

Issue 32	Kinross-shire Area - Kinross/Milnathort Employment Sites	
Development plan reference:	7.2 – Kinross/Milnathort, page 202-209 E16 - South Kinross, page 203 E18 - Station Road South, Kinross, page 203 E36 - Turfhill East, Kinross, page 203 E17 - Turfhill West, Kinross, page 203 E20 - Old Perth Road, Milnathort, page 204 E21 - Auld Mart Road, Milnathort, page 204	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Moto Hospitality Ltd (00284) Doug Crawford (00334) George Skea (00460) Meriel Cairns (00651) Kinross Community Council (00841) Councillor William B Robertson (00923) Clive Narrainen (00939) Councillor Michael Barnacle (02633)		Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Wallace Land Investment Management (09285) Graham & Sibbald (09462) George Pease (10115) Eileen Thomas (10223) Ken Miles (10236)
Provision of the development plan to which the issue relates:	Sets out the identified employment land to meet the employment strategy in the Kinross Housing Market Area.	
Planning authority's summary of the representation(s):		
<p>E16 Scottish Natural Heritage (05211/24/007): Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach preventing piecemeal, poor quality noise attenuation measures and ensure that sensitive characteristic views to the Ochil's, Loch Leven, the castle and the Lomond Hills are not completely obscured. The distinctive juxtaposition of Loch Leven and the Lomond Hills provides the setting for Kinross and is unique in the lowland context.</p> <p>Kinross Community Council (00841/1/002): Support the inclusion in the Plan. The impact of the site on levels of pollution and run off patterns into Loch Leven need to be included as a developer requirement.</p> <p>E17 George Skea (00460/1/001): Site outside settlement boundary of Kinross. Has previously been rejected as it is inappropriate. It is flood plain and has standing water in it throughout the year. Disturbance of this areas drainage and contours would increase the risk of flooding in Kinross. The A977 road lies above this site so no natural way to provide screening. Developing this site will have a significant detrimental impact on Kinross and its surroundings.</p> <p>Kinross-shire Civic Trust (06950/1/009): E17 would provide more land than is required through the lifetime of the Local Development Plan. The M90 provides a natural boundary as recognised in previous planning inquiries and E17 would break this and encourage further expansion west towards Balado. The employment land requirement can be achieved within the existing settlement boundary of Kinross/Milnathort. No consideration</p>		

to developing E17 should be given until all the Employment Land within Kinross and Milnathort has been used up completely.

Meriel Cairns (00651/1/001): Owner of Heatheryford, Restaurant, Bed and Breakfast (S4_Doc_359) and fishery business adjacent to E17 which relies on good surroundings, developing this site would be detrimental to the existing business. Site has been twice refused at Public Inquiry in 1997 and 2003 (S4_Doc_561) and (S4_Doc_564) on the grounds that there were already suitable brownfield sites available in Kinross and the site was unsuitable for building purposes due to the high level of the water table and the flood risk identified by SEPA.

Councillor William B Robertson (00923/1/001): Remove site from the Plan. Industrial land already identified in the Plan should be developed before this site is considered.

Ken Miles (10236/1/014): Site was considered at Public Inquiry in 1997 and was refused on grounds that it would significantly compromise the character of Kinross, the site was greenfield, expansion of employment land supply should take place east of the M90, the site would not provide integration of traffic patterns, not safe for walking or cycling and would encourage short car based journeys. The site has been subject of sand and gravel extraction and general waste dumping purposes, it is productive farmland with a high water table which causes waterlogged ground making drainage mitigation measures ineffective and SEPA has identified it as being at risk from flooding. The ground conditions would not allow the planting of suitable screening. The site was considered at Public Inquiry in 2003 (S4_Doc_561) and (S4_Doc_564) which fully concurred with the findings of the 1997 Inquiry. This situation remains unchanged. The designation of land for commercial/industrial use adjacent to The Grouse and Claret restaurant at Heatheryford and Turfhill House, a listed building, (S4_Doc_359) would spoil their attractiveness and damage their viability.

George Pease (10115/1/005): Enough employment land within Kinross which should be filled before extending west of the motorway. The M90 forms a defensible boundary. Site is good quality agricultural land which should not be lost. Would diminish the entry and setting of the Heatheryford leisure facility (S4_Doc_359).

Eileen Thomas (10223/1/003): Disagree with this land being zoned for employment as it is out with the town boundary of Kinross, separated by the M90.

Councillor Michael Barnacle (02633/1/032): Site much larger than Site B of Map 38 in the MIR (S4_Doc_216). This site will be the catalyst for the coalescence of Kinross with Balado. The M90 is a defensible boundary to the expansion of Kinross westwards.

