Pease (10115/1/007): Paragraph 7.2.2 identifies the encouragement to improve the visual separation between Kinross and Milnathort through development at H47 Lathro Park. It is acknowledged that this paragraph does not specify the general retention of the separation of the settlements but with the flood plain of the North Queich, the landform and settlement boundary to the east of the A922 it is considered unlikely that further coalescence will occur in this area.

No modification is proposed to the Plan.

BP North Sea Infrastructure (09994/5/001): The map for Kinross/Milnathort on page 209 of the Plan clearly shows that the north western periphery of the settlement is within the pipeline consultation zone. It is considered that the proposed modification would be duplication and is therefore not required.

If the Reporter was so minded the Council would have no objection to the inclusion of the suggested wording in paragraph 7.2.3.

Ken Miles (10236/1/008): Turfhill contains a range of built development and the Plan seeks to identify further employment uses in the area. The settlement boundary defines the relevant policy framework which will be applied when determining planning applications and it is considered that it is appropriate for this area to be within the boundary.

No modification is proposed to the Plan.

Stuart Tait (09605/1/001): Paragraph 4.3.12 (S4_Doc_492) in the Plan identifies that prime agricultural land is an important resource and it should be used sparingly and wisely with brownfield land being used wherever possible. It is considered that this paragraph is satisfactory and the proposed modification is not required.

No modification is proposed to the Plan.

Reporter's conclusions:Services

1. There is a newly built health centre opposite the new secondary school campus in Kinross, which should be adequate to cater for the existing population of Kinross and Milnathort and the planned expansion of the towns that was foreshadowed in TAYplan. The staffing of the health centre, including the size of each GP's patient list, is a matter for NHS Tayside rather than Perth and Kinross Council as planning authority. There is therefore no need for the local development plan to address that issue.

Transport

2. In relation to the concern about traffic management, ideally the Proposed Plan would have modelled the effect on the road network (including the safety of pedestrians) of the proposed designations in Kinross and Milnathort. However each of the major proposals is made subject to a transport assessment which would identify any potential difficulties together with any improvements to the road network which might be necessary. In response to the concern about car parking, only one site is suggested which is discussed below.

3. The lack of off-street car parking and servicing facilities evidently hampers the effective operation of Milnathort town hall. However the former garage site to the rear of the town hall which is suggested as a car park is not available for that purpose. Planning permission was granted in 2008 for a retail / residential development on the site, and there is a current residential proposal for the land.

4. No matter how desirable it might be to restore the railway connection to Edinburgh, Glasgow, Perth and Dundee, there is no such proposal in the regional transport strategy or the strategic development plan (TAYplan). It would be inappropriate to insert a proposal for a major railway infrastructure development in the local development plan if there is no commitment for such a project by the bodies who would require to promote it.

Drainage

5. The settlements of Kinross and Milnathort lie within the catchment area of Loch Leven, a naturally rich eutrophic loch of international importance. Loch Leven is designated as a Special Protection Area (SPA) and Ramsar site, but it has been degraded over the last 150 years and its overall ecological status was classified as 'poor' as recently as 2010. The objective of the Loch Leven Catchment Management Plan is to improve water quality and achieve 'good' status by 2027 through a range of mitigation measures. That requires strict control of discharges to the loch, in particular to address the problem of phosphorus pollution. This matter is dealt with further in Issue 17c – Lunan Valley and Loch Leven Catchment Areas.

6. The aim is to ensure there is no increase of phosphorus in the Loch Leven Catchment arising from waste water associated with new developments.

7. TAYplan, which was approved in 2012, envisaged an average build rate of 70 houses per year in the Kinross area, which would equate to 980 houses during the plan period. However the Proposed Plan has reallocated 10% of that total to the Perth housing market area, primarily due to the potential for a significant adverse environmental impact on Loch Leven. 10% is the maximum tolerance allowed for under TAYplan Policy 5: Housing,

where there are appropriately evidenced environmental or infrastructure capacity constraints.

8. It would be inappropriate for the Proposed plan to limit further development in Kinross until the waste water treatment works are upgraded. To do so would place the Plan out of compliance with TAYplan, and is not justified by the evidence. Scottish Water has confirmed that there is capacity at the Milnathort waste water treatment works (WWTW), and that although there is very limited capacity at the Kinross WWTW an investment project has been initiated to remedy that situation. Scottish Water is committed to working with developers and local authorities to enable development, and do not see capacity issues as a constraint on development.

9. Nonetheless the upgrading works will require a consent to discharge under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (the CAR Regulations), which may in turn trigger an appropriate assessment under the Habitats Regulations to ascertain whether they would adversely affect the integrity of the SPA. Given the special status of Loch Leven and the ongoing concerns about phosphorus pollution in the loch there can be no guarantee at this stage that such consent will be forthcoming. Any planning application for development giving rise to additional effluent discharges to Loch Leven may itself require appropriate assessment.

10. It is to be hoped that the Scottish Environment Protection Agency (SEPA), Scottish Water, and Perth and Kinross Council will be able to devise a solution which meets the needs of the expanding communities whilst protecting Loch Leven from pollution. Meanwhile it is prudent to adjust the wording of paragraph 7.2.3 of the Proposed Plan to reflect the current position.

11. Any planning application to upgrade the waste water treatment works in Kinross or Milnathort would be assessed against the relevant policies of the Proposed Plan, including Policy NE4, which requires new development to incorporate green infrastructure, particularly where it can be used to mitigate any negative environmental impact of the development. There is therefore no need to modify the Proposed Plan to make a specific requirement to incorporate environmental screening of the treatment works.