Moto Hospitality Limited (00284/1/001): The range of proposed uses at this site and potential number of additional trips from a greenfield site must be carefully managed. The Kinross Motor Service Area planning application (S4_Doc_556) highlighted concerns with the existing access arrangements from the motorway and required the provision of a roundabout. Development at E17 will require a new access and this should be developed in conjunction with adjacent sites to ensure sufficient capacity for all potential development in this area.

Wallace Land Investment Management (09285/2/001): Supports the allocation. This future economic development will be an integral part of Kinross and it is considered that the site should be included within the Kinross Settlement Boundary. There should not be any ambiguity as to the extent of the settlement boundary of Kinross in the Proposed

Plan and clarification in this respect would be welcomed. Site E17 is considered essential to the provision of high quality, high profile land for economic development in the town. It is well located immediately adjacent to and in proximity to the existing settlement and could accommodate a wide range of land uses. Keen to work with the Council in developing a masterplan across the site in going forward. The site is effective and deliverable in the Plan period.

Scottish Natural Heritage (05211/24/008): Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach preventing piecemeal, poor quality noise attenuation measures and ensure that sensitive characteristic views to the Ochil's, Loch Leven, the castle and the Lomond Hills are not completely obscured. The distinctive juxtaposition of Loch Leven and the Lomond Hills provides the setting for Kinross and is unique in the lowland context.

Scottish Natural Heritage (05211/25/012): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Kinross Community Council (00841/1/003): Support the inclusion in the Plan subject to a preference that sites on the east of the motorway are developed first. The impact of the site on levels of pollution and run off patterns into Loch Leven need to be included as a developer requirement.

Clive Narrainen (00939/1/001): I am supporting improved pedestrian/cycle links with Kinross as a pedestrian and cyclist.

E36

Meriel Cairns (00651/1/002): Owner of Heatheryford, Restaurant, Bed and Breakfast and fishery business adjacent to E17 (S4_Doc_359) which relies on good surroundings, developing this site would be detrimental to the existing business. Site has been twice refused at Public Inquiry in 1997 and 2003 (S4_Doc_561) and (S4_Doc_564) on the grounds that there were already suitable brownfield sites available in Kinross and the site was unsuitable for building purposes due to the high level of the water table and the flood risk identified by SEPA.

Ken Miles (10236/1/015): Site E36 is currently in use as a Perth & Kinross Council Roads Depot facility and that purpose is an established legitimate need to serve the Motorway Network and serve local functions. Site was considered at Public Inquiry in 1997 and was refused on grounds that it would significantly compromise the character of Kinross as a compact small town in a rural setting, the site was greenfield, expansion of employment land supply should take place east of the M90, the site would not provide integration of traffic patterns and not safe for walking or cycling and would encourage short car based journeys. The site has been subject of sand and gravel extraction and general waste dumping purposes, it is productive farmland with a high water table which causes waterlogged ground making drainage mitigation measures ineffective and SEPA has identified it as being at risk from flooding. The ground conditions would not allow the planting of suitable screening. The site was considered at Public Inquiry in 2003 (S4_Doc_561) and (S4_Doc_564) which fully concurred with the findings of the 1997 Inquiry. This situation remains unchanged. The designation of land for commercial/industrial use adjacent to The Grouse and Claret restaurant at Heatheryford and Turfhill House, a listed building, (S4_Doc_359) would spoil their attractiveness and damage their viability.

George Pease (10115/1/004): Enough employment land within Kinross which should be filled before extending west of the motorway. The M90 forms a defensible boundary. Site is good quality agricultural land which should not be lost. Would diminish the entry and setting of the Heatheryford leisure facility (S4_Doc_359).

Eileen Thomas (10223/1/002): Disagree with this land being zoned for employment as it is out with the town boundary of Kinross, separated by the M90.

Councillor Michael Barnacle (02633/1/033): The site includes the current Perth & Kinross Council Environment/Roads Depot; if it is removed it is essential a depot is retained in Kinross-shire for emergency flood equipment and winter gritting/ploughing plant. The employment sites east of the motorway should be developed before any consideration of those west of the motorway.

Moto Hospitality Limited (00284/1/002): The range of proposed uses at this site and potential number of additional trips from a greenfield site must be carefully managed. The Kinross Motor Service Area planning application (S4_Doc_556) highlighted concerns with the existing access arrangements from the motorway and required the provision of a roundabout. Development at E36 will require a new access and this should be developed in conjunction with adjacent sites to ensure sufficient capacity for all potential development in this area.

Scottish Natural Heritage (05211/24/009): Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach preventing piecemeal, poor quality noise attenuation measures and ensure that sensitive characteristic views to the Ochil's, Loch Leven, the castle and the Lomond Hills are not completely obscured. The distinctive juxtaposition of Loch Leven and the Lomond Hills provides the setting for Kinross and is unique in the lowland context.

Kinross Community Council (00841/1/006): Support the inclusion in the Plan subject to a preference that sites on the east of the motorway are developed first The impact of the site on levels of pollution and run off patterns into Loch Leven need to be included as a developer requirement.

Clive Narrainen (00939/1/002): I am supporting improved pedestrian/cycle links with Kinross as a pedestrian and cyclist.

E18

Scottish Natural Heritage (05211/24/010): Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach preventing piecemeal, poor quality noise attenuation measures and ensure that sensitive characteristic views to the Ochil's, Loch Leven, the castle and the Lomond Hills are not completely obscured. The distinctive juxtaposition of Loch Leven and the Lomond Hills provides the setting for Kinross and is unique in the lowland context.

Scottish Natural Heritage (05211/25/013): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Kinross Community Council (00841/1/004): Support the inclusion in the Plan subject to a preference that sites on the east of the motorway are developed first The impact of the site on levels of pollution and run off patterns into Loch Leven need to be included as a developer requirement.

E20

Doug Crawford (00334/1/001): Completely opposed to Site. Live adjacent to site and it is essentially open countryside. Development of this for commercial use would change the nature of the area.

Kinross-shire Civic Trust (06950/1/015): Site is out with the current settlement boundary of Milnathort. It is an inappropriate position adjacent to residential and would destroy the appearance of the town. The site is not on Old Perth Road, but Perth Road.

Scottish Natural Heritage (05211/24/012): Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach preventing piecemeal, poor quality noise attenuation measures and ensure that sensitive characteristic views to the Ochil's, Loch Leven, the castle and the Lomond Hills are not completely obscured. The distinctive juxtaposition of Loch Leven and the Lomond Hills provides the setting for Kinross and is unique in the lowland context.

E21

Graham & Sibbald (09462/5/001): There is no market demand for this site for employment use nor has there ever been since our client purchased the site in 1980. This site would be entirely appropriate for residential development as recognised in the Committee Report on planning application 07/00716/FLL (S4_Doc_560). The reasoning for this position is set out in the response to the Main Issues Report (S4_Doc_562). This employment allocation is simply a reflection of the current Kinross Area Local Plan 2004 (S4_Doc_563) and not a realistic assessment of how this site can positively address economic development. It is submitted that, were the Council to undertake an assessment of what comprises marketable, deliverable employment land, and analyse sites on this basis, this site would not be identified.

Scottish Natural Heritage (05211/25/018): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Councillor William B Robertson (00923/1/002): Support

New Site

Ken Miles (10236/1/004): Site 635 identified at the Main Issues Report Stage (S4_Doc_031). The land at Milnathort bounded by the M90 between H48 and E19 is adjacent to existing employment land and should be zoned for employment in the Local Development Plan. This site could deliver 8ha of land as well as woodland buffer to M90.

Modifications sought by those submitting representations:**E16**

Scottish Natural Heritage (05211/24/007): Modify Site Specific Developer Requirements to include: *'Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach.'*

Kinross Community Council (00841/1/002): Modify Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

E17

George Skea (00460/1/001); Kinross-shire Civic Trust (06950/1/009); Meriel Cairns (00651/1/001); Councillor William B Robertson (00923/1/001); Ken Miles (10236/1/014); George Pease (10115/1/005); Eileen Thomas (10223/1/003): Remove site and designate

as agricultural land.

Councillor Michael Barnacle (02633/1/032): It is assumed seeks removal of the site.

Moto Hospitality Limited (00284/1/001): Modify Site Specific Developer Requirements to include: *'The appropriate access to the site must consider the existing traffic situation, and the potential of adjacent site, to ensure a suitable long term highways solution is put in place along the A977.'*

Wallace Land Investment Management (09285/2/001): Include site within the Kinross Settlement Boundary.

Scottish Natural Heritage (05211/24/008): Modify Site Specific Developer Requirements to include: *'Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach.'*

Scottish Natural Heritage (05211/25/012): Modify the Site Specific Developer Requirements to include:

- *'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 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*
- *The Sustainable Urban Drainage System for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

Kinross Community Council (00841/1/003): Modify the Plan to require that sites east of the M90 are developed first.

Modify Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

E36

Meriel Cairns (00651/1/002); Ken Miles (10236/1/015); George Pease (10115/1/004); Eileen Thomas (10223/1/002): Remove site from the Plan.