Retail and Town Centre

12. The statement in paragraph 7.2.2 of the Proposed Plan that “*there remains an identified need to improve the retail offer in Kinross, through the provision of a larger format supermarket with a wider product range, close to the town centre*” is not borne out by the extract from the Perth and Kinross Retail Review 2011. The review merely acknowledges “*the small amount of spare capacity would support store extensions or a discounter, for example, or possibly relocation to the preferred site in the MIR.*” Even that modest requirement is based on an assumption of 6.9% expenditure growth 2011-2016, which appears to be optimistic in the current economic climate.

13. In any case it appears that the terms of paragraph 7.2.2, and the identification of the former High School site (Op12) as a retail opportunity, have been overtaken by events. Firstly the existing Sainsbury’s store, which has already helped to claw back expenditure to Kinross, has been upgraded since the publication of the Proposed Plan. Secondly it is now evident that the former school site will be developed for housing rather than retail purposes. There is therefore no longer the need to provide for a further supermarket during the Plan period, and the text should be modified accordingly.

14. There is no need or justification to designate the Sainsbury's store as a town or neighbourhood centre. Its location on the western edge of Kinross precludes it from being designated as 'town centre', and its substantial scale ensures that it serves much more than a local neighbourhood.

Milnathort

15. Milnathort now has the population and characteristics of a small town rather than a village. It has a Town Hall and a range of shops and local services. There is therefore no need to modify paragraph 7.2.1 as suggested.

Separation between Kinross and Milnathort

16. The importance of retaining and strengthening the gap between Kinross and Milnathort is discussed in Issue 33a, as are the representations concerning the proposed allocation for housing of land at Lathro Farm (H47). The terms of the allocation state that development will only be acceptable where improvements to the landscape, green networks and riparian habitat have been implemented in advance, so there is no need to modify paragraph 7.2.2 to make the requirement more specific.

17. Paragraph 7.2.2 explicitly states that the improved visual separation between Kinross and Milnathort will be encouraged through the development of a strong landscape framework, and the proposals map on page 209 indicates an extensive landscape buffer at Lathro Farm to secure that objective. An area of open space is designated to the north west of site Op15 to prevent coalescence on the east side of the A922.

Pipeline consultation zone

18. In relation to the pipeline consultation zone, the notation in the proposals map on page 209 is somewhat difficult to discern. It would therefore be a wise precaution to make a suitable reference to this constraint in paragraph 7.2.3.

Turfhills – settlement boundary

19. The merits of the proposed employment sites (E17 and E36) and opportunity site (Op11) at Turfhills are discussed in Issues 32 and 34. However it is necessary to consider here whether it is appropriate to include these sites, and the neighbouring garden centre, within the settlement boundary of Kinross/Milnathort.

20. Turfhills is detached from Kinross by the M90 motorway and a grade separated intersection (Junction 6). There is no convenient, safe pedestrian connection with the town, and Turfhills is separate in visual and functional terms. The existing motorway service area (Op11) and the council roads depot opposite (E36) are facilities serving the motorway and its users, and are not related to the nearby towns of Kinross and Milnathort. The planning permission for the redevelopment of the motorway service area retains its motorway function and restricts the retail element accordingly. The Proposed Plan (Op11) recognises the need to improve the existing service area, including an element of tourism related retailing. There is no suggestion in the Proposed Plan that the redeveloped service area should cater for the local needs of Kinross/Milnathort.

21. As discussed in Issue 32, site E17 is an extensive open field below the level of the adjoining A road. The field forms part of the countryside setting to Kinross, but is clearly divorced from the urban area due to the topography and the intervening motorway which

provides a strong defensible boundary on the west side of the town.

22. For the above reasons Turfhill should be removed from the Kinross / Milnathort settlement boundary.

Agricultural land

23. Paragraph 4.3.12 of the Proposed Plan is a sufficient statement of the council's position on building on productive farmland. It is always desirable to develop brownfield sites in preference to greenfield sites, and to build on low-grade rather than high-grade agricultural land. However there are few brownfield sites available in Kinross/Milnathort, and so regrettably it will be necessary to develop greenfield sites on the edge of the settlements, much of which is prime agricultural land. The council recognises at paragraph 4.3.12 that this resource should be used sparingly and wisely through higher density development, though not at the expense of good design.

Reporter's recommendations:

Paragraph 7.2.2

1. Modify the third section to read:

"In the past a significant proportion of the food retail spend for the Kinross-shire area has leaked to Perth and towns in Fife, particularly Dunfermline and Glenrothes. However the Sainsbury's store in Kinross has improved this situation, and it is not anticipated that there will be a requirement for a further large supermarket in Kinross during the Plan period."

Paragraph 7.2.3

2. Modify the first section to read:

"As the settlements lie on the edge of Loch Leven, the Waste Water Treatment Works will require to be upgraded to allow future development needs. Any such upgrading works will need a consent to discharge from SEPA who will require to be satisfied that there would be no detriment to water quality in Loch Leven. Drainage from all development should connect to Public Waste Water Treatment Works."

3. Modify paragraph 7.2.3 to include:

"The north western periphery of the town lies within the HSE pipeline consultation zone."

Kinross/Milnathort settlement boundary

4. Modify the settlement boundary shown on page 209 to exclude the land west of the M90 at Turfhill.