Councillor Michael Barnacle (02633/1/033): It is assumed seeks removal of the site.

Moto Hospitality Limited (00284/1/002): Modify Site Specific Developer Requirements to include: *'The appropriate access to the site must consider the existing traffic situation, and the potential of adjacent site, to ensure a suitable long term highways solution is put in place along the A977.'*

Scottish Natural Heritage (05211/24/009): Modify Site Specific Developer Requirements to include: *'Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach.'*

Kinross Community Council (00841/1/006): Modify the Plan to require that sites east of the M90 are developed first.

Modify Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

E18

Scottish Natural Heritage (05211/24/010): Modify Site Specific Developer Requirements to include: *'Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach.'*

Scottish Natural Heritage (05211/25/013): Modify the Site Specific Developer Requirements to include:

- *'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 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*
- *The Sustainable Urban Drainage System for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

Kinross Community Council (00841/1/004): Modify the Plan to require that sites east of the M90 are developed first.

Modify Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

E20

Doug Crawford (00334/1/001), Kinross-shire Civic Trust (06950/1/015): Remove site from the Plan.

Scottish Natural Heritage (05211/24/012): Site Specific Developer Requirements to include: *'Noise attenuation measures adjacent to the motorway should be well designed and should follow a co-ordinated approach.'*

E21

Graham & Sibbald (09462/5/001): Identify site for residential development.

Scottish Natural Heritage (05211/25/018): Modify the Site Specific Developer Requirements to include:

- *'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 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*
- *The Sustainable Urban Drainage System for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

New Site

Ken Miles (10236/1/004): Identified site should be zoned for employment (S4_Doc_031).

Summary of responses (including reasons) by planning authority:
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E16

Scottish Natural Heritage (05211/24/007): The Site Specific Developer Requirements identify that noise attenuation measures are required adjacent to the motorway but does not specify how this should be implemented. At the time of a planning application the applicant will require to provide suitable noise attenuation measures to the satisfaction of the Council as Planning Authority. The Council has no objection to the suggested

modification but does not consider that it provides any additional benefit.

If the Reporter was minded the Council would raise no issue with the proposed modification.

Kinross Community Council (00841/1/002): The suggested modification is not accepted. The Plan adequately identifies the drainage requirements within the Loch Leven Catchment through Policies EP3: Water Environment and Drainage (S4_Doc_428) and EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491). The Plan should be read as a single document and the suggested modification is considered to be superfluous.

No modification is proposed to the Plan.

E17 and E36

Although identified as two sites these form the staged phasing of development westward of the M90 and should be considered in tandem with each other.

George Skea (00460/1/001); Kinross-shire Civic Trust (06950/1/009); Meriel Cairns (00651/1/001); Councillor William B Robertson (00923/1/001); Ken Miles (10236/1/014 & 10236/1/015); George Pease (10115/1/004 & 10115/1/005); Eileen Thomas (10223/1/002 & 10223/1/003); Councillor Michael Barnacle (02633/1/032 & 02633/1/033); Meriel Cairns (00651/1/002): The strategy of the Plan as stated in paragraphs 4.3.2 - 4.3.3 (S4_Doc_493) is *'to ensure there is readily available economic development land'* and that *'maintaining and improving Perth and Kinross's economic development land provision is a key driver to achieving sustainable economic growth'*. It is recognised that the employment pattern of Kinross-shire is caricaturised by a high level of outward commuting. If Kinross-shire is to become more sustainable in employment terms it must attract a greater number of jobs particularly in the professional and managerial sectors. A basic prerequisite of attracting jobs is having quality sites and premises available and as a result the Plan seeks to identify such sites. A number of employment sites identified east of the M90 may not be immediately available due questions over their effectiveness. Issues such as flood mitigation, ownership issues, site access improvements, access to the motorway network and the market all are restricting their delivery. With recent and committed Council investment site E18 – Station Road South is effective and can support the short term needs. Current interest in this site if taken up would effectively result in the site being at capacity. As a result it is essential in order to support future demand that other effective sites are to be identified.

Sites E17 and E36 at Turfhill are readily developable meeting the short to medium term requirement and are a key element of the strategy by providing potential for a high amenity site with easy access to the trunk road network. Being highly visible from the M90 increases its attractiveness to business uses however this brings with it the requirement to ensure the landscape and building quality is appropriate, hence the Plans requirements that a Masterplan is submitted at the time of any planning application to ensure the built form and layout respond appropriately to its surroundings. The Plan recognises that improvements to the junction with the A977 are required and due its position west of the M90, enhancements to pedestrian and cycle safety at Junction 6 will also require to be put in place.

It is contended that the development of sites E17 and E36 at Turfhill would lead to the expansion of urbanisation west of the M90. The west side of the M90 is already developed in part, approximately 2 ha of E36 is developed and utilised by Tayside

Contracts as a roads depot and there is a considerable concentration of development on the north side of the A977 based around the motorway services. Further expansion of development in this area does therefore not set a new precedent. Further expansion of development west may be limited by potential flood risk which forms a natural barrier to the coalescence with Balado.

No modification is proposed to the Plan.

Moto Hospitality Limited (00284/1/001); Moto Hospitality Limited (00284/1/002): The Site Specific Developer Requirements identifies that an access road is to be delivered in conjunction with adjacent proposals to the satisfaction of the Council as Roads Authority. When assessing any roads solution the Council will take into account the existing traffic situation.

No modification is proposed to the Plan.

Wallace Land Investment Management (09285/2/001): The site is already included in the settlement boundary as identified on the Kinross/Milnathort settlement map on page 209 of the Plan. It is acknowledged that this may not be clear and the Council accept that this map could be reviewed in this respect.

If the Reporter is so minded the Council would not object to the Kinross/Milnathort settlement map on page 209 of the Plan being modified to clarify the identification of sites E17 and E36 within the settlement boundary.

Scottish Natural Heritage (05211/24/008 & 05211/24/009): The Site Specific Developer Requirements identify that noise attenuation measures are required adjacent to the motorway but does not specify how this should be implemented. At the time of a planning application the applicant will require to provide suitable noise attenuation measures to the satisfaction of the Council as Planning Authority. The Council has no objection to the suggested modification but does not consider that it provides any additional benefit over that which is already stated.

If the Reporter was minded the Council would raise no issue with the proposed modification.

Scottish Natural Heritage (05211/25/012): 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_156) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites 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.

Kinross Community Council (00841/1/003 & 00841/1/006): The suggested modification is not accepted. The Council has no control over which development sites are identified first. A number of employment sites identified east of the M90 may not be immediately available due to questions over their effectiveness. The Plan identifies sufficient land to meet the needs of the Plan and beyond but the market will determine the order in which they are developed. The Plan adequately identifies the drainage requirements within the Loch Leven Catchment through Policies EP3: Water Environment and Drainage (S4_Doc_428) and EP7: Drainage within the Loch Leven Catchment Area

(S4_Doc_491). The Plan should be read as a single document and the suggested modification is considered to be superfluous.

No modification is proposed to the Plan.

E18

Scottish Natural Heritage (05211/24/010): The Site Specific Developer Requirements identify that noise attenuation measures are required adjacent to the motorway but does not specify how this should be implemented. At the time of a planning application the applicant will require to provide suitable noise attenuation measures to the satisfaction of the Council as Planning Authority. The Council has no objection to the suggested modification but does not consider that it provides any additional benefit.

If the Reporter was minded the Council would raise no issue with the proposed modification.

Scottish Natural Heritage (05211/25/013): 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_156) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites 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.

Kinross Community Council (00841/1/004): The suggested modification is not accepted. The Council has no control over which development sites are identified first. A number of employment sites identified east of the M90 may not be immediately available due to questions over their effectiveness. The Plan identifies sufficient land to meet the needs of the Plan and beyond but the market will determine the order in which they are developed. The Plan adequately identifies the drainage requirements within the Loch Leven Catchment through Policies EP3: Water Environment and Drainage (S4_Doc_428) and EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491). The Plan should be read as a single document and the suggested modification is considered to be superfluous.

No modification is proposed to the Plan.

E20

Doug Crawford (00334/1/001), Kinross-shire Civic Trust (06950/1/015): Planning permission has been granted under 07/02030/IPM (S4_Doc_565) for the formation of agricultural related businesses including (Class 1), (Class 4), (Class 5) and (Class 6). The principle of this land being suitable for employment use is established, it is considered to be effective and the Plan seeks to reflect this identification in order to ensure a readily available supply of economic development land.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/24/012): The Site Specific Developer Requirements identify that noise attenuation measures are required adjacent to the motorway but does not specify how this should be implemented. At the time of a planning application the

applicant will require to provide suitable noise attenuation measures to the satisfaction of the Council as Planning Authority. Planning permission has been granted for this site under 07/02030/IPM on which SNH responded but did not include reference to noise attenuation measures (S4_Doc_565). The Council has no objection to the suggested modification but does not consider that it provides any additional benefit over that which is already stated or is in line with the planning permission on site.

No modification is proposed to the Plan.

E21

Graham & Sibbald (09462/5/001): While well located within easy distance of local amenities and fully serviced the Council does not agree that the site should be allocated for residential development. The use of this site for residential has previously been explored through Planning application 07/00716/FLL (S4_Doc_560) which was refused by the Council and a subsequent appeal dismissed. A sufficient range of residential sites have been identified within Kinross and Milnathort to meet the needs of the Kinross Housing Market Area Strategy. If it was deemed that further residential sites were required to be allocated it is contended that this would not be identified as the first option. The site lies adjacent to an established industrial area to the north, which raises concerns about compatibility issues in particular noise. The Plan seeks to guide *'development to locations which do not flood, or increase flood risk elsewhere'* (S4_Doc_494) and this proposal site lies within the SEPA 1:200 Indicative Flood Area (S4_Doc_566). Whilst this threat of flooding can be mitigated it may have a greater impact on residential development than employment uses.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/018): 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_156) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites 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.

New Site

Ken Miles (10236/1/004): It is acknowledged that this site may be appropriate for employment use due to its position adjacent to existing employment and future employment uses (S4_Doc_031). Notwithstanding this, the Council does not agree with the proposed modification. Good road access to economic development land is a key issue in marketability and junction 7 of the M90 only has a northern connection, Milnathort is not ideal to act as the mainstay of the economic development land for Kinross-shire. Development at Turfhill (E17 and E36) should form the main allocation for future employment uses and will provide a five year effective land supply.

No modification is proposed to the Plan.

Reporter's conclusions:

Employment land strategy

1. The employment land strategy at paragraphs 4.3.2 – 4.3.4 of the Proposed Plan

proposes allocations in the larger settlements, and the Plan allocates a wide range of sites to promote a variety of employment opportunities within the region. The strategy promotes sustainability, with new employment allocations situated in areas well linked to existing residential areas and the public transport network.

2. TAYplan Policy 3 aims to identify and safeguard at least five years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements.

3. Paragraph 7.1.4 of the Proposed Plan explains that the Plan seeks to provide at least a five year supply of employment land, and advises that a generous supply of employment land capable of meeting need in the Kinross-shire area until 2024 would amount to approximately 20 hectares. The 2011 employment land audit found that there was already 14.47 hectares available in the area, which suggests an additional land requirement of 5.53 hectares. However the employment land audit found that only 0.72 hectares out of the 14.47 hectares were immediately available.

4. In response the Proposed Plan proposes 11 employment sites totalling 32.3 hectares in Kinross-shire, including:

- E16 South Kinross (1.2 hectares)
- E36 Turfhill Phase 1 (2.3 hectares)
- E17 Turfhill Phase 2 (13 hectares)
- E18 Station Road South, Kinross (3.2 hectares)
- E19 Stirling Road, Milnathort (4.5 hectares)
- E20 Perth Road, Milnathort (2.9 hectares)
- E21 Auld Mart Road, Milnathort (0.7 hectares)

5. A note at the end of paragraph 7.1.6 states that a range of employment development sites are identified to meet the future employment demands within and beyond the lifetime of the Proposed Plan. However, the council's response to the further information request on Issue 20b Employment Land Strategy indicates that over 10 hectares of employment land in Kinross-shire are immediately available.

6. In addition opportunity sites are identified with employment potential at:

- Op13 Scottish Motor Auctions, Kinross (3.7 hectares total site area)
- Op14 Health Centre, Kinross (0.6 hectares total site area)
- Op16 Stirling Road, Milnathort (3.8 hectares total site area)
- Op17 / Op18 Kay Trailers, Milnathort

E16: South Kinross

7. This proposed employment site lies adjacent to the M90 motorway, which is elevated at this point. It is important that the noise attenuation measures which are required in association with this allocation do not obscure views east towards Loch Leven, the castle and the Lomond Hills, or any westward views towards the Ochils. The noise attenuation measures on the various sites allocated for development adjoining the M90 will need to be co-ordinated to ensure high quality landscaping on this important fringe and to retain the iconic views already described. It is necessary to modify the site-specific developer requirements to emphasise that point.

8. The community council's concern about the impact on run off patterns and pollution levels in Loch Leven is addressed elsewhere in the Proposed Plan (Policies EP3 and EP7). In particular Policy EP7 contains exacting requirements for the drainage of developments within the catchment area. Therefore no modification is required to the Proposed Plan to reflect that consideration.

Turfhills

9. Issue 31 considers the proposal in the Proposed Plan to encompass an area of land at Turfhills, including sites E17 and E36, within the settlement boundary of Kinross / Milnathort. The relevant conclusions under Issue 31 are:

- 20. Turfhills is detached from Kinross by the M90 motorway and a grade separated interchange (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 Turfhills should be removed from the Kinross/Milnathort settlement boundary.*

E17: Turfhills

10. This site of 13 hectares lies to the west of the established roads depot (site E36) at Turfhills. It is a low lying agricultural field forming part of a wider expanse of flat farmland west of the M90 motorway. The private road which gives access to the roads depot and the restaurant, tourist accommodation and fishery at Heatheryford marks the western boundary of the site.

11. The development of E17 would spread built development towards the small outlying settlement of Balado, around 0.8km to the west. It would also detract from the rural setting of the tourism facilities at Heatheryford and Turfhills House (a listed building) opposite. The A977 is elevated above the site, and it would be difficult to screen the development effectively from this direction. There is also an unresolved concern about the potential flood risk to any development of the site from adjoining watercourses.

12. The objectors point out that this site has been rejected for development previously in 1997 and 2003, and that E17 (15.3 hectares) is much larger than the equivalent site B (approximately 5 hectares) which was canvassed at the MIR stage.

13. The reporter at the 1997 planning appeal found that Turfhill was “*on the wrong side of the M90 and in particular of junction 6 for integration of transport patterns with the small town of Kinross*” and that “*the combination of speed, complication and unpredictability of vehicle movements at this motorway interchange is not inherently safe for walking or cycling*”.

14. That approach was endorsed by the reporter at the Kinross Area Local Plan inquiry in 2003, who reaffirmed that the M90 was an effective and defensible barrier to development sprawl; the council depot and the service area at Turfhill were uses ancillary to the M90 motorway; and there were more suitable sites available to the east of the M90 within the settlement boundary. The objectors maintain that these circumstances are unchanged, as there are still several sites available for economic development within or adjacent to Kinross and Milnathort.

15. Having regard to the planning history of this area, and the well documented constraints affecting the site, there would need to be a compelling reason to justify its release for development at this juncture.

16. The council highlights the concern that too many residents of Kinross-shire commute out of the area to work, and is keen to develop a more sustainable pattern of employment. To create high quality local jobs requires the provision of high quality sites and premises, but several sites east of the M90 may not be “immediately available” because of a range of uncertainties. The council also advises that the effective employment site at Station Road South, Kinross (E18) is already potentially committed.

17. The promoters of E17 submit that the land is well located adjacent to Kinross, is high profile, and is a high quality site capable of accommodating a wide range of activities. They claim that the site is effective and deliverable during the Plan period.

18. However the site-specific developer requirements make clear that the development would require a masterplan, flood risk assessment, transport assessment, a new access road to be designed in conjunction with the redevelopment of the motorway service area, improved pedestrian/cycle links with Kinross, a comprehensive landscape framework, a noise impact assessment and noise attenuation measures adjacent to the motorway. The programming and likely outcome of these further studies is unknown; nor is it clear what measures would be required to respond to these constraints or mitigate any negative impacts. At this stage it is impossible to say with certainty when any development of E17 would be able to proceed. The council’s response to the further information request on Issue 20b Employment Land Strategy notes that site E17 is “*major constrained*”, due to infrastructure issues requiring major investment.

19. Whilst site E17 would have the advantage of being close to the motorway junction and being visible from the motorway, the evidence does not support the need to release a site of this scale to meet the requirements of the local community during the Plan period. Even without E17 and E36 the Proposed Plan proposes to allocate almost 17 hectares of employment land in Kinross-shire (of which over 10 hectares are immediately available), in addition to the 14.47 hectares already available in the area – which greatly exceeds the 20 hectares that are required to meet the expectations of TAYplan. When opportunity sites totalling over 8 hectares with potential for employment use are taken into account, the picture becomes brighter still.

20. In that context the proposal to release a greenfield site of 13 hectares to the west of the M90 at Kinross, which is unsuitable for the reasons given above, is not justified.

E36: Turfhill

21. The issues surrounding the neighbouring site E36 next to the motorway junction are not quite so clear cut. The northern part of E36 is occupied by the council's road depot, and is therefore a brownfield site. The road depot, which includes large areas of hardstandings, security fencing, vehicle parking, substantial buildings and piles of chippings, already conveys a somewhat industrial appearance. However, the southern part of E36 is undeveloped.

22. The road depot, which is used by motorway emergency vehicles, plainly requires a location next to the motorway as does the motorway service area opposite. It is not just a local facility to serve the settlements of Kinross/Milnathort, which are unseen on the other side of the M90. Any development of this site for employment purposes would therefore encounter many of the same objections as E17 above, notably:

- it would breach the strong defensible boundary to Kinross/Milnathort formed by the M90;
- there is little visual or functional connection between E36 and the nearby urban area;
- there is no convenient, safe pedestrian or cycle link with the towns, and there is no indication how one could be provided;
- there are sufficient sites to the east of the motorway to meet the needs of the area during the Plan period.

23. Moreover the proposed development of sites E17 and E36 at Turfhill for employment uses can be regarded as contrary to the Proposed Plan's employment land strategy which promotes new employment allocations in sustainable locations well linked to existing residential areas and the public transport network.

24. For the above reasons the proposal to allocate an area of 2.3 hectares at E36 for employment uses is not justified.

E18: Station Road South

25. E18 is an attractive serviced employment site on the west side of Kinross, accessed by the new link road. In common with site E16 above, this proposed employment site lies adjacent to the M90 motorway, which is elevated at this point. It is important that the noise attenuation measures which are required in association with this allocation do not obscure views east towards Loch Leven, the castle and the Lomond Hills, or any westward views towards the Ochils. The measures on the various sites allocated for development adjoining the M90 will need to be co-ordinated to ensure high quality landscaping on this important fringe and to retain the iconic views already described. It is necessary to modify the site-specific developer requirements to emphasise that point.

26. It is also essential that potential developers are fully aware of their responsibility to prevent pollution or other adverse effects on Loch Leven Special Protection Area (SPA). Scottish Natural Heritage's (SNH's) proposed wording would assist in that regard.

E20: Perth Road

27. This field on the north east edge of Milnathort already has planning permission in principle for a development of employment uses, albeit businesses related to agriculture. This site is hence committed for economic development purposes, and the Proposed Plan should reflect that commitment. No modification is required therefore.

E21: Auld Mart Road

28. This brownfield site within the Milnathort settlement boundary comprises the town's former railway station and goods yard. The site, which lies in a predominantly industrial/commercial area, is currently used for the storage of materials, including pipes, bricks and pallets. There are industrial buildings to the north of the site, and commercial premises to the west and south, though there are houses on the opposite side of Auld Mart Road.

29. Although the site has yet to be developed for employment purposes despite its allocation in the Kinross Area Local Plan (adopted in 2004), it is well located to cater for a modest development for employment use. It is a level site, with a satisfactory access, within an established industrial area, and any residential development of the site might be affected by the activities of neighbouring industrial users. Overall the site is better suited to the proposed employment use than the alternative residential use promoted by the respondent.

30. As with E18, it is also essential that potential developers are fully aware of their responsibility to prevent pollution or other adverse effects on Loch Leven SPA. SNH's proposed wording would assist in that regard.

New site – Stirling Road, Milnathort

31. There is no dispute that this site might be suitable for employment use, as it sits opposite existing and proposed employment sites at E19 and Op16 and lies to the east of the M90 and within the urban boundary. However this site was not advanced as an alternative in the Main Issues Report, so there is no indication how the local community or statutory consultees (e.g. the Scottish Environment Protection Agency, Transport Scotland and SNH) would respond to the suggestion, or what constraints (if any) would need to be overcome before it could be developed. Given the generous provision of employment land elsewhere in the area which is described above, it would not be appropriate to allocate this unproven site at this stage.

Reporter's recommendations:E16: South Kinross

1. Modify the site-specific developer requirements as follows:

- *"noise attenuation measures adjacent to the motorway should be well designed and co-ordinated with those at E18 and E20, and should avoid obscuring views of Loch Leven, the castle, the Lomond Hills or the Ochil Hills. "*

E18: Station Road South

2. Modify the site-specific developer requirements as follows:

- *"noise attenuation measures adjacent to the motorway should be well designed and co-ordinated with those at E16 and E20, and should avoid obscuring views of Loch Leven, the castle, the Lomond Hills or the Ochil Hills.*
- *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 so as to ensure no adverse effects on Loch Leven Special Protection Area.*
- *The Sustainable Urban Drainage System for development proposals should*

include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.”

E20: Perth Road

3. Modify the site-specific developer requirements as follows:

- *“noise attenuation measures adjacent to the motorway should be well designed and co-ordinated with those at E16 and E18, and should avoid obscuring views of Loch Leven, the castle, the Lomond Hills or the Ochil Hills.”*

E21: Auld Mart Road

4. Modify the site-specific developer requirements as follows:

- *“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 so as to ensure no adverse effects on Loch Leven Special Protection Area.*
- *The Sustainable Urban Drainage System for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.”*

E17 and E36: Turfhill

5. Delete these proposed employment sites from the Proposed Plan. Make consequential modifications to the table under paragraph 7.1.6.